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

2 THE COURT: All right. Are we ready to bring
3 the defendant out?

4 THE BAILIFF: Yes, ma'am.

5 THE COURT: Is all my jurors here?

6 THE CLERK: Yes.

7 MR. MICHAİLOS: Mr. Sarabia was here earlier,
8 Judge.

9 THE COURT: I saw him, but I looked up and
10 nobody was here. So I was ready to bring the jury
11 up and the defendant out. I want to make sure
12 we're ready.

13 MR. LABRUZZO: The State's ready.

14 MR. SARABIA: Good morning, Judge.

15 THE COURT: Okay. Defense, are you ready, as
16 soon as the defendant gets here?

17 MR. MICHAİLOS: I have a couple of preliminary
18 matters to address, Your Honor, hopefully quickly.

19 THE COURT: Okay. We'll wait until the
20 defendant comes out.

21 MR. MICHAİLOS: Yes, Your Honor.

22 THE COURT: Are they ready?

23 THE BAILIFF: He's ready now.

24 THE COURT: Okay. Bring him out.

25 All right. If the record could reflect we're

1 on the record for State of Florida versus Adams
2 Matos. The defendant is present with all his
3 attorneys, the State's here, and we're ready to
4 proceed. The jury is not present.

5 Mr. Michailos, the defendant has arrived.
6 What is it that we need to discuss before I bring
7 the jury up?

8 MR. MICHAIILOS: First, I want to put the Court
9 on notice that I'm a little bit worried about a
10 witness we listed, a Robert Dunlavey.

11 Since the trial began, I made it clear to him
12 that I can't estimate completely and accurately
13 when he'd be needed to testify, but I estimated it
14 would be probably the 16th, possibly the 15th of
15 November.

16 When we were done on jury selection week, at
17 some point I went to my office. He was calling all
18 day long saying that he had a doctor's appointment
19 on the 17th, and he needed more assurance from me.

20 So I called him back and I told him, look, I
21 don't see it going on the 17th, but in the
22 abundance of caution -- I think it was set the
23 16th. I said, in the abundance of caution, why
24 don't you cancel that doctor's appointment and set
25 it on another date, because probably we might need

1 you the 16th.

2 He followed up later on. And this is all by
3 voicemail too and talking to legal assistants
4 saying that he -- he had a subsequent message
5 saying that he canceled the doctor's appointment,
6 but he didn't know exactly when he needed to be
7 here, and he seemed alarmed and agitated.

8 So I called him back and couldn't reach him
9 and I left him a nice voicemail and said, look, as
10 I told you from day one, I can't estimate
11 completely when I'll need you, but this is pretty
12 much when it's going to be.

13 But I haven't actually talked to him directly
14 on the phone for a few days. I left voicemails.
15 The last voicemail he left was he got my voicemail,
16 that's fine, but his mother-in-law is ill and she
17 might pass away.

18 So I'm not sure what that means. But then I'm
19 really concerned, because I even tried him from my
20 phone line this morning. I'm not getting voicemail
21 now. I'm not getting an answer. I let my
22 investigator know. He's going to make contact with
23 him hopefully soon.

24 But I'd like to ask the Court perhaps -- I
25 have his address -- if we could do an order to show

1 cause, bring him in and give him an exact date and
2 time when he'll be needed, that would be great.

3 But I just wanted to bring it to the Court's
4 attention because I am definitely concerned, Your
5 Honor.

6 THE COURT: Okay. Well, I don't know what to
7 tell you. At this point he doesn't sound like he's
8 not being cooperative. If you have served him with
9 a subpoena, if you wish to have him come in today
10 or tomorrow and have me address on that, I'll be
11 more than happy to do that.

12 But I don't know what to tell you. This is,
13 you know, the way big trials go. The State has the
14 same issues. They had people here yesterday that
15 we weren't able to put on. Now they have to make
16 them come back tomorrow.

17 You can't do an order to show cause because he
18 hasn't refused your subpoena or refused to come in.
19 So I don't know how you're going to do an order to
20 show cause, but if you'd like to tell him that he
21 needs to come in tomorrow morning.

22 I mean I assume you gave him a subpoena that
23 covers that entire timeframe?

24 MR. MICHAÏLOS: I did. I did, Your Honor.

25 THE COURT: All right. Well, have your

1 investigator -- if you want to recut a subpoena and
2 have him come in tomorrow with a specific date, you
3 can have him come in, and I'll tell him he better
4 be here when we tell him to be here or he's going
5 to be in the county jail awaiting his testimony
6 until he testifies and then I can release him.

7 MR. MICHAÏLOS: Okay. Thank you.

8 MR. SARABIA: And, Judge, for what it's worth,
9 I will see if I can help Mr. Michailos get that
10 guy's cooperation.

11 THE COURT: Okay.

12 MR. SARABIA: I don't promise any results.

13 THE COURT: Well, again, I mean this is how it
14 goes in every trial. This trial just happens to
15 take a little longer. It sounds like we're
16 speeding up and his doctor's appointment may not
17 have had to be canceled, but, you know, we'll work
18 on it.

19 Anything else?

20 MR. MICHAÏLOS: My other matter is regarding a
21 witness Tonya Carlson I believe the State
22 anticipates calling today.

23 In preparing for her testimony, it's clear
24 that she witnessed some kind of incident two months
25 before the day of the alleged offense. She was a

1 coworker with Megan Brown and she observed some
2 kind of argument between Mr. Matos and Megan.

3 And I talked to Mr. Sarabia. He agrees that
4 that would be character evidence brought by 90.404.
5 He's indicated that he'd like her to reference that
6 date to bring up the fact that there was tension
7 between Mr. Matos and Megan.

8 I still think that's in violation of .404
9 against character evidence. What happened two
10 months before this is not relevant to this case and
11 can lead to undue prejudice.

12 The State is not required to prove a motive in
13 this case obviously. As human beings, we all have
14 our moments of tenseness, if that's what was going
15 on that day, and moments of humor and happiness.

16 So I think I'm asking the Court to preclude
17 any such mention of that incident via Ms. Carlson.

18 THE COURT: State?

19 MR. LABRUZZO: Judge, first of all, I don't
20 think that we're agreeing quite to the same way
21 that Mr. Michailos has represented.

22 My understanding of Ms. Carlson's testimony is
23 that she will describe that she introduced Megan
24 Brown to Nicholas Leonard at the Fisherman's Shack.
25 During that same time period Megan Brown was

1 waiting to speak to her boss after her shift. And
2 the only time Ms. Carlson ever seen or met
3 Mr. Matos, Mr. Matos arrived and made Megan Brown
4 leave earlier than they expected.

5 And I'm not going to go into any more details
6 of that because there was some tension between the
7 two of them as Megan Brown left prior to speaking
8 to her boss. And it goes to the nature of the
9 relationship.

10 There was case law argued in the previous
11 motion to the 911 tape, that the nature of the
12 relationship is a relevant matter, how the parties
13 relate with each other.

14 There's nothing particularly tough about it
15 that's a bad act or be horrified or abhorred. So
16 we feel that it is relevant and admissible
17 testimony.

18 THE COURT: Okay. So let me make sure I
19 understand what this witness is going to testify
20 to. She's going to be called to the stand, she's
21 going to say that she worked with Megan Brown in
22 July of 2014?

23 MR. SARABIA: July and August.

24 THE COURT: What?

25 MR. SARABIA: July and August.

1 THE COURT: July and August of 2014, at the
2 whatever Shack?

3 MR. SARABIA: Fisherman's Shack.

4 THE COURT: Fisherman's Shack. And that on a
5 specific day she did meet Adam Matos on one
6 occasion?

7 MR. SARABIA: Correct.

8 THE COURT: That same day she introduced
9 Nicholas Leonard to Megan Brown?

10 MR. SARABIA: Correct.

11 THE COURT: So we've got those two knowing
12 each other meeting. So that is relevant to show
13 that they knew each other and they met each other
14 and that they knew each other, correct?

15 MR. SARABIA: Correct.

16 THE COURT: Okay. So to that, that's fine.

17 So she's a coworker, she introduces Nicholas
18 Leonard to Megan Brown, and Megan Brown later that
19 day was going to wait after her shift and speak to
20 her boss?

21 MR. SARABIA: Correct.

22 THE COURT: Then Mr. Matos shows up to the
23 Fisherman's Shack?

24 MR. SARABIA: On a bicycle.

25 THE COURT: Is Mr. Leonard still there?

1 MR. SARABIA: I believe so. I don't believe
2 there's any contact or she won't testify regarding
3 contact between Matos and Nicholas Leonard.

4 THE COURT: Okay. So there's not going to be
5 any testimony that Adam Matos met Nicholas Leonard
6 on that day?

7 MR. SARABIA: Correct.

8 THE COURT: Or knew who he was or anything
9 like that?

10 MR. SARABIA: Nothing extensive, no.

11 THE COURT: Okay. So she is sitting there,
12 your witness, with Megan when Megan is waiting to
13 speak to her boss, and then Adam shows up and
14 there's tension, and then Megan has to leave before
15 she speaks to the boss?

16 MR. SARABIA: Correct.

17 THE COURT: All right. So I don't have any
18 problem with that testimony as long as the words,
19 "made her" isn't part of it.

20 MR. SARABIA: Okay.

21 THE COURT: Because that would be, in my mind,
22 that would show some power and control. I assume
23 there was some tension. Megan chose to leave
24 before she talked to her boss. There wasn't any
25 physical violence, was there?

1 MR. SARABIA: There was, Judge, but we weren't
2 going to go into that.

3 THE COURT: Okay. So he literally --

4 MR. SARABIA: Dragged her out.

5 THE COURT: Dragged her out.

6 But you're not going to go into that?

7 MR. SARABIA: I'm not going to go into that.

8 THE COURT: And the nature and the relevance
9 of it is that -- did she know exactly what today it
10 was?

11 MR. SARABIA: She does not know exactly what
12 day.

13 THE COURT: How close to when was Megan's last
14 day of work?

15 MR. SARABIA: I believe she'll place it within
16 three to four weeks.

17 MR. MICHAÏLOS: This was her first day of
18 work, not her last day of work. So it would have
19 been roughly approximately two months, which is the
20 time they moved to Florida, which would be July,
21 June or July of 2014.

22 MR. SARABIA: I just need to check on that.
23 I'm not sure if she's going to give an exact, able
24 to give an exact time period other than it was
25 early on when this occurred.

1 THE COURT: Okay. And so what you're trying
2 to say is that there was tension between Mr. Matos
3 and Ms. Brown even as early as when they moved to
4 Florida?

5 MR. SARABIA: Correct.

6 THE COURT: So that's fine. We won't go into
7 made her. Just say Adam showed up, there was
8 tension, and then Megan left before she was able to
9 speak -- I left with Mr. Matos before she was able
10 to speak to her boss, but she came back to work
11 again and I never saw Adam there again, he never
12 showed up again.

13 I assume she's going to go say that, right?

14 MR. SARABIA: I believe she's going to say she
15 never saw him there again.

16 THE COURT: She never saw him there again.

17 MR. SARABIA: I will need some time to talk to
18 her about it. I will probably lead her through
19 that.

20 THE COURT: Okay.

21 MR. SARABIA: As best I can.

22 THE COURT: Any objection to a little leading
23 so that we don't get out of the bounds of what I
24 just ruled?

25 MR. MICHAÏLOS: Not at all.

1 THE COURT: Okay.

2 MR. MICHAÏLOS: And, Judge, in the same light,
3 I know there's going to be family that testify
4 today. I like to be as respectful as possible. I
5 understand they lost loved ones and next of kin.

6 We're in a no-win situation. We are trying to
7 represent our client to the best of our abilities.
8 We're entitled to cross-examination, but at the
9 same time we don't want to beat up these next of
10 kin.

11 So I'm a little bit concerned about the depositions,
12 a lot of hearsay, a lot of inadmissible stuff, and
13 perhaps the State can talk to them about that too.
14 I anticipate that there's going to be some
15 volatility testified to by Mr. Thomas, which on the
16 same grounds we think is inadmissible.

17 MR. SARABIA: I do not intend to go into that
18 with Mr. Thomas.

19 THE COURT: So that resolves that issue.

20 I would just ask the State to remind the
21 witnesses to answer the questions that are asked
22 and not to add anything to them.

23 I assume, Mr. Sarabia, you're going to have
24 specific questions to get out specific facts that
25 you believe this jury needs, correct?

1 MR. SARABIA: Correct, Judge.

2 THE COURT: And you don't need anything else,
3 right?

4 MR. SARABIA: Correct.

5 THE COURT: So they're not going to help by
6 adding things that are not asked. All they're
7 going to is cause issues with the Court.

8 So the family members are testifying, they
9 have every right to testify to whatever -- the
10 State can put on whoever they want for whatever
11 reasons they want, as long as it's admissible and
12 relevant testimony.

13 Just remind your witnesses to answer the
14 questions that are asked. And I would assume most
15 of your questions are going to be more this date,
16 that date; yes, no, correct?

17 MR. SARABIA: Mostly, yes.

18 THE COURT: All right. Mr. Michailos or the
19 Defense, any objection to allowing the State leeway
20 in leading, especially with the family members, so
21 that we don't get into a situation where they don't
22 understand the question?

23 MR. MICHAÏLOS: Not at all, Judge. Actually,
24 under these circumstances it would be highly
25 appreciated.

1 THE COURT: Okay. So Mr. Sarabia, feel free,
2 if you need to, to lead so that we get to the exact
3 issue that needs to be talked about without going
4 into issues that don't need to be talked about.

5 MR. SARABIA: Very good, Judge.

6 THE COURT: All right. I will step off the
7 bench for ten minutes to give an opportunity to
8 speak to your next couple of witnesses and then
9 I'll bring the jury up.

10 I'll have the jury being brought up at 10:00.
11 They won't be outside at 10:00. I'll tell my
12 bailiff to go downstairs at 10:00 to bring them up.
13 Okay?

14 MR. SARABIA: Okay.

15 THE COURT: It takes about ten minutes to
16 bring them up anyway.

17 MR. SARABIA: Very good.

18 THE COURT: So we'll be in recess until 10:00,
19 and then at 10:00 we'll send someone down to get
20 the jury. Okay?

21 I'll come back on in case there's other issues
22 that need to be resolved before they walk in.

23 THE BAILIFF: All rise. Court will be in
24 recess until 10:00.

25 (Recess Taken.)

1 THE COURT: You may be seated. Is the jury
2 here?

3 THE BAILIFF: I'm going to need to get them.

4 THE COURT: Oh, you can go down and get them.
5 I was a little less clear in that direction.

6 State, anything else? Were you able to speak
7 to your witnesses to clarify the Court's order?

8 MR. SARABIA: Yes, Judge.

9 THE COURT: All right. Are we ready to go?

10 THE BAILIFF: Jury entering the hearing of the
11 Court, Your Honor.

12 THE COURT: Thank you.

13 (Jury Present.)

14 THE BAILIFF: All jurors present and seated,
15 Your Honor.

16 THE COURT: Good morning, ladies and
17 gentlemen. How are you? Good?

18 THE JURY PANEL: Good.

19 THE COURT: Was everybody able to follow my
20 instructions?

21 THE JURY PANEL: Yes.

22 THE COURT: No talking about it, reading,
23 tweeting or texting? Yes?

24 THE JURY PANEL: Yes.

25 THE COURT: All right. State, are you ready

1 to call your next witness?

2 MR. SARABIA: Yes, Judge. The State would
3 call Jim Thomas.

4 THE COURT: All right. Jim Thomas.

5 Good morning, Mr. Thomas. If you can come up
6 to the podium for me. Stop right there. Raise
7 your right hand and be sworn by my clerk.

8 JAMES THOMAS,

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

11 THE COURT: All right. Sir, please have a
12 seat in the witness stand. And speak in a loud and
13 clear voice for me. Okay?

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: All right. State, you may
16 proceed.

17 MR. SARABIA: Thank you, Judge. Defense.

18 DIRECT EXAMINATION

19 BY MR. SARABIA:

20 Q. Could you please turn and introduce yourself
21 to the jury.

22 A. My name is Jim Thomas.

23 Q. And, Mr. Thomas, are you any relation to Linda
24 Thomas?

25 A. Yes, I am. I am her husband.

1 Q. Now, Mr. Thomas, did you know Maggie Brown?

2 A. Yes, I did.

3 Q. Did she have any relation to you?

4 A. Yes. She was my daughter.

5 Q. And does that make Greg Brown your son-in-law?

6 A. That is correct.

7 Q. And approximately how long have those two been
8 together?

9 A. Over 34 years at this time it would have been.

10 Q. And Megan Brown, she was your granddaughter?

11 A. That is correct.

12 Q. And you're a great-grandfather as well?

13 A. Yes, I am.

14 Q. ██████████ would be your great-grandson?

15 A. That is correct.

16 Q. I believe, as we sit here today, he's about
17 eight years old?

18 A. Yes.

19 Q. But back in August of 2014, September 2014, he
20 would have been four?

21 A. Yes.

22 Q. And in terms of Margaret Brown, Maggie, did
23 you have a good relationship with her back in July and
24 August of 2014?

25 A. Yes, I did.

1 Q. I want to turn your attention to the beginning
2 of July of 2014. Did you assist Margaret Brown, Greg
3 Brown, Megan Brown and Adam Matos move into 7719
4 Hatteras Drive?

5 A. Yes, I did.

6 Q. And at that time were you living in Florida?

7 A. Yes, I was.

8 Q. Whereabouts in Florida were you living?

9 A. Key West.

10 Q. And did you come up to Pasco County to assist
11 them in the move?

12 A. Yes, I did.

13 Q. And what vehicles did they move to 7719
14 Hatteras Drive in?

15 A. They had a motor home; a U-Haul rental truck;
16 Megan had a small SUV, a Blazer, I believe; and my
17 daughter had a Dodge Caravan, silver.

18 MR. SARABIA: And, Judge, I'm displaying
19 State's 311.

20 Q. (By Mr. Sarabia) Does that appear to be
21 Megan's Blazer or SUV?

22 A. Yes, it does.

23 Q. Now, when they moved in, did they move in with
24 a bunch of furniture and heavy objects and boxes and
25 things?

1 A. Yes, they did.

2 Q. Who all helped move all the heavy stuff?

3 A. Myself, Adam, and my daughter Margaret.

4 Q. Was Greg Brown moving any of the heavy stuff?

5 A. No. He was incapacitated because of back
6 surgery and whatnot.

7 Q. Okay. And you were helping move some of the
8 heavy objects?

9 A. Yes.

10 Q. Have you aged a lot since this incident
11 happened?

12 A. Yes.

13 Q. I don't know that I would have you move a lot
14 of heavy objects around today, huh?

15 A. They don't want me to pick up more than
16 18 pounds.

17 Q. Okay. But back then you were good to move the
18 furniture and help them with the boxes and everything?

19 A. Yes. Absolutely.

20 Q. And did that involve moving up and down the
21 stairwell in the outside of the residence up to the
22 front door?

23 A. Yes.

24 Q. So did you pass by there a number of times?

25 A. Many times.

1 Q. I want to show you -- did you ever notice, was
2 there a hole on the wall, along that wall that would
3 coordinate to Megan's bedroom as you were going up and
4 down those stairs?

5 A. No, there wasn't.

6 Q. Now, did Margaret bring any animals with her
7 when she moved to 7719 Hatteras Drive?

8 A. Yes, she did.

9 Q. What kind of animals were they?

10 A. They were small dogs.

11 Q. A number of them?

12 A. She had two litters at the time with her, one
13 being older than the others. And I believe there were
14 three very young puppies that were Yorkshire-poodle
15 cross. They looked like little Rottweilers, actually.

16 Q. Okay. And had Margaret previously and then
17 continued to raise dogs during that time period?

18 A. Yes.

19 Q. Now, I want to ask you some about the
20 residence itself.

21 Where were you staying while you were there?

22 A. I stayed in Megan's bedroom and slept in her
23 bed.

24 Q. And that would have been in the southeast
25 bedroom on the second floor?

1 A. That is correct.

2 Q. And I'll show you a diagram real quick. I'm
3 displaying State's 59. Would that coordinate to the
4 room labeled room A on the diagram?

5 A. Yes. That's room A, and that's where I
6 stayed.

7 Q. And there was a mattress in there at the time
8 you stayed?

9 A. Yes, there was.

10 Q. Okay. Did Greg and Maggie have the master
11 bedroom area?

12 A. Yes, they did.

13 Q. And do you know where Adam Matos was staying
14 while you were there?

15 A. He slept with his son in the adjoining
16 bedroom. There was a bathroom in between Megan's
17 bedroom and then there was another smaller bedroom.

18 Q. And do you know where Megan was staying while
19 you were staying in her room?

20 A. She slept on the couch.

21 Q. Now, that room that we've been talking about
22 as Megan's bedroom, when they moved in was the floor
23 bare plywood?

24 A. Yes.

25 Q. How about the internal staircase, was that

1 also bare plywood?

2 A. That was bare plywood also.

3 Q. I want to turn your attention, did you have
4 occasion to be in the master bedroom closet during your
5 stay?

6 A. Yes, I did.

7 Q. Was that also bare plywood?

8 A. Yes, it was.

9 Q. I'll talk about that more in a minute with
10 you, but how many days do you think you stayed there
11 when you went to help them move in?

12 A. I stayed there from the 2nd of July through
13 the 6th, and left the 7th of July in the morning.

14 Q. And during that time period, at some point did
15 your wife Linda come and stay as well?

16 A. Yes, she did.

17 Q. Now, the living room area, did Maggie and Greg
18 bring furniture with them to furnish the living room
19 area?

20 A. Yes, they did.

21 Q. Was that furniture that you were familiar with
22 that they used to have in Pennsylvania?

23 A. Yes. That is correct.

24 Q. And those were Greg and Margaret's pieces of
25 furniture?

1 A. They were.

2 Q. Did they have a television?

3 A. Yes, they did.

4 Q. And was that in the entertainment center in
5 the living room?

6 A. Yes.

7 Q. Was it a large television?

8 A. It was a large screen TV, yes.

9 Q. And can you tell the jury, did it have any
10 defects?

11 A. It had a considerable amount of nonfunctional
12 pixels in the upper left corner.

13 Q. Okay. And they're like black spots?

14 A. Yes. It was black.

15 Q. Turning your attention to your great-grandson,
16 [REDACTED] While you were there, what kind of activities
17 would [REDACTED] engage in?

18 A. He would play with his Legos and what they
19 refer to as an iPad.

20 Q. Like a tablet?

21 A. Yeah. A tablet.

22 Q. He liked to play video games and stuff on
23 electronic devices?

24 A. Yes.

25 Q. And in terms of communicating with [REDACTED]

1 particularly back then, was he able to communicate with
2 people like a normal four-year-old?

3 A. No.

4 Q. And at that time if you were to try and ask
5 him what he had done over the course of a day or what
6 had happened earlier in the week, was he going to be
7 able to really give you that type of information?

8 A. Not at all.

9 Q. And was it your understanding he was autistic
10 somewhere on the spectrum?

11 A. Yes.

12 Q. I want to talk to you about the master bedroom
13 closet. Do you know if Greg Brown kept any firearms in
14 that closet?

15 A. Yes, he did.

16 Q. How do you know that?

17 A. He showed them to me. He was quite proud of
18 them.

19 Q. Okay.

20 MR. SARABIA: And I'm going to display or show
21 the witness State's 213.

22 Q. (By Mr. Sarabia) Do you recognize this as the
23 master bedroom closet?

24 A. Yes.

25 Q. And whereabouts would Greg have kept his

1 firearms approximately, if you know?

2 A. I believe they would have been on this shelf
3 here (indicating).

4 Q. Did he have multiple long rifles?

5 A. Yes.

6 Q. And a shotgun?

7 A. Yes.

8 Q. And I asked you about the hole on the outside
9 wall. You stayed in Megan's bedroom. I'm going to show
10 you State's 184 and 185, and 185 is a close-up of 184.

11 A. While I was there there were no holes in the
12 wall.

13 Q. Okay. And I'm also going to show you
14 State's 207, the master bedroom. And particularly I
15 want to draw your attention to the defect in the corner
16 there. Was that hole there when you were helping them
17 move in?

18 A. No.

19 Q. Now, I want to turn your attention -- well, do
20 you remember the last time you had communication from
21 your daughter Margaret?

22 A. My daughter communicated with my wife, Linda,
23 on a daily basis on Facebook. I don't participate in
24 Facebook myself. I don't have the face for it. But I
25 talked to my daughter two, three, four times a week by

1 phone. And she had encouraged me to upgrade to a
2 smartphone, and I had and I wanted to convey to her that
3 I had done that.

4 Q. Now, as we get into August 28th through
5 September 4th, were you trying to reach your daughter
6 Margaret?

7 A. On a continual basis. August the 28th,
8 29th and 30th, I would say I probably called four to six
9 times a day with no answer.

10 Q. Now, if she's working, you wouldn't expect her
11 to call you back immediately, right?

12 A. No. She was working, but she was actually on
13 a little vacation.

14 Q. Prior to the 28th, she was on vacation?

15 A. Yes.

16 Q. Did Margaret and Greg and Megan and [REDACTED]
17 take the RV and go camping somewhere around that time
18 period for a couple of days?

19 A. I don't know that Megan and [REDACTED] was with
20 them, but I know they were in St. Petersburg on the
21 beach with the motor home.

22 Q. Okay. But by the time we get to the 28th,
23 you're trying to reach Margaret. Now, during the time
24 that you've known Margaret up until then, if you called
25 her, would she get back to you fairly quickly?

1 A. Yes, she would.

2 Q. Did it ever go a day or two, did ever a day or
3 two pass where she did not return your call and
4 communicate with you?

5 A. No.

6 Q. Was that very unusual for you to call multiple
7 times and not hear back from her?

8 A. It was the first time.

9 Q. Now, as we move to September 4th, 2014, were
10 you getting concerned?

11 A. Very.

12 Q. And based on that, did you have your wife,
13 Linda, call the Pasco Sheriff's Office for a welfare
14 check?

15 A. We discussed it for a couple of days prior to
16 her calling, and then we finally said enough is enough,
17 call for the welfare check.

18 Q. Mr. Thomas, I want to show you some
19 photographs and ask you if you recognize the people in
20 the photographs. First I'm going to show you what's
21 been previously marked as State's 14 for identification.

22 I want to turn your attention to the individual in
23 the white shirt and what appears to be plaid shorts. Do
24 you recognize that individual?

25 A. Yes, I do. That's my son-in-law Gregory.

1 Q. I want to turn your attention to State's 19
2 for identification. The individual pictured in the red
3 shirt and black shorts, do you recognize that
4 individual?

5 A. Yes.

6 Q. And who is that?

7 A. That is my daughter Margaret.

8 Q. I'm going to show you State's 17 for
9 identification. Again I want to draw your attention to
10 the person in the red shirt, what appears to be a black
11 hat and some sort of black pants.

12 A. Yes. That's definitely my daughter.

13 Q. Your daughter Margaret?

14 A. Margaret, yes.

15 Q. Because you have multiple daughters, right?

16 A. Yes, I do.

17 Q. How many daughters do you have?

18 A. I have four daughters. I had four daughters
19 at the time.

20 Q. Okay. I want to show you State's 20 for
21 identification. I want to draw your attention to an
22 individual in the center right of that photograph
23 wearing a long sleeve shirt and appears to be carrying a
24 shovel. Do you recognize that individual?

25 A. That would be the defendant Adam Matos.

1 Q. I'm showing you State's 21 for identification.
2 In the center, a little to the left, right at the bottom
3 of this photo, do you recognize the individual who
4 appears to be wearing like a light gray long sleeve
5 shirt and appears to also be carrying a shovel? Do you
6 recognize that shovel?

7 A. Yes. That is Adam Matos.

8 Q. I'm showing you State's 24 for identification,
9 a composite exhibit. In particular I want to draw your
10 attention to the first page. There's two photographs,
11 and they both depict an individual that's wearing what
12 appears to be a camouflage shirt and red shorts. Do you
13 recognize that individual?

14 A. It's definitely Adam Matos.

15 Q. And I'm showing you State's 23 for
16 identification. I want to draw your attention to a
17 person standing on the right side of this photograph who
18 appears to be wearing a darker shirt with some type of
19 lighter print on it and possibly some red shorts there.
20 Do you recognize that individual?

21 A. That's Adam Matos.

22 Q. I want to show you State's 15 for
23 identification. There is an individual who appears to
24 be the only person pictured in this photograph wearing a
25 white shirt and some type of plaid shorts. Do you

1 recognize that individual?

2 A. Yes, I do.

3 Q. Who is that?

4 A. That's Gregory Brown.

5 Q. And, Mr. Thomas, the person that you've
6 identified in several of these photographs as Adam
7 Matos, the person who you saw move into 7719 Hatteras
8 Drive and assist in moving some of the heavy objects, do
9 you see that individual in the courtroom here today?

10 A. Yes, I do.

11 Q. Could you please point him out and identify
12 some article of clothing that he's wearing.

13 A. He's wearing a brownish-gray suit jacket,
14 necktie, and a gray buff colored shirt.

15 MR. SARABIA: Judge, may the record reflect
16 the witness has indicated the defendant?

17 THE COURT: It will so reflect.

18 MR. SARABIA: May I just have a moment, Judge?

19 THE COURT: You may.

20 MR. SARABIA: No more questions.

21 THE COURT: Cross-examination?

22 MR. MICHAÏLOS: If it please the Court and
23 Counsel.

24

25

1 CROSS-EXAMINATION

2 BY MR. MICHAÏLOS:

3 Q. Good morning, sir.

4 A. Good morning.

5 Q. Now, you said on direct that Gregory had back
6 surgery at some point, right?

7 A. He had back surgery, yes.

8 Q. And I think you also testified that the house
9 at 7719 Hatteras Drive was unfinished in some ways,
10 correct?

11 A. That is correct.

12 Q. Do you know why the house was unfinished?

13 A. It had stood vacant for a while was my
14 understanding and they were preparing to do some
15 upgrades to get it ready for sale.16 Q. And the person who owned it was a friend of
17 Margaret's?

18 A. Yes.

19 Q. Is this after the real state market crashed?
20 Is that what it was?

21 A. Yes.

22 Q. Okay. So they knew somebody who had this
23 house that was vacant --

24 A. Yes.

25 Q. -- and he rented it to them?

1 Would you happen to know how much the monthly rent
2 was?

3 A. I have no idea.

4 Q. Now, you came to the house a couple hours
5 after they arrived or before they arrived?

6 A. I believe so. It was a couple of hours after.

7 Q. Did you see them enter the house?

8 A. They were coming and going.

9 Q. I mean your family members, when they came to
10 7719, did you actually see them unlock the doors and go
11 in?

12 A. No, I did not.

13 Q. Okay. Isn't it true that they didn't have
14 keys to this house?

15 A. I don't know that.

16 Q. You knew that Adam Matos was [REDACTED]
17 biological father, did you not?

18 A. I came to that knowledge indirectly. It was
19 apparent that he was. I'm not sure. I wasn't
20 introduced to him as [REDACTED] father.

21 Q. Okay. But you stayed there about a week,
22 right?

23 A. Yes, I did.

24 Q. So at the beginning you weren't sure, but then
25 it was brought to your attention he was his biological

1 father?

2 A. Well, I was there when we all met there on the
3 2nd of July, I believe it was, and it was apparent that
4 he was the parent of [REDACTED]

5 Q. Okay. And you said that Margaret invited you
6 over to help unload their possessions and furniture?

7 A. Oh, yes.

8 Q. Anybody else other than you and Adam, as far
9 as males, helping pick up this furniture?

10 A. Males? No, there were no other males.

11 Q. Now, sir, while you were visiting -- you were
12 there approximately a week, right?

13 A. That is correct.

14 Q. Isn't it true that when you spent time at 7719
15 for that one week in July, that both Megan and Adam
16 slept in [REDACTED] bedroom at the same time?

17 A. I was not aware that they did. I was aware
18 that they didn't.

19 Q. Okay. Sir, do you recall being deposed with
20 regard to this case, being questioned under oath perhaps
21 in this very courtroom at some point?

22 A. Yes.

23 Q. And to draw your attention to the date, I
24 believe it was June 2nd of 2016?

25 A. Yes.

1 Q. I wasn't the attorney. It was another
2 gentleman, right?

3 A. Yes. That is correct.

4 THE COURT: Counsel, line and page, please.

5 MR. MICHAIILOS: Yes, Your Honor. Page 37,
6 Your Honor, Lines 9 through 11.

7 THE COURT: All right. Give the State a
8 moment.

9 MR. MICHAIILOS: I will.

10 MR. SARABIA: Okay, Judge.

11 THE COURT: Good to go?

12 MR. SARABIA: Yes.

13 THE COURT: All right. You may proceed.

14 Q. (By Mr. Michailos) And, sir, on that date, in
15 response to the following question -- the question was
16 as follows:

17 "As far as sleeping arrangements, Megan, Adam and
18 [REDACTED] were all sleeping in the same room?"

19 And your answer was:

20 "That is my recollection."

21 A. At that time that was my recollection.

22 Q. Okay. So on June 2nd of 2016, when you were
23 questioned under oath, your recollection was that both
24 Adam and Megan slept together in Tristen's room,
25 correct?

1 A. That is partially correct.

2 Q. Okay. Now, during direct examination, you
3 said -- I think the State pointed to a photograph and
4 asked you if you recall the defect on the wall in the
5 master bedroom.

6 Sir, do you recall where this defect was, as far as
7 height, in the master bedroom wall?

8 A. It was above eye level, as I recall.

9 Q. Okay. And it was actually, when you walk in
10 the master bedroom, immediately to the right behind --

11 A. Excuse me.

12 Q. Yes.

13 A. There was no defect at that time.

14 Q. Right. I just want to, if I could, make sure
15 we're speaking of the same area in the room. Okay?

16 A. Yes.

17 Q. So my understanding was when you walk into the
18 master bedroom there's some kind of privacy wall,
19 immediately to the other side there's a mark on the wall
20 about a couple of inches, five inches from that wall.

21 So if I were to tell you that that defect was
22 seven-by-four millimeters --

23 A. Yes. Uh-huh.

24 Q. -- seven-by-four millimeters, and a height of
25 let's say about six feet, are you telling me that you

1 could testify here accurately today that that mark was
2 not there in July of 2014?

3 A. Well, yes, I could.

4 MR. SARABIA: Judge, I'm going to object to
5 the form of the question.

6 I'm not sure that Mr. Michailos is talking
7 about the same defect I was asking about.

8 Q. (By Mr. Michailos) I'm sorry. Was your
9 testimony regarding a hole in the corner bead?

10 A. Yes.

11 Q. Consistent with a bullet hole?

12 A. It wasn't there then.

13 Q. Okay. All right. Well, let me move on.

14 As far as the master bedroom, there were several
15 firearms you testified to in the master closet?

16 A. Yes.

17 Q. Now, when Mr. Sarabia showed you that
18 photograph, from my vantage point I couldn't see. So
19 correct me if I'm wrong, but I think your testimony was
20 that all those firearms, to the best of your
21 recollection, were located on a shelf in the back of the
22 closet?

23 A. No. The firearms were located on a shelf on
24 the right-hand side walking from the living room through
25 the closet to the bedroom. They were on the right-hand

1 side. Now, those shelves are those metal racks.

2 Q. Right.

3 A. And I couldn't tell from the photograph
4 whether they were continuous beyond the point of the
5 photograph.

6 Q. Okay.

7 A. But the rifles were actually located on a
8 shelf like that going through the closet on the
9 right-hand side.

10 Q. Thank you, sir. So just to specify again, as
11 you're walking through the front door of the closet, it
12 would be just to your right?

13 A. Correct.

14 Q. Thank you. And would you agree with me that
15 Gregory kept these firearms unloaded?

16 A. That is correct.

17 Q. Sir, did Adam Matos have custody rights with
18 regard to [REDACTED]

19 MR. SARABIA: Objection, Judge. Relevance and
20 lack of knowledge.

21 THE COURT: Sustained. If you would like to
22 approach, we can talk about it off the record.

23 Approach.

24 (Bench Conference.)

25 MR. MICHAÏLOS: And, obviously, if he doesn't

1 know, he can't answer it. But I think it's
2 relevant to understand the situation why Adam Matos
3 is living in the house. We've heard a lot about
4 why --

5 THE COURT: It's not coming in through him.
6 You made a big deal before we brought this jury up
7 his family was not to go into hearsay.

8 Anything he knows is hearsay. He's got
9 nothing to do with any custody.

10 MR. MICHAÏLOS: Okay.

11 THE COURT: You're the one that said tell him
12 not to talk about hearsay.

13 MR. MICHAÏLOS: Okay.

14 THE COURT: I just read the depo. His answer
15 is, "I don't really know. That's just what I've
16 heard." So obviously he has no personal knowledge
17 of the relationship or custody or anything like
18 that.

19 MR. MICHAÏLOS: Okay.

20 THE COURT: And knew it could be his
21 grandfather. Unless he's a party to that custody
22 arrangement, which I doubt he is, anything he knows
23 would be hearsay, and you're the one that didn't
24 want him to go into hearsay.

25 MR. MICHAÏLOS: I'll withdraw the question,

1 Judge.

2 THE COURT: Okay.

3 MR. SARABIA: And real quick just to put it on
4 the record too. My understanding is there was not
5 a legal custody of finding of any court. So in
6 terms of what the formal custody was or who had
7 custody rights, that's a question of law that I'm
8 not sure anybody knows at this point.

9 THE COURT: Well, he certainly doesn't,
10 because his depo is clear. He says, "I don't know.
11 There was talk about that, but I don't really
12 know." So anything he would testify to would be
13 hearsay at best. Okay?

14 MR. MICHAÏLOS: Thank you.

15 (Open Court.)

16 THE COURT: Defense, you're withdrawing that
17 question?

18 MR. MICHAÏLOS: Yes, Your Honor.

19 THE COURT: All right. The question is
20 withdrawn.

21 MR. MICHAÏLOS: Just a moment, Your Honor.

22 Thank you, sir. I have no further questions.

23 THE COURT: Hold on. Any redirect?

24 MR. SARABIA: No, Judge.

25 THE COURT: All right. Sir, you may step

1 down.

2 THE WITNESS: Thank you.

3 THE COURT: Is he released from his subpoena?

4 MR. SARABIA: Yes, Judge.

5 THE COURT: Defense, any objection?

6 MR. MICHAÏLOS: No, Your Honor.

7 THE COURT: All right. Sir, you're released
8 from your subpoena. You may remain in the
9 courtroom. Okay? Thank you.

10 State, call your next witness.

11 MR. LABRUZZO: Your Honor, the State would
12 call Daniel Leonard.

13 THE COURT: Good morning, Mr. Leonard. If
14 you'll step up to the podium. If you can turn,
15 raise your right hand and be sworn by my clerk.

16 DANIEL LEONARD,

17 a witness herein, being first duly sworn, was examined
18 and testified as follows:

19 THE COURT: All right. Sir, please have a
20 seat in the witness stand. And speak in a loud and
21 clear voice for me. Okay?

22 THE WITNESS: All right.

23 THE COURT: Thank you, sir.

24 State, you may proceed.

25 MR. LABRUZZO: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MR. LABRUZZO:

3 Q. Good morning, sir. Could you please turn to
4 the ladies and gentlemen of the jury and introduce
5 yourself by stating your name.6 A. My name is Daniel Leonard. I'm Nick Leonard's
7 father.8 Q. All right. Mr. Leonard, do you live in
9 Florida?

10 A. Yes, I do.

11 Q. And which county do you live in?

12 A. I live in Hernando County.

13 Q. All right. And you mentioned that Nicholas
14 Leonard was your son?

15 A. Yes, he is.

16 Q. And back in 2014, do you know his age?

17 A. He was 37.

18 Q. All right. And what did Mr. Leonard do for a
19 living?20 A. He was a handyman, and he had a tree service
21 also.

22 Q. All right.

23 A. Self-employed.

24 Q. Self-employed.

25 He was handy with tools?

1 A. Yes.

2 Q. And he had a truck that he carried his tools
3 in?

4 A. Yes, he did.

5 Q. All right. I'd like to show you what's been
6 previously introduced as State's Exhibits 239, 439 and
7 438. Okay. Take a second to look at these three
8 photographs, sir.

9 A. That's his truck.

10 Q. This is Nicholas Leonard's truck?

11 A. That's his truck, his work truck, yes.

12 Q. I'm just going to show State's Exhibits 438
13 and 439. If you look at the screen. This is his truck?

14 A. Yes.

15 Q. All right. Mr. Leonard, I'm showing you
16 what's been introduced as State's 239. You can see in
17 the middle of this photograph there is a sign. Do you
18 recognize that sign?

19 A. Yes, I do.

20 Q. What is it?

21 A. It's the magnets that he used to put on the
22 side of his truck to advertise his business.

23 Q. Okay. And in this photograph the magnets are
24 on top of his car. Did he ever put them there himself?

25 A. No.

1 Q. All right. Being self-employed, this was a
2 primary form of advertisement for his truck?

3 A. Yes.

4 Q. On that magnet you can see that there's a
5 phone number, (727)479-3139?

6 A. 3139, yes.

7 Q. Do you know that number?

8 A. Yes. That was his cell phone number.

9 Q. All right. Thank you.

10 And I guess that you can kind of see it backwards.
11 But that was a number that if you needed to reach him,
12 you could talk to him on?

13 A. Yes. That's the number I have in my phone for
14 him.

15 Q. Okay. And did you and Nicholas talk regularly
16 during the timeframe of August of 2014?

17 A. Yes, we did.

18 Q. How often would you guys talk?

19 A. At that point we were talking about every day
20 because he was planning on moving in with me.

21 Q. All right. He was going to move in with you
22 up in Hernando County?

23 A. In Hernando, yes.

24 Q. All right. So your conversations with him
25 were regular?

1 A. Yes.

2 Q. If you called him, would he answer the phone?

3 A. Yes, he would.

4 Q. If you called and left a message, would he
5 call back promptly?

6 A. Yes.

7 Q. Was that the kind of relationship that you had
8 with him speaking on the phone?

9 A. Yes.

10 Q. All right. To your knowledge, when was the
11 last time you spoke with Mr. Nicholas Leonard?

12 A. It was August 28th.

13 Q. All right. Of 2014?

14 A. 2014, yes.

15 Q. That was the last time you spoke with him?

16 A. Right.

17 Q. Did you guys speak on your cell phones?

18 A. Yes. He called me and --

19 Q. I'm not going to ask you what he said, but he
20 called you?

21 A. Right. He called me and we spoke for a few
22 minutes.

23 Q. All right. Did you ever hear from
24 Mr. Nicholas Leonard again after that phone call?

25 A. No, I didn't.

1 Q. All right.

2 MR. LABRUZZO: For the record, I've shown
3 Defense counsel what's been previously marked as
4 State's Exhibit 506.

5 Q. (By Mr. Labruzzo) Mr. Leonard, I'm going to
6 ask you to look at this photograph. Do you recognize
7 the person in that photograph?

8 A. Yes. That's my son.

9 Q. All right. And that's Nicholas Leonard?

10 A. Nicholas Leonard.

11 Q. All right.

12 MR. LABRUZZO: Your Honor, at this time the
13 State would seek to admit State's 506 as the next
14 item of evidence.

15 THE COURT: Any objection?

16 MR. MICHAÏLOS: No, Your Honor.

17 THE COURT: 506 will be in.

18 Q. (By Mr. Labruzzo) Mr. Leonard, I'm showing you
19 a photograph over here. That is your son Nicholas
20 Leonard?

21 A. Yes, it is.

22 Q. And is that how he looked the last time you
23 saw him back in August of 2014?

24 A. Yes.

25 Q. All right.

1 MR. LABRUZZO: One moment, Your Honor.

2 THE COURT: All right.

3 MR. LABRUZZO: No further questions, Your
4 Honor.

5 Thank you.

6 THE COURT: Cross?

7 MR. MICHAÏLOS: Just one moment, Judge.

8 CROSS-EXAMINATION

9 BY MR. MICHAÏLOS:

10 Q. Sir, your son had another phone number too,
11 correct?

12 A. Not that I knew of, no.

13 Q. Isn't that his business number, sir?

14 A. That was the only phone number I knew of
15 actually.

16 Q. You didn't have his cell number?

17 A. I had it. That was his cell number.

18 Q. He didn't have a number (727)488-8804 that was
19 registered to him that he used on a daily basis?

20 MR. LABRUZZO: Judge, I'm going to object.

21 THE WITNESS: No. Not that I know of.

22 THE COURT: Hold on.

23 Sustained. He said three times he had no
24 other number, he knew of no other number. So at
25 this point asked and answered.

1 Q. (By Mr. Michailos) Your son owned a Kel-Tec
2 pistol, correct?

3 A. Yes, he did.

4 Q. Did he have a permit to carry that concealed?

5 MR. LABRUZZO: Objection. Relevance.

6 THE COURT: Sustained. Hold on.

7 Approach.

8 (Bench Conference.)

9 MR. LABRUZZO: Judge, objection as to
10 relevance. There's been no allegation listed or
11 that he would have any personal knowledge of that.

12 THE COURT: What's the relevance of whether he
13 had a concealed weapons permit?

14 MR. MICHAÏLOS: Just to know if he had one.

15 THE COURT: So that will be sustained.

16 (Open Court.)

17 THE COURT: The objection is sustained.

18 Q. (By Mr. Michailos) In August of 2014, your son
19 lived in Hudson?

20 A. Yes.

21 Q. Woodchuck -- what was the name of the street?

22 A. Woodchuck Lane.

23 Q. Woodchuck Lane.

24 A. Lane. Yes.

25 Q. Was that a house owned by his mom?

1 A. She owned it, yes.

2 Q. It was a temporary residence?

3 A. For him, yes.

4 Q. Who is Michelle Stinson?

5 MR. LABRUZZO: Objection. Relevance at this
6 stage and outside the scope of direct.

7 THE COURT: Sustained.

8 MR. MICHAIILOS: If I could have a moment, Your
9 Honor?

10 THE COURT: You may.

11 Q. (By Mr. Michailos) Sir, what was your phone
12 number when you communicated with your son back in this
13 period of time?

14 A. It was (727)389-0319.

15 Q. Did you have any others?

16 A. No. I've had the same number for ten years.

17 Q. And your testimony here today is you're not
18 aware of your son having any other numbers than the one
19 that was on his truck? Is that your testimony?

20 A. Yes.

21 MR. MICHAIILOS: Thank you.

22 THE COURT: Counsel, are you done?

23 MR. MICHAIILOS: Yes, Your Honor.

24 THE COURT: Any redirect?

25 MR. LABRUZZO: No, Your Honor.

1 THE COURT: All right. Mr. Leonard, thank you
2 very much, sir. You may step down.

3 Is he released from his subpoena?

4 MR. LABRUZZO: The State has no objection to
5 being released.

6 THE COURT: Defense, can he be released from
7 his subpoena?

8 MR. MICHAÏLOS: Yes.

9 THE COURT: All right. Sir, you may remain in
10 the courtroom.

11 State, call your next witness.

12 MR. SARABIA: The State would call Tonya
13 Carlson.

14 THE COURT: First name again. Tonya?

15 MR. SARABIA: Tonya.

16 THE COURT: Okay. Thank you.

17 Ms. Carlson, if you could step up to the
18 podium for me. Thank you, ma'am.

19 If you'll stop right there. Raise your right
20 hand and be sworn by my clerk.

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

24 THE COURT: Ma'am, have a seat in the witness
25 stand. And speak in a loud and clear voice for me.

1 Okay?

2 THE WITNESS: Yes.

3 THE COURT: I need to make sure everybody can
4 hear your answers. There is a microphone there,
5 though. Okay? So if you can make sure you just
6 speak right into the microphone, that will be
7 great.

8 State, you may proceed.

9 MR. SARABIA: Thank you, Judge.

10 DIRECT EXAMINATION

11 BY MR. SARABIA:

12 Q. Could you please in a loud and clear voice
13 turn and introduce yourself to the jury.

14 A. My name is Tonya Carlson.

15 Q. And, Ms. Carlson, what do you do for work?

16 A. I'm a manager of the Fisherman's Shack.

17 Q. And the Fisherman's Shack, what kind of an
18 establishment is that? Do they sell bait? Fishing
19 poles?

20 A. No. We're a beer and wine establishment.

21 Q. And what are the hours generally of the
22 Fisherman's Shack?

23 A. 10:00 to 2:00. 10:00 A.M. to 2:00 P.M. -- or
24 10:00 A.M. to 2:00 A. M. Sorry.

25 Q. Okay. And you're a manager. Were you working

1 in that capacity at the Fisherman's Shack back in July
2 and August of 2014?

3 A. Yes. I've been there 10 years.

4 Q. And who owns the Fisherman's Shack?

5 A. Jim Sigler.

6 Q. Back in 2014, was he involved in the operation
7 of the business?

8 A. Yes.

9 Q. Was he there regularly?

10 A. Yes.

11 Q. Do you know some of the people who came there
12 and the people who worked for him?

13 A. Yes.

14 Q. Now, in terms of the Fisherman's Shack, did
15 you come to meet Nicholas Leonard?

16 A. Yes.

17 Q. Approximately when did you meet him?

18 A. Not much longer after I started working there.
19 I started working in '07. So probably by '08, we were
20 real good friends.

21 Q. Okay. And did you meet him through your work
22 at the Fisherman's Shack?

23 A. Yes.

24 Q. Did he come to the Fisherman's Shack
25 frequently?

1 A. Every day I worked.

2 Q. Okay. And were the people who hung around at
3 the Fisherman's Shack and Mr. Sigler and other
4 waitresses, were they familiar with Mr. Leonard as well?

5 A. Yes.

6 Q. And would you describe him as a friend of
7 yours?

8 A. Yes.

9 Q. And how about Megan Brown, do you know Megan
10 Brown?

11 A. Yes.

12 Q. Approximately when did you meet Megan Brown?

13 A. I believe it was the end of July.

14 Q. Of 2014?

15 A. Yes.

16 Q. And what were the circumstances by which you
17 met Megan Brown?

18 A. She came in and applied for a job.

19 Q. At the Fisherman's Shack?

20 A. Yes.

21 Q. And what ended up happening? You guys hired
22 her?

23 A. Yes.

24 Q. Was she a good employee?

25 A. Yes.

1 Q. As a manager, were you pleased with her
2 performance?

3 A. Very much.

4 Q. Did she show up for her shifts?

5 A. Every day.

6 Q. And based on her working there, did you get to
7 know her a little bit?

8 A. Yes.

9 Q. And did you guys hang out outside of work?

10 A. Yes.

11 Q. Now, were you present or do you know whether
12 or not Megan Brown met Nicholas Leonard?

13 A. Yes.

14 Q. And approximately when did she meet Nicholas
15 Leonard with regard to how long you knew Megan Brown?

16 A. The first day I trained her.

17 Q. Okay. And what were the circumstances of that
18 meeting? Can you describe that for the jury?

19 A. Nick come into the bar like he always did. I
20 trained her, and we were getting off work at 6:00, and
21 waiting for Jimmy, and I had introduced them.

22 Q. Okay. And you say, "Waiting for Jimmy". Now,
23 that particular day, I guess, was that Megan's first
24 day?

25 A. Yes.

1 Q. And did Megan want to wait past her shift and
2 speak to Jimmy about the job?

3 A. Yes.

4 MR. MICHAÏLOS: Objection. Relevance and
5 hearsay.

6 THE COURT: Overruled. Go ahead.

7 Q. (By Mr. Sarabia) Now, at that time did you
8 also meet or see Adam Matos?

9 A. Yes.

10 Q. And was it your understanding that Matos was
11 the father of Megan's child?

12 A. Yes.

13 Q. And based on your observation, did they appear
14 to have a tense interaction?

15 A. Yes.

16 Q. And subsequent to that, did Megan Brown leave
17 without waiting and speaking to Jimmy Sigler?

18 A. Yes.

19 Q. Now, I want to turn your attention to
20 August 27th, 2014, it occurred on a Wednesday.

21 A. Yes.

22 Q. Were you working that day?

23 A. No.

24 Q. Was Megan working that day?

25 A. Yes.

1 Q. Do you remember what her shift was on
2 August 27th?

3 A. 10:00 A.M. to 6:00 P.M.

4 Q. Did you have any plans with her following her
5 shift?

6 A. I was meeting her at 6:00, when she got off
7 work, and we were going to go out and have drinks.

8 Q. Okay. Did you have plans to go out somewhere
9 other than the Fisherman's Shack?

10 A. Yes.

11 Q. Now, in terms of Megan Brown, were you
12 familiar with the vehicle she used?

13 A. Yes.

14 Q. I want to show you State's Exhibit 311. Does
15 that look familiar?

16 A. Yeah. Yes.

17 Q. What is that?

18 A. That's her blue truck.

19 Q. Blue SUV?

20 A. SUV.

21 Q. Actually, while I'm on the subject, I'm going
22 to show you State's Exhibit 438 and 439. Do you
23 recognize that vehicle?

24 A. That's Nicki's truck.

25 Q. And Nicki, that would be?

1 A. Nick Leonard.

2 Q. Nicholas Leonard.

3 And I'm showing you State's 238. Do you recognize
4 that?

5 A. Yes.

6 Q. What is that?

7 A. That's the sticker I gave him that he had on
8 the back window of the driver's side where the suicide
9 seats were.

10 Q. Okay. And it's a --

11 A. A Shack sticker from the bar.

12 Q. A Fisherman's Shack advertisement?

13 A. Yeah.

14 Q. Okay. Now, August 27th, 6:00 P.M., Megan gets
15 off of work. Where were you guys going?

16 A. The Anchorage.

17 Q. And how did you and Megan get there?

18 A. We took my car.

19 Q. And did Megan leave her vehicle at the
20 Fisherman's Shack on August 27th at 6:00 P.M.?

21 A. Yes.

22 Q. And anyone else going with you or meeting you
23 at the Anchorage?

24 A. Nicholas.

25 Q. Nicholas Leonard?

1 A. Nicholas Leonard.

2 Q. And how far is the Anchorage from the
3 Fisherman's Shack, approximately?

4 A. Five minutes away.

5 Q. Okay. And when you got there, did you see
6 that Megan Brown was getting a lot of phone activity?

7 A. Yes.

8 Q. In particular did you notice that she was
9 getting some text messages?

10 A. Yes.

11 Q. How was her demeanor as she was receiving
12 these different phone messages?

13 A. She was getting upset. It was bothering her.

14 Q. And as she was getting these, was she telling
15 you about them?

16 A. Yes.

17 Q. As she was getting them, would she tell you
18 who they were from?

19 A. Yes.

20 Q. And who did she say they were from?

21 MR. MICHAÏLOS: Objection. Hearsay.

22 THE COURT: Sustained.

23 MR. SARABIA: Judge, may we approach?

24 THE COURT: You may.

25 (Bench Conference.)

1 MR. SARABIA: Judge, I believe this would fall
2 under the present sense impression exception to
3 hearsay. It's a spontaneous statement in that
4 Miss Brown was describing what was happening as it
5 was happening, thereby not falling under hearsay.

6 THE COURT: Okay. Are you not going to the
7 truth of the matter asserted but just that whoever
8 was making those phone calls was making her upset?

9 MR. SARABIA: No. We've already done that.
10 But I believe her response will be as Megan
11 received them she's saying Adam Matos or my baby's
12 father is messaging me. Again the present sense
13 impression, which is an exception to hearsay, which
14 we need before going into the truth of the matter
15 asserted.

16 THE COURT: But you're not going to go into
17 what those texts were, just that who sent them?

18 MR. SARABIA: I'm going to do that as well, as
19 Ms. Carlson both saw them, some of them, and Megan
20 was describing them as she was getting them.

21 THE COURT: And what do they say?

22 MR. SARABIA: I'm sorry?

23 THE COURT: What do they say?

24 MR. SARABIA: That she was a bad mother, and
25 that they were of that nature.

1 THE COURT: Okay. And all this is leading up
2 to the incident that happened at 6:00 A.M.?

3 MR. SARABIA: Yes. And I would note that
4 further evidence will show that during this time
5 period Mr. Matos's phone was continuously
6 contacting Miss Brown's phone this same time
7 period, and later Mr. Matos's phone is found on his
8 person when he's arrested.

9 So the statements actually contained in the
10 text messages or they're coming out that way are
11 statements by a party opponent, the defendant.

12 THE COURT: All right. Yes. Go ahead.

13 MR. MICHAÏLOS: Judge, with regard to present
14 sense impression, the exception is pretty clear
15 that the declarant would be making statements
16 describing observations; for example, you know,
17 somebody ran a red light. Not relaying a
18 statements made by another person on the other line
19 of a phone. The declarant in this case would be
20 Megan Brown, and this would be at least double
21 hearsay and inadmissible regardless.

22 THE COURT: Okay. The problem is is that the
23 statement is made by your client. So they'd be
24 admissible as a statement of the defendant. So
25 it's not double hearsay.

1 And did she actually look at the -- so she can
2 testify to what the texts say?

3 MR. SARABIA: Based on my conversation with
4 her she says she looked at the text messages. She
5 can't say word-for-word what they were, but she can
6 give the flavor that basically the defendant was
7 calling her a bad mom and other names. So, yes.

8 THE COURT: All right.

9 MR. SARABIA: And that Megan was actually
10 reading them out as she received them as well,
11 which again the argument is that is a spontaneous
12 statement. As Miss Brown is perceiving something,
13 she is saying it.

14 THE COURT: So she's not telling her what text
15 messages that he might have sent some other time?
16 The phone goes bing and then she's looking at it
17 and saying what it says?

18 MR. SARABIA: Correct, Your Honor.

19 THE COURT: And then in the meantime she's
20 also showing her the phone saying this is what it
21 says?

22 MR. SARABIA: Correct.

23 THE COURT: And what's the relevance?

24 MR. SARABIA: Well, these are some of the 120
25 or so attempts that Mr. Matos makes to contact

1 Miss Brown. It upset her. It leads into
2 Miss Brown returning home and Mr. Matos attacking
3 her that morning, which we've already presented
4 evidence of.

5 THE COURT: So this is all within 24 hours of
6 the time period of when you believe that the
7 offenses occurred?

8 MR. SARABIA: Yes. And actually it would be
9 about within 30 hours of when the murders actually
10 happened and within 12 hours of when the attack
11 that the 911 tape references occurred.

12 THE COURT: All right.

13 MR. MICHAÏLOS: Again real quick. If Megan
14 Brown was testifying, it would come in as an
15 admission that she would testify to a statement
16 that she heard the defendant make.

17 We're one person removed from that statement.
18 Regardless of whether or not the admission would be
19 hearsay, this person would be testifying to what
20 another person told her, and that's why the State
21 is relying on present sense impression, which is
22 not appropriate in this scenario.

23 THE COURT: The problem is it's a text
24 message. Text messages are not the same as hearsay
25 statements. The courts have ruled that a text

1 message is not a hearsay statement. So it's not a
2 hearsay statement because it's typed up, it's right
3 there.

4 MR. VIZCARRA: Judge, I'm sorry. The other
5 argument is, Judge, there's no foundation. There's
6 nothing that indicates that she recognized that
7 number or those messages is coming from Adam Matos.

8 THE COURT: So some other person is using her
9 phone?

10 MR. VIZCARRA: I don't know whose phone it was
11 and I don't know whose message it was, but she's
12 doing the hearsay saying that Megan -- again double
13 hearsay -- Megan is telling her that that was Adam
14 Matos's phone when she had no idea who it was on
15 the other line calling.

16 And since Megan is not here, you know, this is
17 blatantly, number one, hearsay; the probative value
18 is very much less and it prejudices the defendant.

19 Judge, they've already got in the 911 tape.
20 They've already got in that he attacked her on the
21 morning of the 28th. This is far removed from
22 that.

23 It doesn't add anything. It only prejudices
24 the defendant. And we're really at a very little
25 ability to cross her on this because these records,

1 these texts are not in evidence. Megan is not
2 here.

3 So, Judge, for all those reasons we're going
4 to be asking for mistrial. We're going to be
5 asking that you do not allow this evidence in at
6 this point in time.

7 It's total cumulative. And it's at a point in
8 time that's far removed from not only the 911
9 incident, which was the morning of the 28th; but
10 even in the State's own opening that they think the
11 murders happened somewhere late on the 28th. So
12 not even that day. And so that's the difference
13 between the 911 tape and this tape. The 911 is
14 right before the incident occurred. This is
15 sometime prior to that.

16 MR. SARABIA: And, Judge, I believe Counsel
17 just argued relevance. And I would put on the
18 record for relevance, I think *Hodgkins v. State*
19 specifically mentioned, when they entered a
20 judgment of acquittal for Mr. Hodgkins at the
21 Supreme Court level, that one thing that was not
22 shown between the defendant and the victim in that
23 case was animosity.

24 This goes to show that there is some
25 animosity, there is tension. It goes towards

1 intent. It goes towards the relationship between
2 the two of them, which was tense and problematic,
3 which also goes towards intent. So I would put all
4 that on the record for the relevant part.

5 THE COURT: The question for you. Are you
6 putting in phone records that show he was making
7 these calls at this time to her phone number?

8 MR. SARABIA: We are. We are going to do that
9 later.

10 THE COURT: So you're going to link up the
11 timeframe we're talking about when his phone is
12 contacting her phone?

13 MR. SARABIA: Correct.

14 THE COURT: And there's text messages, text
15 messages, text messages?

16 MR. SARABIA: I'm not sure that we can show
17 that they were specifically text messages, but
18 phone activity, phone activity, phone activity.

19 THE COURT: I mean that's fine.

20 MR. VIZCARRA: They're not going to put in the
21 text messages, Judge. That's the whole thing.
22 She's at liberty to say whatever she wants them to
23 say.

24 THE COURT: Well, I know, but you argued that
25 they can't prove they came from his phone. But

1 they can prove they came from his phone because
2 they're going to show during this timeframe that
3 his phone is calling her phone.

4 So they have shown that they did come from her
5 phone. That his phone is calling her phone. So
6 obviously, you know, she's saying that it came from
7 his phone. They're going to put in phone records
8 showing his phone is contacting her phone.

9 MR. VIZCARRA: Not necessarily. That wasn't
10 the only phone call, Judge. There's phone calls
11 from other phone numbers throughout that time.
12 It's just not one person calling her.

13 THE COURT: I understand that. And I assume
14 you're going to have multiple contacts between his
15 phone and her phone?

16 MR. SARABIA: Oh, yes. It's like continuous
17 during this period of time.

18 THE COURT: With somebody else in there
19 calling twice?

20 I'll let you go in that she was receiving
21 phone calls from Mr. Matos and that she seemed
22 upset. Any phone calls, any text messages she
23 personally observed, I'll let her testify. But I'm
24 not going to let her testify to what Megan said.

25 MR. SARABIA: Okay.

1 THE COURT: Just that Megan was upset and she
2 showed her her phone and what they said.

3 MR. SARABIA: Okay.

4 THE COURT: You can show that the text
5 messages came from Mr. Matos by bringing in the
6 phone records later. So I don't need her to
7 authenticate it because it going to come in through
8 the phone records.

9 So she was getting calls, she was upset, she
10 showed me the phone, this is what it said.

11 MR. SARABIA: Okay.

12 THE COURT: You can prove that they came from
13 Mr. Matos through the phone records. Okay.

14 (Open Court.)

15 THE COURT: I'll overrule the objection.

16 However, based on my ruling at the bench, you can
17 proceed in that manner.

18 Q. (By Mr. Sarabia) All right. Ms. Carlson, as
19 Megan is receiving these phone contacts and text
20 messages, is she describing to you who they are from?

21 A. Yes.

22 Q. Who did she say they were from?

23 A. They were from Adam, her son's dad.

24 Q. Now, did you personally see some of these text
25 messages?

1 A. Yes.

2 Q. Now, can you tell the jury of the ones that
3 you personally saw, what they basically said?

4 A. For her to get home. He called her a few bad
5 names. She needs to take care of her son. She was
6 being a bad mom. I don't want to use the curse words or
7 profanity, but...

8 Q. But they weren't nice?

9 A. No, they weren't.

10 Q. And you indicated that Megan was upset by
11 these?

12 A. Yes.

13 Q. Now, as the evening went on, did you
14 eventually part ways with Megan Brown and Nicholas
15 Leonard?

16 A. Yes.

17 Q. Approximately what time?

18 A. Around 10:00.

19 Q. 10:00 at night?

20 A. Yeah.

21 Q. And is that in part because of what was going
22 on with the phone situation that Megan was getting into?

23 A. Yeah. It was, yeah, a lot of that. It was
24 just more of a downer, it was upsetting, so it was time
25 to go.

1 Q. Okay. Was it your understanding that Megan
2 and Nick may continue to go somewhere else?

3 A. They were going to take a cab -- Megan and
4 Nick and Gordon -- to Hurricanes. She wanted to go
5 there to dance.

6 Q. And Gordon, was that another friend that was
7 out with you guys?

8 A. Yes.

9 Q. But then you went home?

10 A. Yes.

11 Q. Was that the last time you ever saw Nicholas
12 Leonard?

13 A. Yes.

14 Q. Did you ever speak to him again?

15 A. No.

16 Q. He didn't come into the Fisherman's Shack the
17 next day?

18 A. No.

19 Q. Or the day after that?

20 A. No.

21 Q. Or the day after that?

22 A. No.

23 Q. Was that unusual?

24 A. Yes.

25 Q. Now, I want to talk to you about August 28th,

1 2014, a Thursday. Were you working that day?

2 A. Yes.

3 Q. What shift were you working?

4 A. Day shift. 10:00 A.M. I got there at 9:30.

5 Q. When you got there, was Megan's vehicle still
6 present?

7 A. Yes.

8 Q. You knew it was Megan's vehicle?

9 A. Yes.

10 Q. And you recognized her vehicle was still here?

11 A. Yes.

12 Q. Now, after you got to the Fisherman's Shack
13 and you're opening up, did a deputy come and talk to you
14 about the night before?

15 A. Yes.

16 Q. And ask you questions about Megan and Adam?

17 A. Yes.

18 Q. When that happened, did it cause you to do
19 something?

20 A. Yes.

21 Q. What did you do?

22 A. I called Megan.

23 Q. Did you speak to her?

24 A. Yes.

25 Q. And approximately what time would this have

1 been?

2 A. About 10:15 A.M.

3 Q. And what was Megan's demeanor like when you
4 spoke with her?

5 A. She was hysterically crying.

6 Q. Was she upset?

7 A. Yeah.

8 Q. Did she seem concerned?

9 A. Yeah.

10 Q. Did she sound afraid?

11 A. Yeah.

12 MR. VIZCARRA: Objection.

13 THE COURT: Overruled.

14 Q. (By Mr. Sarabia) And was she supposed to work
15 on August 28th, 2014?

16 A. She was supposed to relieve me at 6:00 P.M.

17 Q. And based on your conversation with her at
18 10:00 in the morning, was it your understanding that she
19 might not come in for that shift?

20 A. Yeah.

21 Q. So you were not expecting her to come in later
22 on August 28th?

23 A. No.

24 Q. And was that due to the morning's events?

25 A. Yes.

1 Q. Now, as the day went on, did you try and
2 contact Megan Brown later on the 28th and into the
3 29th and the 30th?

4 A. Yes.

5 Q. Did you ever hear from her again?

6 A. No.

7 Q. Now, when you spoke with her at 10:00 in the
8 morning, was it your understanding she might be trying
9 to get some rest after that?

10 A. She told me she was going to lay down and take
11 a nap.

12 Q. So at least for part of the 28th, you might
13 not expect to be able to reach her immediately?

14 A. No.

15 Q. Now, what was going on with Megan that
16 morning? Was that something that you discussed with
17 other people at the Fisherman's Shack?

18 A. Yes.

19 Q. Was that something that Jimmy Sigler became
20 aware of?

21 A. Yes.

22 Q. What about the name Kim Ward?

23 A. Yes. She knew.

24 Q. Are you familiar with Kim Ward?

25 A. Yes, I am.

1 Q. Who is Kim Ward?

2 A. She's a very good friend of mine.

3 Q. Did she come into the Fisherman's Shack on a
4 regular basis?

5 A. Yes. Every day.

6 Q. Did she know Nicholas Leonard?

7 A. Yes.

8 Q. Did she know Megan Brown?

9 A. Yes.

10 Q. Would she have been familiar with Megan's
11 vehicle?

12 A. Yes.

13 Q. And this event that happened the morning of
14 August 28th with Megan Brown, that was something that
15 would have been openly discussed with her as well?

16 A. Yes.

17 Q. Now, based on your knowledge and their
18 knowledge of that incident, were you guys keeping a
19 close eye on Megan Brown's vehicle at the Fisherman's
20 Shack?

21 A. I was blocking it in with my car.

22 Q. Okay. And did you do that specifically on
23 Friday, August 29th?

24 A. Yes.

25 Q. And was that something that Jimmy Sigler

1 actually asked you to do?

2 A. Yes.

3 Q. Why did you block in Megan's car?

4 A. Because we hadn't heard from her.

5 Q. And if her car is blocked in?

6 A. Whoever came to get it would have to come in
7 ask for us to move the car.

8 Q. Okay. So Friday, August 29th, were you
9 working on that day?

10 A. Yes.

11 Q. And again was that blue Chevy Blazer still
12 there that you knew was Megan's?

13 A. Yes.

14 Q. And it didn't leave on Friday, August 29th?

15 A. No.

16 Q. And again you weren't able to reach Megan
17 Brown on August 29th?

18 A. No.

19 Q. Now, did she have a shift coming up either the
20 29th or 30th?

21 A. She was going to work that Saturday morning.

22 Q. So that would have been August 30th?

23 A. 30th.

24 Q. Did she show up for that shift?

25 A. No.

1 Q. Did she call you and tell you that she was
2 going to miss that shift?

3 A. No.

4 Q. Or make any kind of arrangements to have that
5 shift covered?

6 A. No.

7 Q. Up until that time had she ever done that
8 before?

9 A. No.

10 Q. Was it unusual, based on you working with her
11 and the way she conducted herself as an employee, for
12 her to not show up and not call about it?

13 A. Yes.

14 Q. And Megan Brown's phone number at that time,
15 did you have it?

16 A. Yes.

17 Q. And did you have it on the phone.

18 THE COURT: Hold on. Go ahead.

19 Q. (By Mr. Sarabia) Did you keep it in your phone
20 as one of your contacts?

21 A. Yes.

22 Q. Now, do you remember, as you sit here today,
23 what that phone number was?

24 A. I don't remember the first half, but I believe
25 it ended in 6640.

1 Q. Okay. Now, after this happens and when law
2 enforcement came out there on September 4th, did law
3 enforcement speak with you?

4 A. Yes.

5 Q. And did they ask to do a download of your
6 phone?

7 A. Yes.

8 Q. To get calls to and from people --

9 A. Yes.

10 Q. -- and other things?

11 And did you let them do that?

12 A. Yes.

13 MR. SARABIA: Judge, may I approach the
14 witness?

15 THE COURT: You may.

16 Q. (By Mr. Sarabia) Ms. Carlson, I'm showing you
17 a piece of paper. It's not going to be marked. Do you
18 recognize that as part of your contact list from your
19 phone from back then when it was downloaded?

20 A. Yes. All those are still in my phone.

21 Q. Do you recognize the different people on there
22 as names that you assigned to different friends of
23 yours?

24 A. Yes.

25 Q. And in particular do you see Megan's name?

1 A. Right there.

2 Q. And what phone number do you have for?

3 A. (727)207-6640.

4 MR. SARABIA: Judge, may I have a moment?

5 THE COURT: You may.

6 Q. (By Mr. Sarabia) Ms. Carlson, now, you did
7 indicate you were parking behind Megan's vehicle -- you
8 did park behind Megan's vehicle on August 29th, the
9 Friday, of 2014. Were you parking there while you were
10 on your shift?

11 A. Yes.

12 Q. You weren't leaving your car there after you
13 left from work, were you?

14 A. No. The next person was leaving their car
15 there.

16 Q. Okay. And Fisherman's Shack is closed between
17 2:00 A.M. and approximately 9:30 in the morning?

18 A. Yes.

19 Q. So there wouldn't be anybody in the parking
20 lot except vehicles that had been left there?

21 A. Yes.

22 Q. Now, Saturday, August 30th of 2014, did you
23 end up coming into work that day?

24 A. I open up for everybody.

25 Q. And what time would you get there to do that?

1 A. I usually get there about 9:45.

2 Q. And when you got there on Saturday,
3 August 30th of 2014, was Megan Brown's vehicle still
4 there?

5 A. No.

6 MR. SARABIA: I don't have any more questions,
7 Judge.

8 THE COURT: Cross?

9 CROSS-EXAMINATION

10 BY MR. MICHAÏLOS:

11 Q. Good morning, ma'am.

12 A. Good morning.

13 Q. Now, is it true Nicholas Leonard was a much
14 closer friend to you than Megan Brown was?

15 A. Yes.

16 Q. You've known him several years, right?

17 A. Yes.

18 Q. And Megan you had just only met for less than
19 two months, right?

20 A. Yeah.

21 Q. And she actually started working at
22 Fisherman's Shack, what, mid-July?

23 A. Yeah.

24 Q. And so you knew her about a month and a half?

25 A. Yeah.

1 Q. And you just refreshed your recollection by
2 looking at your contact numbers on your phone, right?

3 A. My -- repeat that.

4 Q. The State just showed you a piece of paper and
5 it contained the contacts you had on your own phone,
6 correct?

7 A. Yes.

8 Q. Now, would Nicholas Leonard be in your contact
9 section of your phone?

10 A. No.

11 Q. No, he wouldn't?

12 A. No. I never had Nick's number.

13 Q. Okay. And so you didn't know Nick's number?

14 A. No.

15 Q. Even though you knew him for how many years?

16 A. I didn't need Nick's number. He was always
17 around.

18 Q. Okay. So you don't know what his number is?

19 A. No.

20 Q. And you don't know how many numbers he had?

21 A. No.

22 Q. You introduced Nick to Megan Brown, correct?

23 A. Yes.

24 Q. Now, Megan was supposed to come to work what
25 time that day?

1 A. Which day?

2 Q. On August 28th of 2014?

3 A. Thursday, 6:00 P.M. she was supposed to show

4 up.

5 Q. And her shift was 6:00 P.M. to when?

6 A. 2:00 in the morning.

7 Q. Sorry?

8 A. 2:00 in the morning.

9 Q. 2:00 in the morning?

10 A. A.M.

11 Q. And did you work that evening?

12 A. I worked that day.

13 Q. And you must have been concerned after all the

14 tension you heard about and her not showing up to work,

15 right?

16 A. Yes.

17 Q. And she didn't show up for work the next day?

18 A. Yes.

19 Q. Or the day after that?

20 A. Yes.

21 Q. Or the day after that?

22 A. Yes.

23 Q. But you never called law enforcement, did you?

24 A. No, because I --

25 Q. I didn't ask you why. You never called law

1 enforcement?

2 THE COURT: Counsel, can you approach.

3 (Bench Conference.)

4 THE COURT: Mr. Michailos.

5 MR. MICHAIILOS: Yes, Your Honor.

6 THE COURT: I will ask you very nicely.

7 Everybody has been good.

8 MR. MICHAIILOS: Okay.

9 THE COURT: That was disrespectful to the
10 witness. She's tried to answer every question.
11 She's not being evasive. If you want to ask her,
12 "Please, yes or no," that would be great.

13 But we've been very good and let's keep it up.

14 MR. MICHAIILOS: Yes.

15 THE COURT: I don't think I need an objection
16 from the State.

17 MR. MICHAIILOS: Yes, Your Honor.

18 THE COURT: Based on the tone, so let's try to
19 be a little bit more professional.

20 MR. MICHAIILOS: Yes, Your Honor.

21 (Open Court.)

22 THE COURT: You may proceed.

23 MR. MICHAIILOS: If I could have a moment, Your
24 Honor?

25 THE COURT: You may.

1 Q. (By Mr. Michailos) Ma'am, have you ever been
2 convicted of a felony?

3 A. Yes.

4 Q. How many times?

5 A. I believe four.

6 Q. Thank you, ma'am.

7 THE COURT: Any more?

8 MR. MICHAİLOS: No more questions, Your Honor.

9 THE COURT: All right. Redirect?

10 MR. SARABIA: Thank you.

11 REDIRECT EXAMINATION

12 BY MR. SARABIA:

13 Q. And, Ms. Carlson, around the time of
14 August 28, August 29th, 2014, Mr. Michailos asked you if
15 you called law enforcement when you weren't able to
16 reach Miss Brown. Did you have other things going on in
17 your life as well?

18 A. Yes. I was going to her house, but my
19 daughter called me with an emergency, so I went home.

20 Q. Okay. And that kind of took your attention
21 elsewhere and you had deal with that situation?

22 A. Yeah.

23 Q. Okay. And then once Megan's vehicle was gone,
24 were you a little less concerned?

25 A. No. I talked to her that morning. She said

1 she had to get --

2 Q. Wait, wait, wait, wait.

3 MR. VIZCARRA: Objection, Judge.

4 Q. (By Mr. Sarabia) I'm not getting into that,
5 but --

6 MR. SARABIA: I'll withdraw that question.

7 Q. (By Mr. Sarabia) But also had you had contact
8 with law enforcement on August 28th, in the morning that
9 prompted you to call Miss Brown?

10 A. No. Well, yes, yes.

11 Q. A deputy came?

12 A. A police officer walked in and I called Megan.

13 Q. So you were aware that law enforcement was
14 involved?

15 A. Correct.

16 MR. SARABIA: Okay. I don't have any more
17 questions, Judge.

18 THE COURT: All right. Ms. Carlson, thank you
19 very much. You may step down.

20 Is Ms. Carlson released from her subpoena?

21 MR. SARABIA: We'd ask that she remain on
22 standby, Judge. I'm going to go speak with her.

23 THE COURT: Okay. That's fine.

24 State, call your next witness.

25 MR. LAWHORNE: Mike Unsworth.

1 THE COURT: Unsworth?

2 MR. LAWHORNE: Unsworth.

3 THE COURT: Okay. Mike Unsworth.

4 Good morning, Mr. Unsworth. If you could step
5 to the podium right there. Raise your right hand
6 and be sworn by my clerk.

7 MICHAEL UNSWORTH,

8 a witness herein, being first duly sworn, was examined
9 and testified as follows:

10 THE COURT: All right. Sir, if you can go
11 ahead and take a seat in the witness stand. And
12 speak in a loud and clear voice for me. Okay?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Thank you.

15 State, you may proceed.

16 MR. LAWHORNE: Thank you, Judge. Counsel.

17 DIRECT EXAMINATION

18 BY MR. LAWHORNE:

19 Q. Good morning.

20 A. Good morning.

21 Q. Would you please introduce yourself to the
22 jury.

23 A. My name is Michael Unsworth.

24 Q. And could you spell your last for the court
25 reporter?

1 A. U-n-s-w-o-r-t-h.

2 Q. Mr. Unsworth, where do you live?

3 A. I live in Beacon Woods in Hudson.

4 Q. And what do you do for a living?

5 A. Underground utilities, directional drilling.

6 Q. And does your job require a lot of traveling?

7 A. Yes, it does.

8 Q. When you travel, are you gone for extended
9 periods of time?

10 A. Yes, I am.

11 Q. So let's go back to 2014. Let's talk about
12 the end of August, beginning of September. The week of
13 August 24th, 24th would have been a Monday, of 2014, do
14 you recall where you were?

15 A. I was in Pennsylvania.

16 Q. And were you there for that entire week?

17 A. Yes.

18 Q. Were you also in Pennsylvania for the next
19 week?

20 A. Yes.

21 Q. And did you come back in town on
22 September 5th?

23 A. Yes.

24 Q. Okay. Now, did you know a man by the name of
25 Nicholas Leonard?

1 A. Yes, I did.

2 Q. And how did you know Nicholas Leonard?

3 A. Him and I were good friends for the last 18,
4 19 years.

5 Q. Do you remember how you met him?

6 A. Through a mutual friend. He had a hauling
7 company at the time, and my mother purchased a new home
8 and we were doing some cleaning on it, and he came over
9 and cleaned the stuff out of it.

10 Q. And where do you live in relation to where
11 Nicholas Leonard resides?

12 A. Walking distance, within three minutes. I
13 lived on the next street. Both of our houses backed up
14 to Fivey Road.

15 Q. Okay. So you lived a very close distance to
16 where he lived in 2014?

17 A. Yes.

18 Q. Now, do you recall the last time you spoke to
19 Nick Leonard?

20 A. Yes, I do.

21 Q. And when was that?

22 A. That was the 28th of August.

23 Q. And the 28th of August, is that a Thursday?

24 A. Yes, it is.

25 Q. Okay. And what was the general nature of your

1 phone call to Mr. Leonard?

2 A. I was out of town. He called me up and he
3 said he had some issues, a girl that he had been dating,
4 her ex-boyfriend had come to the house and broken in and
5 held her at knifepoint and that he was possibly going to
6 go over there.

7 Q. Okay. So when you spoke to him about this,
8 did he seem concerned?

9 A. Yes, he did.

10 Q. All right. You've spoken to him -- and like
11 you said, you've known him, what, 17, 18 years?

12 A. Yes.

13 Q. -- numerous times over that time period and
14 are familiar with his general demeanor?

15 A. Yes.

16 Q. How did you know that he was concerned on this
17 particular phone call?

18 A. Well, he knows my schedule and he's calling me
19 during work hours. We generally just don't call each
20 other throughout the week to chitchat. You know, I'd
21 come in town and we'd hang out and things like that, and
22 him calling me and asking me about it and speaking to me
23 about it, for one.

24 Q. Just the fact that that phone call happened
25 when it did was unusual?

1 A. Yes.

2 Q. And indicated some concern?

3 A. Yes.

4 Q. When you spoke to him, did the words that he
5 used and the sound of his voice indicate he was
6 concerned?

7 A. Yes.

8 Q. And did he indicate that he was going to be
9 going over to Megan's house?

10 A. Yes. He said he was going to go over there
11 and possibly stay over.

12 Q. And did you ask him if he was going to be
13 taking anything with him?

14 A. Yes, I did.

15 Q. And when you asked that question, what were
16 you referring to?

17 A. I was referring to a handgun that I had sold
18 him.

19 Q. And this handgun, is it a handgun that you
20 purchased yourself?

21 A. Yes, it is.

22 Q. Did you buy it from Ol' Time Gun Shop in
23 Hudson?

24 A. Yes, I did.

25 MR. LAWHORNE: Your Honor, may I have just one

1 moment?

2 THE COURT: You may.

3 MR. LAWHORNE: And may I approach the witness?

4 THE COURT: You may.

5 Q. (By Mr. Lawhorne) I'm handing you what's been
6 previously entered into evidence as State's 219. We've
7 also got some gloves here if you need to put on.

8 Once you get the gloves on, would you remove that
9 item and tell us what that is?

10 A. A Kel-Tec pistol.

11 Q. And does that appear to be the same firearm
12 that you purchased from Ol' Time Gun Shop and
13 subsequently sold to Nick Leonard?

14 A. Yes, it is.

15 Q. Now, do you recall when you bought the gun
16 from Ol' Time Gun Shop?

17 A. I'd say somewhere in May.

18 Q. May of what year?

19 A. Of 2011.

20 Q. And if I show you the paperwork from that
21 transaction, would that help you figure out the exact
22 date?

23 A. Yes.

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

25 THE COURT: You may.

1 THE WITNESS: May, 2012. In May.

2 Q. (By Mr. Lawhorne) I'm sorry. What did you
3 say?

4 A. 2012 of May. May, 2012.

5 Q. And do you recall approximately when you sold
6 the firearm to Nicholas Leonard?

7 A. Probably about six months after I purchased
8 it.

9 Q. Okay. So somewhere around the end of 2012,
10 roughly?

11 A. Uh-huh.

12 Q. Okay. And just for the record "uh-huh" means
13 yes?

14 A. Yes.

15 Q. Okay. Sorry. She's typing everything down
16 and uh-huh and uh-uh look the same when they're typed
17 out.

18 And so when you asked Nick if he was taking
19 anything with him, did he indicate that he was taking
20 that particular firearm with him?

21 A. Yes, he did.

22 Q. And his reason was for protection?

23 A. Yes.

24 Q. Now, did you also call Nicholas Leonard on the
25 29th, which would be a Friday, the day after you spoke

1 to him?

2 A. Yes, I did.

3 Q. And did you get him on the telephone?

4 A. No, I didn't.

5 Q. Now, in the past, when you called Mr. Leonard,
6 does he normally return your phone calls?

7 A. Yes, he does.

8 Q. Does he always return your phone calls?

9 A. Yes, he does.

10 Q. So him not returning your phone call was
11 unusual?

12 A. Yes. Yes, it was unusual.

13 Q. Okay. Now, you continued to be in
14 Pennsylvania throughout the next week?

15 A. Yes.

16 Q. And when you spoke to Mr. Leonard on the 28th,
17 did you make plans for the following Friday,
18 September 5th?

19 A. Yes, I did. The 7th was my wife's birthday.

20 Q. And what were your plans just in general?

21 A. We were just going to cook some food at the
22 house and hang out.

23 Q. Were you all going to do that on the 6th?

24 A. Yes.

25 Q. Okay. So did you come back in town on the

1 5th, you said?

2 A. Yes.

3 Q. And did you call Mr. Leonard on the 5th?

4 A. Yes, I did.

5 Q. And did you get him on the telephone at that
6 point?

7 A. No, I did not.

8 Q. And you didn't get him on the phone on the
9 29th, and one week later you didn't get him on the 5th,
10 and you said you hadn't heard from that after 29th phone
11 call?

12 A. Correct.

13 Q. Did that cause you to be concerned?

14 A. Yes, it did.

15 Q. So what did you do at that point?

16 A. So the 6th, when we were setting up for the
17 barbecue and, you know, going to back and forth to
18 Publix, after I couldn't get in touch with him, my wife
19 had called me and asked if something happened to him,
20 and I said I didn't know, so that's when I called his
21 mother.

22 Q. And is that when you found out that he had
23 been murdered?

24 A. Yes.

25 Q. Now, are you familiar with the vehicle that

1 Nicholas Leonard drove at the time?

2 A. Yes, I am.

3 Q. If I showed you a picture of it, would you
4 recognize it?

5 A. Yes, I would.

6 MR. LAWHORNE: Your Honor, may I approach the
7 witness again?

8 THE COURT: You may.

9 Q. (By Mr. Lawhorne) Now, I'm showing you what's
10 previously been introduced into evidence as State's 238,
11 439, 438 and 239. Do these appear to be images of
12 Nicholas Leonard's vehicle? Feel free to look at them.
13 You can take your gloves off.

14 A. Yes. That is his truck.

15 Q. And I believe you said this is Nicholas
16 Leonard's truck?

17 A. That is his truck.

18 Q. And earlier today did you have an opportunity
19 to listen to a portion of a 911 call made by Nicholas
20 Leonard on August 28th?

21 A. Yes, I did.

22 Q. And the voice on that phone call, did you
23 recognize it?

24 A. Yes, I did.

25 Q. And is that, in fact, Nicholas Leonard's voice

1 on the telephone call?

2 A. Yes, it is.

3 MR. LAWHORNE: Thank you, Judge. We have no
4 further questions.

5 THE COURT: Cross?

6 MR. MICHAÏLOS: No questions, Judge.

7 THE COURT: All right. Sir, you may step
8 down. Is he released from his subpoena?

9 MR. LAWHORNE: He is.

10 THE COURT: Defense, any objection?

11 MR. MICHAÏLOS: No, Your Honor.

12 THE COURT: Sir, you're released from your
13 subpoena. Thank you very much. You're free to go.

14 MR. LABRUZZO: Judge, may we approach?

15 THE COURT: You may.

16 (Bench Conference.)

17 MR. LABRUZZO: Judge, we have three witnesses
18 outside. They're ready to go.

19 THE COURT: Okay.

20 MR. LABRUZZO: They're relatively short in
21 nature. They all involve Wawa.

22 THE COURT: Okay.

23 MR. LABRUZZO: We will need five to six
24 minutes to set up the video, because there's a
25 video involved, and it would be easier if the jury

1 wasn't here as we're disconnecting the computer and
2 reconnecting it.

3 THE COURT: Okay. I'll have them use the
4 restroom. And then I'll tell them we're trying to
5 get through three more witnesses before we take
6 lunch, but we need a minute to get the
7 audio/visual. Is everybody okay with that?

8 MR. MICHAÏLOS: Yes, Judge.

9 THE COURT: All right. Okay.

10 (Open court.)

11 THE COURT: Ladies and gentlemen, I'm going to
12 have you step into the jury room to use the
13 restroom. We have three quick witnesses, but we
14 need video to do it, and the State needs a few
15 minutes to put it together. So it will be a great
16 time for you all to take a bathroom break.

17 So as soon as we're done with those three
18 witnesses, we're going to break for lunch. So it
19 won't be a long time when you get back. Okay?

20 No talking about the case.

21 THE BAILIFF: The jury is out of the hearing
22 of the Court, Your Honor.

23 THE COURT: All right. If he needs to use the
24 restroom, he can go ahead. I'm going to step
25 downstairs. I'll be right back.

1 (Recess Taken.)

2 THE COURT: All right. Are we ready to go?

3 MR. LABRUZZO: We are just about ready to go,
4 Judge. I just need to make sure I have everything
5 lined up so we can move quickly.

6 I am, Judge. Judge, the State's ready.

7 THE COURT: All right. Defense, are you
8 ready?

9 MR. MICHALOS: Yes.

10 THE COURT: All right. Bring the jury back in
11 if they're ready.

12 THE BAILIFF: Yes, Your Honor.

13 THE COURT: They just need a few more moments?

14 THE BAILIFF: There's one in the bathroom.

15 THE COURT: All right.

16 THE BAILIFF: Jury entering the hearing of the
17 Court, Your Honor.

18 THE COURT: Thank you.

19 (Jury Present.)

20 THE BAILIFF: All jurors present and seated.

21 THE COURT: All right. State, are you ready
22 to proceed?

23 MR. LABRUZZO: We are, Your Honor.

24 THE COURT: All right. Call your next
25 witness.

1 MR. LABRUZZO: Your Honor, the State would
2 call Michelle Kidder.

3 THE COURT: All right. Michelle Kidder.

4 Good morning, Ms. Kidder. If you want to come
5 on up and stand next to the podium for me. If you
6 can raise your right hand and be sworn by my clerk.

7 MICHELLE KIDDER,

8 a witness herein, being first duly sworn, was examined
9 and testified as follows:

10 THE COURT: All right. Please have a seat in
11 the witness stand over here. Speak in a loud and
12 clear voice for me. Okay?

13 THE WITNESS: All right.

14 THE COURT: Thank you.

15 State, you may proceed.

16 MR. LABRUZZO: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. LABRUZZO:

19 Q. Good morning, ma'am. Could you please turn to
20 the ladies and gentlemen of the jury and introduce
21 yourself by stating your name.

22 A. My name is Michelle Kidder.

23 Q. And, Ms. Kidder, where do you live?

24 A. Port Richey.

25 Q. All right. And how long have you lived in

1 Port Richey?

2 A. About 11 years.

3 Q. All right. Are you currently employed?

4 A. No. Unemployed.

5 Q. All right. And at a time prior to today, were
6 you employed and working for Wawa?

7 A. Yes.

8 Q. All right. What did you do for Wawa?

9 A. I started out as a customer service associate
10 and became a deli manager.

11 Q. And just so we're clear, what kind of store is
12 Wawa?

13 A. A convenience store/deli, we also have gas.

14 Q. All right. And how long did you work for
15 Wawa?

16 A. Almost four years.

17 Q. And to the best of your recollection, when did
18 you start working for Wawa and when did you end?

19 A. I started in 2001 -- end of 2000, beginning of
20 2001.

21 Q. All right.

22 A. And left there in 2004.

23 Q. All right. Well, let me ask you this
24 question: Were you working there back in 2014, within
25 the last few years?

1 A. I'm sorry. I meant 2010 to 2015.

2 Q. Okay. A little nervous today?

3 A. Yes.

4 Q. Have you ever testified before?

5 A. No.

6 Q. Okay. Well, let me just ask you some
7 questions about Wawa in general. You kind of mentioned
8 it's a convenience and more. Do they have cash
9 registers and electronic devices for payment?

10 A. Yes.

11 Q. All right. So if someone needs to pay with a
12 credit card, they have that?

13 A. Yes.

14 Q. As part of the record-keeping at Wawa, do they
15 also have video surveillance?

16 A. Yes.

17 Q. All right. And in your position with Wawa,
18 were you familiar with the video surveillance systems at
19 the Wawa that you worked at?

20 A. Yes.

21 Q. And I imagine that they have cameras to catch
22 all the important angles within the store?

23 A. It covers pretty much every inch of the store
24 except the bathrooms.

25 Q. And as an employee at the store, you were

1 aware that those existed?

2 A. Yes.

3 Q. And you actually had an opportunity from time
4 to time to see the videos that were collected, right?

5 A. Yes.

6 Q. What store did you work at in 2014?

7 A. I worked at 5115. It's at 54 and 19.

8 Q. So the store number is 5115?

9 A. Yes.

10 Q. And the actual physical location is where?

11 A. 54 and 19.

12 Q. Okay. Here in Pasco County?

13 A. Yes.

14 Q. And during your time with Wawa, did you always
15 work at that store?

16 A. The majority of the time. Once in a while we
17 would switch other stores to help them out, go to other
18 locations.

19 Q. Let's talk about that for a second. Is the
20 hours of Wawa, is it a 24-hour store?

21 A. Yes.

22 Q. So if a store wanted to put on some sort of
23 event for its employees, they would have to have
24 employees from another store come fill in?

25 A. Yes.

1 Q. Okay. And is that what you're referring to?

2 A. Yes.

3 Q. And did you actually do that?

4 A. Yes.

5 Q. And I'd like to focus your attention to a
6 particular date where you may have done that. All
7 right. Do you recall working on the August 28th of
8 2014?

9 A. Yes. I was working at the store on 19 and
10 Ridge.

11 Q. All right.

12 A. They were having a picnic for their staff. It
13 was the yearly gratitude parties. Each store does a
14 different one.

15 Q. Okay.

16 A. And the three surrounding stores in our area
17 would cover that store when they left.

18 Q. Okay. So some employees from your store, some
19 employees from other stores would come together to help
20 out?

21 A. To help out with shifts, yes.

22 Q. Okay. And during your time with Wawa, did you
23 do that regularly?

24 A. Probably about twice a year.

25 Q. And how is it that you got selected to go to

1 that store?

2 A. Availability, and I was going up for
3 management at that time at my store.

4 Q. So this was a position or an opportunity to
5 improve yourself as a good employee?

6 A. Yes.

7 Q. All right. At your home store, did you work
8 with a female by the name of Margaret Brown?

9 A. Yes. We knew her as Maggie.

10 Q. Okay. So you knew her as Maggie, but if I
11 refer to her as Ms. Brown, we're talking about the same
12 person?

13 A. Yes.

14 Q. All right. How long had you known Ms. Brown?

15 A. A couple of months.

16 Q. Okay. And to your knowledge, she worked at
17 Wawa?

18 A. Yes.

19 Q. And what was her role at Wawa?

20 A. She was our cashier.

21 Q. All right. And did you have knowledge of
22 whether or not she had worked at a previous Wawa?

23 A. As far as I knew she was a transfer. She came
24 from Jersey.

25 Q. Okay. A transfer from another store?

1 A. Yes.

2 Q. All right. And was Ms. Brown selected to go
3 with you to the store on 19 and Ridge?

4 A. Yes.

5 Q. To work on that fill-in date on August 28th of
6 2014?

7 A. Yes.

8 Q. Do you recall what that shift was?

9 A. 3:00 to 11:00.

10 Q. All right. 3:00 P.M. to 11:00 P.M.?

11 A. Yes.

12 Q. All right. Is there a name for that?

13 A. Second shift.

14 Q. All right. And during that shift, did she
15 actually show up for work?

16 A. Yes.

17 Q. And you remember seeing her in the store?

18 A. Yes.

19 Q. During the time that she was in the store,
20 what job did she perform inside the store?

21 A. Cashier in front, and basically clean up your
22 area where you're at, and the register.

23 Q. All right. And during that timeframe what was
24 your job in the store?

25 A. I was in the deli.

1 Q. All right. Is it fair to say they're in the
2 same store but just different areas?

3 A. Yes.

4 Q. Back in 2014, did Wawa have a particular dress
5 code for their employees?

6 A. Khaki or black pants, and a logo with red or
7 black shirt.

8 Q. All right. And those would be available to
9 employees if they need to purchase them or Wawa would
10 actually give them to you?

11 A. At the start you get some. If you need to
12 purchase extra, you can.

13 Q. All right. I'd like to show you what's been
14 previously introduced as State's Exhibits 289 and 290.
15 Okay. I want you to just kind of look at these two
16 photographs. Do you recognize generally what this
17 photograph is displaying?

18 A. A Wawa's employee T-shirt.

19 Q. Okay. Those are Wawa employee T-shirts.

20 And would you agree with me that State's Exhibit
21 290 has the Wawa logo on it?

22 A. Yes.

23 Q. Okay. Did your shift end at 11:00 P.M. on
24 August the 28th of 2014?

25 A. A few minutes after; but, yes.

1 Q. You were in the deli. Did you have to clean
2 up a little bit?

3 A. When the shift takes over, the deli is a high
4 volume area, so I just give a rundown and let them know
5 what I'm doing, where I left at before I left.

6 Q. All right. And did you see whether or not
7 Ms. Brown ended her shift?

8 A. We wore walking headsets. She did say goodbye
9 before she unplugged hers, so I knew she was leaving.

10 Q. All right. You guys were work friends,
11 correct?

12 A. Yes.

13 Q. And this again is the store on 19 and Ridge,
14 correct?

15 A. Correct.

16 Q. All right. I'd like to move forward one day
17 in time to August the 28th of 2014. Were you scheduled
18 to work that day?

19 A. Yes. I was supposed to be at my store at 54
20 and 19, 3:00 to midnight.

21 Q. All right. And that's the store that
22 Ms. Brown worked at as well too?

23 A. Yes.

24 Q. To your knowledge, did Ms. Brown -- was she
25 scheduled to work that day, August the 29th of 2014?

1 A. She was scheduled. I believe she was in after
2 me. I think she was working 4:00 to midnight, but she
3 was scheduled to work that day.

4 Q. All right. And to your knowledge, during your
5 shift, did Ms. Brown show up for work?

6 A. No.

7 Q. During the time that you knew Ms. Brown and
8 worked with Ms. Brown, was that something that she would
9 normally do, not show up for a shift?

10 A. She never no-called, no-show ever.

11 Q. You say, "no-called, no-show," what does that
12 mean?

13 A. Didn't call in advance to let us know she
14 wasn't going to make it.

15 Q. And then not show up for work?

16 A. Yes.

17 Q. Let's go forward to another day and time,
18 August the 30th of 2014. All right. Were you scheduled
19 to work that day as well?

20 A. I believe so.

21 Q. And do you know whether or not Ms. Brown was
22 scheduled to work that day?

23 A. I'm not positive. I know we still hadn't
24 heard from her.

25 Q. Okay.

1 A. And the management was still trying to get
2 ahold of her from not showing up the day before.

3 Q. Okay. And to your knowledge, did she ever
4 call or show up at the Wawa at your store ever again?

5 A. No.

6 MR. LABRUZZO: All right. May I have a
7 moment, Your Honor?

8 THE COURT: You may.

9 MR. LABRUZZO: Thank you, Ms. Kidder. I have
10 no further questions for you.

11 THE COURT: Cross?

12 MS. GARRETT: No questions, Your Honor.

13 THE COURT: All right. Ms. Kidder, thank you
14 very much. You may step down.

15 Is she released from her subpoena?

16 MR. LABRUZZO: She is, Your Honor.

17 THE COURT: All right. Defense, any
18 objection?

19 MR. MICHAÏLOS: No, Your Honor.

20 THE COURT: All right. Ma'am, you're released
21 from your subpoena. Thank you.

22 Call your next witness.

23 MR. LABRUZZO: Your Honor, the State would
24 call Natalya Casson.

25 THE COURT: Ms. Casson, if you can step up to

1 the podium for me. Stop right there. Raise your
2 right hand and be sworn by my clerk.

3 NATALYA CASSON,
4 a witness herein, being first duly sworn, was examined
5 and testified as follows:

6 THE COURT: All right. Ma'am, if you can have
7 a seat in the witness stand here. And speak in a
8 loud and clear voice for me. Okay?

9 THE WITNESS: Yes.

10 THE COURT: There's a microphone in front of
11 you. So just try to speak right into it. Okay?

12 THE WITNESS: This one?

13 THE COURT: Yes.

14 State, you may proceed.

15 DIRECT EXAMINATION

16 BY MR. LABRUZZO:

17 Q. Good afternoon, ma'am. Could you please turn
18 to the ladies and gentlemen of the jury and introduce
19 yourself by stating your name.

20 A. Natalya, N-a-t-a-l-y-a. Casson, C-a-s-s-o-n.

21 Q. All right. Ms. Casson, and where do you live?

22 A. I live in New Port Richey.

23 Q. All right. How long have you lived in New
24 Port Richey?

25 A. For about seven years, eight years.

1 Q. All right. And are you currently employed?

2 A. Yes.

3 Q. And where do you work?

4 A. At Wawa on Ridge and Little.

5 Q. On Ridge and Little?

6 A. Yes.

7 Q. Just right near the courthouse?

8 A. Yes.

9 Q. About how long have you worked at Wawa?

10 A. I'm going there five years.

11 Q. All right. How long has that Wawa been there?

12 A. Almost five years.

13 Q. All right. Are you an original employee of
14 that store?

15 A. Yes, I am.

16 Q. Okay. And I assume based on that that you
17 worked at that Wawa during the timeframe of 2014?

18 A. Yes.

19 Q. And what kind of job duties do you perform at
20 Wawa?

21 A. I'm a shift manager. So I'm responsible for
22 my shift when I'm in the store.

23 Q. Okay. From time to time do you work the cash
24 register?

25 A. Yes. Cash register; the deli; anything that

1 customers need help, I'm there to help them.

2 Q. All right. I'd like to focus your attention
3 back to a specific day in 2014, August the 28th. Do you
4 recall working on that day?

5 A. Yes, I do.

6 Q. All right. You told us that you work at the
7 store over here on Ridge and Little. But on that day,
8 August the 28th of 2014, were you working at a different
9 store?

10 A. Yes, I had.

11 Q. Tell us about how that came to be.

12 A. I volunteered to work at 08, which is a
13 different store, for that day to help out, and I was
14 there with people that came in from different stores.

15 Q. All right. Do you recall the location of that
16 store?

17 A. Yes.

18 Q. Where was it?

19 A. It's on Ridge and 19 by Walmart.

20 Q. Okay. And did you work in that shift with
21 another employee from your store?

22 A. Yes, I had.

23 Q. And who was that?

24 A. Anne Gaul.

25 Q. Anne Gaul.

1 Okay. And were there other employees inside that
2 store that came from different stores?

3 A. Yes.

4 Q. And do you recall what time your shift
5 started?

6 A. Yes.

7 Q. When did it start?

8 A. 2:00 P.M. to 11:00 P.M.

9 Q. To 11:00 P.M.?

10 A. Yes.

11 Q. And is that the shift that you actually
12 worked?

13 A. Yes.

14 Q. During that shift did you have an opportunity
15 to meet someone who introduced themselves as Margaret
16 Brown?

17 A. Yes.

18 Q. Was this the first time you met Ms. Brown?

19 A. I had. That's my first time, yes.

20 Q. And she worked just the same shift that you
21 did?

22 A. Yes. We all volunteered and she was there
23 with us.

24 Q. All right. She came from a different store as
25 well?

1 A. Yes.

2 Q. All right. During that time in 2014, was
3 there a specific dress code that Wawa had for its
4 employees?

5 A. Yes. Always.

6 Q. Can you tell us what that is?

7 A. Black pants, and they gave you a red shirt --
8 if not red, it would be black -- and an apron with a
9 hat.

10 Q. Okay. I'm showing you what's been previously
11 introduced as State's Exhibits 289 and 290. Do you
12 recognize what's being shown in this photograph?

13 A. Yes.

14 Q. All right. What is it?

15 A. A Wawa shirt with a Wawa logo and it's red.

16 Q. Okay. Thank you, ma'am.

17 A. Thank you.

18 Q. You've worked there for quite a while and
19 you're a shift manager. Are you aware that Wawa has
20 video surveillance inside the store?

21 A. Of course.

22 Q. Is that something employees are told and they
23 know about?

24 A. Yes.

25 Q. Are there video surveillance inside of the

1 store?

2 A. Of course.

3 Q. How about in the back area where management

4 may be?

5 A. Yes.

6 Q. How about video surveillance on the exterior

7 of the store?

8 A. Always.

9 Q. And as part of that video surveillance, there
10 is a time associated with the video; is that correct?

11 A. Of course.

12 Q. And you've seen that before?

13 A. Yes.

14 Q. All right. Ms. Casson, have you had an
15 opportunity to view videos of the store that you worked
16 at back on August the 28th of 2014?

17 A. Yes.

18 Q. All right. And do you see yourself in the
19 videos?

20 A. Yes.

21 Q. Okay. And do you see Ms. Brown in the videos?

22 A. Yes.

23 Q. And do you see your friend that you indicated
24 Ms. Anne Marie Gaul?

25 A. Yes. She was there.

1 Q. Fair to say that the videos fairly and
2 accurately display the events that happened inside the
3 store?

4 A. Of course, yes.

5 Q. Okay. During your shift, did you work the
6 cash register on that day?

7 A. Yes, I had. Yep, from 2:00 to 11:00, I was in
8 charge of our cash registers, so ringing people up.

9 Q. All right. And if an employee wants to buy
10 something in the store, can they buy something as well?

11 A. Yes. They give us a discount. So if we
12 purchase something, they'll give us a discount with a
13 little key, and we just ring you up with the discount
14 and that's it, you pay for your food and you go.

15 Q. Upon watching the videos from August the 28th
16 of 2014, did you see yourself completing an employee
17 transaction?

18 A. Yes, I have.

19 Q. And was that with Ms. Brown?

20 A. Yes.

21 MR. LABRUZZO: All right. For the record,
22 Your Honor, I've shown Defense and the witness
23 State's Exhibit 16 for identification.

24 Judge, I ask that the witness be allowed to
25 step down so that we can discuss this video.

1 THE COURT: Okay. Yes, ma'am. You can step
2 down. Are we going to keep the video where it is
3 right now?

4 MR. LABRUZZO: I guess we could do that.
5 We'll just keep it there.

6 Q. (By Mr. Labruzzo) Ma'am, so you can have a
7 seat. We'll just keep it right here. Can you see the
8 monitor from where you're sitting?

9 A. Yes.

10 Q. Okay.

11 THE COURT: If she needs to step down and
12 point, she can do that.

13 MR. LABRUZZO: Okay. And, Judge, just for the
14 record, I'm going to ask to move in State's
15 Exhibit 16, as the next item of evidence.

16 THE COURT: Any objection?

17 MR. MICHAÏLOS: No, Your Honor.

18 THE COURT: All right. 16 will be in
19 evidence.

20 Q. (By Mr. Labruzzo) And so, Ms. Casson, I'm
21 going to ask you to look at the monitor over here and
22 kind of just describe what this area is.

23 A. That's a counter where you ring customers up,
24 and that's the cash register where I stand and ring
25 customers up for their purchases.

1 Q. Okay. And I know it's really small, but I'm
2 going to ask you to come down with me for a second. I'm
3 going to ask you to identify the time located on -- to
4 the best of your ability. And you can get right up on
5 it.

6 A. 4:51.

7 Q. Okay. 4:51 P.M.?

8 A. Yes.

9 Q. And that's during your shift?

10 A. Yes.

11 Q. All right. Thank you, ma'am. You can have a
12 seat.

13 MR. LABRUZZO: All right. You can go ahead
14 and hit play for me, please.

15 Q. (By Mr. Labruzzo) Now, I'm going to let it
16 play for a minute. Is that you walking up?

17 A. Yes, it is.

18 Q. Is that you with the black hat?

19 A. Yes, it is.

20 Q. And what are you wearing?

21 A. My black shirt and a black hat, and you can
22 see my tattoos.

23 Q. Okay. You have the same tattoos that you have
24 here today, right?

25 A. Yes.

1 Q. You also see your hair?

2 A. Yes.

3 Q. Okay. And at the time that you're in this
4 video, you're helping a customer; is that correct?

5 A. That's correct, yes. Ringing him up.

6 Q. Okay. And then there's someone, I guess, in
7 line. Who is that?

8 A. Maggie.

9 Q. That was Maggie?

10 A. Yes.

11 Q. Okay. And we're saying "Maggie," because
12 that's how you knew her, correct?

13 A. Yes.

14 Q. If I refer to her Ms. Brown, we're referring
15 to the same person?

16 A. Yeah. Everybody called her Maggie; so, yes.

17 Q. Okay.

18 MR. LABRUZZO: If you can go ahead and hit
19 play.

20 Q. (By Mr. Labruzzo) Is she handing you that
21 employee identification card?

22 A. Uh-huh. Yes.

23 Q. Okay. Is the transaction complete at that
24 time?

25 A. Yes.

1 Q. Okay. Ma'am, as you watched that video, did
2 she pay with a credit card?

3 A. Yes, she had. She did, yes.

4 Q. Okay. All right. And, ma'am, you agree with
5 me this is during your shift; is that correct?

6 A. Yes.

7 Q. You've also had an opportunity to look at the
8 videos that came at the end of your shift; is that
9 correct?

10 A. Yes.

11 Q. And the same questions. Did the videos at the
12 end of the shift, do they accurately depict the things
13 that happened in the store towards the end of your
14 shift?

15 A. Yes.

16 Q. And what time did you say your shift ended
17 that day?

18 A. Eleven.

19 Q. All right. And how soon after did it take you
20 to get your stuff ready to go?

21 A. Like five minutes, not even. Five, six
22 minutes. After I clock out, then I go outside and I
23 just talk to my coworkers for a little bit and I go
24 home.

25 Q. Ma'am, are you a smoker?

1 A. Sometimes.

2 Q. All right.

3 A. It depends on the day.

4 Q. All right. Can you smoke inside the store?

5 A. No.

6 Q. So if you're an employee and you want to
7 smoke, you have to go outside?

8 A. Yes, of course.

9 Q. Fair to say that some of the video show you
10 and another employee outside?

11 A. Yes. Anne.

12 Q. Okay. Ms. Casson, I'm going to show what's
13 been marked State's Exhibit 18. It's that video towards
14 the end of your shift. Do you see your initials on
15 there?

16 A. Yes.

17 Q. Okay. Now, this is a video of the end of your
18 shift, correct?

19 A. Yes.

20 MR. LABRUZZO: Your Honor, at this time the
21 State would seek to admit State's Exhibit 18 as the
22 next item of evidence?

23 THE COURT: Any objection?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: 18 will be in.

1 MR. LABRUZZO: Just give me a moment to get it
2 all queued up.

3 Q. (By Mr. Labruzzo) Ma'am, would you agree with
4 me that in the video that we looked at, State's
5 Exhibits 16, that in the video the person you refer to
6 as Maggie, she's wearing a red employee shirt?

7 A. Yes.

8 Q. All right. Okay. One second. All right,
9 ma'am.

10 Ms. Casson, I'm going to ask you to step down, and
11 at least as to the timestamp at the bottom here, it's
12 hard to see on the white floor, but can you read the
13 timestamp that's here?

14 A. Yes. 11:03.

15 Q. All right. Thank you, ma'am. And that was
16 towards the end of your shift or at the end of your
17 shift?

18 A. Yes.

19 Q. All right. What area are we looking at here
20 of the store?

21 A. The front when you come in or when you leave.
22 So the front and the door.

23 Q. All right. We're going to go to a specific
24 time. We're just going to let it play here for a minute
25 or so.

1 And this is the door that exits to the outside; is
2 that correct?

3 A. Yes.

4 Q. Just one moment, ma'am. We're going to try a
5 different angle in one second, ma'am.

6 Do you recognize the area that's being shown here
7 in this?

8 A. Yes. It's the gas pumps, and that's in the
9 front when you walk in the store.

10 Q. I'm just going to let it play for a minute.

11 All right. I appreciate your patience.

12 All right. Ms. Casson, I'm going to ask you to
13 look at the screen. And do you see someone who is
14 coming out of the store?

15 A. Yes. Maggie.

16 Q. And who is that?

17 A. Maggie.

18 Q. Maggie. Ms. Brown?

19 A. Yes.

20 Q. That's the front of the store, correct?

21 A. Yes. The door is right there and you come out
22 this way, yes.

23 Q. All right. And she's kind of walking along
24 the front of the store?

25 A. Yes.

1 Q. All right. And if you could, ma'am, I'm just
2 going to ask you to step down with me just one real
3 quick second.

4 I'm going to ask you to read the timestamp on the
5 bottom. And you can get right in front of me if you
6 want to make sure.

7 A. 11:10:31:59 P.M.

8 Q. Okay. 11:10 and 31 seconds P.M.

9 All right. Ma'am, what we've done here is we've
10 changed the angle of one of the side cameras. Okay?

11 A. Okay.

12 Q. Do you recognize the two people that are in
13 the video here?

14 A. Yes. My myself and my coworker Anne.

15 Q. All right. I'm going to point and I want you
16 to tell me who we're talking about here. Who is this?

17 A. Myself.

18 Q. And who is that?

19 A. My coworker Anne.

20 Q. Okay. We're going to let it play for a
21 minute.

22 All right. Ms. Casson, who is that that walked
23 into the screen?

24 A. Ms. Brown.

25 Q. Okay. And if she had followed from the last

1 path --

2 A. Yes.

3 Q. -- she would have led you right here?

4 A. Yes.

5 Q. The direction in which she's walking to,
6 what's over there?

7 A. Her vehicle.

8 Q. Okay. From where you were sitting, could you
9 see Ms. Brown get into her vehicle?

10 A. Yes, you can.

11 Q. Do you recall the make or at least the color
12 of her vehicle?

13 A. It's a minivan and it's a white or a silver.

14 Q. Okay.

15 A. And the way she took off, there was something
16 wrong.

17 Q. All right.

18 A. The way she went in her car, reversed and took
19 off, I knew something was going on.

20 Q. All right. It sounded a little off to you?

21 A. Yeah.

22 Q. Okay.

23 A. And I just looked at my coworker and said, "I
24 hope everything is okay." That's it. That was the last
25 time.

1 MR. LABRUZZO: Hit play.

2 Q. (By Mr. Labruzzo) I'm just going to ask you to
3 watch the monitor here, and I'll pause it here in a
4 second.

5 All right. Ms. Casson, do you see the vehicle that
6 entered the view of the camera?

7 A. Yes.

8 Q. And whose vehicle was that?

9 A. It was Ms. Brown's.

10 Q. Okay. You were able to watch her get into the
11 vehicle?

12 A. Yes.

13 Q. All right. Ma'am, again for the last time
14 today I'm going to step down with me. And if you could,
15 read the timestamp on this video?

16 A. 11:11:43:36 P.M.

17 Q. All right. 11:11 P.M. All right, Ms. Casson.

18 MR. LABRUZZO: For the record, I'm going to
19 show Defense counsel what's been marked as State's
20 Exhibit 17, and 507 through 512.

21 Q. (By Mr. Labruzzo) All right. Ma'am, I would
22 like you to take a minute to look at all these
23 photographs, if you could.

24 All right, ma'am. Are those photographs still
25 images or photographs of the videos that you looked at

1 in this case?

2 A. Yes.

3 MR. LABRUZZO: Your Honor, at this time the
4 State would seek to admit State's Exhibits 17, and
5 then 507 through 511.

6 THE COURT: Any objection?

7 MR. MICHAÏLOS: No, Your Honor.

8 THE COURT: All right. 17 will come in. And
9 507 through 512?

10 MR. LABRUZZO: 512. Forgive me. They're not
11 in order.

12 Thank you, ma'am. I have no further
13 questions.

14 THE WITNESS: Thank you.

15 THE COURT: Hold on. Hold on one more second.
16 Sorry. The other side might have a question or
17 two. I've got to ask.

18 Any questions?

19 MS. GARRETT: No questions, Your Honor.

20 THE COURT: Now you get to go.

21 All right. Thank you, ma'am, for coming in.

22 Is she released from her subpoena?

23 MR. LABRUZZO: She is, Your Honor.

24 THE COURT: All right. Ma'am, you're free to
25 go and you're released from your subpoena.

1 THE WITNESS: Thank you.

2 THE COURT: State, call your next witness.

3 MR. LABRUZZO: Your Honor, the State would
4 call Anne Gaul.

5 THE COURT: Is it G-o-l-d?

6 MR. LABRUZZO: No, Your Honor. It's
7 G-a-u-l-d, [sic].

8 THE COURT: Thank you. Gauld.

9 Ms. Gauld, if you want to step up to the
10 podium right here. If you can turn and raise your
11 right hand and be sworn by my clerk.

12 ANNE GAUL,

13 a witness herein, being first duly sworn, was examined
14 and testified as follows:

15 THE COURT: All right. Please take the
16 witness stand. And speak in a loud and clear voice
17 for me. Okay? There's a microphone there.

18 THE WITNESS: Okay.

19 THE COURT: Thank you, ma'am.

20 DIRECT EXAMINATION

21 BY MR. LABRUZZO:

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

25 A. My name is Anne Gaul.

1 Q. And, ma'am, where do you work?

2 A. Wawa.

3 Q. And how long have you worked there?

4 A. Almost five years.

5 Q. And which store do you work at?

6 A. 5109, right at Ridge and Little Road.

7 Q. Right near the courthouse, correct?

8 A. Yes.

9 Q. And have you worked the entire time at that
10 store?

11 A. Yes.

12 Q. All right. And what are your duties at Wawa?

13 A. I am working mainly in the smoothy area, but I
14 am able to work any position in the store.

15 Q. Okay. And I'd like to focus your attention
16 back to August 28th of 2014. Do you remember working on
17 that night?

18 A. Yes, sir.

19 Q. And what store were you working at?

20 A. 5108, which is at the intersection of 19 and
21 Ridge.

22 Q. All right. And that's not your normal store?

23 A. No, sir.

24 Q. And how is it that you came to work at that
25 store?

1 A. Their store was having a store function, so
2 other people were brought in to cover from other stores.

3 Q. Okay. And from your store who was there?

4 A. Natalya Casson and myself.

5 Q. And do you recall what your shift was? Like
6 the time? When it started? When it ended?

7 A. We worked 3:00 to 11:00 that evening.

8 Q. All right. And did you work with other
9 members from another store?

10 A. Yes.

11 Q. And do you recall meeting an individual who
12 introduced herself as Margaret Brown?

13 A. Yes.

14 Q. Did she introduce herself by a different name?

15 A. Maggie.

16 Q. Okay. Was that the first time that you met
17 Maggie?

18 A. Yes.

19 Q. And she worked the shift with you?

20 A. Yes, sir.

21 Q. And did she work the same shift, meaning she
22 would have got off at the same time?

23 A. Yes, sir.

24 Q. And at the end of your shift, is there
25 something that maybe you ritualistically do as far as --

1 A. I'm a smoker, so the first thing I do when I
2 get off a shift is go outside to smoke a cigarette.

3 Q. All right. And do you recall doing that on
4 August the 28th of 2014?

5 A. Yes, sir.

6 Q. In fact, have you had an opportunity to view
7 the video surveillance from the store that you worked
8 at?

9 A. Yes, sir.

10 Q. And did you see yourself in the video
11 surveillance today?

12 A. Yes, sir.

13 Q. And did you see Natalya?

14 A. Yes, sir.

15 Q. Did you also see Margaret Brown?

16 A. Yes.

17 Q. All right. I'm going to ask, ma'am, that you
18 look over on the video, if you can see it from there.

19 MR. LABRUZZO: And just for the record, we're
20 talking about State's Exhibit 18.

21 Q. (By Mr. Labruzzo) All right, ma'am. I'm going
22 to go ahead and let it play and I'll stop it and ask you
23 to comment in a second.

24 Ma'am, do you recognize that person?

25 A. I can't see very well.

1 Q. All right. If you've got step down, put on
2 your glasses, whatever helps.

3 Let me ask you this way: Is that you?

4 A. Yes, I do believe that might be me.

5 Q. Well, let me do this: Let's go to --

6 A. It's not a very clear picture.

7 Q. And I understand. Let's go to the side view.

8 A. That's me sitting down.

9 Q. Okay. All right. And just so we're clear,
10 I'm going to point and I want you to identify who you
11 are. Is that you?

12 A. That is me.

13 Q. And who's that?

14 A. Natalya.

15 Q. Okay. In this area, can you describe the area
16 that's shown here in the video?

17 A. Off to this side over here is the McDonald's,
18 and on the other side is our store, and I'm facing the
19 front of the store.

20 Q. All right. And is there also parking in that
21 area?

22 A. Yes, sir.

23 Q. All right. Ma'am, what are you doing in this
24 video?

25 A. Just leaning down smoking a cigarette talking

1 to Natalya about our shift after work.

2 Q. Okay. And at the end of your shift, did
3 Ms. Brown leave around the same time that you did?

4 A. Yes, sir. Shortly after we did.

5 Q. All right. And do you recall seeing her leave
6 the store?

7 A. Yes, sir. She walked past us, while we were
8 sitting out there, she walked past us, said, "Have a
9 nice day. It was nice working with you. Nice meeting
10 you. Hopefully we'll work together again."

11 Q. Okay. And then what did she do after that?

12 A. She proceeded to go to her vehicle, get in her
13 vehicle and pull out.

14 Q. All right. Now, I'm going to ask you to watch
15 the video here in a second.

16 MR. LABRUZZO: Pause.

17 Q. (By Mr. Labruzzo) Who is that, ma'am?

18 A. That would be Margaret.

19 Q. Okay. Kind of that's when she was giving you
20 the goodbyes?

21 A. It is. Yes, "It was nice working with you.
22 Nice meeting you. Hopefully we'll work together again
23 sometime."

24 Q. Okay. And you were able from where you were
25 sitting to see her get into her vehicle?

1 A. Yes, sir. That would be the headlights to her
2 vehicle right there (indicating).

3 Q. Okay. And is that the vehicle?

4 A. That is the vehicle that she got into and left
5 in.

6 Q. Okay.

7 MR. LABRUZZO: One moment.

8 Q. (By Mr. Labruzzo) All right. Ma'am, the angle
9 here you said is the side of the store, correct?

10 A. Yes, sir.

11 Q. Earlier I showed you kind of the front of the
12 store area?

13 A. Yes, sir.

14 Q. And there's video cameras out there as well?

15 A. Yes, sir.

16 Q. If you were going to exit the store and walk
17 down this way, would you come out the store and turn
18 left?

19 A. Yes, sir.

20 Q. All right. This view right here?

21 A. Yes, sir.

22 Q. Okay.

23 A. You would be walking this way to get to the
24 McDonald's side of the store.

25 Q. And when Ms. Brown exited the store, she would

1 have to come out that way?

2 A. Yes, sir.

3 Q. Okay. I'm going to show you what's been
4 marked as State's Exhibit 19. Would you agree with me
5 that's a still shot of the front of the store?

6 A. Yes, sir.

7 Q. And do you see Ms. Brown in this?

8 A. Yes, sir.

9 MR. LABRUZZO: At this time, Your Honor, the
10 State would seek to admit State's Exhibit 19?

11 THE COURT: Any objection?

12 MR. MICHAÏLOS: No.

13 THE COURT: 19 will be in evidence.

14 MR. LABRUZZO: Thank you, ma'am. I don't have
15 any questions for you, but someone else might.
16 Okay?

17 THE COURT: Defense, any questions?

18 MR. VIZCARRA: No questions, Your Honor.

19 THE COURT: All right. Ms. Gauld, you're good
20 to go. You can step down.

21 Is she released from her subpoena?

22 MR. LABRUZZO: Yes, Your Honor.

23 THE COURT: Defense, any objection?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: All right, ma'am. You're free to

1 go, and you're released from your subpoena. Okay?
2 Thank you very much.

3 Can I have the lawyers at the bench briefly.
4 (Bench Conference.)

5 THE COURT: All right. We're going to take an
6 hour for lunch. Will you have your witnesses ready
7 when we get back at 1:30?

8 MR. LABRUZZO: Yes, Judge.

9 THE COURT: 1:45 actually we'll come back.
10 Okay?

11 MR. MICHAIILOS: Yes, Judge.

12 (Open Court.)

13 THE COURT: Ladies and gentlemen, at this time
14 we're going to go ahead and put your notes away,
15 and we'll give you back your cellphones.

16 We're going to let you go to lunch. We'll
17 have you come back downstairs in the jury pool room
18 at 1:45. It's now 12:35, so maybe an hour and 10
19 minutes.

20 Again, no texting, tweeting, blogging, looking
21 at, talking about the case. And we'll see you back
22 after lunch. Okay?

23 THE BAILIFF: The jury is out of the hearing
24 of the Court, Your Honor.

25 THE COURT: All right. Anything we need to

1 address before lunch? No?

2 MR. LABRUZZO: No.

3 THE COURT: All right. We'll see you all back

4 at 1:45.

5 (Recess Taken.)

6

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(CONTINUED IN VOLUME VIII.)

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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

MARIA A. FORTNER, RPR