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**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION**

STATE OF FLORIDA,

PLAINTIFF,

vs.

JOHN DOBBS,

DEFENDANT./

CASE NUMBER: 48-2006-CF-15201

DIVISION NUMBER: 16

VOLUME III OF VI



COPY

TRIAL PROCEEDINGS

BEFORE

THE HONORABLE LISA T. MUNYON

In the Orange County Courthouse
Courtroom 10D
Orlando, Florida 32801
February 27, 2007
Rebecca Ruiz

A P P E A R A N C E S:

KIM LASKOFF AND DEBORAH BARRA

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On behalf of the State

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Assistant Public Defender
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Orlando, Florida 32801
On behalf of the Defendant

1

I N D E X

2	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
3	Justin Idle	249	263	273	277
4	Phillip Westfall	284	300	306	
5	Susan Mears	319	339	348	353
6	Allison Wright	355	359	365	366
7	Herbert Mercado	372	381	385	386
8	Dorinda Blaney	387	390		
9	Chandra Gabriel	391	398		
10	Jillian White	399	415	423	424

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P R O C E E D I N G S

THE COURT: We have all of our jurors. Let the record reflect that counsel for each party is present as is the defendant as he has been throughout.

State, do you recognize the presence of the jury selected to try this matter?

MS. LASKOFF: Yes, Your Honor.

THE COURT: Defense, do you?

MS. CHIEN: Yes, Your Honor.

THE COURT: Ladies and gentlemen, I apologize for the late start. I do typically like to start on time, but the other matter that I was handling deserved a full and uninterrupted hearing this morning.

State, you may call your next witness.

MS. BARRA: Thank you, Your Honor. At this time the State calls Justin Idle.

Thereupon,

JUSTIN IDLE

was called as a witness and, having first been duly sworn, testified as follows:

MS. BARRA: May it please the Court.

THE COURT: You may inquire.

MS. BARRA: Thank you, Your Honor.

DIRECT EXAMINATION

1 **BY MS. BARRA:**

2 **Q** Good morning, sir.

3 **A** Morning.

4 **Q** Could you please state your name and spell your
5 last name.

6 **A** Justin Idle, I-D-L-E.

7 **Q** Mr. Idle, on October 25th, 2006, where were you
8 employed?

9 **A** Dollhouse.

10 **Q** And what was your title and your duties on that
11 day?

12 **A** As a floor man we have a lot of duties to keep the
13 girls secure. Also clear the parking lot at the end of the
14 evening, keep the floors clean.

15 **Q** When you clear the parking lot at the end of the
16 evening, does this happen right after the lights come on?

17 **A** Yes.

18 **Q** And do you usher everybody out?

19 **A** Yes.

20 **Q** On that night on October 25th, 2006, do you recall
21 who, what individuals were kind of last to leave on that
22 occasion?

23 **A** There was actually a lot of individuals asked to
24 leave. Every time we close at the end of the evening there
25 is always a bunch of people that try to stay later so we

1 have to usher everybody out at the same time.

2 **Q** And is that what occurred on that day that night,
3 early morning?

4 **A** Yes.

5 **Q** When you got out in the parking lot, what are your
6 duties once you're in the parking lot and once everybody is
7 out of the club?

8 **A** Once everybody is out of the building, we actually
9 walk around the entire parking lot to make sure there is
10 nobody inside any vehicles.

11 **Q** And why do you do that?

12 **A** That way nobody can come up and run up and injure
13 one of the girls or injure one of us behind our back or
14 anything.

15 **Q** When you were doing that, did you notice
16 individuals in their vehicle?

17 **A** On that evening?

18 **Q** Yes.

19 **A** No.

20 **Q** Did anything unusual happen that evening?

21 **A** Later that evening, yes.

22 **Q** Okay. That is what we were are getting at. Later
23 that evening, what kind of caught your attention?

24 **A** As I walked out and I walked around the parking
25 lot and I came in between two vehicles, there was -- started

1 some words being said back and forth.

2 **Q** Words between who?

3 **A** Actually I don't know. Are they here? There was
4 four gentlemen in one vehicle and then there was a gentleman
5 and a lady in the other vehicle.

6 **Q** Okay. Just for identification purposes, the four
7 gentlemen in one vehicle, what was their nationality or
8 their race?

9 **A** I really don't know.

10 **Q** Okay.

11 **A** Yeah.

12 **Q** And you said that there was a gentleman and a
13 woman in another vehicle?

14 **A** Uh-huh.

15 **Q** Do you know what that vehicle was that they were
16 in?

17 **A** No, I do not. It was just -- it was a light
18 colored car is all I remember.

19 **Q** And there were words going back and forth. Were
20 the words going back and forth between all four of the
21 gentlemen who were in one party or did it seem --

22 **A** It seemed like maybe one or two of the individuals
23 said something in regards to the gentleman had to walk out
24 with security because he was a pussy is all I can really
25 recall is what was said.

1 **Q** So they were -- members of the group of four were
2 saying something to the other gentleman regarding that they
3 had, that that gentleman had to walk out with security?

4 **A** Yes.

5 **Q** Are you in a security type clothes or does
6 anything say security on it?

7 **A** No, tuxedo.

8 **Q** Okay. But I guess people just assumed that you
9 were security?

10 **A** Yes. They assume you are the bouncer there.

11 **Q** Okay. So what was his response to them saying
12 that to him?

13 **A** Umm, he said he doesn't need anybody to back him
14 up.

15 **Q** Where is he when he is saying that?

16 **A** He's standing at the driver's side of the door at
17 his vehicle. The door is open and he's standing right at
18 the driver's side.

19 **Q** Now, prior to this taking place, had you told him
20 to leave the area?

21 **A** Every time we walk out of the building we say,
22 okay, we need everybody to leave the parking lot.

23 **Q** And is that like a group yell to the whole lot?

24 **A** That is just, yeah, that's the first time we say
25 something.

1 **Q** What was the second time or if any time did you
2 tell that particular person to leave?

3 **A** At the point when I walked around the vehicles and
4 I came up in between the vehicles and the gentleman was
5 standing there and they were yelling back and forth, I again
6 said, okay, we need everybody off the lot. Then when they
7 started yelling, I said okay, this isn't gonna happen here,
8 and for the third time I told them they have to leave the
9 lot.

10 **Q** The third time that you told them, is that the
11 time where he was standing in the door?

12 **A** Yes.

13 **Q** Of his vehicle?

14 **A** Yes.

15 **Q** And how close were you to him when you told him to
16 get off the lot?

17 **A** I was about one parking space away from the
18 passenger side of his vehicle.

19 **Q** Did you yell it at him?

20 **A** No.

21 **Q** Did he give you any indication that he had heard
22 you?

23 **A** Umm, no, didn't acknowledge me really.

24 **Q** What happened next, did he get into his vehicle?

25 **A** No. He -- from what I remember, he stood there

1 beside his vehicle then the, some of the other gentlemen
2 began to continue yelling. I can't recall what they were
3 yelling but slowly walked toward his vehicle. Then it
4 looked like there was going to be a fight, so I told my
5 security, my other security guy Leo to go call police, at
6 which time when I turned back around, they were fist
7 fighting.

8 **Q** Did it appear that all four of those individuals
9 were going, moving towards him?

10 **A** At least three of them.

11 **Q** At what point did you turn your head? How close
12 were the people to each other?

13 **A** Still like at least four parking spaces away.

14 **Q** So they are four parking spots away. You turn
15 your head. When you look back, people are fighting?

16 **A** Yes.

17 **Q** And who, or I guess how many did you see fighting?

18 **A** At the beginning I only saw the two. One, the
19 gentleman, Mr. Dobbs, and as well as one of the other
20 gentlemen. I can't recall which one.

21 **Q** What were the other gentlemen doing, the other
22 three doing when just these two were fighting?

23 **A** They -- when I turned around, the first two
24 gentlemen were in a fight. They were continuing to walk
25 toward him. That was it. And they were saying something.

1 I don't recall.

2 Q Okay. Now, at any occasion did -- now, right now
3 we have two people fighting?

4 A Uh-huh.

5 Q Any occasion did somebody else join the fight?

6 A Not that I recall.

7 Q That you saw?

8 A Not that I recall.

9 Q What was the next thing that you recall happening?

10 A When they -- when I turned around and saw them
11 fighting, I tried to yell to get them to stop at which time
12 they weren't stopping, so I proceeded to run in and I had --
13 I turned around to look to see if Leo, my security guard was
14 inside yet and then I believe I turned around again and then
15 one of the gentlemen was hitting one of the other gentlemen
16 with something, and then I believe at that point one of the
17 guys were injured.

18 Q Okay.

19 A There was a cut on somebody's face. They were
20 cut, obviously, with -- some sharp instrument was being used
21 to injure the four gentlemen. At which time everybody was
22 involved.

23 Q I am gonna kind of slow you down with exactly what
24 you just said. Now you see there are two guys fighting.
25 You yell at them and say break it up?

1 **A** Yep.

2 **Q** And then it becomes clear to you that they are not
3 breaking it up?

4 **A** Yes.

5 **Q** So at that point that's when you turn to go
6 inside?

7 **A** Yes.

8 **Q** Did you actually go inside Thee Dollhouse?

9 **A** No. At that point I did not.

10 **Q** Okay. How long do you think your back was turned
11 to the fight when it was happening between the two guys?

12 **A** I couldn't tell you. It was a very brief period
13 of time, maybe, you know, ten seconds, 15 seconds, something
14 like that. Just to kind of look around and see what was
15 going on outside, other than what they were doing.

16 **Q** And then when you turned back around, were -- what
17 did you see then?

18 **A** Umm, that's when everybody was kind of gathered
19 around the fight, and then that is at the point where he was
20 hitting them with something.

21 **Q** When you say he, you are referring to which
22 person?

23 **A** Mr. Dobbs, I believe.

24 **Q** Okay. Would you be able to recognize Mr. Dobbs if
25 you saw him again?

1 **A** Probably not.

2 **Q** How do you know that it was Mr. Dobbs?

3 **A** It was the gentleman that was in the vehicle. I
4 don't know if that's exactly who he is or not. It is the
5 gentleman that was in the vehicle with the girl.

6 **Q** Okay. So the person who you believe is Mr. Dobbs
7 was hitting them with something?

8 **A** Yes.

9 **Q** Could you tell what that was?

10 **A** No. Never could see it.

11 **Q** Where was the object that he was hitting them
12 with?

13 **A** It was inside of his hand but I could not see
14 exactly, you know, what it was or what it consisted of.

15 **Q** Describe the manner in which he held his hand.

16 **A** His hand was closed. He was closed fist and
17 whenever he would -- I recall when he had come up and
18 attacked one of the gentlemen, he had actually put his hand
19 around him into his chest and then hit him this way, flat
20 handed into his chest.

21 **Q** So a sideways hit like this?

22 **A** Yes. Yes.

23 **Q** Rather than straight on?

24 **A** Yes.

25 **Q** Could you tell if that had caused any damage to

1 the person that he had hit?

2 **A** Just after he had moved back, the gentleman had
3 grabbed his chest and began to stumble. That is all. At
4 that point I knew something was a lot more intense than what
5 we were -- than it was a fist fight, so I ran inside at that
6 point to get the police.

7 **Q** Now, at this point where there was -- did you see
8 blood at that point?

9 **A** I believe one of the gentlemen's face was cut at
10 that point, yes, but I didn't see that actually happen.

11 **Q** All right. At this point right here, is it still
12 one-on-one?

13 **A** No. It was more of a group, like, at that point.
14 They were surrounding the individual and everybody was
15 trying to, you know, stop him from doing this.

16 **Q** Now, you said that they were trying to stop him
17 from doing this. Why do you say that that's what they were
18 trying to do?

19 **MS. VICKERS:** I'm gonna object. This is
20 speculation.

21 **THE COURT:** Overruled. If he can testify from his
22 own observations.

23 **THE WITNESS:** Umm, that he, umm -- I can't really
24 say that they were trying to stop the individual from
25 doing harm. I know that they were just trying to -- it

1 was still a fight and they were trying to basically,
2 you know, win I guess.

3 **BY MS. BARRA:**

4 **Q** Okay. So at this point they start engaging in
5 this guy?

6 **A** Yes. And everybody was taking shots at the
7 gentleman.

8 **Q** Did you see anybody hit the gentleman?

9 **A** I saw one of the four individuals actually, when
10 they were surrounding, one of them snuck up behind him and
11 actually hit him in the throat, you know, with his hand, but
12 I can't recall. He wasn't using any weapon that I saw. It
13 was just his hand. It wasn't like a punch.

14 **Q** Can you recall if that caused any blood on the --

15 **A** Not that I recall. No.

16 **Q** When that individual got involved with the fight,
17 was it after there was blood on the other guy?

18 **A** One of the other gentlemen at that point had
19 already had blood on him, yes.

20 **Q** And where was -- you indicated earlier that he had
21 hit somebody from behind and made kind of like a slashing
22 motion on that individual. Where did he go, was he still
23 involved in this fight?

24 **A** Umm, at that point he was kind of stumbling
25 around. He was stumbling around holding on to his chest.

1 He really wasn't that coherent.

2 Q And is that the time when the other people jumped
3 into the fight?

4 A Yes. It was never like everybody just like jumped
5 on top of him and everybody was surrounding him and each guy
6 was taking a shot at him trying to stop it.

7 Q Did you ever see two people trying to attack
8 Mr. Dobbs?

9 A At the same time, not that I saw.

10 Q What happened next?

11 A I had ran inside at that point to make sure the
12 police were being called. At that point I had met up with
13 Leo at the front door, and I had ran inside and I told the
14 management what was going on and he had to get the police
15 out there. They still weren't aware of what was going on at
16 this point.

17 Q When you came back outside from doing that, what
18 was the scene like then? Was there still a fight going on?

19 A No, actually everybody had fled the scene, but the
20 one gentleman was still like kind of staggering around and I
21 believe he fell on one of his other friends, but Mr. Dobbs,
22 I believe, and the girl had already fled the scene.

23 Q So when you said everyone fled the scene, it was
24 Mr. Dobbs and the female?

25 A Yes. Yes.

1 **Q** And then the four other guys, were they still
2 there on scene?

3 **A** Yes.

4 **Q** Do you recall how long it took for the police to
5 arrive from --

6 **A** No.

7 **Q** -- when you initially saw what was going on?

8 **A** Yeah, I really can't recall how long the time
9 frame that was involved.

10 **Q** When you went back out there, what did you do?

11 **A** At that point I had kneeled down to -- he was
12 laying on the ground at that point so his shirt was then
13 opened. I had waved one of the other gentlemen to open up
14 his shirt and there was somebody helping us at that point.
15 I do remember who the gentleman was, and he was basically
16 laying on the ground dying. So I ran inside once again to
17 get some water and then I brought out some water and some,
18 you know, large bar towels to kind of clean him up and see
19 what was happening. Then the guy that was helping us at
20 that point and I were rubbing his cheeks. He said he needed
21 more water, so I ran in and went to get more water and by
22 that time when I came back out, that's when the paramedics
23 were there.

24 **Q** Prior to the paramedics arriving, could you see
25 the wounds that were on him?

1 **A** Not clearly. There was a lot of blood.

2 **Q** And once the paramedics arrived, did they pretty
3 much take over everything and that was that?

4 **A** Yes.

5 **MS. BARRA:** Thank you, Your Honor. May I have a
6 moment?

7 **THE COURT:** You may.

8 **BY MS. BARRA:**

9 **Q** Sir, just a couple other questions. At any point
10 did you see the defendant display a weapon?

11 **A** Mr. Dobbs? No, I did not see him display a
12 weapon, not that I could see as a weapon.

13 **Q** Did he ever say anything in regards to back off, I
14 have a knife, or anything like that?

15 **A** Not that I recall.

16 **Q** Okay.

17 **MS. BARRA:** Thank you. I have no further
18 questions.

19 **THE COURT:** Cross-examination?

20 **MS. VICKERS:** Thank you.

21 **CROSS-EXAMINATION**

22 **BY MS. VICKERS:**

23 **Q** Good morning, Mr. Idle.

24 **A** Good morning.

25 **Q** How are you?

1 **A** Good.

2 **Q** I am just gonna move this so I have a clear line
3 of sight to you. Mr. Idle, I want to ask you some questions
4 about the setup of the parking lot and where the cars were,
5 and where the fight took place. If I showed you a picture
6 of that, would that assist you in explaining to the jury
7 where everything was?

8 **A** Yes.

9 **MS. VICKERS:** May I approach?

10 **BY MS. VICKERS:**

11 **Q** Now, if for any reason you can't see this, because
12 I need to make sure the jury can see it, you can step down
13 and we can talk about it. I don't know if everybody on the
14 jury can see that. Is it easier if you step down?

15 **A** I can lean up here.

16 **Q** That's fine. Now, when you were walking out of
17 the club, you weren't specifically ushering anyone out, were
18 you?

19 **A** No.

20 **Q** You are just trying to say everybody get in your
21 car?

22 **A** Yes.

23 **Q** And to your knowledge, there were no problems
24 inside the club?

25 **A** No.

1 **Q** All right. Now, when you walk out from the club,
2 did you notice where the group of four men -- where were
3 they headed?

4 **A** Well, everybody -- when we walk outside the club,
5 you can't see it in this picture, but the entrance to the
6 club is back this way. That's actually the corner of the
7 building in the back.

8 **Q** Okay.

9 **A** Everybody kind of generally walks in between the
10 building and there's like a median out there.

11 **Q** Is that where the canopy is?

12 **A** Yes, the canopy is. And everybody generally walks
13 between the building and that. When they walk out towards
14 the parking lot, we walk around the other side and walk
15 around the vehicles because there's another parking lot on
16 the other side of that median. So we make sure that there
17 is nobody in any of those vehicles.

18 **Q** Now, the canopy, it is not fully covered, is it?

19 **A** No, just the top.

20 **Q** So you are able to see through?

21 **A** You can see there's a gate around it, but you can
22 see through it.

23 **Q** It is like a short wrought iron gate?

24 **A** Yes.

25 **Q** Now, in the bottom picture, this would be like --

1 the club would be back this way, and the canopy would be off
2 this way?

3 **A** The club would be on this side right here. This
4 is the club, so everybody generally walks out this
5 direction.

6 **Q** Okay. Straight out through here and for the
7 record, I am --

8 **A** Yes, because where these lines end is actually
9 where our entrance canopy to the club is.

10 **Q** Okay.

11 **A** So they walk --

12 **Q** From left to right?

13 **A** They would actually walk right when they get to
14 the end of the little canopy.

15 **Q** And is that -- do you know would that be west,
16 north, south, east?

17 **A** I believe it would be west.

18 **Q** Okay. So, do you know which -- could you tell
19 where the group of four were headed as they are walking out?

20 **A** Their vehicle was parked out in this area. I
21 don't remember exactly which.

22 **Q** Kind of like adjacent to the club?

23 **A** Yes, pretty much to the adjacent to the rear of
24 the club.

25 **Q** So if they had walked straight out through the

1 route that you say everybody walks, their vehicle would be
2 --

3 **A** Out in that area.

4 **Q** Out in this area? Okay. Near across from where
5 the orange cone is in that picture?

6 **A** Yes, roughly behind that, somewhere in that area.

7 **Q** And the black male and black female, did you see
8 which direction they were headed?

9 **A** Generally walked out in the same direction because
10 the valet stands on the other side of that, on the side of
11 that median, so --

12 **Q** Did you see where their car was parked?

13 **A** At that point I didn't know where their car was or
14 if it was their car.

15 **Q** When you saw them by the car, where was the car?

16 **A** Their car was parked roughly on the other side of
17 the median, but back here in this line, like right by that
18 median there. Maybe two parking spots in.

19 **Q** So over here?

20 **A** Yes.

21 **Q** So the black male and black female's car would
22 have been right over here?

23 **A** Yes.

24 **Q** And the group of four males car would have been
25 over here?

1 **A** Yes.

2 **Q** Okay. You can sit down for a minute. Now, if the
3 black male and the black female had gotten in the car and
4 left and kind of did a circle and drove back around, would
5 you have seen that happen?

6 **A** It is likely I would have saw it, but I can't
7 guarantee that that didn't happen.

8 **Q** But you didn't see that happen that night?

9 **A** I didn't, no.

10 **Q** All you saw is people walking out to the car?

11 **A** Yes.

12 **Q** And then you saw the black male standing by his
13 car?

14 **A** When I came around the parking lot, yes, that is
15 what I saw.

16 **Q** And how long did it take before, for all of that
17 to happen for you to walk around?

18 **A** Oh, maybe thirty seconds, maybe a minute to walk,
19 you know, just to walk around the outside of the perimeter
20 of the lot.

21 **Q** Okay. And you said that the group of four were
22 shouting at the black male and the black female?

23 **A** At that point, yes.

24 **Q** Okay. And they were saying things, excuse me,
25 like you are a pussy, you need security to walk you out?

1 **A** Yes.

2 **Q** Okay. And that's when the black male was standing
3 by his, the driver's side door?

4 **A** Yes.

5 **Q** Now, you said that three --

6 **A** At least three.

7 **Q** At least three of them started advancing on the
8 black male, black female?

9 **A** They started to walk toward him and continue to
10 yell at him.

11 **Q** And the black male at that point was still
12 standing by his car door?

13 **A** Yes.

14 **Q** Okay. Now, just to clarify, for no reason, were
15 you specifically walking out with the black male or the
16 black female that night?

17 **A** No.

18 **Q** Okay. All right. Now, the fight starts and you
19 didn't see who started this fight, did you?

20 **A** No.

21 **Q** And you never saw any weapons?

22 **A** No. Not at the beginning, never saw anything
23 clear, no.

24 **Q** Okay. And you mentioned on direct that the group
25 of males was trying to win the fight; is that right?

1 **A** Everybody was trying to win the fight I believe.

2 **Q** Okay. But the -- you said after the first person
3 was in the fight, the other three kind of jumped in.

4 **A** It wasn't at that point that I saw them jump in,
5 the point that I saw everybody get involved is after there
6 was already one of the gentlemen seriously injured.

7 **Q** Okay. So there was one point where there was one
8 guy was injured and then the rest of the group were fighting
9 the black male?

10 **A** Yes.

11 **Q** And everybody was throwing punches back and forth,
12 and fighting?

13 **A** Yes.

14 **Q** And then you mentioned that the, one of the group
15 of males, I know it is confusing, because we don't -- you
16 are not sure of names. One of the group of four came up
17 behind the black male and actually hit him in his throat
18 with something?

19 **A** Yeah. His fist, maybe, maybe a ring, maybe a key,
20 something very simple, not like a weapon that I could see of
21 any kind.

22 **Q** But you don't know if it was a ring or a key or he
23 had --

24 **A** Don't know what it was. From that kind of
25 movement it doesn't look like a normal punch, that is not

1 how you would hit somebody normally.

2 **Q** Okay. From what you saw it looked like he hit him
3 with something?

4 **A** Yes.

5 **Q** But you don't know what that object was?

6 **A** No.

7 **Q** Was it dark out there?

8 **A** Yes. Pretty dark.

9 **Q** Now, this fight taking place, you said the three
10 males, at least three of the males advanced towards the
11 black male. So where did the actual fight when you saw it,
12 where was that going on?

13 **A** When -- originally I saw them first fighting, it
14 was like in the black male and female were parked over here,
15 maybe a couple of spaces in. They were parked there and the
16 other guys were parked here. The fight actually occurred
17 about maybe midway. I don't know exactly the distance, but
18 I was in -- when I walked around the vehicles, and I said I
19 walked around the outside, I came around this way and was
20 standing in front the vehicle, Leo, my other door guy was
21 standing behind the vehicle.

22 **Q** Okay.

23 **A** At this point is where the guy was standing, the
24 gentleman, the black male was standing at the door of his
25 vehicle and these guys were over here, and that's when they

1 yelled back and forth and started to advance. At that point
2 when they started to advance, I told Leo to walk back
3 towards, to go call the police. I had walked from the front
4 of their vehicle to the back and when I turned around is
5 when I saw the fist fight.

6 **Q** Okay. Now, the first time you saw them fighting,
7 if you could show us, because I think it is a little clearer
8 on the bottom picture, if you can show us the very first
9 time you noticed anybody fist fighting according to this,
10 would it have been closer to the black male's car over in
11 this area?

12 **A** When I turned around, yes, because they were
13 pretty much directly behind me.

14 **Q** Okay. So it would have been closer to the black
15 male's vehicle where the fight actually started?

16 **A** Yes.

17 **Q** And then -- all right. Strike that. Sorry.
18 All right. You can have a seat, thank you.

19 **MS. VICKERS:** If I can just have a second, Your
20 Honor?

21 **THE COURT:** You may have.

22 **BY MS. VICKERS:**

23 **Q** Now, did you ever notice at one point when the
24 black male was surrounded by the group of four?

25 **A** Yes, I noticed when he was surrounded, yes.

1 **Q** Okay. And did you see any of the men, the group
2 of four, I am sorry, grab the black female or hit her or
3 grab her, throw her?

4 **A** No, I didn't see that.

5 **Q** Okay. Did you -- you were working inside the club
6 primarily that night?

7 **A** Yes.

8 **Q** And did you pay any attention to the group of
9 four, did they seem intoxicated like they were drinking a
10 lot?

11 **A** Yes.

12 **Q** Okay. And do you know who had been at Thee
13 Dollhouse longer, either the group of four males or the
14 black male, black female?

15 **A** Cannot recall that, no.

16 **Q** Okay.

17 **MS. VICKERS:** Nothing further, thank you.

18 **REDIRECT EXAMINATION**

19 **BY MS. BARRA:**

20 **Q** Sir, when you heard one of the group of four yell
21 something along the lines of you are a pussy, you need
22 security to walk you out, what was the defendant's response
23 to that?

24 **A** I don't need anybody to back me up.

25 **Q** And when he was saying that he didn't need anybody

1 to back him up, was he moving towards them?

2 **A** I can't recall at that point.

3 **Q** Was he yelling back at them?

4 **A** Yes.

5 **Q** And was he out of his vehicle when he said that?

6 **A** Yes.

7 **Q** You stated that the group of four, they were
8 walking towards -- well, the three gentlemen were walking
9 towards the one gentleman who made contact with them,
10 correct?

11 **A** Yes.

12 **Q** What type of -- what type of pace were they
13 walking? Were they trying to get over there in a hurry?

14 **A** No.

15 **Q** They were just kind of casually walking over
16 there?

17 **A** Yes.

18 **Q** Then you also mentioned that they were kind of
19 huddled around the fight when the fight was taking place?

20 **A** Yes.

21 **Q** Did that appear to you that they were just
22 watching?

23 **MS. VICKERS:** I am gonna object. This is
24 speculation.

25 **THE COURT:** Sustained.

1 **BY MS. BARRA:**

2 **Q** How long were they standing around before somebody
3 got involved?

4 **A** I can't recall. There was a lot going on.

5 **Q** When they arrived where the fight was taking place
6 --

7 **A** Uh-huh.

8 **Q** -- did anybody immediately jump in?

9 **A** No. Not that I saw.

10 **Q** And I believe you stated it was after that one guy
11 got stabbed that the others went in, correct?

12 **A** Yes. After one of the gentlemen was injured
13 severely, yes, I saw the other gentlemen join in.

14 **Q** Did you -- I know there's a lot going on, but did
15 you see the female get involved with the fight?

16 **A** At one point she had ran up and jumped on the back
17 of one of the individuals, but I don't recall exactly at
18 which point that was.

19 **Q** So she jumped on the back of one of the guys in
20 the group of four?

21 **A** Yes. While they were surrounding Mr. Dobbs, I
22 believe.

23 **Q** So he was just standing there when she jumped on
24 his back?

25 **A** The gentleman that she jumped on his back was,

1 yes, he was, at that time surrounding Mr. Dobbs.

2 Q Did you ever see him strike her?

3 A Not that I saw. No.

4 Q You also said that while they are in the club they
5 appeared to be drinking. Is that a normal thing for people
6 in that club to be doing?

7 A Yes.

8 Q Did they appear anymore intoxicated than anybody
9 else in the club that night?

10 A They were -- they were sitting in our champagne
11 lounge and a little bit unruly, like I had to keep making
12 reference to them to put their shirt on because one of the
13 gentlemen kept taking his shirt off and you can't do that in
14 there. I had to keep making -- so that was kind of a battle
15 with those gentlemen.

16 Q Did they seem violent in any way in the club?

17 A No. They didn't seem violent, no.

18 Q And were they -- when they were walking out, did
19 they appear to be able to walk fine?

20 A Yes. Yes.

21 Q And I believe just for clarification purposes, did
22 you say that it was always just one-on-one, even though
23 other people got involved?

24 A Yes, I never recall everybody like jumping on top
25 of him. Mr. Dobbs, I don't recall that, all I recall is him

1 being surrounded by individuals and each one of them were
2 taking a chance at him.

3 **Q** Is Thee Dollhouse, is that located in Orange
4 County, Florida?

5 **A** I assume so, yes.

6 **Q** Okay. Thank you, sir.

7 **MS. BARRA:** I have no further questions.

8 **THE COURT:** Any recross?

9 **MS. VICKERS:** Yes, Your Honor.

10 **REXCROSS EXAMINATION**

11 **BY MS. VICKERS:**

12 **Q** Do you recall giving a statement to the police in
13 this case?

14 **A** Yes.

15 **Q** And that was like a tape recorded statement that
16 they took?

17 **A** Yes.

18 **Q** And do you remember telling them that as the fight
19 was progressing, that everybody jumped in on it and was
20 throwing punches?

21 **A** Yes.

22 **Q** Okay. So you do remember telling the police that?

23 **A** Yeah. What I was referring to is everybody was
24 surrounding him and taking a shot at him. Not everybody
25 actually jumping on top of him at one time.

1 **Q** So everybody was surrounding him, and, for
2 example, somebody would -- sorry I am not a fighter. One
3 person would step in and the next person, next guy would
4 step in and the next guy, so there wasn't really a break at
5 any point where he didn't have somebody that was kind of
6 advancing on him taking a swing here or there?

7 **A** Okay. I am having trouble understanding the way
8 you put that.

9 **Q** You said that the men had surrounded the black
10 male?

11 **A** Yes.

12 **Q** And you had said that umm, that as the fight was
13 going on, the other gentlemen began to jump in and everybody
14 was throwing punches?

15 **A** Yes.

16 **Q** Okay. So there wasn't a time during the middle of
17 the fight where everybody just stopped punching and
18 Mr. Dobbs walked off and said bye?

19 **A** I never saw that, no, no, no.

20 **Q** So they were pretty much around him at one point
21 or another, at least one of the four was, kind of throwing
22 punches or fighting?

23 **A** There was periods of time where like they were
24 judging like whether or not, like everybody was judging
25 whether or not to hit him because Mr. Dobbs was turning

1 toward each one of them individually, just to, you know,
2 look around to his surroundings, and then everybody was like
3 judging at which time somebody would jump in and take some
4 action, from what I saw.

5 **Q** Did you notice one of the group of four punching
6 Mr. Dobbs in the head?

7 **A** Yes. Well, yeah, he did take punches throughout
8 the fight. I don't recall who or actually which time those
9 were, but yeah, he did take some hits.

10 **Q** And did you ever happen to notice any of the black
11 male's injuries that he had on him while this was going on?

12 **A** No.

13 **Q** Did you notice anything?

14 **A** No, I really couldn't tell of any injuries.

15 **Q** Okay. You are not saying there's not any, you
16 just weren't paying attention?

17 **A** I couldn't see. Yes.

18 **Q** And let me ask you a question, back when everybody
19 was leaving the club, did you have any occasion to notice
20 who left the club first either the group of four males or
21 the black male/female group?

22 **A** No, I did not.

23 **Q** Okay. And you said that once they are out in the
24 parking lot, you said at least three of the four men were
25 advancing towards the black male, black female, they were

1 still yelling about how you are a pussy, you need security?

2 **A** Yes.

3 **Q** Things like that?

4 **A** Yes.

5 **MS. VICKERS:** Okay. Nothing further.

6 **MS. BARRA:** Nothing from the State.

7 **THE COURT:** May this witness be excused?

8 **MS. BARRA:** Yes.

9 **THE COURT:** Defense, may this witness be excused?

10 **MS. VICKERS:** He can be excused to go on about his
11 business, but not excused from the subpoena.

12 **THE COURT:** You remain on standby. You can leave
13 the courthouse. You need to know that someone may need
14 to get in touch with you, including the attorneys.

15 **THE WITNESS:** I am subpoenaed in Indiana tomorrow.
16 I am going to be gone the rest of the week.

17 (Conference at the Bench held on the record.)

18 **THE COURT:** He apparently has another subpoena.

19 **MS. LASKOFF:** He's the victim of a bank robbery in
20 Indiana.

21 **THE COURT:** The federal court subpoena would
22 certainly take jurisdiction over mine.

23 **MS. LASKOFF:** Sure.

24 **MS. VICKERS:** Could I get a requested recess to
25 briefly consult with my client as to whether there is

1 any more questions that need to be asked? He seems to
2 be adamant sitting over there about asking more
3 questions. I just need to review those with him if I
4 can't recall him at a later time. Just five minutes,
5 please.

6 (Whereupon, the following was in open court.)

7 **THE COURT:** Ladies and gentlemen, the attorneys
8 have requested a five minute recess so they can make
9 sure that they are finished with Mr. Idle since he will
10 not be available tomorrow. So I am going to ask that
11 you step into the jury room for five minutes. Do not
12 discuss the case amongst yourselves. Do not let anyone
13 discuss it with you. Leave your pad and pens on the
14 chair. They'll be there when you return.

15 (Jury exits the courtroom.)

16 **THE COURT:** And Mr. Idle, you can step down for a
17 few minutes. I ask that you not leave the floor until
18 the attorneys make sure they are finished with you.
19 Recess for five minutes.

20 (Whereupon a short recess was taken.)

21 **THE COURT:** All right. Ms. Vickers, did you have
22 an opportunity to determine if you are finished with
23 cross-examination of Mr. Idle?

24 **MS. VICKERS:** I did have an opportunity to
25 determine that. I just have two more questions for him,

1 please.

2 **THE COURT:** Then let's bring Mr. Idle back in,
3 please.

4 (Whereupon: Mr. Idle entered the courtroom).

5 **THE COURT:** Mr. Idle, you are still under oath.

6 **THE WITNESS:** Okay.

7 **THE COURT:** Let's bring the jury back in.

8 (Jury enters the courtroom.)

9 **THE COURT:** You may be seated. Ms. Vickers, you
10 may proceed.

11 **MS. VICKERS:** Thank you, Your Honor.

12 **BY MS. VICKERS:**

13 **Q** Now, Mr. Idle, when the yelling was going on back
14 and forth about needing security to walk him out to his car,
15 your impression was just guys being guys, guy talk?

16 **A** Yes.

17 **Q** Okay. And then I want to take you to the part of
18 the fight when we were talking about where the four came up
19 and surrounded the black male?

20 **A** Uh-huh.

21 **Q** At one point when that happened, umm, the black
22 male was kind of on the ground, or kind of squatted down?

23 **A** Squatted down, yes. Kind of like leaned over,
24 more in a defensive position. Not more --

25 **Q** Not like up in a fighting stance?

1 **A** Not like that. More lower than them, so to kind
2 of get a better view of where they are, as he kept looking
3 around at each one of the individuals.

4 **MS. VICKERS:** Okay. Thank you.

5 **THE COURT:** Any additional questions, State?

6 **MS. BARRA:** Very briefly.

7 **BY MS. BARRA:**

8 **Q** Sir, when they said they were yelling you need to
9 walk out with security, were they saying that in a mocking
10 type tone, like making fun of the guy, or was it like a
11 serious threat?

12 **A** More of making fun of him.

13 **MS. BARRA:** Okay. I have no further questions.

14 **THE COURT:** Any additional questions, Ms. Vickers?

15 **MS. VICKERS:** No, Your Honor.

16 **THE COURT:** Thank you. May this witness be
17 excused?

18 **MS. VICKERS:** Yes.

19 **THE COURT:** You are free to go, sir. Thank you.
20 State, call your next witness.

21 **MS. BARRA:** Thank you, Your Honor. The State
22 calls Phillip Westfall.

23 Thereupon,

24 **PHILLIP WESTFALL**

25 was called as a witness and, having first been duly sworn,

1 testified as follows:

2 **DIRECT EXAMINATION**

3 **BY MS. BARRA:**

4 **Q** Good morning, sir.

5 **A** Good morning.

6 **Q** Could you please state your name and spell your
7 last name for the court reporter.

8 **A** Phillip Westfall. W-E-S-T-F-A-L-L.

9 **Q** Sir, on October 25th, 2006, were you working at
10 Thee Dollhouse?

11 **A** Yes.

12 **Q** What was your role at Thee Dollhouse?

13 **A** Valet attendant.

14 **Q** And on that date in question, did something catch
15 your attention that was unusual that night?

16 **A** At the end of the night?

17 **Q** Yeah, at the end of the night.

18 **A** Yes.

19 **Q** Okay. Was it after closing time?

20 **A** Yes.

21 **Q** And what are your duties after closing time, what
22 do you do?

23 **A** I park most of the employees' vehicles, and at the
24 end of the night I pull them up towards the front so they
25 don't have far to walk and that was a cold night and on cold

1 nights, I warm them up.

2 Q And on that night, did you hear somebody
3 screaming?

4 A Yes.

5 Q And who did you hear screaming?

6 A A female.

7 Q Where were you when you heard the screams?

8 A The front of the parking lot.

9 Q Is the front of the parking lot, is that by the
10 door of the Cabaret? I mean, of Thee Dollhouse?

11 A I was in the closest spot to the door of Thee
12 Dollhouse.

13 Q If I showed you a picture of the parking lot and
14 area, do you think that would assist in explaining to the
15 jury where everything was?

16 A Yes.

17 Q Okay. Let me just take a second to set this up.
18 You --

19 MS. BARRA: Your Honor, may I approach the
20 witness?

21 THE COURT: You may.

22 BY MS. BARRA:

23 Q Sir, it is a laser pen, so you can just point it
24 to the screen in helping you describe what happens. For the
25 record, I am going to be showing you photos under State's

1 Exhibit Number 2 and specifically the one I am showing now
2 is C4. Okay. Sir, is that a parking lot of Thee Dollhouse?

3 **A** Yes, ma'am.

4 **Q** When you first heard a female screaming, what
5 direction was she screaming, like where was it coming from?

6 **A** This direction right here.

7 **Q** Was she by a car at the time?

8 **A** Yes.

9 **Q** And did it appear like it was her car, was she
10 over to it, about to get in?

11 **A** She was a passenger.

12 **Q** She was a passenger. Was she actually inside the
13 vehicle or was she outside the vehicle?

14 **A** She was standing outside the vehicle inside an
15 open door.

16 **Q** So the passenger door was open and she was
17 standing in there?

18 **A** Yes.

19 **Q** Do you recall what she was screaming, what she was
20 saying?

21 **MS. CHEN:** Objection, calls for hearsay.

22 **THE COURT:** Approach, please.

23 (Conference at the Bench held on the record.)

24 **MS. BARRA:** I am not using it for the truth of the
25 matter asserted. It is simply why it caught his

1 attention, particularly on that night and why it drew
2 his attention to her.

3 **THE COURT:** What do you expect the answer to be?

4 **MS. BARRA:** I don't know. I don't know if he --
5 what specifically he said.

6 **THE COURT:** If that is the only reason that you're
7 attempting to elicit it, I would think the raised
8 voices were sufficient without the actual words, so
9 sustain the objection.

10 (Whereupon, the following was in open court.)

11 **THE COURT:** Objection is sustained.

12 **BY MS. BARRA:**

13 **Q** Could you tell who she was screaming at or was it
14 just kind of a general scream?

15 **A** She was screaming at the one she was upset at.

16 **Q** Okay. Could you tell -- so, could you tell who
17 she was directing it towards?

18 **A** When I heard the screaming, I was -- there is a
19 line of parking spaces here. I was towards the front of the
20 building up here. She went -- as I heard her scream, I came
21 running back this way to this general area and she was
22 screaming in this direction.

23 **Q** And who was over in that direction?

24 **A** There were four gentlemen by their vehicle right
25 here.

1 **Q** Were they yelling things back?

2 **A** I never heard anybody scream but her.

3 **Q** And who was she with by that vehicle that she was
4 standing in the passenger door of?

5 **A** There was a black gentleman at the driver's side
6 of that vehicle.

7 **Q** And what did the black gentleman at the driver's
8 side of the vehicle do, if anything?

9 **A** Umm, when she was done screaming, there was one
10 gentleman walking in this direction. Their vehicle was
11 parked approximately right there. He came from the driver's
12 side.

13 **Q** Can you use this car as an example?

14 **A** He came from the driver's door around the back of
15 the car to meet the other gentlemen and punched him in the
16 head.

17 **Q** Who punched him in the head?

18 **A** The gentleman that was with the female punched the
19 gentleman who was walking in that direction in the head.

20 **Q** Did he say anything before he punched him in the
21 head?

22 **A** No.

23 **Q** Did they meet before this happened or was this a
24 direct walk up and bam?

25 **A** This gentleman walked over. He came from the

1 driver's side around the back of the vehicle and socked him.

2 Q Socked him?

3 A Punched him in the head.

4 Q Where were the other three individuals when this
5 happened?

6 A Around the silver vehicle, right here.

7 Q What happened after he got hit in the head, was he
8 able to fight the black gentleman?

9 A He half way spun around towards the ground, caught
10 himself with his hands.

11 Q At this time did you notice any blood on him?

12 A At that time, no.

13 Q After he spun around and caught himself, what was
14 the next thing that happened?

15 A The female screamed at him.

16 Q Screamed at the person who was on the ground?

17 A Who was hit. You got knocked out is what she
18 said.

19 MS. CHIEN: Objection, hearsay.

20 THE COURT: Overruled.

21 BY MS. BARRA:

22 Q Was she -- was she screaming this in a mocking
23 type of tone?

24 A She --

25 MS. CHIEN: Objection, speculation.

1 **THE COURT:** Overruled.

2 **THE WITNESS:** She screamed, you got knocked the
3 fuck out.

4 **BY MS. BARRA:**

5 **Q** And what was the black gentleman doing when this
6 happened?

7 **A** Just say the vehicle was here, he was basically
8 standing where he punched the other gentleman.

9 **Q** Now, did he -- did the black gentleman actually
10 have to walk towards the other gentleman? Was it something
11 that they met or did it appear that the, the Hispanic
12 gentleman, came over to him?

13 **A** The gentleman from this car traveled a farther
14 distance to come over to this vehicle.

15 **Q** Did the black gentleman have to travel any
16 distance or was it right at his car?

17 **A** I am going to use this black vehicle as an
18 example. Again, when he came from the driver's side, they
19 met about (indicating).

20 **Q** So approximately how far do you think the black
21 gentleman traveled to meet the guy?

22 **A** From the, this corner of the car, probably
23 10 feet.

24 **Q** Now, after the woman was screaming, you got
25 knocked out, what were the other three guys doing?

1 **A** A second gentlemen from this vehicle, traveled
2 over to the black gentleman.

3 **Q** And what did he do when he got there?

4 **A** He swung at the guy twice, missed both times and
5 the black guy hit him.

6 **Q** Now, when this guy is swinging at the black
7 gentleman, was the other person from that group, the one who
8 just got knocked to the floor, was he up and swinging at the
9 black gentleman too or was it one-on-one?

10 **A** It was one-on-one. The other guy was still in
11 this area getting his wits together.

12 **Q** So he seemed dazed?

13 **A** Yes.

14 **Q** Okay. Now, when the second gentleman comes over,
15 and you stated that the black gentleman hit him as well,
16 correct?

17 **A** Yes.

18 **Q** At that point could you see any blood?

19 **A** At that point I did not notice any.

20 **Q** And what were the other, the remaining two guys
21 doing at this point?

22 **A** They were --

23 **Q** And when I say the two guys, I mean the ones by
24 that car?

25 **A** After this second gentleman got hit, a third one

1 from the silver vehicle was walking over and the female in
2 this vehicle who was still by the passenger door area
3 attacked him.

4 **Q** What do you mean by attacked him?

5 **A** Kind of jumped on his back and was slapping,
6 swinging.

7 **Q** At the time she did this, was he hitting anyone or
8 trying to hit anyone?

9 **A** He was just on his way over.

10 **Q** And you said that he was walking over there. Was
11 he in a hurry to get there? Did it appear like he wanted to
12 get into the fight or was he just casually walking?

13 **A** I don't exactly recall.

14 **Q** Okay. So when she jumped on that gentleman's
15 back, what happened next?

16 **A** I was in fear for her, so I instantly went up to
17 break that altercation up.

18 **Q** Were you able to break that up?

19 **A** Yes.

20 **Q** And how did you break that up?

21 **A** I had a small canister of mace. I informed both
22 of them that I had mace, I would spray them. I was
23 screaming as loud as I could, an affirmative voice and
24 telling them to get back, break it up now, get back to their
25 vehicles or I will mace you and you will be blinded.

1 **Q** And did they comply with that?

2 **A** Yes.

3 **Q** At any point did you see the guy strike the woman?

4 **A** No.

5 **Q** So, when they broke up, where did the woman go and
6 where did the guy go?

7 **A** She went back towards the vehicle and (pause) I
8 believe remained in that area but he did not comply with me
9 and go back to his vehicle.

10 **Q** So he stayed where the fighting was?

11 **A** In the general area, yes.

12 **Q** At what point did you or anybody there start
13 realizing that there was blood?

14 **A** Umm, there was a lot of stuff going on and I was
15 in the middle of everything and defending myself as well as
16 trying to break up the fight. At one point the fourth
17 gentleman in the fight had the black guy by the shirt and
18 was punching him. That was the final thing that I broke up,
19 and somewhere right in there I looked around and saw blood
20 streaming from one guy's face onto his shirt, about chest
21 high, and running down. I saw blood on the other guy's
22 chest and not on his face and just kind of in a thought, I
23 am like to myself, I thought that's a lot of blood for --

24 **MS. CHIEN:** Objection, speculation.

25 **THE COURT:** Overruled.

1 **THE WITNESS:** I thought it is a lot of blood for
2 this -- there weren't many punches thrown -- this much
3 of a fight.

4 **BY MS. BARRA:**

5 **Q** Now you were talking about gentlemen and
6 gentleman. All the gentlemen that you saw with blood on
7 them, were they in the group of four?

8 **A** Yes.

9 **Q** Did the black gentleman appear to have a lot of
10 blood on him?

11 **A** No, ma'am. The only injuries I saw him sustain
12 were the fourth guy that he had him by the back of the shirt
13 and was punching him in the side of the head, but I did not
14 see any blood result from that.

15 **Q** And you stated that you were able to break it up
16 at that point, correct?

17 **A** Yes.

18 **Q** So, when you told them to break it up, did the
19 fourth guy release the black gentleman?

20 **A** Yes, he did. I entered his face, once again,
21 presented the mace to his face and told him to break it up
22 and go to his vehicle.

23 **Q** Okay. So now that the fight is broken up, what
24 happened, where did everybody go?

25 **A** I was in this general area and I am going to use

1 this car as an example again, the passenger door was open.
2 I was about here. Everybody was spread out. The black
3 gentleman was by the back of the car. There was another guy
4 over here and a gentleman walking in this direction from the
5 back of the car. The next thing that happens is when he got
6 here, I turned and looked and he stopped, his right leg
7 wobbled and he fell backwards just like a tree and, with no
8 trying to catch his self or anything.

9 **Q** Did you go to him?

10 **A** I -- yes, I ran to him, put my hand on his head to
11 feel his head. As I looked at him, his eyes rolled back
12 into his head and went left. There wasn't any blood on his
13 face. I looked at his chest and he had two stab wounds in
14 his chest.

15 **Q** Now, which one -- the person that you were holding
16 his head, do you recall what time he entered the fight in?

17 **A** I believe he was the first one over.

18 **Q** Now, when you are holding the back of his head,
19 was everybody, all parties involved in the fight still on
20 the scene at that time?

21 **A** Yes.

22 **Q** Did anybody leave the scene?

23 **A** Yes.

24 **Q** Who left the scene?

25 **A** The black gentleman and the female in the car that

1 was over there.

2 **Q** Was it made known that the police had been called?

3 **A** Yes.

4 **Q** And how was it made known, did somebody yell that?

5 **A** By the very end of the fight, I believe that
6 people had come out the back door and I told them that the
7 police were on their way. I was saying anything I could to
8 stop them, everything.

9 **Q** Did you try to stop the black gentleman from
10 leaving the scene?

11 **A** Well, I was holding the gentleman's head and
12 realized that he had been stabbed. I said out loud, there
13 was a party of people out there. I said out loud, this guy,
14 I said that mother fucker stabbed this guy, stop him.

15 **Q** Do you know where he was, for example, was he in
16 the car when you were saying this or was he still on the way
17 to the car when you said this?

18 **A** Everybody was still outside of the vehicles.

19 **Q** So the black gentleman was still outside the
20 vehicle when you said this?

21 **A** Yes.

22 **Q** And did he stop?

23 **A** No. He ran to the -- jumped in the car, shut the
24 door. As I said, he was stabbed. One of the gentleman from
25 this vehicle came over to him. I ran from this spot to the

1 back, to the driver's door. I was going to mace him so he
2 couldn't drive out of the parking lot.

3 **Q** So you ran to the driver's door of the black
4 gentleman's car?

5 **A** Yes.

6 **Q** And what happened when you got there?

7 **A** The window was up.

8 **Q** Was the car still parked when you got there or was
9 it starting to travel out?

10 **A** It was started and I -- as soon as I realized the
11 window was up, I went to the back of the car. I carry a pen
12 here like this, and I carry valet tickets in my back pocket.
13 And I grabbed one of them to write the tag number down.
14 There was no tag on the vehicle. So I looked to get the
15 make and model, and it was an Acura TL and instantly grabbed
16 my cell phone and dialed 911.

17 **Q** Okay. Sir, I'm showing you what has been marked
18 Composite B, I am sorry, State's Exhibit 3, and I am showing
19 you B3. Is that the vehicle that you saw that night?

20 **A** Yes, ma'am.

21 **Q** And when were you trying to take the tag down, in
22 this spot right here, is that a temporary tag?

23 **A** No, ma'am, I don't believe. I don't believe so.

24 **Q** But you couldn't see that?

25 **A** It's not a Florida temporary tag.

1 **Q** Okay. Now, after you had tried to stop the
2 vehicle you got the make and model of the vehicle. Did you
3 do anything else or did you see somebody else get involved?

4 **A** At the time I was holding the gentleman's head,
5 the valet attendant from across the street had heard me
6 screaming and drove his truck over there to -- he told me
7 that he thought I was in trouble, so he drove his truck over
8 to help me.

9 **Q** Now, he was across the street?

10 **A** Yes, at the Cabaret.

11 **Q** Did he come over to where you were, and did you
12 have a conversation with him?

13 **A** No, he was in his vehicle and when I screamed,
14 stop that guy, he just stabbed this man, he -- and when the
15 vehicle pulled off --

16 **Q** Do you want to see that photo again?

17 **A** I was here. My employee pulled up to about here
18 and came to a screeching stop. When I said go get him,
19 this, this vehicle pulled, there is a little island right
20 there. It is just about two or three feet wide. The
21 vehicle pulled around that and tried to exit out of the
22 southeast entrance to the parking lot.

23 **Q** So the black male was trying to exit that way?

24 **A** Yes. My employee went this way and went down and
25 tagged the rear end of the car to, I believe try and spin

1 him out. He tried to stop him. He hit that vehicle with
2 his vehicle.

3 **Q** Okay. And did that -- and he was still in the
4 parking lot when this occurred, right?

5 **A** Yes.

6 **Q** How fast were the vehicles traveling?

7 **A** He was traveling at a speed to escape, and he was
8 traveling at a speed to try and stop him, keep up and stop
9 him.

10 **Q** Did that stop him?

11 **A** No, ma'am.

12 **Q** What happened -- where did the black gentleman's
13 vehicle go?

14 **MS. CHIEN:** Objection is speculation.

15 **THE COURT:** Overruled, if he knows.

16 **THE WITNESS:** You asked where did the black
17 gentleman's vehicle go?

18 **Q** Yeah, that you saw.

19 **A** There are three entrances to the front of Thee
20 Dollhouse, a south, middle and north. He went out the south
21 entrance and made a right going south on OBT.

22 **Q** And did your friend across the way follow him?

23 **A** Yes, ma'am.

24 **Q** What happened next, did the police arrive?

25 **A** Yes, about three or four people were on the phone

1 with 911 along with myself.

2 **Q** Do you know how long it took the police to arrive
3 at Thee Dollhouse?

4 **A** Before I got off the phone with 911.

5 **Q** They had pulled in?

6 **A** Yes.

7 **Q** Was that the last time you saw the gray vehicle
8 was when it turned right and went away, or did you see it
9 again at any point?

10 **A** That was the last time I saw it.

11 **MS. BARRA:** Thank you. I have nothing further at
12 this time.

13 **THE COURT:** Cross-examination.

14 **CROSS-EXAMINATION**

15 **BY MS. CHIEN:**

16 **Q** Morning, Mr. Westfall. I just want to be clear,
17 can you tell the jury where you were at when you -- right
18 before the fight broke out?

19 **A** Once again, there are two aisles of parking spaces
20 right here. The corner of the building is somewhere right
21 over here. There are six parking spaces along the edge of
22 the -- along the edge of the building, the south side of the
23 building. There's five spaces and a handicap spot there. I
24 was in the -- if you went handicap, 9, 8, 7, 6, 5 , I was in
25 5.

1 **Q** Okay. So, when you heard the yelling, the way
2 that you saw the cars positioned was the four gentlemen,
3 their car was that Chrysler to the right?

4 **A** This vehicle.

5 **Q** And the car that Mr. Dobbs was in was about
6 40 feet away, is that correct?

7 **A** I'd say there's two spaces between these vehicles.
8 It would be -- it would be one, two, three, four, five or
9 six spaces away, and one row back.

10 **Q** So, the distance between the four gentlemen and
11 Mr. Dobbs was approximately, would you say, 40 feet?

12 **A** Five parking spaces.

13 **Q** Okay.

14 **A** To the width of them, I am not exactly positive.

15 **Q** Okay.

16 **A** Five --

17 **Q** Now, at some point it would be fair to say that
18 you never saw Mr. Dobbs move his car, is that correct?

19 **A** No, no, ma'am, not until the end.

20 **Q** So what I said was an accurate statement?

21 **A** I never saw him move his vehicle.

22 **Q** Right. And the fight broke out by the rear of
23 Mr. Dobbs' car, is that correct?

24 **A** The parking spot to the right of his vehicle.

25 **Q** And you saw the Hispanic male walk thirty feet

1 towards Mr. Dobbs, is that correct?

2 **A** Yes, ma'am.

3 **Q** And Mr. Dobbs only walked about maybe 10 feet?

4 **A** Yes, ma'am.

5 **Q** And at some point during the fight, your back was
6 to the fight, is that correct?

7 **A** Several, probably, because I was in the middle and
8 the fight was -- there was people all around me.

9 **Q** Okay. So you weren't paying attention to
10 everything, I mean, sometimes your back was to the fight?

11 **A** Yes.

12 **Q** Okay. And at some point you also saw a Hispanic
13 male holding down Mr. Dobbs, is that correct?

14 **A** I saw him holding him by the back of his shirt.

15 **Q** Okay. And this gentlemen was punching Mr. Dobbs
16 in the head?

17 **A** In the side of the head.

18 **Q** Let's talk about the beginning of the fight. The
19 first guy that walked over to Mr. Dobbs, after that punch,
20 you saw no blood on the first guy, is that correct?

21 **A** I did not notice, no, ma'am.

22 **Q** Okay. And then the second guy who also, umm,
23 fought Mr. Dobbs, you also did not see any blood on him as
24 well, is that correct?

25 **A** In the beginning, no.

1 **Q** And the female that was also there, you also saw
2 somebody run up and kick the female in the back, is that
3 correct?

4 **A** I never saw her get hit. I saw her attack the guy
5 and instantly went to break that up.

6 **Q** Well, you gave a statement to the police that
7 night; is that correct?

8 **A** Yes.

9 **Q** Okay. Do you recall telling the police officer
10 that somebody ran up and kicked the female in the back, she
11 got up and then the gentleman from the car eye witnessed
12 him, but do you recall telling the police officers that
13 somebody ran up and kicked the female in the back?

14 **A** No, ma'am.

15 **Q** When you saw Mr. Dobbs leaving, was it Mr. Holiday
16 that followed him?

17 **A** Yes, ma'am.

18 **Q** And he was in a truck?

19 **A** Yes, ma'am.

20 **Q** And would you say that they were both going pretty
21 fast?

22 **A** Yes, ma'am.

23 **Q** And you saw Mr. Holiday hit Mr. Dobbs' car, is
24 that correct?

25 **A** Yes, ma'am.

1 **MS. CHIEN:** May I have a moment Your Honor?

2 **THE COURT:** You may.

3 **BY MS. CHIEN:**

4 **Q** Mr. Westfall, would it refresh your recollection
5 if I were to show you a transcript of the police officers
6 that night?

7 **MS. BARRA:** Objection, Your Honor. May we
8 approach?

9 **THE COURT:** You may.

10 (Conference at the Bench held on the record.)

11 **MS. BARRA:** He hasn't indicated that he doesn't
12 have a fresh recollection of what occurred that day.
13 The defense attorney just stated would it refresh your
14 recollection, but there has been nothing on the record
15 that indicates his recollection isn't refreshed.

16 **THE COURT:** All right. I am going to overrule the
17 objection.

18 (Whereupon, the following was in open court.)

19 **THE COURT:** Objection is overruled.

20 **BY MS. CHIEN:**

21 **Q** So, Mr. Westfall, would it help you to refresh
22 your recollection if I were to show you the transcript that
23 you gave to the police officers on the night of the
24 incident?

25 **A** It is possible.

1 Q Okay.

2 MS. CHIEN: May I approach the witness, Your
3 Honor?

4 THE COURT: You may.

5 BY MS. CHIEN:

6 Q Can you please read this silent to yourself and
7 let me know when you are done reading.

8 A All right. It did say that.

9 Q Can I take that back now? Are you done?

10 A Yes.

11 Q Mr. Westfall, has your recollection been
12 refreshed?

13 A Yes.

14 Q Okay. And isn't it true that you gave a statement
15 to the police that at some point somebody ran up and kicked
16 the female in the back?

17 A I did say that.

18 Q Okay. And isn't it also true that all of a sudden
19 four guys were fighting the couple?

20 A That's a general statement.

21 Q Okay. But isn't it true that at some point that
22 four guys were fighting the couple?

23 A (pause).

24 Q Would it refresh your recollection if I were to
25 show you that transcript again?

1 **Q** And in regards to the women, is it your testimony
2 that she attacked him; is that right?

3 **A** The third gentlemen walking over?

4 **Q** The third gentlemen.

5 **A** Yes.

6 **Q** And prior to her attacking him, had he done
7 anything to her, hit her, struck her, kicked her, anything?

8 **A** He was walking from the vehicle towards, just like
9 the first two. He was walking toward their vehicle.

10 **Q** Okay.

11 **MS. BARRA:** Thank you. I have nothing further.

12 **THE COURT:** Any recross?

13 **MS. CHIEN:** No, Your Honor.

14 **THE COURT:** May this witness be excused?

15 **MS. BARRA:** Yes, Your Honor.

16 **THE COURT:** You are free to go, sir. Thank you.
17 Counsel, could you approach for a moment?

18 (Conference at the Bench held on the record.)

19 **MS. VICKERS:** I told him to stay on standby.

20 **MS. LASKOFF:** Because I told him he could leave.

21 **THE COURT:** How long is your next witness,
22 probably not five minutes?

23 **MS. LASKOFF:** No. And he's actually, he had a
24 diabetic issue, so he's not here.

25 **THE COURT:** So we do need to break for lunch.

1 Then I am going to have them come back at one. Does
2 that give everybody enough time?

3 **MS. LASKOFF:** I would.

4 **MS. VICKERS:** I would request 1:15.

5 **THE COURT:** Okay.

6 (Whereupon, the following was in open court.)

7 **THE COURT:** Ladies and gentlemen, this seems to be
8 an appropriate time to take a lunch break because the
9 next witness will be apparently lengthier than I would
10 prefer. I would like to give you a lunch break at a
11 reasonable time. I'm going to ask that you be back in
12 the designation at 1:15. I have nothing else on my
13 calendar other than this case for the rest of the day.
14 So we should be able to start promptly at 1:15.

15 Do not discuss the case amongst yourselves. Do
16 not let anyone discuss it with you. If you tend to
17 read the paper and you brought it with you, I did
18 review the paper this morning and saw nothing about
19 this case in the newspaper, so feel free to read the
20 paper over lunch. If you leave your pads and pens,
21 they will be there when you return and I will see you
22 back at 1:15.

23 (Jury exits the courtroom.)

24 **THE COURT:** And counsel before we break, just so
25 you know, Ms. Vickers, I did have an opportunity to

1 look at everything that you e-mailed this morning on
2 the self-defense and necessity instructions. They
3 formatted differently than the standard jury
4 instructions and they were bolded and so I will be
5 redoing them and I will print them out when I finish
6 and provide them to all of the attorneys. I am even
7 keeping all of the paragraphs in and we can delete them
8 much more easily than add them in later.

9 **MS. LASKOFF:** And I have to tell you thank you for
10 doing jury instructions.

11 **THE COURT:** I will see everybody back at 1:15.

12 (Whereupon a luncheon recess was taken.)

13 **MS. VICKERS:** Your Honor, I am sorry. There is
14 two brief issues we need to address, number one. And I
15 talked to Ms. Barra about this. As we were leaving, we
16 noticed that the victim's father was speaking with one
17 of the jurors. I didn't overhear the substance of the
18 conversation. Although I did speak to them, the State
19 attorneys. Sorry about the situation. I don't have
20 any knowledge if it was anything of substance other
21 than I don't know what it was about. So I just felt
22 the need to bring that to the Court's attention.

23 **THE COURT:** Which juror, do you know?

24 **MS. VICKERS:** Yes, the juror in seat number 2.

25 **THE COURT:** Do you want me to bring in Mr. Jacoby

1 so the attorneys can question him?

2 **MS. VICKERS:** Just give me a second on that.
3 Would it be the Court questioning or the attorneys
4 questioning?

5 **THE COURT:** Well, I can question him if you would
6 prefer, but I would let the attorneys do that if they
7 would prefer to do it.

8 **MS. VICKERS:** I would prefer that the Court do it.

9 **THE COURT:** And do you want me to simply inquire
10 if he spoke to any of the members of the audience, and
11 if so, the substance of that conversation?

12 **MS. VICKERS:** Yes.

13 **THE COURT:** Okay.

14 **MS. VICKERS:** And just to let you know, second
15 issue I think we should briefly address is kind of a,
16 somewhat of a Nelson hearing with Mr. Dobbs. He's
17 expressing --

18 **THE DEFENDANT:** Frustration.

19 **MS. VICKERS:** -- dissatisfaction with our
20 representation and I don't know if we needed to put it
21 on the record, if the Court needed to inquire as to
22 that.

23 **THE COURT:** Nelson inquiries are typically
24 pretrial issues because obviously I don't have the
25 ability to substitute another lawyer in the middle of

1 trial.

2 Mr. Dobbs, is there anything you want to tell me?

3 **THE DEFENDANT:** Well, actually there's questions
4 that I want asked, and I feel that they are crucial to
5 my defense and I would appreciate that maybe you could
6 advise them to take advantage of them even if it does,
7 if it is something that the State wants to object upon,
8 just allow me the benefit of hearing that out.

9 **THE COURT:** All right. Do you want to tell me
10 what those specific questions are or not? I am not
11 requiring you to do that.

12 **THE DEFENDANT:** Actually, there has been a couple
13 of instances where witnesses have been up on the stand,
14 or so-called victims and questions that I wanted to,
15 you know, as you see how she brought out the fact that
16 he denied that someone had kicked my girl in the back
17 and then she brought it out that it was in his
18 statement to the police, and then he remembered.
19 There's also other instances like that within this
20 trial that I would like to bring out, and, umm, it
21 pertains to different witnesses and victims.

22 **THE COURT:** All right. You have to understand
23 Mr. Dobbs, that the province of what questions to ask
24 and what questions not to ask is the province of the
25 attorneys.

1 **THE DEFENDANT:** Okay.

2 **THE COURT:** Please, hear me out.

3 **THE DEFENDANT:** Sorry.

4 **THE COURT:** I have had -- I have been in the
5 position of both of the attorneys, all four of the
6 attorneys in this particular case. I have had clients
7 ask me to ask questions that were completely
8 inappropriate and completely not admissible by the
9 rules of evidence and have declined to do so because
10 that is a tactical and legal decision to be made by the
11 attorneys.

12 However, if, during the course of the trial you
13 want to bring something to my attention, we can address
14 it at that time. It is difficult to address it in the
15 abstract after the witnesses have left the stand. All
16 right? Can we do that?

17 **THE DEFENDANT:** Okay. So, I would like certain
18 witnesses to be brought back and I would like to
19 perhaps ask you to ask the questions for me.

20 **THE COURT:** I can't do that. I cannot take the
21 role of the attorneys.

22 **THE DEFENDANT:** So then I ask that, you know,
23 maybe I ask you the question and you tell me whether or
24 not it is admissible or understandable in the courts,
25 and then you can advise me.

1 **THE COURT:** And you are talking about witnesses
2 that have already testified?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Okay. Then what we will have to do is
5 let's get through the State's case, and if there are
6 witnesses that are not called in your defense that you
7 want called, then we will discuss that at the time.

8 **THE DEFENDANT:** Okay. But there's witnesses that
9 have been on the stand already, that's what I mean.

10 **THE COURT:** All right. And your attorney has the
11 ability to recall them, except those that have been
12 excused because they have federal subpoenas to be out
13 of state.

14 **THE DEFENDANT:** Okay. And who would that be?

15 **THE COURT:** That was Mr. Idle, I believe. He had
16 a federal subpoena.

17 **THE DEFENDANT:** And he left already. Is he gone
18 already because I understood that he was told to stand
19 by --

20 **THE COURT:** No, he was not.

21 **THE DEFENDANT:** -- for this trial.

22 **THE COURT:** He has a federal subpoena for
23 tomorrow, out-of-state federal subpoena and that would
24 trump our state subpoena.

25 **THE DEFENDANT:** We couldn't bring him back in here

1 today?

2 **THE COURT:** I don't -- he was released, so I don't
3 know.

4 **THE DEFENDANT:** They told them to stand by. I
5 thought they told him to stand by.

6 **THE COURT:** No, that is why I gave your attorney a
7 few minutes to talk to you and put him back on the
8 stand.

9 **THE DEFENDANT:** See, there's crucial information
10 that he brought out in his statement to the police.

11 **THE COURT:** I have absolutely no idea what time
12 his flight is.

13 **THE DEFENDANT:** Could we try?

14 **THE COURT:** That's something that you need to
15 discuss with your attorneys and they can attempt to get
16 in touch with him.

17 **THE DEFENDANT:** Also, we have had situations, you
18 know, and I have written the bar association already,
19 and we have been dealing with discrepancies between us
20 already. You know, but I needed to get to trial as
21 fast as possible. I cannot afford to spend anymore
22 time in jail for something that I didn't do.
23 Basically, you know, I was within my rights to do what
24 I did, even --

25 **THE COURT:** All right. You don't really want to

1 --

2 **THE DEFENDANT:** The statement to the police.

3 **THE COURT:** You really don't want to talk to me
4 about the facts of the case because anything you tell
5 me can be used in trial against you.

6 **THE DEFENDANT:** I am clearly aware of that. What
7 I am saying is the statement to the police, I mean, I
8 am not going to say this narrative to the sheriff's
9 office. This right here does not describe the crime.

10 **THE COURT:** All right. That is not an issue I'm
11 going to address right now. I am going to hear from
12 witnesses right now. Okay? Let's bring Mr. Jacoby in.

13 (Whereupon: Mr. Jacoby entered the courtroom)

14 **THE COURT:** Mr. Jacoby, you can just take your
15 seat, sir.

16 **MR. JACOBY:** Okay.

17 **THE COURT:** We just had a couple of questions for
18 you before we brought the other members of the jury of
19 the panel in. It was brought to my attention that
20 there might have been some contact, perhaps
21 inadvertent, between you and one or more members of the
22 audience that have been watching this trial. Do you
23 recall having any contact with anyone?

24 **A JUROR:** I recall that I was in the elevator when
25 the gentleman with the tie walked in and said

1 something, like, good afternoon everybody.

2 **THE COURT:** All right. Was there anything more
3 said than that?

4 **A JUROR:** Nuh-uh.

5 **THE COURT:** No?

6 **A JUROR:** Not that I recall in any way, shape or
7 form. I was in the back. He turned around. When he
8 walked out, I waited. He walked, I think to the right.
9 I walked to the left.

10 **A JUROR:** Is that what you are referring to?
11 Because that is all I -- I did also, when I first
12 showed up today, to wait outside, there were many
13 people like another juror I think at the other end, and
14 I came over to this side and I saw this young lady, the
15 prosecutor, the prosecution closer to me and some of
16 the other people and I asked that young lady if I could
17 be in that area, or I think I might have said, I am not
18 really supposed to be talking to you at all, am I, and
19 she said, no, and but I can sit over here and they said
20 yes. And that's all I know. I don't know anybody. I
21 have seen various of these people out and about. I
22 don't recall speaking to any of them or speaking to
23 anybody else. As a matter of fact, I think when I just
24 came back up, when I was in the lobby, oh, I don't even
25 remember which two, but two of these attorneys were in

1 the elevator and I lagged behind because that's what
2 I'm supposed to do.

3 **THE COURT:** All right. Any questions, State?

4 **MS. LASKOFF:** No, Your Honor.

5 **THE COURT:** Any questions, defense?

6 **MS. CHIEN:** No, Your Honor.

7 **THE COURT:** Do you wish to approach or can I bring
8 the jury in?

9 **MS. VICKERS:** That's fine.

10 **MS. LASKOFF:** I was going to approach. I have
11 another issue I need to address to the Court.

12 **THE COURT:** Can I bring the jury in while you are
13 approaching?

14 **A JUROR:** May I drink my coffee in here?

15 **THE COURT:** We can have water in here, but
16 unfortunately if a coffee or soda spills, it will make
17 a stain on the carpet, and we --

18 **A JUROR:** May I have a sip?

19 **THE COURT:** Yes.

20 (Conference at the Bench held on the record.)

21 **MS. LASKOFF:** I was just going to bring it to the
22 Court's attention, I am going to ask permission to call
23 witnesses out of order. My last victim, Mr. Holiday,
24 he's having a diabetic episode. His sugars are at 400
25 right now.

1 **THE COURT:** Yeah, I don't want anybody dying in my
2 courtroom.

3 **MS. LASKOFF:** And second, my main crime scene tech
4 has a 3:00 appointment and is probably going to be
5 induced into labor this afternoon, so things are going
6 to be kind of a little off. I wanted to bring it to
7 the Court's attention.

8 **THE COURT:** Thank you.

9 (Whereupon, the following was in open court.)

10 (Jury enters the courtroom.)

11 **THE COURT:** You may be seated.

12 **THE DEFENDANT:** Excuse me, Your Honor, I would
13 like to exercise my right to be heard in person,
14 briefly?

15 **THE COURT:** Ladies and gentlemen, if you could
16 step back outside, please. All rise for the jury.

17 (Jury exits the courtroom.)

18 **THE COURT:** Yes, sir.

19 **THE DEFENDANT:** Please allow me to extend my
20 condolences to the family of the deceased, Mr. William
21 Troy. I honestly believe if not for his intoxicated
22 friends getting the incident misconstrued --

23 **THE COURT:** Mr. Dobbs, this is not the appropriate
24 time for that. Is there an issue that you needed to
25 address before we bring the next witness in?

1 **THE DEFENDANT:** I would like, you know, wanted to
2 say this earlier and I know I feel like I have been
3 waiting too long.

4 **THE COURT:** Unfortunately this is not the
5 appropriate time to do that. We are in the midst of a
6 trial. We need to finish hearing from the witnesses.
7 If it comes to that issue, you will have an opportunity
8 to say whatever you wish at a later time, but I am not
9 going to do it while we are waiting for the jury. Is
10 there anything else?

11 **THE DEFENDANT:** Thank you.

12 **THE COURT:** Let's bring the jury back in.

13 (Jury enters the courtroom.)

14 **THE COURT:** You may be seated. State, would you
15 call your next witness, please?

16 **MS. LASKOFF:** Susan Mears.

17 Thereupon,

18 **SUSAN MEARS**
19 was called as a witness and, having first been duly sworn,
20 testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. LASKOFF:**

23 **Q** Can you introduce yourself to the jury and tell
24 them your name.

25 **A** I am Susan Mears with Orange County Sheriff's

1 Office.

2 Q And Ms. Mears, how are you doing?

3 A Good.

4 Q Okay. How long is it that you have worked for the
5 sheriff's office?

6 A I have been there almost ten years.

7 Q And what is it that your assignment has been at
8 the sheriff's office?

9 A I started out as a crime scene investigator for
10 about five years and now I have been a supervisor for about
11 four and a half.

12 Q Are you currently on duty?

13 A No.

14 Q And why not?

15 A Because I am fixing to have a baby.

16 Q Okay. Is that why you're not in uniform?

17 A Yes, ma'am.

18 Q And let me ask you this, did you become involved
19 in an investigation regarding a stabbing that happened on
20 October 25th, 2006 at Thee Dollhouse?

21 A Yes, ma'am.

22 Q And what was your involvement at first in that
23 case, how did you become aware of that case?

24 A Umm, I was requested by the detective to respond
25 to help.

1 **Q** And where is it that you responded out to?

2 **A** I originally went to Town Center Boulevard and
3 South OBT.

4 **Q** And what was there?

5 **A** A vehicle.

6 **Q** And can you describe that vehicle?

7 **A** Can I refer to my report?

8 **Q** You may, if it would assist you.

9 **A** It was a four door, gray Acura TL.

10 **Q** Let me ask you this: Now, prior to responding to
11 the intersection of Town Center Boulevard and South OBT, did
12 you respond to ORMC?

13 **A** I am sorry, yes, I did.

14 **Q** And why is it that you first -- Can you tell the
15 jury roughly what time was it that you responded to the
16 hospital?

17 **A** I arrived at the hospital at 1:30 in the morning
18 or 1:50 in the morning to photograph the victims.

19 **Q** Okay. And do you remember when you arrived at the
20 hospital which victim you first made contact with?

21 **A** The deceased.

22 **Q** And would that be William Troy?

23 **A** Yes.

24 **Q** At the time that you arrived at the hospital, had
25 he already died?

1 **A** Yes, ma'am.

2 **Q** And did you make contact with any of the other
3 victims involved in this case at the hospital?

4 **A** Yes, I did. There was an Andre Blanco and a
5 Fransisco Gotay.

6 **Q** Okay. I am going to approach you with State's
7 Exhibit 1 Composite D1 through D6. Do you recognize what
8 these photographs are?

9 **A** Yes, ma'am.

10 **Q** And can you tell the jury what those photographs
11 are pictures of?

12 **A** Those are Andre Blanco.

13 **Q** Okay. And when you met with him or were in the
14 hospital with him, did he receive any treatment that you
15 were observing?

16 **A** He was being treated when I was taking pictures,
17 yes.

18 **Q** And what was the extent -- are you aware of that
19 treatment?

20 **A** I wasn't really paying attention to what they were
21 doing to him.

22 **Q** Okay. Well, let me ask you, did you make contact
23 with yet another one of the victims?

24 **A** Yes, ma'am.

25 **Q** And which victim?

1 **A** That was Fransisco Gotay.

2 **Q** And Mr. Gotay, did you take any photographs of
3 him?

4 **A** I did not.

5 **Q** Now, why not?

6 **A** He was being sewn up at the moment.

7 **Q** Okay. And when you say sewn up, what do you mean?

8 **A** A doctor was sewing something back on.

9 **Q** Okay. Do you recall where on his body or it was
10 one place on his body?

11 **A** I believe it was his face area.

12 **Q** Now, let's go to what you did after going to the
13 hospital, then you went to Town Center Boulevard?

14 **A** Yes, ma'am.

15 **Q** Okay. Is that true?

16 **A** Yes.

17 **Q** Okay.

18 **MS. LASKOFF:** If I could approach the witness with
19 exhibits -- Exhibit 3, State's 3 B1 through B3?

20 **THE COURT:** You may.

21 **BY MS. LASKOFF:**

22 **Q** Is that the vehicle that you're referencing?

23 **A** Yes, ma'am.

24 **Q** Now, what did you do when you were at that
25 location when you first were with the vehicle?

1 **A** I just took pictures of it.

2 **Q** Okay. And when you were on scene with the silver
3 Acura, can you describe to the jury who was all there at
4 that point?

5 **A** There were a couple of deputies there at the
6 scene.

7 **Q** Were there any parties that were involved in the
8 incident at Thee Dollhouse?

9 **A** No, there were not.

10 **Q** Everyone had already been taken or moved to
11 another place?

12 **A** If they were there, I didn't see them, no.

13 **Q** Okay. Did you, while you were on scene with the
14 Acura, receive any evidence, and place anything into
15 evidence?

16 **A** Yes, I did.

17 **Q** And what was that?

18 **A** I received a knife and a gun.

19 **Q** Okay.

20 **MS. LASKOFF:** May I have a moment Your Honor?

21 Your Honor, if I can approach the witness?

22 **THE COURT:** You may.

23 **BY MS. LASKOFF:**

24 **Q** Ms. Mears, I am showing you what has been marked
25 for identification purposes as Exhibit E. If you can look

1 at these items. Do you recognize those items?

2 **A** Yes, ma'am.

3 **Q** And what are those items?

4 **A** One is a high point model C 9-millimeter Ruger
5 gun, and the other is the magazine out of it.

6 **Q** Okay. How do you recognize those?

7 **A** Whenever I collect evidence, I put what is in
8 there, I collected it, when I did it, the time, and I put my
9 evidence tape and my initials and date on there.

10 **Q** Okay. Now, if you could cut those items open, and
11 look inside. Are those items in the same or substantially
12 the same condition as when you last saw them?

13 **A** Yes, they are.

14 **Q** Okay. At this time the State would move to have
15 Exhibit E into evidence as I believe State's 5?

16 **THE COURT:** Any objection?

17 **MS. VICKERS:** Which one was E? All of it in?

18 **MS. LASKOFF:** It is a composite, yes.

19 **MS. VICKERS:** No objection.

20 **THE COURT:** It'll be admitted as the State's next
21 numbered exhibit which is 5.

22 **MS. LASKOFF:** And I would ask permission to
23 publish it to the jury, Your Honor.

24 **THE COURT:** You may. Can you have one of the
25 deputies make sure the firearm is safe, please? And

1 before the witness handles the gun, if you could make
2 sure it is unloaded and it is safe.

3 **COURT DEPUTY:** Yes. Yes.

4 **MS. LASKOFF:** Thank you.

5 (Whereupon, the aforementioned exhibit was published
6 to the jury.)

7 **BY MS. LASKOFF:**

8 **Q** Now, I am showing you what has been marked for
9 identification purposes F. Do you recognize this? How do
10 you recognize it if you do recognize it?

11 **A** I do. It has my seals and my initials on it.

12 **Q** Okay. And what is that?

13 **A** It is a knife.

14 **Q** Okay. And is that the knife you were referencing
15 that was taken from the vehicle that you were talking about?

16 **A** Yes.

17 **Q** Okay. If you could open it and tell me if it's in
18 substantially the same condition as when you placed the item
19 inside the box. There are gloves.

20 **A** Yes, it is.

21 **Q** Is it in the same or substantially the same
22 condition?

23 **A** Yes, ma'am.

24 **Q** Okay.

25 **MS. LASKOFF:** At this time the State would move to

1 have Exhibit F into evidence as State's 6.

2 **THE COURT:** Any objection?

3 **MS. VICKERS:** No, Your Honor.

4 **THE COURT:** It'll be admitted as State's 6.

5 **MS. LASKOFF:** Ask permission to publish it to the
6 jury as well at this time, Your Honor.

7 **THE COURT:** You may.

8 **BY MS. LASKOFF:**

9 **Q** Now, after you are at the scene with the vehicle
10 and you obtain these items out of that vehicle, what did you
11 do next in regard to your investigation?

12 **A** I responded to Thee Dollhouse on South OBT.

13 **Q** And is that in Orange County, Florida?

14 **A** Yes, ma'am.

15 **Q** And what is it that you did at Thee Dollhouse?

16 **A** Once I got there, I met with Detective Phelan who
17 showed me the scene.

18 **Q** Okay.

19 **A** And I photographed and started collecting any
20 evidence that was there.

21 **Q** Okay. And when you were on the scene, was there
22 much physical evidence related to the scene?

23 **A** There was a large amount of blood.

24 **Q** Okay. And were there any weapons or other items
25 collected on the scene?

1 **A** There were a couple of -- a couple of other items.

2 **Q** Okay. Was there, in fact, a razor blade?

3 **A** Yes, ma'am.

4 **Q** And do you recall where that razor blade was
5 located?

6 **A** It was east of the victim's car.

7 **Q** How close to the victim's car was it located?

8 **A** Maybe six, seven feet.

9 **Q** Okay. And did it look like it was actually a part
10 of the crime scene?

11 **A** That would call for my opinion, if you would like
12 it.

13 **Q** Well, let me ask you this, did it look like it was
14 right with all the other evidence?

15 **A** Not particularly. No.

16 **Q** Okay. And I am showing you what has been moved
17 into evidence as State's 2, specifically composite seven.
18 Okay. It is a photograph of the scene. Do you recognize
19 that?

20 **A** Yes.

21 **Q** Okay. Can you show it to the jury and indicate on
22 that photograph if everyone can see, roughly where is it in
23 that photograph that this razor blade was located?

24 **A** This is the victim's car and it was on the ground
25 about six, seven feet to the east of it.

1 **Q** And when you say the east, is that behind it, to
2 the left?

3 **A** Behind it, behind the bumper area.

4 **Q** Did it look like a new razor blade?

5 **A** No.

6 **Q** Did it look like anyone had driven over it?

7 **A** No.

8 **Q** Did it look like it might have been there a while
9 or did it look like it had just been placed there, or could
10 you tell?

11 **A** I wouldn't be able to tell.

12 **Q** Now, if I can approach the witness again, Your
13 Honor, I am showing you what's marked for identification
14 purposes as G. Do you recognize what this is?

15 **A** Yes, ma'am.

16 **Q** And how do you recognize what that item is?

17 **A** It has my identification on there with my
18 initials, and what it is.

19 **Q** Okay. And what is it?

20 **A** It is a razor blade.

21 **Q** Okay. Is it the razor blade we've been
22 referencing?

23 **A** Yes, ma'am.

24 **Q** Okay. Do you still have the scissors? If you
25 could open that up and look at it and let me know if it's in

1 substantially the same condition as when you placed it into
2 the envelope?

3 **A** Yes, it is.

4 **Q** I don't want you to cut yourself obviously. Okay.

5 **MS. LASKOFF:** At this time the State would move to
6 have this exhibit into evidence as State's 7?

7 **THE COURT:** Any objection?

8 **MS. VICKERS:** No objection.

9 **THE COURT:** You said no objection?

10 **MS. VICKERS:** No, none.

11 **THE COURT:** It will be admitted as State's 7.

12 **MS. LASKOFF:** Ask permission to publish it to the
13 jury at this time?

14 **THE COURT:** You may.

15 **A JUROR:** Oops.

16 **THE COURT:** If you will turn the phone off,
17 please. If anybody else has phones, turn the phones
18 off, please.

19 **BY MS. LASKOFF:**

20 **Q** Now, did you process this razor blade at all?

21 **A** Yes, ma'am.

22 **Q** For any kind of evidence?

23 **A** Yes.

24 **Q** And what evidence did you process it for?

25 **A** I processed it for any fingerprints that would be

1 on it or for any blood that was on it.

2 Q Okay. And did you do that, in fact, on the scene
3 or at some other locale?

4 A No, I processed it when I returned back to our
5 office.

6 Q Can you explain to the jury what you mean by
7 process?

8 A Whenever I say processing it, it is talking about
9 taking a piece of evidence or using chemicals or powders to
10 find fingerprints or you might be swabbing it for DNA.

11 Q And when you went back to the office, did you lift
12 a print off of that razor blade?

13 A I photographed a fingerprint that was on there.

14 Q Okay.

15 MS. LASKOFF: If I can approach the witness, Your
16 Honor?

17 THE COURT: You may.

18 BY MS. LASKOFF:

19 Q I am showing you what has been marked for
20 identification purposes as H. Do you recognize what this
21 item is?

22 A Yes.

23 Q And how do you recognize what this item is?

24 A It is a latent fingerprint envelope. It is just
25 where I submit any fingerprints that I would have collected

1 and list anybody involved in the case.

2 **Q** Okay. And is that the one from the razor blade
3 we've been referencing?

4 **A** Yes, it is.

5 **Q** Okay. And can you look inside of it and let me
6 know if it's in the same or substantially the same condition
7 as when you lifted and photographed the print?

8 **A** It is.

9 **MS. LASKOFF:** At this time we'd move to have
10 Exhibit H moved into evidence as State's 7.

11 **THE CLERK:** State's 8.

12 **MS. LASKOFF:** 8.

13 **MS. VICKERS:** Your Honor, if we can approach?

14 **THE COURT:** You may.

15 (Conference at the Bench held on the record.)

16 **THE COURT:** The objection?

17 **MS. VICKERS:** My objection is that we have never
18 gotten any notice of any kind of results or testing of
19 any fingerprints for this. We are not aware of any of
20 this.

21 **MS. LASKOFF:** I handed them to you this morning.
22 I got them yesterday afternoon. They were of no value.

23 **THE COURT:** You need to probably --

24 **MS. LASKOFF:** I handed them to defense. I gave
25 the supplemental this morning, and yesterday afternoon

1 I received those results. They were of no value.

2 **THE COURT:** I guess it -- is it just the one
3 paper?

4 **MS. LASKOFF:** Yes.

5 **MS. VICKERS:** So I was surprised when you said
6 there's a fingerprint.

7 **THE COURT:** Report. So you did receive that
8 report?

9 **MS. VICKERS:** Apparently. So there is no
10 objection.

11 **THE COURT:** Thank you.

12 (Whereupon, the following was in open court.)

13 **THE COURT:** It'll be admitted as State's 8.

14 **BY MS. LASKOFF:**

15 **Q** Now, did you process the razor blade in any other
16 manner?

17 **A** I swabbed it.

18 **Q** And when you say you swabbed it, what does that
19 mean?

20 **A** I just took a cotton tip and swab it over the
21 surface to get any DNA that would be on there.

22 **Q** Okay.

23 **MS. LASKOFF:** If I may approach the witness, Your
24 Honor?

25 **THE COURT:** You may.

1 **BY MS. LASKOFF:**

2 **Q** Showing you what has been marked for
3 identification purposes as I. Do you recognize this item?

4 **A** Yes, ma'am.

5 **Q** And how is it that you recognize the item?

6 **A** It has my markings on here and the initials and
7 date that I packaged it.

8 **Q** What is that item?

9 **A** It's two swabs of suspected blood from the razor
10 blade.

11 **Q** And if you could just cut it open and let me know
12 whether or not it is in substantially the same condition as
13 when you submitted it into evidence. Do you need gloves?

14 **A** No. I am all right. Yes, they are.

15 **Q** And are they in the same condition substantially?

16 **A** Yes, ma'am.

17 **Q** Okay.

18 **MS. LASKOFF:** At this time we'd move to have
19 Exhibit E admitted into evidence as State's number 9.

20 **THE COURT:** Any objection?

21 **MS. VICKERS:** I am going to object as to
22 relevance. If we can approach?

23 **THE COURT:** You may.

24 (Conference at the Bench held on the record.)

25 **THE COURT:** What's the relevance of this item?

1 **MS. LASKOFF:** The defense is going to, I guess,
2 claim that the victim or one of his friends utilized
3 the razor blade. They swabbed it for DNA. It came
4 back negative for any presence of any sort of blood, so
5 it is relevant.

6 **MS. VICKERS:** I mean, I don't know, I think it
7 might be relevant if the State intends to call FDLE to
8 testify that there was -- no latent prints were found
9 and no blood was found on anything, but other than
10 that, I don't think it is relevant.

11 **MS. LASKOFF:** I do.

12 **THE COURT:** Subject to tying it up at a later time
13 I will admit it.

14 (Whereupon, the following was in open court.)

15 **BY MS. LASKOFF:**

16 **Q** You went from the hospital to the vehicle and then
17 you went back to the scene where the, at Thee Dollhouse,
18 correct?

19 **A** Yes.

20 **Q** And after processing the scene at Thee Dollhouse,
21 where did you go at this point?

22 **A** (pause).

23 **Q** Did you go to the medical examiner's office?

24 **A** Yes, I did.

25 **Q** And do you recall when you were at the medical

1 examiner's office what it is that you did?

2 **A** I collected major case prints from the victim.

3 **Q** You did what?

4 **A** I collected major case fingerprints from the
5 victim and some clothing.

6 **Q** Okay. Did you collect a DNA card from the victim?

7 **A** Yes.

8 **Q** And can you just explain to the jury what that
9 means?

10 **A** Whenever somebody dies, we need their DNA standard
11 since that's the last opportunity we will have it, so they
12 usually will take a tube of blood. They'll collect it or
13 they'll make a card that has the standard on it.

14 **Q** And when you say a standard, for people that don't
15 know about DNA and all this forensic kind of stuff, what
16 does that mean?

17 **A** It just means -- everybody has their own unique
18 DNA, and what they'll do is, umm, they'll take either a swab
19 from their mouth or they'll take some blood and they'll just
20 smear it on a card and that person's DNA profile is actually
21 in that blood that's attached to the card and we can extract
22 it later to be compared to any evidence.

23 **Q** Okay. And then this individual that we are
24 referencing that you responded to the medical examiner's
25 office for, which victim specifically was that, do you

1 remember what his name was?

2 **A** His name was Will, or William Troy.

3 **Q** Okay.

4 **MS. LASKOFF:** If I may approach the witness, Your
5 Honor?

6 **THE COURT:** You may.

7 **BY MS. LASKOFF:**

8 **Q** Showing you what has been marked as Exhibit J. Do
9 you recognize this?

10 **A** Yes.

11 **Q** How do you recognize that?

12 **A** It has my label on it, noting it is a DNA card
13 with my initials and date on there.

14 **Q** Okay. And can you, again, cut it open, let me
15 know if it's in substantially the same condition as when you
16 obtained it and submitted it into evidence?

17 **A** Yes, it is.

18 **Q** Okay. At this time we would move to have Exhibit
19 J into evidence as State's 10?

20 **THE CLERK:** Yes.

21 **THE COURT:** Any objection?

22 **MS. VICKERS:** I am going to object to relevance
23 for the same reasons as the previous objection.

24 **THE COURT:** The objection will be overruled.
25 It'll be admitted conditionally being tied up later.

1 **MS. LASKOFF:** Yes, Your Honor.

2 **BY MS. LASKOFF:**

3 **Q** Now, did you have any other direct involvement
4 with any processing yourself in this case?

5 **A** Yes, I did.

6 **Q** And what was that?

7 **A** I processed both the victim's car and the other
8 car that was at Town Center Boulevard.

9 **Q** Okay. And when you talk about processing, can you
10 tell the jury what does that mean?

11 **A** Processing a vehicle involves the same thing as if
12 it was a crime scene, photographs, checking any evidence
13 that is on there, umm packaging it.

14 **Q** Okay.

15 **MS. LASKOFF:** If I can just have a moment, Your
16 Honor?

17 **THE COURT:** You may.

18 **MS. LASKOFF:** I have nothing further from this
19 witness, Your Honor.

20 **THE COURT:** Cross-examination?

21 **MS. VICKERS:** Your Honor, can we approach,
22 briefly?

23 **THE COURT:** You may.

24 (Conference at the Bench held on the record.)

25 **MS. VICKERS:** Your Honor, I am going to be

1 authenticating some photographs through this witness,
2 obviously since I can't introduce them into the State's
3 case and this witness will be unavailable later due to
4 the fact that she's going to be induced in about an
5 hour to give birth, can we just get the State to note
6 any objection, you know, that they might have at this
7 time, because I am not going to be able to recall her
8 and, of course, introduce them?

9 **MS. LASKOFF:** I mean, I don't care.

10 **MS. VICKERS:** If you want to look I would rather
11 know now, obviously.

12 **THE COURT:** Absolutely. You wouldn't have any
13 objection to any of those?

14 **MS. LASKOFF:** Not for authentication reasons,
15 duplicate reasons.

16 **THE COURT:** No. Okay. Nothing that this witness
17 will need to answer then?

18 **MS. LASKOFF:** No.

19 **THE COURT:** Okay.

20 (Whereupon, the following was in open court.)

21 **CROSS-EXAMINATION**

22 **BY MS. VICKERS:**

23 **Q** Good afternoon, Ms. Mears.

24 **A** Good afternoon.

25 **Q** Now, in your report you had stated that there was

1 a blood trail in the parking lot that lasted over about
2 eight parking spaces; is that correct?

3 **A** Yes.

4 **Q** And do you know how wide a parking space is, a
5 standard parking space?

6 **A** Probably 10 feet.

7 **Q** So we are talking about a span of maybe 80 feet?

8 **A** It was more like a square area. It wasn't 80 feet
9 long, no.

10 **Q** Okay. Now, you also had notated in your report
11 when you go out to the scene and you are taking photographs
12 and you set up, you set up cones, don't you?

13 **A** Yes, ma'am.

14 **Q** And the cones are so you can identify where a
15 certain piece of evidence might be?

16 **A** Yes.

17 **Q** And in this case you laid out several cones or
18 identification marks in the parking lot of Thee Dollhouse,
19 is that correct?

20 **A** Yes.

21 **Q** And do you recall you placed a cone that you have
22 labeled in your report as number 22?

23 **A** Yes, I do.

24 **Q** Okay. And could you tell the jury what cone
25 number 22 signifies in your report?

1 **A** It was a small amount of blood drops.

2 **Q** Okay. And is it your understanding that those
3 blood drops are where the Acura was?

4 **A** I never knew where the Acura was.

5 **Q** Okay. And then there was another cone, number 10,
6 that you have marked in your report, is that correct?

7 **A** Yes, ma'am.

8 **Q** And cone number 10, what does that signify?

9 **A** It was a trail of blood drops.

10 **Q** Okay. And number 10 is close to what?

11 **A** The victim's car.

12 **Q** Okay. And you are saying victim's, is that
13 information you get from the detectives?

14 **A** Yes.

15 **Q** Because you weren't there?

16 **A** Right.

17 **Q** Obviously?

18 **A** Right.

19 **Q** And so you don't know who's a victim or who's not
20 in this case?

21 **A** True.

22 **Q** So, do you recall the distance from point 22,
23 which is I am assuming the farthest south point of blood
24 that you have, is that correct?

25 **A** Yes, it is.

1 **Q** Okay. So, cone 22 signifies the blood that is
2 farthest south, correct?

3 **A** Yes.

4 **Q** And then cone 10 signifies the blood that you have
5 farthest north, is that correct?

6 **A** Correct.

7 **Q** And do you know how long the distance is between
8 10 and 22?

9 **A** I did not measure those, another investigator did.

10 **Q** Okay. Who is that?

11 **A** Allison Wright.

12 **Q** Okay. Thank you. Now, you took pictures of the
13 Acura, is that right?

14 **A** Yes, ma'am.

15 **Q** And I'm going to show you what has been previously
16 marked as Defense I for identification.

17 **MS. VICKERS:** May I approach?

18 **THE COURT:** You may.

19 **MS. VICKERS:** Thank you.

20 **BY MS. VICKERS:**

21 **Q** If you can just look at this and hold it down low
22 and let me know when you're done. Umm, do you recognize
23 those?

24 **A** Yes, I do.

25 **Q** And what is it?

1 **A** Those are pictures of the Acura.

2 **Q** Okay. And are those pictures that you took?

3 **A** Yes, ma'am.

4 **Q** And that's how you recognize them?

5 **A** Yes.

6 **Q** And is -- are the pictures a fair and accurate
7 depiction of how the Acura looked on October 25th of 2006?

8 **A** Yes, they are.

9 **Q** Okay. Now, you noted in your report that there
10 are 22 different places where blood is found on the outside
11 of the Acura, is that right?

12 **A** Yes.

13 **Q** So that means 22 different spots or splatters of
14 blood, correct?

15 **A** Correct.

16 **Q** And that would lead you to the conclusion that
17 blood, some of it is in splatters, is that correct, not
18 droplets?

19 **A** Correct.

20 **Q** And so blood splatters because it flies, correct?

21 **A** Correct.

22 **Q** Okay. And so that would lead you to the
23 conclusion that the fight took place close to the Acura, is
24 that correct?

25 **A** Yes, it would.

1 **Q** Because there wasn't any blood found on the
2 exterior of the Chrysler, was there?

3 **A** There was blood, yes.

4 **Q** On the outside of it?

5 **A** Yes.

6 **Q** Okay. And how many points of blood were on the
7 outside of the Chrysler, what you are referring to as the
8 victim's car?

9 **A** About two or three.

10 **Q** Two or three spots?

11 **A** Uh-huh.

12 **Q** I am sorry?

13 **A** Yes. I am sorry.

14 **Q** And the Acura also has a dent on the back
15 passenger side, is that correct?

16 **A** Yes, it did.

17 **Q** Okay. And you photographed that?

18 **A** Yes, I did.

19 **Q** All right. Now, when you first went to the scene
20 of where the Acura was, you went to the actual place, like
21 on the side of the street where it was pulled over?

22 **A** Yes.

23 **Q** And do you recall whether the windows were rolled
24 up or down?

25 **A** I don't recall, can I look at my report and see if

1 I made a note?

2 Q Sure, please do.

3 A All the windows were up.

4 Q Okay. And would that have been in the same
5 condition that it was when the police pulled it over?

6 A I don't know what condition it was when they
7 pulled him over.

8 Q As a member of the Orange County Sheriff's Office
9 when there's a crime scene, everybody is pretty much taught
10 to leave it as is, don't alter or change anything?

11 A They should.

12 Q Okay. Did you ever run any checks to see who the
13 gun belonged to?

14 A I couldn't.

15 Q Okay. Why not?

16 A Its serial number was obliterated.

17 Q Okay. And if that happens, there is no way to
18 trace who the gun belongs to?

19 A Not until FDLE works it and can bring up the
20 serial number again.

21 Q Do you know if that was done in this case?

22 A It was requested. I don't know if it was done.

23 Q And I know that you take fingerprints and DNA, do
24 you do any testing to see what the results are of those
25 collections?

1 **A** No, I don't.

2 **Q** Okay. And did you collect any kind of what's
3 called a gunshot residue kit?

4 **A** No, I did not.

5 **Q** Okay. Do you know who did in this case?

6 **A** Allison Wright.

7 **Q** Okay. Would have collected that?

8 **A** Yes.

9 **Q** Could you just tell us what a gunshot residue kit
10 is?

11 **A** A gunshot residue kit is basically a little sticky
12 pad that you can take and touch somebody's hands with it and
13 if there is any lead, antimonium or barium which is some of
14 the chemicals that comes out of a gun on your hand, then it
15 will stick to that little sticky pad and then a scientist
16 will look at it under a standing electronic microscope and
17 he can see those little particles.

18 **Q** Okay. And you-all use this primarily, this kit
19 for what purpose?

20 **A** We use it to try to determine if somebody fired a
21 weapon.

22 **Q** Okay. And do you run any tests on the firearm to
23 see if it has been eventually fired or not?

24 **A** No, I do not.

25 **Q** Who does that?

1 **A** FDLE.

2 **Q** Now, quickly, back to the Acura, we talked about
3 the 22 different points of where blood is found on the
4 outside of it. Is the majority -- are the majority of those
5 spots found on certain regions or areas of the car?

6 **A** Yes, there were.

7 **Q** And could you explain to the jury what area of the
8 Acura that the majority of the blood is found on?

9 **A** On the back of the Acura along the trunk area and
10 along the passenger's fender area is where the majority of
11 the areas of blood were. The scale only represents an area.
12 Even though there's 22 scales, the area for each scale was
13 rather large.

14 **Q** I am showing you what has been marked as State's
15 Exhibit 3 that has been moved into evidence. Could you take
16 a look at this. Now, looking at the picture of the Acura
17 you said the majority of the blood was found where?

18 **A** On the back area, the trunk area.

19 **Q** This part?

20 **A** Yes, and along the passenger side rear area, over
21 the tire.

22 **Q** So then in this little quadrant over here?

23 **A** Right. And it went over the back windshield onto
24 the top of the car.

25 **Q** So you said there was blood on the back

1 windshield?

2 **A** Uh-huh.

3 **Q** And up on the top of the car?

4 **A** Correct.

5 **Q** And that was all on the passenger side of the car?

6 **A** The majority of it, yes.

7 **Q** Okay. Thank you.

8 **MS. VICKERS:** Nothing further.

9 **THE COURT:** Redirect? Counsel approach, please.

10 (Conference at the Bench held on the record.)

11 **THE COURT:** Because this witness is not later
12 going to be available, could you inquire of your client
13 if he needs to talk to me about any issues with regard
14 to this witness?

15 **MS. VICKERS:** Yes.

16 (Whereupon, the following was in open court.)

17 **MS. VICKERS:** We are fine, Your Honor. We are
18 done, Your Honor. Thank you.

19 **THE COURT:** State, any redirect?

20 **MS. LASKOFF:** Just briefly, Your Honor.

21 **REDIRECT EXAMINATION**

22 **BY MS. LASKOFF:**

23 **Q** Can you explain to the jury -- defense counsel was
24 talking about the different points of blood. Okay? And you
25 marked what, approximately 22 points of either droplets or

1 splatters, is that correct?

2 **A** Are you talking about the scene or the car?

3 **Q** The actual scene, I am sorry. I didn't clarify
4 that. The scene at Thee Dollhouse, in the roadway?

5 **A** Yes, correct.

6 **Q** And did you, in fact, notate where in relation to
7 the vehicles the different points of blood were?

8 **A** Yes, I did.

9 **Q** Okay. And were they all in one locale, near one
10 car, were they in different places? How were they situated,
11 the droplets of blood?

12 **A** They were pretty much spread out in four parking
13 spots wide and four parking spots deep. Just different
14 random trails on the cement.

15 **Q** Now, do you, in fact, make an actual diagram of
16 the different blood splatters?

17 **A** Yes, I did.

18 **Q** And how is it that you go about making the diagram
19 of where different points of blood are?

20 **A** I draw out the scene with measuring tape and basic
21 measurements and then place in the diagram as accurately as
22 possible where they are in relation to the car.

23 **Q** Okay. And where in relation to the offense is
24 this that you make this diagram?

25 **A** I am sorry?

1 **Q** When do you do this, do you draw it right away or
2 do you wait awhile? How does that work?

3 **A** No, I draw it when I am on the scene, and when I
4 go back to the office, I will put it into the computer so it
5 makes sense to everyone.

6 **MS. LASKOFF:** If I may approach the witness, Your
7 Honor?

8 **THE COURT:** You may.

9 **BY MS. LASKOFF:**

10 **Q** I am showing you what's marked for identification
11 purposes as L. If you could look at this. Do you recognize
12 what that is?

13 **A** Yes, I do.

14 **Q** And what is that?

15 **A** It is the sketch that I made at the scene.

16 **Q** Okay. Representing?

17 **A** Where all my cones were that I placed on the
18 scene.

19 **Q** Okay. And the cones are representing what?

20 **A** Umm, the numbers represented blood or suspected
21 blood and the letters represented pieces of evidence.

22 **Q** Okay. Has that changed in any way?

23 **A** No.

24 **Q** Okay.

25 **MS. LASKOFF:** At this time we move to have Exhibit

1 L into evidence as State's --

2 **THE CLERK:** That would be State's 11.

3 **THE COURT:** Any objection?

4 **MS. VICKERS:** Yes, can we approach?

5 **THE COURT:** You may.

6 (Conference at the Bench held on the record.)

7 **MS. VICKERS:** Your Honor, I am going to object in
8 the sense that this is a police report prepared in
9 conjunction with preparing her police report, an
10 employee of Orange County Sheriff's Office, and police
11 reports are not admissible into evidence, and that this
12 is a diagram made in conjunction with her report.

13 **THE COURT:** That objection will be overruled. The
14 exhibit will be admitted as State's 11.

15 (Whereupon, the following was in open court.)

16 **MS. LASKOFF:** If I may publish it to the jury,
17 Your Honor.

18 **THE COURT:** You may.

19 (Whereupon, the aforementioned exhibit was published
20 to the jury.)

21 **A JUROR:** Can we move this easel?

22 **THE COURT:** Yes, we can.

23 **BY MS. LASKOFF:**

24 **Q** Okay. And I know it is a little blurry, there's a
25 pointer on here. Are you able to see the difference in the

1 cones and the letters on this drawing?

2 **A** I have a copy in front of me.

3 **Q** Is it too blurry?

4 **A** No, it is fine.

5 **Q** Okay. Can you show the jury basically what you
6 were talking about that we were just discussing, some are
7 representing blood spots, correct?

8 **A** Right. All of these are mostly blood. All of
9 this is blood, and then a couple of them are letters. And
10 the letters would be like clothing items that were at the
11 scene.

12 **Q** Okay. And can you, just so the jury knows,
13 there's a vehicle number two?

14 **A** That's the Chrysler and that's a Mustang that was
15 at the scene.

16 **Q** The black Mustang that was just parked there?

17 **A** Yes.

18 **Q** Is that representing the defendant's vehicle at
19 all?

20 **A** No.

21 **Q** Okay. Do you have anything on this photograph to
22 represent where, in fact, the defendant's vehicle was
23 parked?

24 **A** No.

25 **Q** Okay.

1 **MS. LASKOFF:** I have nothing further, Your Honor.

2 **THE COURT:** Recross-examination?

3 **MS. VICKERS:** Yes.

4 **RECROSS-EXAMINATION**

5 **BY MS. VICKERS:**

6 **Q** I am not gonna try to make you step down, but I'd
7 like to try to show the jury, so, are you okay?

8 **A** I am fine.

9 **Q** I am just gonna be showing you what has been moved
10 into evidence as State's Exhibit 2. And specifically I am
11 showing you C4, Exhibit 2. Now, this is a picture, and can
12 you tell us, the jury, is this the Chrysler you are talking
13 about?

14 **A** Yes, it is.

15 **Q** And in State's Exhibit Number 11, does that
16 represent vehicle number two?

17 **A** Yes, it does.

18 **Q** Okay. And point that out for the jury where two
19 is?

20 **A** (Witness complying.)

21 **Q** So that's the same thing as the Chrysler that I am
22 holding right above it?

23 **A** Correct.

24 **Q** And is this picture the color photo of the cars
25 with the crime scene tape around it, is that kind of a

1 mirror image as to where the cars were as to Exhibit 11
2 which is part of your report?

3 **A** Yes, it is.

4 **Q** Now, vehicle number 3 on your diagram represents
5 this car right here, is that correct?

6 **A** Right. Uh-huh.

7 **Q** All right, but then there's blood and other
8 evidence that is past vehicle three?

9 **A** Yes.

10 **Q** Okay. So there is no representation of the Acura
11 or where the Acura was, is that correct?

12 **A** That is correct.

13 **Q** Okay. And again, so the jury can see, when I was
14 talking to you about 10 and 22, 10 is right over here by
15 vehicle number two, is that correct?

16 **A** Correct.

17 **Q** And can you point out to them where vehicle number
18 22 is?

19 **A** It is way over here.

20 **Q** Okay. And so the area of blood was contained
21 pretty much width wise between ten and 22, is that correct?

22 **A** Yes, ma'am.

23 **Q** Okay. Thank you.

24 **MS. VICKERS:** Nothing further.

25 **THE COURT:** Any other further questions of this

1 witness?

2 **MS. VICKERS:** No.

3 **THE COURT:** May this witness be excused? She will
4 not be available later.

5 **MS. LASKOFF:** I am excusing her.

6 **MS. VICKERS:** Nothing further.

7 **THE COURT:** Thank you, ma'am.
8 State, call your next witness.

9 **MS. LASKOFF:** Allison Wright.

10 Thereupon,

11 **ALLISON WRIGHT**

12 was called as a witness and, having first been duly sworn,
13 testified as follows:

14 **THE COURT:** You may proceed.

15 **MS. LASKOFF:** Thank you.

16 **DIRECT EXAMINATION**

17 **BY MS. LASKOFF:**

18 **Q** Ma'am, can you state your name for the record.

19 **A** Allison Wright.

20 **Q** And where is it that you work, Ms. Wright?

21 **A** The Orange County Sheriff's Office.

22 **Q** And how long have you worked with the sheriff's
23 office?

24 **A** About four years.

25 **Q** And at the sheriff's office, what is your

1 assignment?

2 **A** I am a crime scene investigator.

3 **Q** And what does a crime scene investigator do?

4 **A** We process the scene, collect evidence, process
5 evidence, things of that nature.

6 **Q** Okay. Did you become involved in a stabbing
7 investigation that occurred on the night of October 25th,
8 2006 at Thee Dollhouse?

9 **A** Yes, I did.

10 **Q** Okay. And can you explain to the jury how it is
11 you first became involved in this case?

12 **A** Umm, I was called to our central operations
13 building at the sheriff's office to photograph and collect
14 buccal swabs from suspects.

15 **Q** Okay. And did you, in fact, do this?

16 **A** Yes, I did.

17 **Q** Okay. And when you -- when you say you responded
18 to your criminal investigations division, sorry, to collect
19 buccal swabs, what's a buccal swab?

20 **A** Buccal swabs is the swabbing of the inside of the
21 cheek. It is used for a DNA standard.

22 **Q** And what do you mean DNA standard, for everyone
23 that --

24 **A** Comparison against blood evidence, saliva,
25 anything that you need to compare DNA for.

1 **Q** Okay. And from whom did you collect a buccal
2 swab?

3 **A** I collected buccal swabs from a John Dobbs and a
4 Deanna Washington.

5 **Q** Okay.

6 **MS. LASKOFF:** If I could approach the witness,
7 Your Honor?

8 **THE COURT:** You may.

9 **BY MS. LASKOFF:**

10 **Q** I am showing you what is marked for identification
11 purposes as K. Do you recognize what this is?

12 **A** Yes.

13 **Q** And how is it that you recognize what that is?

14 **A** It has my evidence label and my seal.

15 **Q** Okay. And what is that?

16 **A** These are buccal swabs from John Dobbs.

17 **Q** Okay. Can you open the package. There's a pair
18 of scissors there, and let me know whether or not is the
19 evidence that you put in there in substantially the same
20 condition as when you placed it in inside the envelope?

21 **A** It appears to be.

22 **MS. LASKOFF:** At this time we'd move to have
23 Exhibit K moved into evidence as State's 12.

24 **THE COURT:** Any objection?

25 **MS. VICKERS:** Objection. Relevance.

1 **THE COURT:** As previously argued?

2 **MS. VICKERS:** As previously argued for the record.

3 **THE COURT:** It'll be admitted as the State's next
4 numbered exhibit subject to being tied up at a later
5 time.

6 **BY MS. LASKOFF:**

7 **Q** Now, other than responding to CID, did you respond
8 to any other scene in regards to this offense?

9 **A** Yes, I did respond to Thee Dollhouse to assist
10 Supervisor Mears.

11 **Q** Okay. And what did you assist her in doing?

12 **A** I collected measurements for her.

13 **Q** Of?

14 **A** Of her markers.

15 **Q** Okay. If you could explain to the jury
16 specifically what you are talking about. You measured what
17 markers?

18 **A** She has different markers set up to correspond to
19 evidence. I am not sure what they were, because I am not
20 the one that worked it, so I measured from the markers to a
21 base line so that she could recreate a diagram.

22 **Q** Okay.

23 **MS. LASKOFF:** I have nothing further, Your Honor.

24 **THE COURT:** Cross-examination?

25 **MS. VICKERS:** Thank you, Your Honor.

CROSS-EXAMINATION

1

2 **BY MS. VICKERS:**3 **Q** Hi.4 **A** Hello.5 **Q** If I could just move this. In your duties in
6 working with this case, did you take measurements of the
7 parking lot at Thee Dollhouse?8 **A** I didn't take actual measurements of the size of
9 the parking lot. I only took measurements from the markers
10 to a baseline.11 **Q** Okay.12 **MS. VICKERS:** Your Honor, may she have permission
13 to step down?14 **THE COURT:** She may.15 **BY MS. VICKERS:**16 **Q** Do you mind stepping down? I want to point out
17 some things to the jury.18 **A** Sure.19 **Q** Okay. Now, did you measure the distance between
20 cone number 10 and cone number 22?21 **A** The direct distance, this distance?22 **Q** Yes.23 **A** No, I did not.24 **Q** Did you measure anything within this area of where
25 the cones are?

1 **A** My baseline started from here and ran this way. I
2 measured each marker off of the baseline.

3 **Q** So you can't tell me the distance between 10 and
4 22?

5 **A** Mathematically we probably could through a
6 triangle, but as far as me knowing exactly, no.

7 **Q** Could you figure that out if we gave you a
8 calculator or something?

9 **A** Maybe. I don't have -- I don't have the
10 measurements. Supervisor Mears would have those. It might
11 be possible.

12 **Q** Okay.

13 **MS. VICKERS:** Your Honor, may we approach?

14 **THE COURT:** You may.

15 (Conference at the Bench held on the record.)

16 **MS. VICKERS:** I just have a concern because I
17 asked Mears and she said this one did the measuring and
18 now she's saying she doesn't have the measurements.
19 And we can't recall Mears.

20 **MS. LASKOFF:** I think her measurements are with
21 the case package. It might be what she's talking
22 about.

23 **THE COURT:** You can ask additional questions, but
24 it appears that there is conflict in the evidence at
25 this point that the Court can't resolve.

1 **MS. VICKERS:** Okay. Thank you.

2 (Whereupon, the following was in open court.)

3 **BY MS. VICKERS:**

4 **Q** Okay. Could you tell me the distance between your
5 baseline and number 10, do you have that?

6 **A** I do not have any of the measurements. They are
7 in the file.

8 **Q** Okay. Where is the file?

9 **A** At the office.

10 **Q** Okay. And if you went and got it, do you have
11 access to this file?

12 **A** Yes.

13 **Q** Okay. So you could go get that information and
14 bring it back in here?

15 **A** Yes.

16 **Q** Okay. Umm, now, you also at some point met and
17 took pictures of Mr. Dobbs, is that correct?

18 **A** Yes.

19 **Q** And you noted several injuries on him, is that
20 correct?

21 **A** Yes, I did.

22 **Q** Okay.

23 **MS. VICKERS:** Your Honor, if I could approach the
24 State and then the witness?

25 **THE COURT:** You may.

1 **BY MS. VICKERS:**

2 **Q** If you could take a look at these. I am showing
3 you what has been marked as Defense Exhibit H for
4 identification. If you could just hold those down and look
5 at them for me.

6 **A** (Witness complying).

7 **Q** Do you recognize these photographs?

8 **A** Yes, I do.

9 **Q** And what are they?

10 **A** They are photographs of Mr. Dobbs.

11 **Q** Okay. And how do you recognize those photographs?

12 **A** Because I took them.

13 **Q** All right. And do the photographs accurately
14 depict the way in which Mr. Dobbs looked on the morning of
15 October 25th of 2006?

16 **A** Yes, it does.

17 **Q** Okay. Now, again, you had noted several injuries
18 to Mr. Dobbs?

19 **A** Yes, I did.

20 **Q** And you noted the left upper lip was swollen?

21 **A** Yes.

22 **Q** There was a cut on the right eyebrow?

23 **A** Yes.

24 **Q** A cut on the right chin?

25 **A** Yes.

- 1 **Q** There was an abrasion to the left knee?
- 2 **A** Yes.
- 3 **Q** There was a cut on the right thumb?
- 4 **A** Yes.
- 5 **Q** There was abrasions on the right and left little
6 fingers?
- 7 **A** Yes.
- 8 **Q** There was a cut on the middle finger?
- 9 **A** Yes.
- 10 **Q** There were two cuts on the left forearm?
- 11 **A** Yes.
- 12 **Q** Could you just show on your arm whereabouts those
13 were?
- 14 **A** Right about here, this section.
- 15 **Q** Okay. And do you remember how big those cuts
16 were?
- 17 **A** No, I don't.
- 18 **Q** Okay. Did you measure those?
- 19 **A** No, I did not. I took a photograph with a scale.
- 20 **Q** I am sorry?
- 21 **A** I took a photograph with a scale.
- 22 **Q** Okay. And the scale would be able to tell
23 everybody what?
- 24 **A** Approximately the size, the scale is three
25 centimeters.

1 **Q** Okay. And there are -- also in the injuries to
2 Mr. Dobbs, you note there were linear red marks on the left
3 chest?

4 **A** Yes.

5 **Q** So he looked like he had gotten in a fight, right?

6 **A** Yes.

7 **Q** Also, when you met with Mr. Dobbs, did you collect
8 what's called a gunshot residue kit?

9 **A** Yes, I did.

10 **Q** Could you just explain to the jury what that's
11 used for in your line of work?

12 **A** A GSR kit, a gunshot residue kit is to help
13 determine whether someone was near or fired a firearm. It
14 checks for particles, for particles that would be on your
15 hand from being near or firing a weapon.

16 **Q** And could you just explain to the jury how you
17 conducted this test on Mr. Dobbs?

18 **A** Umm, we have kits. The kits come with four vials
19 that have like a sticky pad, almost like tape on one side of
20 it and you press it down on a certain area on the hand and
21 that collects the particles if they are present and then we
22 send it off to the lab for analysis.

23 **Q** Okay. When you first take that test, do you do a
24 little presumptive test for your own edification?

25 **A** No.

1 **Q** And did you send this gunshot residue kit off to
2 the lab?

3 **A** I transferred everything that I collected to
4 Supervisor Mears. I am not aware if she did or not.

5 **Q** So you don't do the actual testing to see if the
6 gunshot residue kit comes up positive or negative?

7 **A** Correct.

8 **Q** And if it comes up positive do you know what that
9 means?

10 **A** That means someone was present in the presence of
11 a fired gun, or they fired a weapon.

12 **Q** If it comes out negative, what does that mean?

13 **A** It means there were no particles present.

14 **Q** Okay.

15 **MS. VICKERS:** Nothing further, thank you.

16 **THE COURT:** Any redirect?

17 **MS. LASKOFF:** Just briefly.

18 **REDIRECT EXAMINATION**

19 **BY MS. LASKOFF:**

20 **Q** Let me ask you this, you were just talking about
21 the gunshot residue. We talked about if it comes back
22 positive it means you either fired it or you were near it?

23 **A** Yes.

24 **Q** And if it is negative there is no particles?

25 **A** Correct.

1 **Q** Does it mean that you didn't shoot the gun or you
2 did shoot the gun?

3 **A** No. It just means no particles were present.
4 Particles fall off. If you washed your hands, they are
5 gone. Any number of reasons why it could be negative.

6 **Q** Does movement -- is there sometimes negative GSR?

7 **A** Yes.

8 **Q** Okay. How about, do some sorts of projectiles
9 simply don't dispel, and shoot off gunshot residue?

10 **MS. VICKERS:** I am going to object as to improper
11 opinion by this witness.

12 **THE COURT:** Sustained.

13 **MS. LASKOFF:** I have nothing further. Thank you.

14 **THE COURT:** Any further questions of this witness?

15 **REXCROSS EXAMINATION**

16 **BY MS. VICKERS:**

17 **Q** Umm, now, when you met with Mr. Dobbs and
18 photographed his injuries, he had blood on him?

19 **A** Yes.

20 **Q** And had all of his injuries been cleaned up in any
21 way?

22 **A** I believe one was bandaged.

23 **Q** Okay. Was that the one on the forearm?

24 **A** The one on the forearm was bandaged.

25 **Q** Okay. But other than that, did it appear to you

1 that he had been washed off, washed his face and washed his
2 hands or was there caked up blood on his parts?

3 **A** I believe there was blood on him. I don't think
4 that he had washed up.

5 **Q** Okay. So you have nothing to say that he went
6 back and washed his hands or washed his face or anything?

7 **A** No.

8 **Q** Okay.

9 **MS. VICKERS:** Thank you.

10 **THE COURT:** Anything further of this witness?

11 **MS. LASKOFF:** Not from the State, Your Honor.

12 **MS. VICKERS:** No.

13 **THE COURT:** May this witness be excused?

14 **MS. VICKERS:** Yes.

15 **THE COURT:** You are free to go, ma'am. Thank you.
16 State, call your next witness?

17 **MS. LASKOFF:** If we can just approach briefly?

18 **THE COURT:** You may.

19 (Conference at the Bench held on the record.)

20 **MS. LASKOFF:** Can we take a five minute break? I
21 just need to use the rest room. The rest of my
22 witnesses are pretty quick.

23 **THE COURT:** Okay. Do you think we are going to
24 finish up with your case in chief today?

25 **MS. LASKOFF:** Very possibly could, depends on

1 Mr. Holiday and his sugar condition.

2 **THE COURT:** Okay.

3 **MS. VICKERS:** I know we don't have any of our
4 witnesses coming today. We will do that tomorrow.
5 Thank you.

6 **MS. LASKOFF:** And I kind of hurried through Susan.

7 **THE COURT:** We don't want anybody dropping a child
8 in here. Okay. All right. I will give them a 10
9 minutes recess, but then I am going to go for another
10 hour and a half.

11 (Whereupon, the following was in open court.)

12 **THE COURT:** Okay. ladies and gentlemen, the
13 attorneys have requested a 10 minute recess at this
14 time. We will not take another recess after this for
15 an hour and a half or two hours, I don't imagine, maybe
16 close to the end of the day before we take another
17 recess. One of the things that I am going to ask you
18 before we recess for the evening is what time do you
19 want to start in the morning. I have nothing else on
20 my calendar tomorrow, and I can start at 8:30, 8:45 or
21 9, and I will leave it to you to tell us when you want
22 to be here to begin this trial tomorrow. But that's
23 something that I will find out from you later.

24 Do not discuss the case amongst yourselves. Don't
25 let anyone discuss it with you. Leave your pads and

1 pens on the chairs, they'll be there when you return
2 and I would ask you to be back in the jury room at ten
3 minutes to three.

4 (Jury exits the courtroom.)

5 **THE COURT:** We will be in recess for ten minutes.

6 (Whereupon a short recess was taken.)

7 **THE COURT:** All right. We have everybody back in?

8 **MS. VICKERS:** I just need a moment. We were just
9 able to question the FDLE person. I just need a moment
10 to speak with Ms. Chien about that and I just need to
11 run one thing by Mr. Dobbs.

12 **THE COURT:** Okay. Are we ready?

13 **MS. LASKOFF:** Umm, Your Honor, there's a matter
14 that I just, I wanted to bring to the Court's attention
15 and I just -- I don't want everyone to be here twice
16 for nothing.

17 We had previously addressed with the defendant,
18 Judge Strickland had, the defendant's choice not to
19 have depositions, to proceed without them because he
20 wanted his speedy trial rights not to be waived, and he
21 wanted to get to trial. I have now received an
22 ineffective assistance of counsel, and I have not
23 gotten to read it all. There is approximately 23
24 points on it, with the defendant I guess, and his
25 family, with certain complaints about matters that they

1 feel should or should not have been addressed.

2 **MS. VICKERS:** And for the record, this just got
3 handed to us. I am trying to read it right now.

4 **THE COURT:** All right. Mr. Dobbs, do you want me
5 to appoint different counsel to represent you?

6 **THE DEFENDANT:** No, I'd just like you to take
7 note.

8 **THE COURT:** Well, I am not going to take note
9 without taking action, so if you want me to appoint
10 other counsel, I will consider that. If I appoint
11 other counsel, I have have to declare a mistrial and
12 this matter will be tried at a later time. That
13 decision is yours.

14 **THE DEFENDANT:** Okay. Now, is there any way that
15 I can take more action as far as me myself in this
16 trial but still with their assistance?

17 **THE COURT:** Are you asking to represent yourself
18 in this matter?

19 **THE DEFENDANT:** Well, umm, I am asking to be able
20 to, umm, assist myself more with their aid.

21 **THE COURT:** All right. You can either represent
22 yourself, and I will appoint them as standby counsel to
23 answer any questions that you have, or they may
24 represent you. If you wish to represent yourself, then
25 you need to tell me, because I do need to go over a

1 lengthy inquiry with you to make sure you're competent
2 to represent yourself.

3 **THE DEFENDANT:** Okay. Now, basically let me ask
4 you -- see how to put this. Okay, do I have to wait
5 any longer if I decided to represent myself with them
6 as counsel to me?

7 **THE COURT:** There would be standby counsel which
8 means they would not be asking any questions. You
9 would be doing all of the questioning.

10 **THE DEFENDANT:** Will I have to ask the questions
11 with these shackles on my leg?

12 **THE COURT:** I offered you the use of the bandit
13 previously, which is a device that is underneath the
14 clothing which cannot be seen, and that remains an
15 option for you.

16 **THE DEFENDANT:** Still remains an option?

17 **THE COURT:** Yes, absolutely.

18 **THE DEFENDANT:** Can I bring this up later on in
19 the trial perhaps?

20 **THE COURT:** If you want to represent yourself, you
21 can bring it up at any time and I will proceed from
22 there if you ask me to. If you tell me you want to
23 represent yourself, I will deal with it at the time.

24 **THE DEFENDANT:** Appreciate it.

25 **THE COURT:** If you're telling me you don't want to

1 do it right now, I am going to bring the jury back in.
2 Okay? You don't want to represent yourself right now?

3 **THE DEFENDANT:** Exactly.

4 **THE COURT:** Let's bring the jury back in.

5 **MS. VICKERS:** One thing I want to ask, just to
6 make sure Mr. Dobbs doesn't stand up in the middle of
7 everything and say I want to represent myself, just
8 tell us.

9 (Jury enters the courtroom.)

10 **THE COURT:** You may be seated.
11 State, you may call your next witness.

12 **MS. LASKOFF:** Herbert Mercado.

13 Thereupon,

14 **HERBERT MERCADO**

15 was called as a witness and, having first been duly sworn,
16 testified as follows:

17 **DIRECT EXAMINATION**

18 **BY MS. LASKOFF:**

19 **Q** Sir, can you state your name for the record?

20 **A** Deputy Herbert Mercado.

21 **Q** And where is it that you work, Deputy?

22 **A** I work in Sector 4.

23 **Q** At what agency?

24 **A** Orange County Sheriff's Office.

25 **Q** And what is your job there?

1 **A** I am a deputy sheriff, patrol deputy.

2 **Q** I am sorry?

3 **A** I am a patrol deputy for Sector 4.

4 **Q** What is that to mean?

5 **A** Basically ride around in our police cars and fight
6 crime.

7 **Q** Do you respond to calls?

8 **A** Yes, I do.

9 **Q** How long have you worked at the sheriff's office?

10 **A** Approximately a year and I believe nine months
11 now.

12 **Q** Now, let me ask you back on October 25th, 2006,
13 early morning hours, were you on duty?

14 **A** Yes, I was.

15 **Q** And what was your duty at that point, was it the
16 same thing, Sector 4?

17 **A** Yes, it was.

18 **Q** And did you respond to a call?

19 **A** Umm, I assisted Deputy Tom Hutchins in a traffic
20 stop.

21 **Q** Okay. Let me ask you about that. What is it that
22 you-all learned in order to have this traffic stop happen?

23 **A** Basically we responded to a call of a possible
24 aggravated battery that happened in a nightclub and the
25 suspect vehicle was heading southbound on Thompson towards

1 our location. We got the vehicle description. They said it
2 had blood on it, and a possible dent on the side, so we --
3 Tom Hutchins actually was the primary officer who physically
4 saw the vehicle, and I basically responded to his location.

5 **Q** Okay. And when you-all responded, what happened,
6 did the vehicle stop obviously?

7 **A** We conducted a felony stop. I was the primary
8 officer who cut the vehicle off on Thompson and Orange
9 Avenue.

10 **Q** What do you mean you cut it off?

11 **A** Basically I went in front of it and stopped it
12 from proceeding. It was at a traffic light.

13 **Q** Okay. And I am showing you State's 3, Composite
14 B1, B2 and B3. Is this -- what is this?

15 **A** It is an Acura TL series. Silver.

16 **Q** Is that the vehicle that we are talking about you
17 guys stopped?

18 **A** Yes, I identified that as the vehicle.

19 **Q** Roughly what time was it that the call went out
20 that there was an incident?

21 **A** Umm --

22 **Q** Do you need to refer to something?

23 **A** I probably need to refer to it.

24 **Q** If I showed you your report, would that assist you
25 in refreshing your memory?

1 **A** Yes. Definitely. Yes, it was.

2 **Q** Okay.

3 **A** Umm, approximately 0216 or 2:16 in the morning on
4 the 25th.

5 **Q** And approximately what time was it that this
6 silver Acura vehicle was stopped?

7 **A** I would say approximately ten minutes after,
8 within that time frame. The distance that it took him from
9 the incident of occurrence to the Thompson and Orange Avenue
10 location.

11 **Q** Now, once the vehicle was stopped, who was inside
12 the car?

13 **A** Mr. Dobbs and a female.

14 **Q** Okay. And can you just give a general description
15 of the female, white female?

16 **A** It was a -- I guess medium-colored black female.

17 **Q** Okay. And who was driving the vehicle?

18 **A** Mr. Dobbs was driving.

19 **Q** And where was this black female?

20 **A** She was in the passenger side, front right.

21 **Q** I am sorry?

22 **A** She was in the front passenger side of the
23 vehicle.

24 **Q** Okay. And so what happened?

25 **A** Basically conducted a felony stop, had both the

1 driver and the passenger exit the vehicle.

2 Q Okay. And when you saw the vehicle, what -- what
3 did you observe of the defendant?

4 A The defendant had blood on him and he was pretty
5 excited, and you could see it in his face he was just kind
6 of in shock.

7 Q Okay.

8 A We had pulled him over because we assumed it was
9 the suspect vehicle that fit the description. Umm, there
10 was blood on the vehicle. It had an accident which they
11 described. You can see in the interior, there was blood on
12 the carpet itself, so we were pretty sure this was the
13 suspect. The defendant was then asked if he had any weapons
14 in the vehicle and he replied, quote, yeah, yeah, I have a
15 gun. I have a knife and a gun in the vehicle.

16 Q Okay.

17 A Okay.

18 Q Did you locate the knife and the gun in the
19 vehicle?

20 A Yes. With his consent I asked him if we can
21 search his vehicle. He advised me that the knife was in the
22 center console and the gun was underneath the rear passenger
23 seat.

24 Q Okay.

25 **MS. LASKOFF:** If I could approach the witness,

1 Your Honor?

2 **THE COURT:** You may.

3 **BY MS. LASKOFF:**

4 **Q** I am showing you State's 6. Do you recognize this
5 item?

6 **A** Yes, I do.

7 **Q** And what is that?

8 **A** That was the folding knife that was wrapped in the
9 napkin full of blood.

10 **Q** Okay. Now, let me ask you about this. When you
11 saw it, did it -- it had blood on it, did it have -- there's
12 some dried blood on there, correct?

13 **A** Yes, there is.

14 **Q** Did it have more or less blood than this?

15 **A** There was more than that.

16 **Q** Did it look like it was dried like this, the
17 blood?

18 **A** No. No.

19 **Q** Did it look like it was wet?

20 **A** It was still wet.

21 **Q** Okay. And this was exactly where in the vehicle?
22 You said center console. Where is that center console
23 located in the vehicle?

24 **A** In between both, about arms rest or elbow. Right
25 at the elbow.

1 **Q** This is in the front seat between the front seat
2 and the passenger?

3 **A** Front seat between the front seat and passenger.

4 **Q** Okay. Now, if I can approach the witness, Your
5 Honor, I am showing you State's 5. Do you recognize what
6 this thing is?

7 **A** Yes, I do. It is a black high point C nine model,
8 nine millimeter.

9 **Q** Okay. Is this the gun that you located in the
10 defendant's car?

11 **A** Yes, it is. It should have the numbers scraped
12 off, the serial number.

13 **Q** Okay. Where is it -- and it has been checked,
14 it's not loaded?

15 **A** Yeah, you can see where it is --

16 **Q** Can you show the jury where?

17 **A** Can I pick it up?

18 **Q** You can touch it. It has been processed.

19 **A** Serial number is located right in front.

20 Obviously you can't see from there, but the serial number is
21 scraped off.

22 **Q** Okay. Can you tell the jury exactly where in the
23 car was this gun located?

24 **A** It was directly behind his driver's side, the rear
25 passenger seat, just underneath his seat. You wouldn't be

1 able to see unless he told you where it was. It was
2 actually, you had to lift up the seat cover, the seat
3 cushion to find it.

4 Q Just so we are clear, he's in the driver's seat?

5 A Uh-huh.

6 Q Okay. Is it around his seat, is it under his
7 seat, is it over his seat?

8 A Behind his seat underneath the passenger.

9 Q Underneath the passenger side?

10 A Well, the rear passenger seat.

11 Q So underneath the back?

12 A Underneath that.

13 Q Somebody tucked it underneath something?

14 A It is tucked underneath.

15 Q What was it tucked under, a cushion?

16 A Just the seat cushion itself. It was forced into,
17 in between the seat and the carpeting.

18 Q Okay.

19 A But there was a blood trail leading to it.

20 Q To the gun?

21 A To the gun.

22 Q Okay. Now, you said that the defendant was
23 bleeding?

24 A Right. He had blood on him.

25 Q Okay. And was the woman bleeding?

1 **A** Not that I am aware of.

2 **Q** Okay. Now, you said he was excited when you
3 initially stopped him?

4 **A** Yeah. He was in like a state of shock.

5 **Q** Okay. And after the search of the vehicle --

6 **A** Uh-huh.

7 **Q** -- then what happened?

8 **A** We secured the weapons, both the handgun and the
9 knife and I turned over the weapon to Deputy Tom Hutchins.
10 He was, I guess, the primary deputy on the call itself.

11 **Q** Okay.

12 **A** The vehicle was later towed to Central Operations
13 4 for evidence.

14 **Q** Okay. Did you personally have any other
15 involvement in this investigation?

16 **A** Not at all. I was the -- just -- I was the
17 officer who recovered the weapons and was turned over to
18 Deputy Hutchins.

19 **Q** Okay. Thank you.

20 **THE COURT:** You may proceed.

21 **MS. VICKERS:** Thank you.

22 **CROSS-EXAMINATION**

23 **BY MS. VICKERS:**

24 **Q** Good afternoon.

25 **A** Good afternoon.

1 **Q** How are you doing?

2 **A** Good.

3 **Q** Good. Now, when you are at what you think is a
4 crime scene --

5 **A** Uh-huh.

6 **Q** -- do you alter or change anything around or do
7 you try to leave everything as is?

8 **A** We leave everything as is.

9 **Q** Okay. And did you give Mr. Dobbs an opportunity
10 to pull over or you guys just kind of cornered him off?

11 **A** We basically cornered him off.

12 **Q** So you didn't, like, turn on the lights and sirens
13 and wait?

14 **A** Oh, yeah, that we did, yeah.

15 **Q** Standard. And he pulled over?

16 **A** He was actually at a stop, at a red light.

17 **Q** Okay. And he didn't try to run from you guys or
18 anything?

19 **A** Well, my vehicle was basically parked in front of
20 his, so he wouldn't be -- I mean, unless he rammed into
21 mine, he wasn't able to move.

22 **Q** Okay. And when you pulled him over, the windows
23 in the car were rolled up?

24 **A** Yes, they were.

25 **Q** Okay. And did you alter that in any way --

1 **A** No.

2 **Q** -- from the time that the -- from you pulling him
3 over until the crime scene investigator came to take
4 pictures?

5 **A** No.

6 **Q** And were you on scene during that?

7 **A** Yes, I was.

8 **Q** All right. So nobody altered the windows?

9 **A** No.

10 **Q** And they were rolled up?

11 **A** Yes, I believe.

12 **Q** The entire time, I'm sorry, yes or no?

13 **A** Yes, it is.

14 **Q** Thank you.

15 When you pulled Mr. Dobbs over, he was cooperative
16 with you-all?

17 **A** Yes, he was.

18 **Q** He told you exactly where the weapons were?

19 **A** Yes.

20 **Q** I mean, not only the fact that there were weapons?

21 **A** Right. He did tell me the location of the
22 weapons.

23 **Q** He told you exactly where they were?

24 **A** Yes.

25 **Q** And you said he was kind of in a state of shock?

1 **A** Right.

2 **Q** Looked like he had been in a fight?

3 **A** Possibly, yeah.

4 **Q** Okay. And the weapons when you found them both
5 had blood on them?

6 **A** Blood on them, yes.

7 **Q** Now, did you have a chance to talk with Mr. Dobbs?

8 **A** No.

9 **Q** Okay.

10 **A** Not after the fact. We were trying to secure the
11 weapons at first.

12 **Q** Okay. Now, did you notice his injuries that he
13 had?

14 **A** Umm, I believe he had a couple of cuts and
15 bruises, but I couldn't verify it exactly on his body. I
16 believe they were probably on his hands or, but I couldn't
17 verify it. I was basically, like I said, the officer just
18 recovering the weapons, securing them and turning them over
19 to the primary deputy on the scene.

20 **Q** Okay. If I were to show you a picture of
21 Mr. Dobbs, would that refresh your recollection as to his
22 injuries?

23 **A** Probably.

24 **Q** Okay.

25 **MS. VICKERS:** Your Honor, may I approach the State

1 and then the witness?

2 **THE COURT:** You may.

3 **MS. VICKERS:** May I approach?

4 **THE COURT:** You may.

5 **MS. VICKERS:** Thank you.

6 **BY MS. VICKERS:**

7 **Q** Now, if you will just take a look at these, hold
8 them down to where nobody else can see them, and then once
9 you're done -- I am showing you what has been marked as
10 Defense Exhibit H for identification. If you can just take
11 a look at those for me and let me know if that refreshes
12 your recollection when you're done?

13 **A** Umm, yes, all but one which is showing a possible
14 knee injury, which we didn't verify that.

15 **Q** Okay. I am sorry. When you stopped Mr. Dobbs, he
16 was wearing long pants?

17 **A** Yes.

18 **Q** So you didn't notice any injuries to his legs?

19 **A** Right.

20 **Q** Okay. But you did notice injuries to his head and
21 face area?

22 **A** Yeah, that I can recollect.

23 **Q** And he had a large cut on his arm, is that
24 correct?

25 **A** Yes.

1 Q And then blood and kind of cuts on his hand?

2 A Yes.

3 Q Now, at one point Mr. Dobbs almost passed out, is
4 that correct?

5 A I believe so, yes.

6 Q He laid down on the ground?

7 A He needed to, I guess, hold himself against the,
8 his vehicle or our vehicle I believe. Actually, I believe
9 it was our vehicle. He needed to lean on the vehicle.

10 Q Okay. Because he felt faint or was going to pass
11 out?

12 A Yeah.

13 Q And was he allowed to lean on something so he
14 wouldn't injure himself further?

15 A Yes, of course.

16 Q All right.

17 **MS. VICKERS:** I don't have anything further.

18 **THE COURT:** Any redirect?

19 **REDIRECT EXAMINATION**

20 **BY MS. LASKOFF:**

21 Q Deputy Mercado, he was treated by paramedics,
22 correct?

23 A Yes, I believe so.

24 Q Okay. Did they respond to the scene, to the
25 defendant where he was located?

1 **A** Yes.

2 **Q** And then did they release him?

3 **A** To us, to our custody.

4 **Q** Okay. After he was treated or?

5 **A** Umm, after he was treated.

6 **Q** Okay.

7 **MS. LASKOFF:** I have nothing further.

8 **THE COURT:** Any recross?

9 **MS. VICKERS:** Just quickly.

10 **RECROSS EXAMINATION**

11 **BY MS. VICKERS:**

12 **Q** Now, when Mr. Dobbs was being treated by the
13 paramedics, he was laid out on the ground at that point?

14 **A** At that point I have no recollection of that. It
15 was probably making contact with my supervisor, so I didn't
16 monitor him to that extent. I think it was Deputy Tom
17 Hutchins was at his presence.

18 **Q** Okay.

19 **MS. VICKERS:** Thank you.

20 **THE COURT:** May this witness be excused?

21 **MS. LASKOFF:** Yes, Your Honor.

22 **MS. VICKERS:** Yes, Your Honor.

23 **THE COURT:** You're free to go, sir, thank you.

24 State, call your next witness.

25 **MS. LASKOFF:** Dorinda Blaney.

1 Thereupon,

2

DORINDA BLANEY

3 was called as a witness and, having first been duly sworn,
4 testified as follows:

5

THE COURT: You may inquire.

6

DIRECT EXAMINATION

7

BY MS. LASKOFF:

8

Q Can you introduce yourself to the jury and tell

9

them your name?

10

A Dorinda Blaney.

11

Q And Ms. Blaney, where do you work?

12

A I work with the Orange County Sheriff's Office.

13

Q And what is your assignment there?

14

A I am a latent print examiner.

15

Q Okay. How long have you worked at the sheriff's

16

office?

17

A Just over 17 and a half years.

18

Q Okay. Just over?

19

A Correct.

20

Q Okay. Now, as a latent print examiner, what

21

training have you had in order to become a latent print

22

examiner?

23

A I have taken a 40 hour class given by the FBI on

24

fingerprint comparisons. I have attended a 40 hour class

25

given by the FBI in advanced comparison, a 24 hour symposium

1 on palm print comparison. I attended a 40 hour course given
2 by the International Association of latent comparisons. I
3 have attended approximately four 40 hour training
4 conferences. I have job shadowed in my position for a year
5 before I received the position.

6 Q And do you annually do training to keep current on
7 things?

8 A Umm, normally I try to attend a conference every
9 couple of years.

10 Q Okay. And let me ask you this, what, as a latent
11 print examiner at the sheriff's office, what are your duties
12 and what is it that you have to do?

13 A We receive the fingerprint evidence submitted to
14 our office by a forensics unit and our road deputies. It is
15 our job to evaluate those to see if they are comparable
16 value or not. If they are, we compare them to possible
17 suspects, victims, witnesses at the discretion of the
18 detective. We also identify deceased individuals requested
19 from the morgue's office and we assist any other law
20 enforcement agency at their request.

21 Q Okay. Do you have special equipment that you
22 utilize in your position?

23 A The main thing is a small magnifying glass.

24 Q Okay.

25 MS. LASKOFF: Your Honor, at this time the State

1 would tender Ms. Blaney as an expert in fingerprint
2 analysis and comparisons.

3 **THE COURT:** Any voir dire?

4 **MS. CHIEN:** No, Your Honor.

5 **THE COURT:** Any objection?

6 **MS. CHIEN:** No, Your Honor.

7 **THE COURT:** This witness will be able to render
8 her opinion in that area.

9 **BY MS. LASKOFF:**

10 **Q** Now, I am going to show you State's Exhibit 8. Do
11 you recognize what this is?

12 **A** Yes, I do.

13 **Q** And how is it that you recognize what that is?

14 **A** I signed a latent receipt form submitted by our
15 forensics unit.

16 **Q** And can you tell the jury what is that?

17 **A** This is our latent envelopes that our deputies
18 submit the latents to our office in and they put the latents
19 that they process from a crime scenes within those
20 envelopes.

21 **Q** And specifically this is a latent fingerprint from
22 what?

23 **A** This is a photo of a latent fingerprint off of a
24 razor blade.

25 **Q** And did you do any testing on this, or analysis?

1 **A** I evaluated the latent that was submitted to see
2 if there was anything of comparable value on it.

3 **Q** Okay. And when you did this evaluation, what were
4 your findings?

5 **A** That there was no significant detail there for
6 comparison purposes.

7 **Q** And what -- for the rest of us, what does that
8 mean?

9 **A** That means there is not enough ridge detail or
10 points of identification that I can use to identify to
11 somebody.

12 **Q** Okay. So there is just not enough of a print on
13 there?

14 **A** Correct.

15 **Q** Okay. So is there a way to make it so that you
16 could have compared to something?

17 **A** No.

18 **MS. LASKOFF:** I have nothing further, Your Honor.

19 **THE COURT:** Any cross-examination?

20 **CROSS-EXAMINATION**

21 **BY MS. CHIEN:**

22 **Q** Just so we are clear, there was a fingerprint on
23 the razor blade, right?

24 **A** There was some ridge detail, yes.

25 **Q** You just couldn't compare it?

1 **A** Correct.

2 **Q** Okay.

3 **MS. CHIEN:** No other questions.

4 **THE COURT:** Any redirect?

5 **MS. LASKOFF:** No, Your Honor.

6 **THE COURT:** May this witness be excused?

7 **MS. LASKOFF:** Yes, Your Honor.

8 **THE COURT:** May this witness be excused?

9 **MS. CHIEN:** Yes, Your Honor.

10 **THE COURT:** You're free to go, ma'am. Thank you.

11 State, call your next witness.

12 **MS. LASKOFF:** Chandra Gabriel.

13 Thereupon,

14 **CHANDRA GABRIEL**

15 was called as a witness and, having first been duly sworn,

16 testified as follows:

17 **THE COURT:** You may inquire.

18 **MS. LASKOFF:** Thank you, Your Honor.

19 **DIRECT EXAMINATION**

20 **BY MS. LASKOFF:**

21 **Q** Ma'am, can you introduce yourself to the jury?

22 **A** Yes, ma'am. My name is Chandra Gabriel.

23 **Q** And Ms. Gabriel, where do you work?

24 **A** I am employed with the FDLE in Orlando, Florida.

25 **Q** And how long have you worked there?

1 **A** I have been with the FDLE for approximately 20
2 years.

3 **Q** Okay. And what is your assignment at the Florida
4 Department of Law Enforcement?

5 **A** My position with the Florida Department of Law
6 Enforcement is as a crime laboratory analyst. With that
7 position, I analyze and process evidence submitted to the
8 lab for latent prints. I also compare prints from known
9 subjects or processing hands of deceased individuals to
10 establish their identity and upon request of the Court, I
11 testify to my findings.

12 **Q** Now, let me ask you --

13 **MS. LASKOFF:** And Your Honor, my understanding is
14 there's a stipulation that Ms. Gabriel is, in fact, an
15 expert in the field of fingerprint analysis and
16 comparison?

17 **MS. CHIEN:** Yes, Your Honor.

18 **THE COURT:** Is there such a stipulation?

19 **MS. CHIEN:** Yes, Your Honor.

20 **THE COURT:** Then the witness will be able to
21 render her opinion in that area.

22 **MS. LASKOFF:** Yes, ma'am.

23 **BY MS. LASKOFF:**

24 **Q** Ms. Gabriel, did you become involved in a case --
25 let me ask you this. FDLE case number 2006-0514280?

1 **A** Yes, I did.

2 **Q** Okay. And can you explain to the jury basically
3 what is the process that FDLE gets evidence?

4 **A** The process where we get our evidence submitted to
5 the lab is that either it is mailed in, or the agency sends
6 someone to the lab to drop the evidence off. It comes
7 through our evidence intake section. They will make
8 folders, complete the paperwork, and assign our lab case
9 number to that case. After the files have been made up for
10 each section whether the evidence is to be processed or
11 looked at for whichever examination the agency requests, the
12 evidence is maintained in the vault. When the evidence is
13 ready to be processed, it is then transferred to an analyst
14 in order to do their examination.

15 **Q** Now, how do you make sure, say, for example, in
16 this case what somebody submits, doesn't get mixed up with
17 another case?

18 **A** Each piece of evidence that comes into our lab is
19 assigned a laboratory case number along with a bar code that
20 has identifying case numbers, evidence container numbers, as
21 well as the agency name on that bar code label.

22 **Q** Okay. And then what happens once it is placed
23 into the evidence section at the Florida Department of Law
24 Enforcement, how does it get up to you?

25 **A** It is transferred to me through our computer

1 system so each piece of evidence is tracked and we know
2 which person has it, which section that piece of evidence is
3 in.

4 **Q** And when you say which section, what do you mean
5 by that?

6 **A** We have several sections within the Florida
7 Department of Law Enforcement at our lab to process or
8 analyze evidence. We have our biology section, our latent
9 print section, our chemistry section, our firearms section
10 as well as our drug and toxicology section and our trace
11 microanalysis section.

12 **Q** Okay. Now, did you receive evidence pertaining to
13 this case?

14 **A** Yes, I did.

15 **Q** And what evidence is it that you received?

16 **A** The evidence I received in this case was a gun, a
17 gun magazine, some live rounds and also a knife.

18 **Q** Okay. Was there a razor blade too? Did you
19 receive the razor blade?

20 **A** No, ma'am, I did not receive a razor blade.

21 **Q** Okay. And when you received these items, what
22 happens?

23 **A** When I received these items, they were all in a
24 sealed container. I had to open up the evidence in order to
25 process and document what I was going to process for latent

1 prints.

2 **Q** Now, when you say you processed them, what does
3 that entail? How do you process something?

4 **A** When I process evidence, the latent prints, I am
5 looking at it visually. Also I use a light source,
6 chemicals and powders in order to make the latent prints
7 visible to the naked eye.

8 **Q** Okay. I am going to show you what has been marked
9 as State's Exhibit 6. Do you recognize this? I'm also
10 going to show you State's Exhibit 5. If you can look at
11 that I will put it over here. Do you recognize what that
12 item is, the first one I handed you?

13 **A** Yes, I do, and this exhibit in this box was a
14 pocket knife, a folding knife that I processed for latent
15 prints.

16 **Q** And when you processed it, what happened?

17 **A** I wasn't able to develop or see any latent prints
18 on it.

19 **Q** Okay. And bare with me. I forgot what this item
20 number is, Exhibit 5. If you can look at those, it is a
21 composite as well?

22 **A** Yes, I did process this evidence also for latent
23 prints.

24 **Q** And how about the item in a box?

25 **A** Yes, I also processed this gun for latent prints.

1 **Q** Okay. And I forgot to ask you, how do you know
2 these are the items that you processed, if you could explain
3 that to the jury?

4 **A** Yes, ma'am. I recognize these items that I
5 processed for latent prints from our bar code label and also
6 from my initials. Each time I put my initials on them as
7 well.

8 **Q** Okay. Now, how do you make sure that these items
9 doesn't get your prints or someone else's prints mixed up on
10 them once they are submitted into evidence?

11 **A** When I am processing the evidence for latent
12 prints, I do wear gloves.

13 **Q** Okay. And are there certain procedures in place
14 to ensure that other people don't accidentally mix it up and
15 get their prints on it?

16 **A** Yes, ma'am. What we normally do is we have our
17 evidence separated from any other evidence so that the
18 evidence that I have in one of our processes, our tanks to
19 process evidence, that would be my particular tank for my
20 evidence.

21 **Q** Okay. Can you tell the jury on Exhibit 5, the gun
22 and the magazine and the live rounds as well as the pocket
23 knife, were you able to find any latents on these items?

24 **A** Using the processes that I use on these pieces of
25 evidence, I was not able to see or develop any latent prints

1 on any of the evidence.

2 **Q** Okay. Does that mean nobody ever touched these
3 items?

4 **A** No, ma'am, there are a number of reasons why
5 latent prints may not be left on the evidence. Some of
6 these factors include where the evidence was left.
7 Sometimes when it is left in an environment, the rain, the
8 heat, the humidity, the dust can destroy latent prints.
9 Also, excessive handling of evidence can destroy latent
10 prints. Sometimes gloves may be worn. Sometimes prints are
11 wiped off. Other times there may not have been enough
12 contaminants on the hands to leave good latent prints.

13 **Q** Okay. Did you have any other forensic analyses
14 that you did yourself on any items involved in this case?

15 **A** No, ma'am. The only analysis I did on this
16 evidence was for latent prints.

17 **Q** Okay.

18 **MS. LASKOFF:** I have nothing further for this
19 witness, Your Honor.

20 **THE COURT:** Cross-examination?

21 **MS. CHIEN:** Your Honor, may we first approach?

22 **THE COURT:** You may.

23 (Conference at the Bench held on the record.)

24 **MS. VICKERS:** For the record, this is not my
25 witness, but I made the previous objection to the

1 relevancy so I would renew my objection to the
2 relevancy with regard to the razor blade, knife, the
3 gun and the magazine in that there is no prints on
4 anything thus far. No blood on the razor blade and I
5 object to relevance as it being entered into evidence.

6 **THE COURT:** Okay. I will overrule that objection.
7 It was, I believe, found in the car allegedly driven by
8 the defendant and from which the defendant was
9 retrieved, so I will overrule the relevance objection.
10 Do you have any cross-examination of this witness?

11 **MS. CHIEN:** Yes.

12 (Whereupon, the following was in open court.)

13 **CROSS-EXAMINATION**

14 **BY MS. CHIEN:**

15 **Q** Ms. Gabriel, I just want to clarify. There were
16 no prints on the gun?

17 **A** That is correct.

18 **Q** And there were no prints on the knife?

19 **A** That is correct.

20 **Q** And no prints on the gun magazine?

21 **A** That is correct.

22 **Q** And no prints on the round?

23 **A** That is correct.

24 **MS. CHIEN:** I have no other questions.

25 **THE COURT:** Any redirect?

1 **MS. LASKOFF:** No, Your Honor.

2 **THE COURT:** May this witness be excused?

3 **MS. LASKOFF:** Yes, Your Honor.

4 **THE COURT:** May this witness be excused?

5 **MS. CHIEN:** Yes, Your Honor.

6 **THE COURT:** You are free to go, ma'am. Thank you.
7 State, call your next witness.

8 **MS. LASKOFF:** Jillian White.

9 Thereupon,

10 **JILLIAN WHITE**

11 was called as a witness and, having first been duly sworn,
12 testified as follows:

13 **THE COURT:** You may inquire.

14 **DIRECT EXAMINATION**

15 **BY MS. LASKOFF:**

16 **Q** Ma'am, can you introduce yourself to the jury and
17 tell them your name.

18 **A** Yes, my name is Jillian White.

19 **Q** And Ms. White, where do you work?

20 **A** I work for the Florida Department of Law
21 Enforcement as a crime laboratory analyst in the biology
22 section.

23 **Q** Okay. And what are your duties there in that
24 section?

25 **A** As a forensic analyst, what I do is I screen items

1 of evidence for the presence of body fluid such as blood,
2 semen and saliva and then once I find them, I try and
3 determine who possibly donated those things.

4 **Q** Okay. And specifically to be a forensic analyst
5 for the biology section, what schooling did you attend prior
6 to going to the Florida Department of Law Enforcement?

7 **A** I have my Bachelors of science from the University
8 of Central Florida in micromolecular biology. I also just
9 completed a one year training program to become an analyst
10 with the Florida Department of Law Enforcement in the
11 biology section.

12 **Q** Okay. And this one year training, what does that
13 entail?

14 **A** Basically it is divided into two phases. The
15 first phase I go through extensive readings, test taking,
16 two oral boards of everything that I have to learn and I
17 have to do practical samples. Once I complete that, I go
18 into phase two training, which basically I work underneath
19 an analyst and I do supervised case work just like I would
20 be working a normal case and then upon completion I take a
21 qualifying test to show that everything I have done I am
22 qualified to work as an analyst in the biology section.

23 **Q** Okay. Now, in this qualifying test, do you -- you
24 have certain proficiency tests to check for accuracy
25 throughout your career, still?

1 **A** Yes, the qualifying test is actually just like
2 proficiency tests that we are required to take twice a year
3 and that just shows that it comes from an outside source.
4 We do not know any of the answers to the test, and we screen
5 it just like we would work normal case work and then submit
6 those samples back to that outside agency and then we work
7 it just like we work it, and we are required to take a
8 proficiency test twice a year.

9 **Q** Now, is the lab at the department, the Florida
10 Department of Law Enforcement, accredited?

11 **A** Yes, we are actually an accredited based CLAD lab
12 and what that stands for is the American Society of Crime
13 Laboratory Directors Laboratory Accreditation Board.

14 **Q** And why should the jury even care about that?

15 **A** Well, basically by being accredited, we show that
16 we can meet certain guidelines and standards set forth so
17 that way, you know, the quality that comes from us meets
18 these guidelines, the quality of our work, all of our
19 procedures that we perform are screened and they are looked
20 over to make sure they meet quality and that all of the, how
21 we perform our tests and the work that is generated by the
22 analysts meet these guidelines.

23 **Q** Okay. Can you tell the jury what is DNA? I mean,
24 we've all heard DNA, DNA, but specifically, what is it to
25 one of us lay folks?

1 **A** What DNA stands for is deoxyribose nucleic acid
2 and basically it is the genetic blueprint that is found in
3 our entire body, all the cells in our body. It is
4 determined during conception. When you inherit one set from
5 your mother, and one set from your father and your DNA is
6 the same throughout your entire body, so the DNA in your
7 saliva is the same as the DNA in your blood, in your skin
8 cells and in your hair.

9 **Q** Okay. Now, how is DNA used and utilized in the
10 study of forensics?

11 **A** Well, what we try and do is -- the type of testing
12 I perform is called STR testing or short tandem repeats and
13 what that means is that since we are all human, much of our
14 DNA is the same, gives us two eyes, two ears, two arms. But
15 there's a very small percentage of our DNA that's actually
16 different which makes us unique. And that small area is
17 what I am actually interested in. And out of that area I am
18 looking at 13 different areas of that to see how many times
19 it repeats.

20 For instance, I'm looking to see how many times
21 the word CAT is repeated at one area, so I am looking for C
22 A T, C A T, C A T. And if you remember, I said we'd get two
23 sets, one from our mother, one from our father, so at one
24 area I am looking, I may have a repeat of a seven and a nine
25 whereas you may have a repeat of a 10 and 11. So now I have

1 13 areas that I go through and I look at to see how many
2 repeats at each area and this is how we develop a person's
3 DNA profile. And on top of these 13 areas, I also have one
4 area that lets me know whether or not it is a male or a
5 female.

6 **Q** Okay. Now, let me ask you, the DNA testing that
7 you do at the lab, can you just briefly describe what the
8 process is that you utilized?

9 **A** What I do is, first I need to, when I screen my
10 items of evidence, I visually look for the presence of a
11 particular stain, and then what I have is I have very simple
12 chemical tests that I can do to determine if a stain is
13 present. If I do find something, I take a small portion of
14 that stain, I put it in a tube. I just apply some heat and
15 chemicals to break open the cells to get the DNA out. Once
16 I have the DNA, I need to determine how much of the DNA is
17 there.

18 From that I then go -- I take it and then I need
19 to multiply it, like xerox it many times so I will take a
20 little and make much more. Once I have xeroxed the DNA or
21 replicated the DNA, I then put it on an instrument which
22 helps me separate the DNA based on size and it will separate
23 it out for these 13 areas. And what I am looking at is that
24 each area I look to see what the number of repeats, like I
25 spoke earlier at each area is, and that's just basically

1 what I am doing.

2 **Q** Okay. Now, in this whole process, do you have
3 certain controls to make sure your blood or other cases
4 blood doesn't get mixed up somehow in the specific case you
5 are doing, testing items on?

6 **A** Umm, throughout our entire process, we use
7 controls the entire time. And every time we add to a
8 different step of the process we add more controls. So that
9 way we can make sure that each step is performed the way
10 that it should be and we use what is called both positive
11 controls that we expect to get a certain result and we use
12 negative controls to make sure no contamination had happened
13 at those steps. So we utilize a lot of controls so that way
14 we can make sure that everything is working as it should.

15 **Q** Okay. And have you ever testified in a court
16 before as an expert?

17 **A** No. This is actually my first time. I have never
18 been called before this.

19 **Q** Okay. How many times have you done DNA testing?

20 **A** I have done it many times. I have done it over a
21 thousand times. Over a thousand samples I have worked.

22 **Q** Okay.

23 **MS. LASKOFF:** Your Honor, at this time the State
24 would render, ask permission from the Court for
25 Ms. Jillian White to be permitted to offer opinion

1 testimony in the area of forensic serology.

2 **THE COURT:** Any voir dire?

3 **MS. CHIEN:** No, Your Honor.

4 **THE COURT:** Any objection?

5 **MS. CHIEN:** No, Your Honor.

6 **THE COURT:** She will be permitted to render
7 opinion testimony.

8 **MS. LASKOFF:** Thank you, Your Honor.

9 **BY MS. LASKOFF:**

10 **Q** Now, let's talk specifically about FDLE case
11 number 2006 0514280. Okay. Were you one of the analysts
12 involved in this case?

13 **A** Yes.

14 **Q** And what were you asked to do on this case?

15 **A** Umm, I had items submitted to me and I was asked
16 to perform DNA analyses on those items.

17 **Q** Okay. And did you receive -- what were those
18 specific items that you received, do you recall?

19 **A** I received three submissions. On my first
20 submission I -- did you want me to kind of list all of this
21 stuff or?

22 **Q** Well, let me ask you this. Let me show you,
23 approach you with Exhibit 6. Is this one of the items that
24 you received?

25 **A** Yes, it is.

1 **Q** And how do you know that's one of the items that
2 you received?

3 **A** Umm, by the FDLE case number and my initials.

4 **Q** Okay. And what is that item?

5 **A** Item Q6. This is a knife.

6 **Q** Okay. Now, I am going to show you Exhibit 5. Do
7 you recognize this item?

8 **A** Which one are you referring to?

9 **Q** The large one, it is a composite.

10 **A** The Q7, yes. This is Q7.

11 **Q** And that is?

12 **A** This I have as a high point model C9 9-millimeter
13 Ruger gun.

14 **Q** Okay. And how do you know that's one of the items
15 that you --

16 **A** Again, by the FDLE number and my initials.

17 **Q** Okay. I am going to approach you with State's
18 Exhibit 9. Again, the same question, is this one of the
19 items you received, and if so, how do you recognize that
20 item?

21 **A** I have this as Q9, a swab from a razor blade and
22 again, by my -- oops, the FDLE label and my initials.

23 **Q** I'm going to show you Exhibit 10 and Exhibit 12,
24 if you could individually look at those. And are these as
25 well the items that you received, and if so, how do you know

1 that, in fact, those are the items that you received?

2 **A** The first one, the container one, which is K1,
3 which is, to me is buccal swabs represented as being from
4 John Dobbs and again, because of the FDLE number and my
5 initials. And then the next one, which is, I guess Exhibit
6 10, container 3, which is to me K3, which is a DNA card
7 represented as being from William Troy, again by the FDLE
8 number and my initials.

9 **Q** Let me first ask you, when you tested these items,
10 what did you do to prepare them for analysis? Do you want
11 to go one by one with the main items?

12 **A** Sure. Which one would you like me to start with?

13 **Q** If you want to start with -- specifically, let's
14 talk about the gun and then we can talk about the knife and
15 then we can talk about the razor blade swab. Okay?

16 **A** Okay. So for the gun, what I did first is I
17 looked for -- I visually examine it for, you know, I'm
18 looking for potential blood, so I am looking for any red
19 brown staining and I did find some, so I have a chemical
20 test that I need to see if it could possibly be the presence
21 of blood and it is a very simple chemical test where I just
22 rub a piece of filter paper, apply a couple chemicals and I
23 look for an immediate pink color, and in this case it did.
24 I did get a pink color which tells me that this could
25 possibly be blood, and then from there I swabbed the stain

1 to take a portion of that onto DNA to do my DNA analysis
2 that I explained a little bit earlier.

3 **Q** Okay. And then at that point what did you do with
4 the gun, with the testing on the gun I should say?

5 **A** Umm, after -- well, once I run it through my DNA
6 analysis, I then look at my results to see what all I got,
7 and what I obtained on that swab is I obtained the presence
8 of a mixture of two or more individuals, and basically what
9 the mixture is, is if you remember before, I told you that
10 we each have two pieces of DNA, one from our mother and one
11 from our father. So, if I happen to see three pieces or
12 four pieces or more, that tells me that there's more than
13 one individual there. And in this instance, I saw a mixture
14 of two or more individuals which told me that there is at
15 least five or six pieces there. And so, then what I do is I
16 try and determine whether or not I can separate those pieces
17 out to see if I -- who all could be contributing to this and
18 I was able to get a major profile. I had enough to be able
19 to get a major profile out of it, and then I also had minor
20 contributors to this mixture.

21 **Q** Okay. Let me ask you about that. Minor profile
22 versus major profile, what does that mean to us?

23 **A** Well, basically if you remember I said that when
24 we do our separation, it is based off size and at -- just
25 basically talking at one area. And I have different,

1 different peaks and stuff. We have -- what we look at is
2 how high each peak is and so if I may have a peak that is
3 like a thousand unit high versus a peak that is 100 unit
4 high, so, I know that the thousand, a peak that is a
5 thousand unit high cannot go with the peak that is 100,
6 because it's not equal in value. So, what we do is the one
7 that's a thousand has more DNA present than the one of the
8 minor that only has 100, and so I can go through each 13
9 areas and pull out what we call is the major contributor to
10 this particular stain to be able to determine a profile.

11 **Q** Okay. And in this case you indicated that you
12 found a major contributor of a DNA profile?

13 **A** Yes.

14 **Q** And that was of whom?

15 **A** Umm, the major contributor matched that of John
16 Dobbs.

17 **Q** Okay. And let me ask you this, just so the jury
18 understands, did you utilize the samples from the buccal
19 swabs in the processing of the gun to reach that decision?

20 **A** What I do with what these are called for us are
21 standard for reference samples, which we know that they come
22 from an individual, and so what I do is I do the same type
23 of testing like I do on my unknown samples, go through the
24 process and I get a profile, but what I do, once I have my
25 unknown and I have my sample, and I have this -- in this

1 case it was their major contributor, I then look at all of
2 my standards from everybody to see who matches this major
3 contributor of this mixture. And what we do is we go
4 through all 13 areas to see, make sure that all the repeats
5 match. If at even one area it does not match, like if it
6 only matches 12 of the 13, that person does not contribute
7 to this. They have to match at all 13 areas.

8 **Q** Could you, and I, for example, maybe match in some
9 areas?

10 **A** We can share -- like I said before, like I could
11 have a repeat of a 7 and a 9 where you could have a repeat
12 at a 7 and 9 at that one area but at the other 12, they
13 would be distinctly different.

14 **Q** Okay. Now, the minor contributor, what was your
15 finding with regard to the minor contributor on the gun?

16 **A** With this particular one, because it was of a
17 mixture of two or more individuals as far as comparing --
18 remember I always said we compare peak heights and stuff,
19 the more individuals you get in there, it is very hard to
20 make any kind of comparison to keep to match up these
21 heights between individuals. The reason I was able to pull
22 out this major is because it was distinctly different from
23 the rest, but the minor I couldn't do any determination on.
24 And basically all I can say is that I can look at my other
25 standards to see who all could possibly have contributed to

1 this, the remaining minor, you know, and not be excluded.

2 **Q** Okay. And so did you make that finding on who
3 would be a minor?

4 **A** As far as the minor, the sample I had from William
5 Troy cannot be excluded as a possible contributor to this
6 minor mixture.

7 **Q** Now, simply because he cannot be excluded, is
8 that, based on your forensic training, conclusive evidence
9 that he touched the gun or held the gun?

10 **A** Umm, basically all I can say is that what I found,
11 because it cannot be conclusively determined that he had
12 something of the alleles there, or the areas that matched so
13 I had, he could contribute to it. Maybe I am not
14 understanding where you are going.

15 **Q** Okay. Well, let me ask you a different way.
16 William Troy cannot be excluded from the DNA on the gun.
17 You are saying he's possibly a minor contributor to the DNA
18 on the gun, correct?

19 **A** Correct.

20 **Q** Okay. And is that saying to the jury simply
21 because he can't be excluded that he necessarily came into
22 contact personally with the gun? Does it make sense that
23 way?

24 **A** Umm, because of there being, I guess, the possible
25 presence of blood there, just by simply, you know, handling

1 it or something. What we are looking for is the presence of
2 cells, and a significant amount to be able to get something.
3 So I would expect as far as just maybe, I don't know,
4 touching it because our hands don't, you don't really sweat
5 that much. Everybody is different. Especially the palms of
6 the hand don't slough that much cells off of that. So for
7 something like that, it would be kind of highly unlikely
8 that it would be more from just a holding or significance of
9 just coming into contact versus leaving a little bit more
10 you know, of a -- more of a significant stain like that
11 could come from that because I did see red brown staining.

12 **Q** Okay. Well, how is that different where you
13 indicate in your report that the major contributor matches
14 the defendant, John Dobbs, is that different? Your finding
15 in that regard of him handling the gun, is it more of an
16 indicator because he is a major contributor, the defendant,
17 that he possibly handled the gun versus the other individual
18 who's a minor possible contributor?

19 **A** Basically because of the major, there was more DNA
20 of the major there. So there was more DNA left from the,
21 from John Dobbs because he's the major versus the minor of
22 William Troy possibly being the contributor to this minor,
23 so there was more of a DNA left by that. I mean, what I was
24 testing was, in this case, was a red brown stain which we
25 would say is possibly for the presence of blood. So, with

1 the amount of the red brown stain -- I don't know if I am
2 answering it.

3 **Q** You can finish.

4 **A** So it is kind of -- from it -- like if I would be
5 testing just, like -- I didn't test the grip or anything as
6 far as holding or whatnot. Like the area that I was testing
7 was this red brown stain. So more of what I would expect
8 would be coming from, you know, the blood, or the possible
9 presence of blood versus just brushing something, and having
10 cells left there if that's what you are kind of asking me.

11 **Q** Yeah. Well, let me ask you this, was it like a
12 droplet or was it the entire side of the gun?

13 **A** Umm, the area that I tested, it was kind of like a
14 smear on the side of the gun. And it was visible red brown
15 staining.

16 **Q** Okay. Now, let me take you to the knife.

17 **A** Okay. Uh-huh.

18 **Q** Which is the next piece of evidence. It is
19 State's 6. Okay. And can you indicate to the jury what
20 testing you did? Was it the same as you did on the gun?

21 **A** Yes, it was. Again, I am looking for the presence
22 of red brown staining, so I did a visual exam and I did a,
23 again, that same very simple color test, which was a
24 positive reaction for the possible presence of blood. Then
25 I swabbed an area of the knife to take that on for DNA

1 testing, and then I obtained my results.

2 **Q** Okay. And what are your results?

3 **A** From the -- I did indicate the presence of a
4 mixture, again, of two or more individuals, and I was able
5 to determine a major contributor, and this -- the major
6 contributor from this matched that of William Troy.

7 **Q** Where on the knife was it that you were testing
8 the blood?

9 **A** I believe I swabbed the area of -- I swabbed the
10 area of the upper blade. I had to be very careful because
11 when I received this evidence, there's not just my section
12 that can be requested to work up, and so if there's other
13 sections like latents or chemistry or toxicology that happen
14 to need to look at this, we have to kind of be respectful,
15 so we don't potentially damage stuff for other sections.
16 So, to not potentially interfere with another section, as
17 far as I could only kind of swab the top of it, just so I
18 could receive other oh, potential evidence intact for other
19 sections.

20 **Q** Okay. But William Troy was the major contributor
21 on the portion of the blade that you tested?

22 **A** That is correct.

23 **Q** Okay. Now, if you could, the next is the swab
24 that was submitted from the razor blade. It is State's 9.

25 **A** Uh-huh.

1 **Q** Can you tell the jury, again, what testing you did
2 on it?

3 **A** Again, I was looking for the possible presence of
4 blood, and in this case my color test came back negative.

5 **Q** So there was no blood whatsoever?

6 **A** Basically it was -- there was no blood that, you
7 know, that we could test or that was there to be able to
8 test that was significant for the detections of my test.

9 **Q** Okay.

10 **MS. LASKOFF:** I have nothing further at this time,
11 Your Honor.

12 **THE COURT:** Cross-examination?

13 **MS. CHIEN:** Yes, Your Honor.

14 **CROSS-EXAMINATION**

15 **BY MS. CHIEN:**

16 **Q** Good afternoon. The items that you tested in this
17 case, you received them from the Orange County Sheriff's
18 Office, correct?

19 **A** Yes.

20 **Q** And Orange County Sheriff's Office, they selected
21 the items to be tested, is that correct?

22 **A** Yes.

23 **Q** Okay. And Orange County Sheriff's Office did not
24 send any swabs of blood that was found on the Acura, is that
25 correct?

1 **A** No, I did not receive anything.

2 **Q** And Orange County Sheriff's Office also did not
3 send any blood found at the scene to be tested, is that
4 correct?

5 **A** Not that I have.

6 **Q** So you didn't get any of those, is that correct?

7 **A** That is correct.

8 **Q** All right. So Orange County Sheriff's Office they
9 picked the items to be tested, correct?

10 **A** That's whatever they submitted to me.

11 **Q** Okay. And you can't tell how the DNA gets on
12 these items?

13 **A** No, I cannot.

14 **Q** You also tested some clothing, is that correct?

15 **A** Yes, I did.

16 **Q** And the clothing that was submitted to you by the
17 Orange County Sheriff's Office, all of that clothing
18 belonged to John Dobbs?

19 **A** That is correct.

20 **Q** Okay. Now, let's take -- let's talk about those
21 items, specifically let's talk about the jeans that belonged
22 to Mr. Dobbs. That came back positive for the presence of
23 blood, is that correct?

24 **A** Yes, that is correct.

25 **Q** And you, I guess, analyzed the section, I guess

1 stain A, and the major contributor of that blood belonged to
2 Mr. Dobbs, is that correct?

3 **A** Yes.

4 **Q** And you could not exclude Andre Blanco and
5 Fransisco Gotay's blood on that stain as well?

6 **A** That is correct.

7 **Q** Now, the stain on the jeans you found, you picked
8 another part of the jeans to test, is that correct?

9 **A** Yes.

10 **Q** And it was -- and you found DNA that belonged to
11 John Dobbs; is that correct?

12 **A** That is correct.

13 **Q** And on those same jeans you selected another area
14 to test, is that correct?

15 **A** Yes.

16 **Q** Stain F?

17 **A** That is correct.

18 **Q** And the major contributor was John Dobbs, is that
19 correct?

20 **A** Yes.

21 **Q** And you could not exclude -- that was a mixture as
22 well, there was a mixture there, is that correct?

23 **A** Yes.

24 **Q** And William Troy, he could not be excluded as a
25 possible contributor to that DNA, is that correct?

1 **A** That is correct.

2 **Q** You also found another stain, stain I; is that
3 correct?

4 **A** That is correct.

5 **Q** And a major contributor of that DNA was Andre
6 Blanco, is that correct?

7 **A** That is correct.

8 **Q** And you could not, the minor, the minor
9 contributor, he could have -- William Troy could have been a
10 minor contributor to that stain as well, is that correct?

11 **A** In this instance, because it was a mixture of two
12 or more -- I am sorry, I can't answer that just with a yes
13 or no. May I just explain just a bit?

14 **Q** Sure.

15 **A** Okay. In this instance, it was a mixture of just
16 two individuals versus the other ones, having a mixture of
17 two or more individuals. So because I could look at the
18 peak heights of how it is and separate it out, I was -- and
19 I had -- I obtained more information out of this particular
20 stain. So the major one I could contribute to Andre Blanco,
21 and the minor one matched William Troy at those areas, and
22 so he's more -- it is not just he could not be excluded. I
23 was able to actually get areas for each one, separate them
24 out for each, for both the major and the minor, so I was
25 able to actually get a profile at some of these areas that

1 actually matched each individual.

2 **Q** Okay. So, William Troy, he could be a possible
3 contributor; is that correct?

4 **A** He matched as far as the minor contributor. He
5 did match three of those areas because I did have more
6 information, so he did match three and he was also included
7 at the remaining of the 13.

8 **Q** Okay. Now, you also tested another section of the
9 jeans, stain I; is that correct?

10 **A** That was stain I?

11 **Q** Well, under stain I, John Dobbs was the major
12 contributor, correct?

13 **A** Under stain I, Andre Blanco was the major and
14 William Troy was the minor.

15 **Q** I am sorry, J. You picked another section and you
16 also -- and John Dobbs was the major contributor to the
17 blood that was found, is that correct?

18 **A** That is correct.

19 **Q** And let's talk about this shirt that was
20 represented to you as belonging to John Dobbs. You found
21 blood on his shirt, is that correct?

22 **A** That is correct.

23 **Q** And you tested certain stains, about seven stains
24 I have?

25 **A** Yes.

1 **Q** And the first three stains, the DNA that was found
2 from the blood matched John Dobbs, is that correct?

3 **A** That is correct.

4 **Q** You also found on the other stains, on stain F,
5 that it matched Andre Blanco, is that correct?

6 **A** That is correct.

7 **Q** So, Andre Blanco's DNA was on Mr. Dobbs shirt, is
8 that correct?

9 **A** Yes.

10 **Q** You tested another section, section E, and the
11 major contributor was John Dobbs, is that correct?

12 **A** Yes, it is.

13 **Q** And on stain K, the major contributor was John
14 Dobbs again?

15 **A** That is correct.

16 **Q** And you could not exclude Andre Blanco and William
17 Troy as possible minor contributors to the DNA; is that
18 correct?

19 **A** That is correct.

20 **Q** Now, on the tank top that was represented to you
21 belonging to John Dobbs, there was also blood on that, is
22 that correct?

23 **A** That is correct.

24 **Q** And that blood matched John Dobbs, is that
25 correct?

1 **A** That is correct.

2 **Q** When you were talking about the knife, you
3 couldn't determine the minor contributors as far as like the
4 blood on that, on the knife, is that correct?

5 **A** That is correct. Well, may I explain just a bit?
6 Well, I am sorry --

7 **Q** Umm, well, you couldn't determine exactly who was
8 on the minor contributor, is that correct?

9 **A** (pause).

10 **Q** You just couldn't exclude certain people?

11 **A** That is correct.

12 **Q** So it is possible and you could not exclude John
13 Dobbs, is that correct?

14 **A** That is correct.

15 **Q** And you couldn't exclude Fransisco Gotay?

16 **A** That is correct.

17 **Q** Andre Blanco?

18 **A** That is correct.

19 **Q** Let's talk about the gun. You can't exclude
20 William Troy as a possible contributor on the gun, is that
21 correct?

22 **A** That is correct.

23 **Q** So there was blood found on the gun, and that
24 blood could have belonged to William Troy, is that correct?

25 **A** Of the sample that I had tested, this is where I

1 did get the mixture. The major belonged to John Dobbs, and
2 the -- there was not enough of the minor for me to be able
3 to get any of a profile, but of what areas of what showed
4 up, that William Troy, I could not exclude him as
5 contributing to that minor.

6 **Q** Okay. So you could not exclude William Troy's
7 blood on the gun, is that correct?

8 **A** That is correct.

9 **Q** So it is possible that his DNA was on there?

10 **A** That is correct.

11 **Q** Okay. Now, you received no clothing represented
12 to you as belonging to Andre Blanco to test, is that
13 correct?

14 **A** That is correct.

15 **Q** And you received no clothing from the Orange
16 County Sheriff's Office as represented to you belonging to
17 Anthony Riollano to test, is that correct?

18 **A** That is correct.

19 **Q** And you tested no clothing represented to you as
20 belonging to William Troy to test from the Orange County
21 Sheriff's Office, is that correct?

22 **A** That is correct.

23 **MS. CHIEN:** May I have a moment, Your Honor?

24 **THE COURT:** You may.

25 **MS. CHIEN:** We have no other questions.

1 **MS. LASKOFF:** Just briefly, Your Honor.

2 **REDIRECT EXAMINATION**

3 **BY MS. LASKOFF:**

4 **Q** Let's talk about the knife just quickly, something
5 counsel was touching on. So it is possible the major
6 contributor -- I can't talk. The major contributor was
7 William Troy, okay, we understand that. However, in your
8 report, you indicate that the defendant is a possible
9 contributor. Some of the blood on it could be his?

10 **A** Uh-huh.

11 **Q** Okay. And Fransisco Gotay's blood could also be
12 on the knife. He can't be excluded?

13 **A** That is correct.

14 **Q** Okay. And then also Andre Blanco's blood --

15 **MS. CHIEN:** Objection, this has already been asked
16 and answered.

17 **THE COURT:** Overruled.

18 **BY MS. LASKOFF:**

19 **Q** Is it possible also that Andre Blanco's blood is
20 possibly on that knife as well?

21 **A** That is correct.

22 **MS. LASKOFF:** Okay. I have nothing further, Your
23 Honor.

24 **THE COURT:** Any redirect, recross? Excuse me.

25 **MS. CHIEN:** Just briefly.

REXCROSS EXAMINATION

1

2 **BY MS. CHIEN:**

3 **Q** Ms. White, major contributor does not translate to
4 most blood, is that correct?

5 **A** The major contributor is for that stain that has,
6 has been left. The major contributor is the one that has
7 like the highest peak heights, so I guess that would -- it
8 would be that there was more of the DNA present from them
9 than from the minor who has the less. So the major we say
10 is the person that has the higher peak heights which would
11 have, I guess it would have more of a presence there versus
12 the minor having a little bit lower of a presence being
13 there. So yes, I guess it would be as far as more of a
14 sample being left by one person than the other.

15 **MS. CHIEN:** All right. I have no other questions.

16 **THE COURT:** May this witness be excused?

17 **MS. LASKOFF:** State was releasing her.

18 **THE COURT:** May this witness be excused?

19 **MS. CHIEN:** Yes, Your Honor.

20 **THE COURT:** You are free to go, ma'am, thank you.

21 Counsel, could you approach, please.

22 (Conference at the Bench held on the record.)

23 **THE COURT:** Must be something in the water. Okay,
24 how long is your next witness?

25 **MS. LASKOFF:** Quick.

1 **THE COURT:** All right. Because I do need to be
2 out of here by as close to five as possible tonight.

3 **MS. LASKOFF:** It is just the firearm person.

4 **MS. CHIEN:** I just wanted to address one other
5 issue. Can we do that after without the jury?

6 **THE COURT:** All right. We will do that after I
7 excuse them for the evening. You can release the
8 medical examiner then. I don't know what time to tell
9 you to bring her back yet. I will talk to the jury.

10 **MS. LASKOFF:** I will call her tonight. Thank you.

11 (Whereupon, the following was in open court.)

12 **MS. LASKOFF:** I will call Amanda Johnson.

13 Thereupon,

14 **AMANDA JOHNSON**

15 was called as a witness and, having first been duly sworn,
16 testified as follows:

17 **MS. LASKOFF:** Your Honor, if we can approach?

18 **THE COURT:** You may.

19 **MS. VICKERS:** I have just been handed this report.
20 We didn't know -- we didn't have -- the State thought
21 they handed it to us this morning. They handed us two
22 copies of another report. I have never seen this
23 report and am asking for time to review the report.

24 **THE COURT:** Review the report and talk to the
25 witness?

1 **MS. VICKERS:** Yeah, please.

2 **THE COURT:** All right. Do you have -- do you have
3 any other witnesses you can call?

4 **MS. LASKOFF:** No.

5 **THE COURT:** All right. Are those your last two
6 witnesses, you think? You have the Hanzel Holiday.

7 **MS. LASKOFF:** Mr. Holiday if he's feeling okay.

8 **THE COURT:** You have potentially three. This
9 witness and two others. Well, certainly your request
10 to have a recess to review that report and talk to this
11 witness is reasonable so I will send the jury home and
12 find out what time they want to be back in the morning.

13 (Whereupon, the following was in open court.)

14 **THE COURT:** Ladies and gentlemen, the attorneys
15 have requested a recess before this witness's
16 testimony. So I am going to, rather than have you sit
17 around and wait, I am going to let you go home for the
18 evening.

19 What time do you want to start in the morning,
20 8:30, 8:45 or 9?

21 **A JUROR:** 9.

22 **THE COURT:** Okay. Seems to be a resounding 9, at
23 least by the loudest individual. So I am going to ask
24 that you be back in the location designated by the
25 court deputies at 9 o'clock in the morning and we will

1 start promptly at that time.

2 Do not discuss the case amongst yourselves. Don't
3 let anyone discuss it with you. Don't read the paper
4 in the morning. Let us read it first to see if there's
5 anything in there and we will let you know whether you
6 can read the paper after that. With that being said,
7 you are free to go.

8 (Jury exits the courtroom.)

9 **THE COURT:** Ms. Johnson, the attorneys need to
10 speak with you, so I would ask that you wait out in the
11 hallway with them and they'll be with you in a few
12 minutes, and if you could be back at 9 o'clock in the
13 morning or whenever you are told by the attorneys so
14 that we can finish. Thank you.

15 Counsel, there were other matters.

16 **MS. CHIEN:** Yes. We have a defense witness that
17 the State has deposed and I just wanted to, I guess,
18 address the admissibility, what that person would have
19 to testify to instead of him coming in and just say
20 objection and having a hearing on that.

21 And I am referring to Donald Swift. I don't know
22 if the State would have an objection to any of his
23 testimony coming in, but before I call him and make him
24 come here --

25 **MS. LASKOFF:** I do. Basically what they are going

1 to bring him in for is that I think it was Mr. Blanco,
2 came in a couple days later and he was talking to him
3 about the incident and he was sorry that it all
4 happened. They are trying to say it is consciousness
5 of guilt. I clearly don't think it is. I think it is
6 him feeling remorseful and being bummed out and trying
7 to piece everything together. I think it is hearsay.
8 I don't find it consciousness of guilt.

9 **THE COURT:** I would need to have a proffer of the
10 witness's testimony before I could decide on its
11 admissibility. So you need to have the witness come in
12 so that I can hear what he has to say before I can make
13 that decision. Okay? All right.

14 Any other matters that need to be addressed?
15 Counsel, I have created draft jury instructions. They
16 contain the standard instructions on justifiable use of
17 nondeadly and necessity. It is a novel. It is about
18 40 pages long because I did include one of each for
19 each count as you had done in your submission via
20 e-mail.

21 I have not included any other language that is not
22 standard because what I assumed that what you had
23 wanted that wasn't standard was very short and could be
24 added very quickly.

25 **MS. VICKERS:** Correct.

1 **THE COURT:** So we will discuss that at the charge
2 conference, but those are the standards. There are no
3 standard jury instructions for Count V. Anything else
4 we need to take care of?

5 Mr. Dobbs, is there anything you need to bring to
6 my attention before we recess for the evening?

7 **THE DEFENDANT:** No, thank you. Not right now.

8 **THE COURT:** Okay. Very well. Then I will meet
9 with the attorneys at 8:45 and begin with the jury at 9
10 in case there are any issues that need to be addressed
11 before they get here. Thank you.

12 (Whereupon, the foregoing proceedings were
13 concluded.)

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C E R T I F I C A T E

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5 STATE OF FLORIDA:

6 COUNTY OF ORANGE:

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I, Rebecca Ruiz, Official Court

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Reporter of the Ninth Judicial Circuit of Florida,

9

do hereby certify pursuant to Florida Statute 29,

10

that I was authorized to and did report in

11

stenographic shorthand the foregoing proceedings,

12

and that thereafter my stenographic shorthand notes

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were transcribed to typewritten form by the process

14

of computer-aided transcription, and that the

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foregoing pages contain a true and correct

16

transcription of my shorthand notes taken therein.

17

18

WITNESS my hand this _____ day of _____

19

2007, in the City of Orlando, County of Orange,

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State of Florida.

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REBECCA RUIZ

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C E R T I F I C A T E

STATE OF FLORIDA:
COUNTY OF ORANGE:

I, Rebecca Ruiz, Official Court Reporter of the Ninth Judicial Circuit of Florida, do hereby certify pursuant to Florida Statute 29, that I was authorized to and did report in stenographic shorthand the foregoing proceedings, and that thereafter my stenographic shorthand notes were transcribed to typewritten form by the process of computer-aided transcription, and that the foregoing pages contain a true and correct transcription of my shorthand notes taken therein.

WITNESS my hand this 17 day of May 2007, in the City of Orlando, County of Orange, State of Florida.



REBECCA RUIZ