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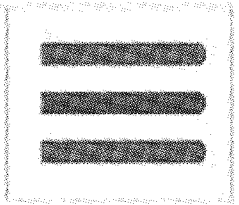
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CORPORATE

1 IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
2 OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY  
3 CASE NO.: 2023-CF-000562  
4 DIVISION: CIRCUIT CRIMINAL

5  
6 STATE OF FLORIDA,  
7 Plaintiff

8  
9 v.

10  
11 WILLIAM CLIFTON,  
12 Defendant

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23 DEPONENT: NICHOLAS RUSSELL  
24 DATE: JANUARY 9, 2025  
25 REPORTER: FLOR LOPEZ



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INDEX

Page

PROCEEDINGS

5

DIRECT EXAMINATION BY MR. FALLS

5

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PROCEEDINGS

THE REPORTER: On the record. Will all parties, except for the witness, please state your appearance, how you're attending, and your location?

MR. FALLS: Attorney James Falls on behalf of the defendant, William Clifton, appearing in my office via Zoom.

MR. SARABIA: Bryan Sarabia on behalf of the state from my office in Pasco County, Florida.

THE REPORTER: Can the witness please state their full name for the record?

THE WITNESS: Nicholas Rob Russell.

THE REPORTER: Okay. And, Mr. Russell, can you please raise your right hand? Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes.

THE REPORTER: You may begin.

DIRECT EXAMINATION

BY MR. FALLS:

**Q. All right. Good morning. As I said, my name is James Falls. I am one of the defense attorneys that represents the defendant in this case by the name of William Clifton. We are here for a deposition in case**



1 number 2023-CF-562, which is a Circuit Court case out of  
2 the Sixth Judicial Circuit and in for Pasco County in  
3 the State of Florida. Could you please state your name  
4 and spell it, sir?

5 A. N-I-C-H-O-L-A-S R-U-S-S-E-L-L. Nicholas  
6 Russell.

7 Q. All right. Mr. Russell, thank you very much  
8 for being here. Have you ever given your testimony in a  
9 deposition before?

10 A. No. This is my first time ever.

11 Q. Okay. So obviously we are conducting this  
12 deposition via Zoom, so just a few things about that. If  
13 there is anything that I ask you or anything that you do  
14 not know that causes you to want to look something up or  
15 look on the internet or look at a piece of paper,  
16 whatever it might be, ordinarily, I would be able to see  
17 that happening because it would be done right in front  
18 of me.

19 A. Uh-huh.

20 Q. But because we don't have that ability, I just  
21 ask you at this point, please do not do any outside  
22 research or look anything up. And if there is anything  
23 that you don't know, please just say that you don't  
24 know?

25 A. Yeah.



1 Q. If there's anything that you don't remember,  
2 we don't want you guessing at anything. Please just say  
3 that you don't remember. If there's anything that I ask  
4 in a way that's confusing at all, which I tend to have  
5 the ability to do, please just tell me to rephrase it or  
6 say that you don't understand --

7 A. Okay.

8 Q. -- and I'll do my job better. And then of  
9 course what we're here for is simply to ask you  
10 questions about an incident that took place.

11 A. Yes.

12 Q. My goal is not to trick you or do anything to  
13 get you to say things that you don't mean. My goal is  
14 just simply to learn more about the case that I  
15 represent my client in.

16 A. All right.

17 Q. Before I begin, do you have any questions for  
18 me?

19 A. No, that's it.

20 Q. Okay. Awesome. All right. So to take you  
21 back, you are currently here for a deposition because  
22 you are listed as a witness in this case. And this case  
23 is involving an incident that took place in February of  
24 2023. It was February 9, 2023, to be exact.

25 A. Yep.



1 Q. There was an incident that took place in the  
2 Starkey Ranch neighborhood in Pasco County, somewhere  
3 along the timeline of 5:00 to 6:00 p.m.

4 A. Uh-huh.

5 Q. Giving you that basis, do you have a  
6 recollection or a memory of what your involvement might  
7 be in this matter?

8 A. Yeah. Yeah. So I was probably a very  
9 firsthand witness. I was delivering a pizza in the  
10 neighborhood because I worked at an Italian restaurant  
11 down the road called Santelli's.

12 Q. Okay.

13 A. And I chose to go that route down -- I can't  
14 remember the name of the road, but I got stuck behind a  
15 -- I was behind -- I didn't get stuck. I was behind a  
16 gray Volvo, I believe. And he, like, put on his brakes  
17 and, like, put it in park and got out of the car and  
18 immediately started moving these speed bumps out of the  
19 way. And a man came out and kind of shoved him away  
20 from the property and he pulled a gun out on him.

21 Q. Okay. So I'm going to ask you a series of  
22 questions that, you know, are just simply detail  
23 oriented --

24 A. Yes.

25 Q. -- do you happen to recall what time that



1 would've been?

2 A. I want to say it was about 5:00.

3 Q. Okay.

4 A. A -- a little closer towards 6:00 maybe.

5 Q. And did you have a dash camera footage on your  
6 vehicle or a dash camera on your vehicle?

7 A. I did not.

8 Q. Okay.

9 A. So it's strictly, like, my eyes saw it only.

10 Q. And were you by yourself?

11 A. Yes.

12 Q. Had you completed the delivery at the time?

13 A. No.

14 Q. And what type of vehicle were you driving?

15 A. I drive a black Hyundai Elantra.

16 Q. Okay. And as it relates to your vehicle, are  
17 the windows tinted?

18 A. I don't believe they were at the time, but  
19 they are now.

20 Q. And as it relates to the front windshield,  
21 sometimes people get like a strip of tint on the front  
22 windshield, sometimes people --

23 A. Huh.

24 Q. -- tint the entire windshield. At the time,  
25 did you have any type of tint on your front windshield?



1 A. No.

2 Q. Do you now?

3 A. Yeah, my whole windshield is tinted.

4 Q. Okay. Do you recall the date in which you had  
5 your windshield tinted?

6 A. I believe it was February of last year of  
7 2024.

8 Q. Is there any way that you would be able to  
9 confirm that? Do you have any sort of documentation or  
10 receipt?

11 A. Not really. I -- if I do, I lost it a while  
12 ago.

13 Q. Okay.

14 A. Yeah.

15 Q. All right. Now, as it relates to your initial  
16 testimony, you said you kind of got stuck behind a gray  
17 Volvo, and then you said, well, I wasn't stuck. Can you  
18 describe that a little bit better?

19 A. Well, we were -- I was -- it's a single lane  
20 road and he was in front of me, like, as I was going  
21 around the roundabout to turn into the street. So he  
22 ended up in front of me and then he hit the brakes, got  
23 out of the car. So I was behind it and then I was --  
24 the whole situation happened.

25 Q. Okay. When you say you were "behind it", was



1 the vehicle that you were behind in the appropriate lane  
2 for travel?

3 A. Yeah.

4 Q. And were you directly behind it?

5 A. Yeah.

6 Q. Did that vehicle -- well, how did that vehicle  
7 obscure any vision that you might have had of what was  
8 directly in front of you?

9 A. It didn't obscure really anything because the  
10 situation kind of happened more to the left of the car  
11 because the guy, like, pulled the little speed bumps to  
12 the left side of the road. So he kind of, like, the  
13 man, like, walked up to him and kind of pushed him that  
14 way. So I got to see, like, the whole view of what  
15 happened.

16 Q. Okay. Now, if there were speed bumps situated  
17 on the right side of the road, did you see those?

18 A. I didn't see anything on the right side of the  
19 road. I think it was the left side. I think maybe they  
20 covered the entire road, but I'm not sure.

21 Q. Okay. And if they did cover the entire road,  
22 is that something you would have been able to see or at  
23 that point, would the Volvo have had obscured your  
24 vision?

25 A. I probably would've been able to see it, like,



1 the -- they were bright yellow, like it wasn't like they  
2 would be unnoticeable.

3 Q. Okay. Now, based upon where you were  
4 situated, were you able to see in front of the Volvo or  
5 were you only able to see to the left and to the right  
6 of the Volvo?

7 A. I could see a little in front of it, too.

8 Q. Okay. All right. Based upon where you were  
9 located, how many people did you observe in this  
10 immediate area?

11 A. I think there was maybe four people in total.  
12 There was a man walking on the left side of the sidewalk  
13 a little further down, and then it was the defendant,  
14 and then the man and his wife and his kids were to the  
15 -- on their yard in front of their house.

16 Q. Okay. So from what I have heard you say is  
17 you've got the defendant --

18 A. Uh-huh.

19 Q. -- a man walking on the sidewalk a little  
20 further down, then --

21 A. Yeah.

22 Q. -- the man and his wife and kids. When you  
23 say a man and his wife and kids, are you talking about  
24 the individual that pushed?

25 A. Yes.



1 Q. Okay. And when you say on the sidewalk a  
2 little further down, can you describe that a little bit  
3 more for me?

4 A. Yeah. So he was on the sidewalk. So if I  
5 kept driving, I would've passed him.

6 Q. Okay. And was he on your right?

7 A. He was on my left, like coming the opposite  
8 direction.

9 Q. Okay. So if you were on the right side of the  
10 road, there would have been somebody walking into your  
11 direction on the left side?

12 A. Yep.

13 Q. Okay. Do you -- did you know who it was?

14 A. No.

15 Q. At the time, did you know any of these  
16 individuals?

17 A. No.

18 Q. Okay. And other than those individuals that  
19 we've just discussed, did you see anyone else in the  
20 immediate area?

21 A. There was a truck that pulled up behind us a  
22 little afterwards, but by then the kind of -- the  
23 situation had kind of deescalated a little bit. So I  
24 don't know if that person saw the -- what happened  
25 either, but --



1 Q. Okay. But as it stands, the people that you  
2 observed were who we --

3 A. Uh-huh.

4 Q. -- spoke of --

5 A. Yep.

6 Q. -- you didn't see anybody else?

7 A. Nope.

8 Q. Okay. Now getting to the point where the man  
9 gets out of his vehicle before he goes over and does  
10 anything with any speed bumps, do you know what he was  
11 wearing?

12 A. I don't remember exactly what he was wearing.  
13 As far as my brain goes, he was wearing like a gray  
14 shirt and some pants.

15 Q. Okay.

16 A. Yeah. But I could be wrong about that, so --

17 Q. Okay. Do you remember or do you know what the  
18 individual that pushed him was wearing?

19 A. I believe he was wearing like swim trunks and  
20 a tank top or he was wearing shorts and a tank top, I  
21 believe.

22 Q. Okay. Are you able to describe what the  
23 individual that was in the Volvo looked like?

24 A. Like - like medium height, like maybe 5'8",  
25 5'9".



1 Q. Okay.

2 A. Very skinny, older man, like, had, like, gray  
3 hairs. I think he also had sunglasses on. Maybe. But  
4 that's as far as I could remember.

5 Q. Okay. And did he look at you directly or did  
6 you guys ever make eye contact?

7 A. No.

8 Q. And as it relates to race, is that something  
9 that you observed?

10 A. He was white.

11 Q. Okay. And how about the individual that  
12 pushed him?

13 A. He was a lot bigger. I think he might have  
14 been like in the 6' area of some kind. Definitely  
15 muscular. Also white.

16 Q. Any observations about his potential age?

17 A. I'd say he'd probably be like early 30s.

18 Q. Okay. And as it relates to the individual  
19 that you saw that was walking towards you, do you have a  
20 description of them?

21 A. Not a very good one. Just that he was there,  
22 really. I think he was a white man wearing, like,  
23 jeans. That's all I can really remember of it, but I  
24 just remember that there was another guy there.

25 Q. Okay. And how about the wife that you



1 mentioned?

2 A. I don't really remember too much about the  
3 wife. I want to say she was blonde, but I -- I do  
4 remember distinctly hearing her scream when the gun was  
5 pulled out, and, like, grabbing her kids and I think  
6 running either to the side of the house or running  
7 inside.

8 Q. Okay. And do you remember her saying anything  
9 in general?

10 A. No. I just remember hearing her scream and  
11 run -- run away to either, like, inside or to the side  
12 of the house.

13 Q. Okay. As it relates to the time in which the  
14 pushing occurs, can you describe what that looked like?

15 A. We kind of walked out and was like, what are  
16 you doing? And then, like, kind of just shoved him away  
17 from pulling these speed bumps out of the road because  
18 there's kids out, you know? So --

19 Q. And when you say he kind of just shoved him  
20 out of the way, are you able to assign the description  
21 that you previously used to the person that did the  
22 shoving?

23 A. Yeah.

24 Q. And who would that have been?

25 A. That would've been the father of the wife or



1 the -- the kids. He kind of, like, walked out.

2 **Q. So is that --**

3 A. And, like --

4 **Q. -- the muscular man or the skinny one?**

5 A. Yeah, the muscular man.

6 **Q. Okay. So the muscular man shoved him, and**  
7 **then what happened after he shoved him?**

8 A. After he got shoved, the skinnier guy  
9 immediately pulled his gun out and aimed it at the  
10 muscular man.

11 **Q. Okay. And after the skinnier guy aimed the**  
12 **gun at the muscular man, what did you see?**

13 A. He -- the -- the muscular man kind of backed  
14 off and then pulled his phone out and started calling  
15 the police. And then at that point I was kind of going  
16 in reverse, trying to get out of the situation because I  
17 wasn't going to stick around to find out what was going  
18 to happen next, really, but I saw both of them kind of  
19 pull their phones out while he still had his gun out. So  
20 I think they were both were calling the authorities.

21 **Q. When you say both of them, are you talking**  
22 **about the individual with the firearm and the muscular**  
23 **man?**

24 A. Yep.

25 **Q. Okay. When you saw the skinny man pull the**



1 firearm out and point it at the muscular man, was there  
2 anything obscuring your view?

3 A. No, I saw it in clear daylight.

4 Q. Okay. And from the time that he pulled his  
5 firearm out and you witnessed this, what exactly did you  
6 see until you no longer were able to observe anything?

7 A. Oh, wait, what do you mean?

8 Q. So you obviously just described that the  
9 skinnier man pulled his firearm out and --

10 A. Uh-huh.

11 Q. -- aimed it at the muscular man and that --  
12 then the muscular man backed off --

13 A. Uh-huh.

14 Q. -- and it appeared as though they were both  
15 getting their phone out to call somebody. And I think  
16 you indicated that you had started to kind of reverse to  
17 get out of the situation?

18 A. Yeah.

19 Q. Does that describe everything that you saw or  
20 are there any other details that you can add to?

21 A. That's pretty much everything that I can  
22 remember.

23 Q. Okay. Now, when you're reversing at that  
24 point in time, did you see the individual with the  
25 firearm ever re-holster the firearm?



1 A. No.

2 Q. And did you end up reversing far enough to  
3 where you no longer had a view of those individuals?

4 A. Yeah. I kind of did like a three-point turn  
5 to turn around and leave. So --

6 Q. Okay. Kind of dialing into the detail a  
7 little bit. When you see the skinnier man pulling his  
8 phone out to presumably call somebody, where was the  
9 firearm at that time?

10 A. I believe it was in his right hand or maybe I  
11 can't remember what hand he had it in, whatever his --  
12 opposite where his pocket was, but it was still in one  
13 of his hands, still honed down.

14 Q. Okay.

15 A. So --

16 Q. So it was in a downwards position, not aimed  
17 at the --

18 A. No. I mean, like -- like honed, like aimed at  
19 him, like -- like honed in.

20 Q. Okay. So would you say that the firearm was  
21 still aimed at the muscular man?

22 A. Yes, I believe so.

23 Q. Did the individual that had the firearm ever  
24 aim it at you?

25 A. Uh-uh. No.



1 Q. Is that a no?

2 A. Yeah, that's a no.

3 Q. Okay. Did you see the individual with the  
4 firearm aim it at anybody else?

5 A. No. I think it was just him.

6 Q. Okay. Now, obviously, this is one of those  
7 scenarios where, if you can recall, I would love for you  
8 to be able to say it. But if you can't, please just say  
9 that you can't. As it relates to what you can recall,  
10 did you ever see the individual with the firearm aim it  
11 at anybody else?

12 A. No.

13 Q. Okay. And that's based upon what you can  
14 recall and what you observed?

15 A. Correct.

16 Q. All right. At the time that you were still  
17 able to observe everything, was there ever a time in  
18 which you saw the individual with the firearm aim it at  
19 anybody other than the muscular man?

20 A. No. There was never a time where he aims it  
21 at anyone else.

22 Q. Okay. And how long would you say you were  
23 observing this incident?

24 A. I mean, it happened so fast. I really can't  
25 tell. I think maybe it, like, went down for, like, a



1 total of, like, a minute maybe.

2 Q. Okay. And this minute period of time, you  
3 were still observing and watching?

4 A. Yeah. Like, from start to when I left, it was  
5 about a minute, probably.

6 Q. Okay.

7 A. In total.

8 Q. Okay. And when you say from the time that you  
9 left, is at -- that at the time that you finally  
10 complete your three-point turn and can no longer see  
11 anything?

12 A. Yeah.

13 Q. Okay. So for the entirety of what you were  
14 observing, that was about a minute?

15 A. Yeah, I would say so.

16 Q. Okay.

17 A. Maybe a little less than that.

18 Q. Okay. What ended up happening when the  
19 muscular man backed away? Did you have an ability to  
20 see what he was doing?

21 A. Yeah, he didn't back very far off. He kind of  
22 went like -- like, took a few steps back and then, like,  
23 they kind of stood there for a sec and then they both  
24 took their phones out.

25 Q. Okay. When you are observing them kind of



1 both take their phones out, is -- would you consider the  
2 incident to be over or still ongoing?

3 A. I would say it was probably nearing an end of  
4 some regard. At that point, I think the immediate  
5 escalation had kind of passed, but yeah, I didn't -- I  
6 can't tell, like, how much longer that situation  
7 probably lasted. As far as I'm concerned, it mostly  
8 deescalated by the time I left.

9 Q. Okay. And did you ever lose sight of the  
10 muscular man?

11 A. No. I -- I saw him the entire time until I  
12 left.

13 Q. Okay. And then as you were there for that  
14 period of time, did you see him go anywhere?

15 A. No.

16 Q. Okay. Getting into any other details of what  
17 you observed, you described the wife scream and what  
18 appeared to you as gathering the kids and going  
19 somewhere else.

20 A. Uh-huh.

21 Q. Did you see what anyone else was doing  
22 wherever they were located?

23 A. No, not really. I only -- those were like the  
24 three, like I said, the -- the guy that was walking down  
25 the sidewalk, I had only seen him when I was driving



1 down the road in the -- in the first place. So I didn't  
2 really know what he was doing because by then I was  
3 honed in on this current situation that was going on.  
4 And then I heard the scream and I looked left, saw --  
5 not left. Right. Sorry. She grabbed the kids, ran  
6 off.

7 **Q. Okay.**

8 A. So that was all that I really remember.

9 **Q. Okay. Now, given your location, are you able**  
10 **to describe distance from where you were to where this**  
11 **incident occurred?**

12 A. I would say it was at least like a car's  
13 length in front of me. So it was, like, right -- it  
14 happened, like, pretty much right in front of me for the  
15 most part.

16 **Q. Okay. Do you recall what the firearm looked**  
17 **like?**

18 A. It had, like -- like a -- like I want to say,  
19 like, a tan chamber, I -- if I believe, and then the  
20 rest of the gun was black. It looked like maybe like a  
21 Glock or something. I don't remember --

22 **Q. Okay.**

23 A. -- too well, but --

24 **Q. And you mentioned a firearm by the name of a**  
25 **Glock. Is it fair to say that it did not look like a**



1 rifle?

2 A. No, it was a -- it was a handheld firearm.

3 Q. Okay. All right. Do you know the difference  
4 between a semi-automatic firearm and a revolver?

5 A. Yeah.

6 Q. Okay.

7 A. It definitely wasn't a revolver.

8 Q. Was not?

9 A. It wasn't a -- yeah, it was not a revolver.

10 Q. Okay. Okay. Do you recall anybody other than  
11 the wife saying anything?

12 A. I don't really think so. I think maybe I  
13 heard the dad say, whoa, as the gun was pulled out, but  
14 that was all that I could really hear. My windows were  
15 cracked, so that's the only reason I could hear  
16 anything.

17 Q. Okay. Were you listening to music?

18 A. Yeah, there was some music playing, but it  
19 wasn't very loud.

20 Q. Interesting question and we'll see if you have  
21 an answer to it. Do you remember what song was playing?

22 A. No.

23 Q. What type of music do you traditionally listen  
24 to?

25 A. I listen to a lot of alternative music or like



1 R&B.

2 Q. What volume level do you usually listen to  
3 your music in the vehicle?

4 A. Like ten. It goes up to like, all the way up  
5 to 40, so I don't play it very loud.

6 Q. Is that the volume level that you would've  
7 been listening to your music back in February of 2023  
8 when this incident took place?

9 A. Yeah.

10 Q. Okay. That volume level ten, is that  
11 something that is -- well, if you had a passenger in the  
12 vehicle, would you be able to converse at that volume  
13 level or would you have problems hearing each other?

14 A. Absolutely. We could talk to them.

15 Q. So you could talk to a passenger at that  
16 volume level without having to turn the music down?

17 A. Correct.

18 Q. And having your windows cracked and your music  
19 on potentially at that volume level, would that allow  
20 for you to hear what was going on outside?

21 A. For the most part, like, my windows were only,  
22 like, that much down. Like they're -- they weren't down  
23 very far.

24 Q. Obviously I know what you mean when you're  
25 describing that, but because we have a court reporter



1 that's taking a written record of it, can you describe  
2 it more in terms of length? Their inches of how far  
3 were your windows?

4 A. It was like cracked by like maybe an inch, an  
5 inch-and-a-half.

6 Q. Okay. All right. Obviously, I'm not trying  
7 to get you in trouble here at all, but these are the  
8 kind of questions that I have to ask. While you were  
9 driving that day, had you had any alcohol or did you  
10 consume any alcohol during that day?

11 A. Absolutely not.

12 Q. Had you consumed any other intoxicating  
13 substances such as marijuana or anything else that day?

14 A. No.

15 Q. Did you have anything going on in your life  
16 that might have been distracting you?

17 A. No.

18 Q. Were you on your phone making a phone call or  
19 texting at the time that the incident occurred?

20 A. Nope.

21 Q. Do you have anything or would you have had  
22 anything back on February 9th of 2023 hanging from your  
23 rearview mirror?

24 A. No. Oh, well, I maybe had like a little --  
25 one of those little fragrance things, but --



1 Q. Like a tree?

2 A. Yeah, like one of those trees.

3 Q. Would that have obstructed your view?

4 A. No, not from where I was sitting or -- or  
5 where the scene played out to where I was sitting. It  
6 all kind of happened on, like, the left side. It was  
7 like in the middle of the street pretty much for the --

8 Q. Okay. Oh, going back to the incident, the  
9 individual that pulled out the firearm, did you observe  
10 which side of his body he pulled that firearm from?

11 A. I think he pulled it from his right side.

12 Q. Are you able to say whether he pulled it from  
13 a specific area of his body?

14 A. It was definitely like holstered on his hip,  
15 if I remembered correctly.

16 Q. Okay. So in your description, would that  
17 include his right hip?

18 A. Yeah, it was either in a holster or it was  
19 tucked in his pants. I can't remember which it was, but  
20 it definitely came from his right hip.

21 Q. Do you recall which hand he used to draw the  
22 firearm?

23 A. It was his right hand.

24 Q. I'm not sure if I asked you this, but at the  
25 point in time that you saw the scene play out, did you



1 ever see the individual holster the firearm or tuck it  
2 back into his waist?

3 A. No.

4 Q. Okay. Did you ever see him lower the firearm?

5 A. No. Not to my knowledge.

6 Q. So what you observed would've been him aiming  
7 the firearm at the muscular man during the entire time  
8 that you witnessed it?

9 A. Yes.

10 Q. Did he ever -- the individual that drew the  
11 firearm, did he ever leave your sight?

12 A. No, not until I left.

13 Q. Did he stay -- or let me ask you in a more  
14 general perspective. What did you see about his  
15 movement from the individual that drew the firearm?

16 A. Not very much. I mean, maybe he took a couple  
17 steps back, but I don't really remember too much. I  
18 just remember he didn't, like, really go anywhere.

19 Q. And at the time that all of this occurred, was  
20 there anything going on that caught your attention other  
21 than the incident as you've previously described it?

22 A. No, not really.

23 Q. What about this truck that you said kind of  
24 pulled up behind you? Do you -- can you describe when  
25 that would've occurred?



1 A. It was definitely occurring, like, right as  
2 the situation kind of de-escalated and they were pulling  
3 out their phones. But by that point I was already  
4 making like -- I was already, like, halfway through my  
5 three- point turn.

6 Q. Okay. When you made a three-point turn where  
7 you turning to the left side of the road, so if you were  
8 to continue to observe, you would've had to observe out  
9 of your passenger window?

10 A. Correct.

11 Q. Okay. And when you were making that  
12 three-point turn, did you continue to watch what was  
13 going on?

14 A. Occasionally. Yeah.

15 Q. And that would have been after that minute or  
16 so in time passing?

17 A. Correct.

18 Q. Okay. Once you left, where did you go?

19 A. I -- well, I had to deliver the pizza, so I  
20 went and finished delivering the pizza. I do remember  
21 delivering back into the neighborhood a little later,  
22 and I had to, like, drive down a -- a connecting road  
23 that leads to that, and I saw him, like, in handcuffs,  
24 like, sitting down on the side of the street afterwards.

25 Q. Okay. And how did you --



1 A. And this is the man with the firearm that I'm  
2 speaking of.

3 Q. Okay. And how did you end up becoming  
4 involved, so to speak?

5 A. What do you mean, like, becoming involved?

6 Q. Yeah, how did they get your name? Law  
7 enforcement.

8 A. Oh, so -- so I was, like, on Facebook,  
9 they're, like, the -- we live in the neighborhood.

10 Q. Okay.

11 A. We live on the main road of the neighborhood  
12 and they have a big Facebook page, like the big  
13 neighborhood Facebook page. And they were asking about  
14 information on what happened. And my mom said that I  
15 saw the scene because I told my mom about it. So --

16 Q. Okay. And then I guess at that point, how do  
17 law enforcement learn that you had seen it?

18 A. I'm not too sure. Maybe my mom reached out to  
19 the victims or like the man and the woman that owned the  
20 house.

21 Q. Okay.

22 A. And then they said that I could be a witness,  
23 I guess so.

24 Q. Okay. And did you go to law enforcement  
25 yourself or did they come to you?



1 A. I don't remember law enforcement actually ever  
2 coming to me. Like, I don't think there was any time  
3 where a police officer came up and asked me any sort of  
4 questions.

5 Q. Okay. Do you happen to know how your name got  
6 listed as a witness from the state attorney's office?

7 A. I think -- oh, I did get a phone call, but I  
8 think that might have been from their attorney asking if  
9 I would testify in court, which I said, yeah, sure,  
10 because I feel like it's important that I said  
11 something.

12 Q. Okay. Are you aware of the fact that this  
13 case is currently scheduled for a trial?

14 A. I believe so. Yeah.

15 Q. You know what those dates are just to ensure  
16 that you are available for those dates?

17 A. I have the paper with me, but I'd have to get  
18 up and grab it.

19 Q. Okay. Let me see if I can pull it up real  
20 quick --

21 A. Okay.

22 Q. -- while I have you.

23 A. I think it said March. March or May.

24 Q. Yeah. So I'm looking at May 12, 2025, as the  
25 beginning of the trial, which doesn't necessarily mean



1 that you would be called to testify on that specific day

2 --

3 A. Uh-huh.

4 Q. -- but that week in general, as it stands, are  
5 you available?

6 A. As long as it's before, like, in the mornings,  
7 yeah.

8 Q. What do you mean by that?

9 A. Well, like, I have, like, work, but I could  
10 probably get off, you know?

11 Q. Okay.

12 A. Like, it doesn't matter, like if I'm calling  
13 in.

14 Q. Okay. Other than what you and I have  
15 discussed, are there any other details, based upon your  
16 memory being jogged during this deposition, that you can  
17 recall that you would like to add to the -- to your  
18 testimony?

19 A. No, that's all that I can remember right now.

20 Q. Okay. And then a question that I have to ask  
21 everyone, have you ever been convicted of any crime?

22 A. No.

23 Q. Have you ever been arrested for any crime?

24 A. No.

25 Q. Have you ever given your testimony in any type



1 of court proceeding at all?

2 A. No.

3 Q. Before I hand it over, is there anything else  
4 that you want to add? Anything you want to say?

5 A. Nope. No, not at all.

6 Q. Okay.

7 A. That's all I've got.

8 MR. FALLS: Thank you very much for your time.

9 THE WITNESS: You're welcome.

10 MR. FALLS: The assistant state attorney,  
11 Mr. Sarabia, has the ability to ask you questions  
12 now, if you would like?

13 THE WITNESS: Okay. Yeah, I'm fine with  
14 whatever.

15 MR. SARABIA: I don't have any questions.

16 MR. FALLS: Easy enough. The last thing that  
17 the court reporter might discuss with you is if this  
18 deposition is transcribed, meaning your testimony is  
19 translated onto paper, you have two options. As you  
20 have given your testimony, you have the option to,  
21 what's called read. The option to read allows for  
22 you to go to the court reporter's office and make  
23 comments about the deposition transcript, meaning,  
24 hey, you know, I said that he was wearing black, not  
25 gray, and then they would take those comments down



1 and your comments would be recorded. Now it  
2 wouldn't necessarily change the transcript, but a  
3 record of your comments would be recorded. The  
4 alternative is you can say, no, I don't necessarily  
5 want to do all that. But you can waive that right,  
6 and in the event that a transcript is prepared and  
7 you decided or you ended up being called to testify  
8 in court during trial, you would obviously have the  
9 ability to review that transcript prior to  
10 testifying to jog your memory. So it's not as  
11 though you wouldn't have the ability to look at it.  
12 You just wouldn't be able to make any comments about  
13 it. So you can either read or waive. Do you know  
14 which you would like to do?

15 THE WITNESS: I think I'll just waive.

16 MR. FALLS: Okay. That's what most people end  
17 up doing anyways.

18 THE WITNESS: Yeah.

19 MR. FALLS: Madam Court Reporter, did I miss  
20 anything?

21 THE REPORTER: No. Are we ordering the  
22 transcript at this moment?

23 MR. FALLS: I have to confer with my client.

24 BY MR. FALLS:

25 **Q. But before I conclude, I should have gone back**



1 and asked you. We talked about the Starkey Ranch  
2 neighborhood, do you recall which road this would've  
3 occurred on?

4 A. I can't remember the name of the road at this  
5 current moment.

6 Q. Okay.

7 A. But I live on Rangeland and it's like the road  
8 right next to it.

9 Q. Okay. If I named the road and it jogged your  
10 memory, would you be able to say so?

11 A. Yeah, probably.

12 Q. Okay. Does the name of the road Barbour Trail  
13 jog your memory?

14 A. Yeah, that's it.

15 MR. FALLS: Okay. All right. Now that is all  
16 I have for you.

17 THE WITNESS: Okay, cool.

18 MR. FALLS: All right. Mr. Sarabia, do you  
19 have any questions based on that?

20 MR. SARABIA: No more questions.

21 MR. FALLS: Okay. And you still choose to  
22 waive at this time?

23 THE WITNESS: Yes, sir.

24 MR. FALLS: All right.

25 THE REPORTER: Okay. And then it's 11:12 a.m.



1 And we're going off the record.

2 (DEPOSITION CONCLUDED AT 11:12 A.M. ET)

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CERTIFICATE OF OATH

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COUNTY OF ORANGE

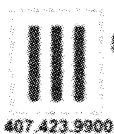
I, the undersigned, certify that the witness in the foregoing transcript personally appeared before me and was duly sworn.

Identification: Produced Identification



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FLOR LOPEZ  
Court Reporter, Notary Public  
State of Florida  
Commission Expires: April 1, 2026  
Commission Number: HH 234001



C E R T I F I C A T E

STATE OF FLORIDA)  
COUNTY OF ORANGE)

I, FLOR LOPEZ, Court Reporter and Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did report the foregoing proceeding, and that said transcript is a true record of the said proceeding.

I FURTHER CERTIFY that I am not of counsel for, related to, or employed by any of the parties or attorneys involved herein, nor am I financially interested in said action.

Submitted on: January 28, 2025.



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FLOR LOPEZ  
Court Reporter, Notary Public



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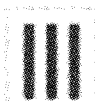
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