

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, PASCO COUNTY

STATE OF FLORIDA,

Plaintiff,

Case No. 2023-CF-000562-CFAXWS

vs.

WILLIAM ARSAND CLIFTON,

Defendant.

PROCEEDINGS:

Jury Trial - Day 2
Volume III

DATE:

October 17, 2025

BEFORE:

The Honorable Mary M. Handsel
Circuit Court Judge

PLACE:

West Pasco Judicial Center
7530 Little Road, Suite 201
New Port Richey, Florida 34654

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P R O C E E D I N G S

THE COURT: All right. We are on the record on the William Clifton case, 23-CF-562. The defendant is present with counsel. The State is here.

I checked a few seconds ago and they said we were waiting on two. Have we had an update on that?

THE COURT CLERK: They're all present.

THE COURT: Okay. The jury's all present.

And so is the State ready for me to bring the jury up? Any pretrial matters we need to discuss?

MR. SARABIA: State's ready.

THE COURT: Defense?

MS. STEVENS: Defense is ready, Your Honor.

THE COURT: All right. If you can have the jury brought up, please.

Again, for the record. We're going to start -- I'll swear the jury, I'll give preliminary instructions, we'll do opening statements. After that I'm going to have to take about a 15-minute break. I'll go ahead and send them into the jury room so they can use the restroom while I handle a Zoom hearing I got to handle. And then we'll call our first witnesses.

So I assume between opening statements and preliminary instructions from the Court, it'll take

1 about an hour or so. If -- if we're not ready,
2 State, do you have your first witness ready to go?

3 MR. SARABIA: We do. I believe we have all the
4 witnesses.

5 THE COURT: Okay.

6 MR. SARABIA: One has not checked in yet, but
7 momentarily we expect him to be here.

8 THE COURT: Okay. Again, I don't know how long
9 opening statements are going to be, but if we -- if
10 it's before 11, then we'll just begin with our first
11 witness. I won't take a break until that witness is
12 done. They'll just wait. But timing-wise, I think
13 it will work out fine.

14 For both sides, if you're going to mark
15 evidence, I use numbers to numbers, not letters to
16 numbers. Just so you know.

17 MS. STEVENS: Defense 1 to submit as Defense 1?

18 THE COURT: Yep. And my clerk should have
19 stickers for you.

20 MR. SARABIA: We have stickers. I think we --
21 State's anticipating four exhibits.

22 THE COURT: Okay.

23 (Pause.)

24 THE COURT: Jury ready?

25 THE BAILIFF: Yes, Your Honor.

1 THE COURT: All right. Bring the jury in.
2 Thank you.

3 For the record, Defense, defendant, and State
4 are present.

5 THE BAILIFF: Jurors entering the hearing of the
6 Court, Your Honor.

7 THE COURT: Thank you.

8 (The jury entered the courtroom.)

9 THE COURT: We'll get you trained. It's okay.
10 I appreciate it. Some people don't even realize
11 they've still got it in their pocket, they walk
12 around with it so much.

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

15 THE COURT: All right.

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

18 UNIDENTIFIED JUROR: Hanging in there.

19 THE COURT: Okay. I appreciate you being here
20 on time. We're going to try to move along as quickly
21 as possible. First thing I need to do is have you
22 sworn as the panel for the trial. So one more time,
23 I'm going to have you stand up, raise your right
24 hand, and be sworn by my clerk.

25 (The jury was sworn and empaneled.)

1 THE COURT: All right. You may be seated.

2 Ladies and gentlemen, you have been selected and
3 now sworn as the jury to try the case of the State of
4 Florida vs. William Clifton. This is a criminal
5 case, and Mr. Clifton is charged with the crimes of
6 aggravated assault on four counts. The definitions
7 and elements of those crimes charged will be
8 explained to you later.

9 It is your solemn responsibility to determine if
10 the State has proven its accusation beyond a
11 reasonable doubt against the defendant. Your verdict
12 must be based solely on the evidence, or lack of
13 evidence, and the law that I will give you at the end
14 of the case.

15 That Information, or piece of paper I read to
16 you yesterday with the allegations on it, is not
17 evidence, and it is not to be considered by you of
18 any proof of guilt.

19 It is my responsibility to decide which laws
20 apply to this case, and then to explain those laws to
21 you. It is your responsibility to decide what the
22 facts of the case may be and then to apply the law
23 that I give you to those facts. Thus, the province
24 of the jury and the province of the court are well
25 defined and they do not overlap.

1 Before proceeding further, it will be helpful
2 for you to understand how the trial will be
3 conducted.

4 At the beginning of the trial, the attorneys
5 will have an opportunity, if they wish, to make what
6 we call an opening statement. The opening statement
7 gives the attorneys a chance to tell you what
8 evidence they believe will be presented during the
9 trial. I remind you, however, what the lawyers say
10 is not the evidence, and you are not to consider it
11 as such.

12 Following those opening statements, witnesses
13 will be called to testify under oath. They will be
14 examined and cross-examined by the attorneys.
15 Documents and other evidence will be produced into
16 evidence in this case. If it is produced into
17 evidence, it will be marked, and it will go back with
18 you into the jury room. I know we have some
19 videotapes in this case, one or two. Those will go
20 back with you and we will have something that you can
21 replay them for in the back. So we're going to show
22 them in court during the trial, but you will have
23 them in evidence, and you'll be able to watch them as
24 many times as you want in private when you're back in
25 the jury room. Okay?

1 Following those opening statements -- I'm sorry.
2 After the evidence will -- has been presented, the
3 attorneys will have an opportunity to make final
4 arguments.

5 Following those arguments, I will then instruct
6 you on the law applicable in this case. I will tell
7 you that I will read to you the instructions, but I
8 will also give each of you a copy of the instructions
9 as I read them, and you will be able to take those
10 instructions with you into the jury room for your
11 deliberation.

12 After the instructions are given, you will then
13 retire to consider your verdict.

14 You should not form any fixed or definite
15 opinions on the merits of the case until you have
16 heard all the evidence, the arguments of the
17 attorneys, and the instructions on the law that I
18 will give you. Until that time, you should not
19 discuss the case among yourselves.

20 I now instruct you not to communicate with
21 anyone, including your fellow jurors, about the case.
22 No communication would include no email, text
23 messaging, tweeting, blogging, or any other form of
24 communication. You cannot do any research about the
25 case or look up any information about the case. If

1 you become aware of any violations of these rules at
2 all, notify my court personnel at once.

3 During the course of the trial, we will take
4 recesses and you will be permitted to separate and go
5 about your personal affairs. During those recesses,
6 you must not discuss the case with anyone nor permit
7 anyone to say anything to you in your presence about
8 the case. If you become -- if anyone attempts to say
9 anything to you or in your presence about the case,
10 again, tell them that you are a juror trying this
11 case and ask them to stop. If they persist, leave
12 them at once and immediately report the matter to the
13 bailiff, who will advise me immediately.

14 As we already indicated, all cell phones,
15 computers and tablets, and other forms of electronic
16 devices must be turned off while you are here in the
17 courtroom. Turned off means that the phone or
18 electronic device is actually in the off mode. You
19 may use the devices during the recesses, but even
20 then you must not use those cell phones or electronic
21 devices to find out information about the case or
22 communicate with anyone about the case -- anyone --
23 excuse me -- you may not use them to communicate with
24 anyone about the case or the people or places
25 involved in the case. Do not take photographs, video

1 recordings or audio recordings of any of the
2 proceedings or your fellow jurors. After each
3 recess, please double check to make certain that your
4 phone is in the off mode.

5 You may not have those phones with you in the
6 jury room. As I've already indicated, any electronic
7 devices in the jury room during deliberations comes
8 from the court.

9 The case must be tried by you only on the
10 evidence presented during the trial in your presence,
11 in the presence of the defendant, the attorneys, and
12 myself. Jurors must not conduct any investigation of
13 their own. This would include reading a newspaper,
14 watching TV, or using a computer, cell phone, or the
15 Internet, or any electronic device, or any other
16 means to get information related to the case or the
17 people involved in the case. This will apply whether
18 you are here in the courthouse, at home, or anywhere
19 else. You must not view places mentioned in the
20 trial nor use the Internet to look up maps or
21 pictures to see any places discussed in the trial.
22 Jurors must not have discussions of any sort with
23 friends or family members about the case or the
24 people or places involved, so do not let even the
25 closest family members make comments to you or ask

1 questions about the trial.

2 In this age of electronic communication, I want
3 to stress again that just as you must not talk about
4 the case face to face, you must not use your phone,
5 computer, or other electronic devices to communicate.
6 Do not send or accept any messages related to the
7 case or your jury service until it is concluded. Do
8 not discuss the case or ask for advice by any other
9 means at all, including posting information on
10 Internet websites, chat rooms, or blogs.

11 What are the reasons for these rules? These
12 rules are imposed because jurors must decide the case
13 without distraction and only on the evidence
14 presented in the courtroom. If you had investigated,
15 researched, or make inquiries of your own, I would
16 have no way to make certain that the information you
17 obtained is proper for the case. The parties,
18 likewise, would have no opportunity to dispute or
19 challenge the accuracy of what you had found. That
20 is contrary to our judicial system, which assures
21 every party the right to ask questions about and
22 challenge all evidence being considered against it
23 and then to be able to present argument with respect
24 to that evidence. Any independent investigation by a
25 juror would unfairly and improperly prevent the

1 parties from having that opportunity our judicial
2 system promises.

3 Any juror who violates these restrictions would
4 jeopardize the fairness of the proceedings, and a
5 mistrial could result that will require the entire
6 trial process to start over. That is a tremendous
7 expense and inconvenience to the parties, the court,
8 and you, the taxpayers. If you violate these rules,
9 you could be held in contempt of court.

10 As I discussed yesterday, in every criminal
11 proceeding, a defendant has an absolute right to
12 remain silent. At no time -- time is it the duty of
13 the defendant to prove his innocence. From the
14 exercise of a defendant's right to remain silent, a
15 juror is not permitted to draw any inference of
16 guilt, and the fact that the defendant did not take
17 the witness stand must not influence your verdict in
18 any manner whatsoever.

19 The attorneys are trained in the rules of
20 evidence and trial procedure, and it is their duty to
21 make all objections they feel are proper. Again, as
22 we discussed yesterday, when an objection is made,
23 you should not speculate on the reason why it was
24 made. Likewise, when an objection is sustained or
25 upheld by me, you must not speculate on what might

1 have occurred had the objection not been sustained
2 nor what a witness might have said if he or she had
3 been allowed to answer a question.

4 During the trial, it may be necessary to
5 confer -- excuse me. During the trial, it may be
6 necessary for me to confer with the attorneys outside
7 of the hearing to discuss matters of law or other
8 matters requiring my consideration alone. It is
9 impossible to predict when such a conference may be
10 required or how long it will last. When such a
11 conference does occur, they will be conducted so as
12 to consume as little of your time as necessary for a
13 fair and orderly trial in this matter.

14 As I discussed yesterday, if you would like to
15 take notes during the trial, you may do so. On the
16 other hand, of course, you are not required to take
17 those notes if you do not wish to. That will be left
18 up to you individually. I have provided with you --
19 for you notepads and pens for your use if you wish to
20 take notes. Any notes that you take will be for your
21 personal use. However, you should not take them with
22 you from the courtroom. During the recess, the
23 bailiffs will take possession of your notes and then
24 they will return them to you when we come back.
25 After you have completed your deliberations -- again,

1 you will use your notes for that deliberations -- I
2 will get your notes and they will be immediately
3 destroyed. No one will ever read your notes.

4 If you take notes, do not get so involved in the
5 note taking process that you become distracted from
6 the proceedings. Your notes should be used only as
7 an aid to your memory. Whether or not you take
8 notes, you should rely on your memory of the
9 evidence, and you should not be unduly influenced by
10 the notes of another juror. Notes are not entitled
11 to any greater weight than each juror's memory of the
12 evidence.

13 In front of you is an envelope. Inside is pens,
14 paper pads. If you run out of paper, if your pen
15 stops working, just raise your hand. We have more in
16 a drawer right here, so we'll just walk over and give
17 it to you.

18 So each one of you has an envelope, and that
19 envelope has a number on it. So it's one, two,
20 three, four, five, six, seven, and that is your jury
21 number from now on. So if for any reason there's a
22 question or something comes up and at the end, when
23 we pick a foreperson -- when you pick a foreperson,
24 we always read in instead of the jurors number --
25 names, from now on we only use your number. So your

1 name will not be listed in -- anywhere in the
2 transcript. It'll say juror five, juror one, juror
3 two. So that's your number that's on your envelope.
4 It goes with your seat. So if for any reason you
5 have a question, you raise your hand, I'm going to
6 call you juror number three. Okay? I know who it
7 is. I have your name right here. But that way it
8 keeps your name out of the record. That's something
9 jurors asked me to do a long time ago, so that's what
10 I do after we pick them. So just so you know, that's
11 why your number's on there. It corresponds with your
12 seat.

13 State, are you ready to open with your opening
14 statement?

15 MR. MOELLER: We are, Your Honor.

16 THE COURT: All right. You may proceed.

17 OPENING STATEMENT

18 MR. MOELLER: So February 9th, 2023, Michael and
19 Amanda Krnjaich were enjoying an evening in their
20 front yard. A little before 6 p.m., around 5:45.
21 They're out in their front yard at Starkey Ranch with
22 their two young children, two sons, ages two and
23 four. They're also socializing with their neighbors.
24 Sara Connolly lived across the street; William Adams,
25 who goes by Will Adams, lived a few houses down on

1 one side; and Daniel Zweibel, another neighbor, who
2 also lived on the same side of the street a couple
3 houses down.

4 Now, what these Starkey residents were doing was
5 not unusual at all.

6 What is Starkey Ranch? Starkey Ranch is a
7 large-size residential community in Odessa. Rough
8 boundaries are State Road 54 to the south, and you
9 have the Starkey Wilderness Preserve to the north,
10 Starkey Boulevard to the west, and Gunn Highway to
11 the east. Family-friendly community. You have
12 Starkey K through 8 there on the center portion. The
13 county has baseball fields, soccer fields, football
14 fields. There's a library. There's a cultural
15 center. So the Krnjaich -- Mr. and Mrs. Krnjaich out
16 front with the neighbors and with their children was
17 not at all uncommon in Starkey Ranch.

18 Now, the street they lived on, Barbour Trail,
19 one of the longer streets in Starkey Ranch, but
20 certainly not one of the main roads. That would have
21 been Rangeland. Barbour Trail where they live is
22 just a residential street full of homes. Some -- it
23 goes off to some cul-de-sacs as well, but just simply
24 homes. Again, a longer road, but not the main road
25 because it is a little north, give or take, of

1 Rangeland. And Rangeland is the road that one would
2 typically use to -- to go through Starkey to get to
3 State Road 54 to get out of the community.

4 Now, despite Starkey Ranch being an ideal place
5 to raise a family, there was a drawback to living on
6 Barbour Trail. Being one of the longer roads, the
7 speed limit on Barbour, of course, would be 25 miles
8 an hour, being a residential street, but speeding was
9 common. People would almost all the time -- and I'm
10 not talking just weekly or every so often daily, but
11 all the time cars would speed down Barbour Trail, the
12 residential street, going 40, 45 miles an hour. And
13 one can imagine the risk that does both to children
14 in a family-friendly community like Starkey Ranch.

15 So what Mr. and Mrs. Krnjaich did, as others
16 also did in Starkey, was they went and purchased what
17 we're going to refer to as speed bumps. Now, these
18 speed bumps aren't what one would see driving through
19 the parking lot of CVS where they're actually part of
20 the road and somebody has to slow down to five miles
21 an hour to keep from bottoming out their vehicle on
22 the pavement. These are speed bumps bought at
23 Walmart. They're portable. You know, they come in
24 two different sets for each lane, as Barbour is a
25 two-lane road. You know, one direction for each car.

1 Portable speed bumps around a couple inches high.
2 Speed bumps that really don't cause cars to slow down
3 physically, but they are a visual deterrent.
4 Someone's driving down the road, they see the speed
5 bumps in the road, and naturally would cause a car to
6 slow down even though a car could drive over those no
7 problem at 25 miles an hour. A couple inches high.
8 Plastic portable speed bumps.

9 So these little speed bumps were out in the road
10 around 5:45 p.m. on February 9th of 2023, because,
11 again, their two young children were out playing, not
12 in the street, but in the front yard of Mr. and
13 Mrs. Krnjaich's home.

14 So the peace and the calm and the safety of that
15 evening was shattered when this defendant, William
16 Clifton, came down Barbour Trail. And Mr. Clifton,
17 the defendant, is also a Starkey resident who lives
18 on Tibbetts. Tibbetts is another residential street
19 that is down south toward the school. He does not
20 live on Barbour. And looking just at Starkey as a
21 whole, he really doesn't even live near Barbour if
22 you take Starkey as a whole into account. He lives
23 down Tibbetts, which actually does connect to
24 Rangeland, the main artery out of Starkey Ranch, as
25 Rangeland goes to Gunn Highway and also goes to -- to

1 Starkey Boulevard.

2 So the defendant comes, you know, speeding down
3 Barbour, which I did say was common. But what isn't
4 common is when the defendant, as he's speeding down
5 Barbour, stops right before those speed bumps, right
6 outside of the Krnjaichs' home, where the two young
7 children, ages two and four, are still out playing,
8 where you have Sara Connolly, Will Adams, and Daniel
9 Zweifel also out in the front yard by the street, by
10 the sidewalk, in the grass, also talking.

11 So what doesn't the defendant do when he stops?
12 Well, he doesn't honk his horn as he stops at these
13 speed bumps. He doesn't -- doesn't motion to Mr. and
14 Mrs. Krnjaich to get the speed bumps out of the road.
15 He doesn't go over them slowly or fast. He gets out
16 of his vehicle, when he didn't have to, because the
17 speed bumps are the problem.

18 And -- and how is that known? Well, as the
19 defendant is getting out of his vehicle, he's looking
20 right at these speed bumps on Barbour Trail outside
21 the Krnjaichs' home. Cursing and actually saying the
22 words, these F-ing speed bumps. These shouldn't be
23 here. You know, words to that effect. Mumbling to
24 himself, but passive aggressively because he is
25 actually talking to all five of the adults outside.

1 Mr. and Mrs. Krnjaich, Sara Connolly, Will Adams, and
2 Daniel Zweifel. And their attention goes to the
3 defendant, who had left his car -- didn't pull over
4 to the side of the road, left it on Barbour Trail, in
5 a two-lane road, blocking that lane unless somebody
6 could go around him, gets out.

7 Now, what speed bump does he go to? Does he go
8 to the one in front of his car? Does he go to the
9 one that he would have to drive over? No, he
10 doesn't. He goes to the speed bump that would be on
11 the oncoming lane of traffic, because they're
12 two-part speed bumps. Goes to the one not in front
13 of him but on the oncoming lane of traffic, takes it,
14 and throws it off the road.

15 Now, actually, before he does that, too,
16 Mr. Michael Krnjaich, before he throws it off the
17 road, does approach the defendant. Hey, buddy. Hey,
18 buddy. Hey, don't do that, buddy. Hey, don't do
19 that. Trying to de-escalate a situation that he
20 started. He is the one that stopped his car, he is
21 the one that got out of his car, he is the one
22 cursing, and he is the one now throwing the speed
23 bump off the road that is in place to make sure that
24 the Krnjaichs' two young children stay safe from
25 speeding cars, as these are a visual deterrent.

1 So the defendant throws the speed bump, like I
2 said, on the opposite lane of traffic, off. So what
3 does Mr. Krnjaich do as his property is being tossed
4 around and as his visual deterrent is no longer in
5 the road for his children? Mr. Krnjaich approaches
6 the defendant, pushes him. Two hands, upper body.
7 Pushes him. Mr. Krnjaich doesn't hit him, doesn't
8 kick him, doesn't verbally threaten him, doesn't take
9 out a gun, which he doesn't even have on him at that
10 point, or a knife or brass knuckles. No. He -- he
11 pushes him. And he pushes him because the defendant
12 is now making his way toward the speed bump that's in
13 front of his car, where also, about approximately
14 15 feet away, Mr. Krnjaich's young son is playing in
15 the front yard. So he pushes him. He already tried
16 to de-escalate and talk to him. Defendant didn't
17 want to have that, so he pushes him.

18 So when Michael Krnjaich pushes the defendant,
19 his feet stay planted after the push. It's a push,
20 Mr. Krnjaich stays where he was. Does not push him
21 and keep going toward the defendant. Pushes him to
22 get him away from his property. Just a push.
23 Doesn't advance on him, doesn't threaten him, doesn't
24 go after him. And I anticipate you'll see video of
25 this, that when the defendant is pushed, he does take

1 some backward steps, creating space between him and
2 Mr. Krnjaich. And the space created is -- is
3 approximately, as I anticipate you see on the video,
4 roughly 10 to 15 feet or the width of a driveway that
5 would fit two cars.

6 Mr. Krnjaich is still standing there at the spot
7 he pushed the defendant from. The defendant's trying
8 to gain balance. And what does the defendant do as
9 he gets about 10 to 15 feet away from Mr. Krnjaich?
10 Pulls out a handgun out of his waistband. Because of
11 a push, where he is now 10 to 15 feet away from
12 Mr. Krnjaich, he pulls out a handgun. A Taurus.
13 Full magazine. Round in the chamber. No safety,
14 because I expect the evidence will show that the
15 trigger is actually the safety. The gun was ready to
16 fire. And a gun that this defendant had in his
17 waistband when he got out of the car in a fit of rage
18 to deal with these --

19 MS. STEVENS: Objection. Argumentative.

20 THE COURT: This is opening statement. It's
21 what they believe the evidence is going to say.

22 Go ahead.

23 MR. MOELLER: And -- and you'll see the video,
24 and you can determine for yourself if he was angry or
25 not. But I -- he gets out of the car cursing, upset,

1 to take the speed bump off the opposite side of the
2 road with that loaded Taurus already in his
3 waistband, ready to fire.

4 And then what does he do with that gun? As
5 Mr. Krnjaich is still standing there, the moment he
6 sees the defendant pull out the -- pull out the gun,
7 he starts running. Mr. Krnjaich turns and runs the
8 opposite way. Natural reaction. Turns and runs the
9 opposite way as the gun is being pointed at him by
10 the defendant, the loaded Taurus with a round in the
11 chamber.

12 And Mr. Krnjaich makes a little bit of a loop
13 because he remembers that his young son in the front
14 yard is now in the line of fire because when this
15 defendant pulled out that gun at Mr. Krnjaich, you'll
16 see it on the video, but about ten or so feet away --
17 10, 15 feet away, in back of Mr. Krnjaich was his
18 young son. So Mr. Krnjaich then kind of circles
19 back, gets his son, takes him in the house. And also
20 present, of course, is Amanda Krnjaich. She grabs
21 the other child and puts him in the house.

22 And while this is occurring, the defendant does
23 not de-escalate. What does he now do with this --
24 this loaded Taurus? He now takes the Taurus -- he
25 had Mr. Krnjaich over here -- and points it at the

1 other three individuals. They were standing right
2 next to Mr. Krnjaich. They -- as you're looking at
3 the street, they're off the left by a tree. Points
4 it at Will Adams, Daniel Zweifel, and Sara Connolly.
5 Actually takes it off of Mr. Krnjaich, and points it
6 at those three. Moves the gun over to the other
7 three.

8 They try to take cover, as you'll see on the
9 video, behind a tree. Not really adequate cover, but
10 it's the best that -- that they can do. They're all
11 lined up in back of each other. They weren't even
12 involved in the situation except for being there.
13 Except for simply being there. And, in fact, Will
14 Adams says to the defendant, because he has
15 something -- Will Adams has something in his hand.
16 He's eating an apple. It's just an apple. I'm just
17 eating an apple. Because just like Mr. Krnjaich ran
18 because he was scared of being shot, Mr. Evans is
19 scared of being shot too, to the point where he -- he
20 told this defendant, it's just an apple, it's just an
21 apple.

22 And also, in back of him, Daniel Zweifel, he
23 ends up, while the gun is pointed at him, actually
24 leaving what I suppose you'd call the cover of the
25 tree or the other people -- to go off to the left out

1 in the open because his four-year-old daughter was
2 supposed to come back to the residence with her
3 bicycle. And with the gun still pointed at him, he
4 starts walking to the left to make sure that his
5 four-year-old doesn't come back to this horrific
6 scene on her bike when this defendant's pointing guns
7 at everybody. And also, Sara Connolly also has the
8 gun pointed at her.

9 Three people that had nothing to do with the
10 situation except for just being in the front yard and
11 talking. All three of them were afraid that they
12 were going to be shot by a Taurus that ended up being
13 fully loaded with a round in the chamber.

14 So as I stated, you'll see video surveillance of
15 this crime. The Krnjaichs had a porch video that
16 shows this occur. Now, it does get cut off at the
17 top of the defendant. From the waist up you won't
18 actually see the gun on the video because it's on the
19 porch and their roof line cuts off the -- the portion
20 of the defendant from the torso up just based on the
21 angle of the camera. But you'll see the video,
22 you'll hear the audio, you'll see all the people
23 running, you'll hear the screaming, you'll hear
24 Mr. and Mr. Krnjaich bringing their two- and
25 four-year-old inside the house.

1 I anticipate also you will see a dashcam video
2 from the defendant's vehicle that shows a different
3 perspective. It does show the incident, but again
4 this doesn't actually capture the gun because it is
5 off to the left and that portion gets cut off. But
6 you will see everything else that occurred on that
7 video.

8 You'll also hear from Deputy then, now Detective
9 Griffin, who then located from the defendant's
10 vehicle the handgun. And I expect his testimony will
11 be that this handgun was loaded, magazine was loaded,
12 and it was chambered. And he will also explain to
13 you that this firearm does not have an actual safety.
14 The safety on the side you can -- you can flip up and
15 down. I mean, there's a small safety but it's part
16 of the trigger, where the trigger is actually the
17 safety on this -- on this firearm. And he'll explain
18 that that firearm was recovered from the defendant's
19 vehicle fully loaded.

20 And like I said, the video surveillance that --
21 that you're going to see, although it won't show the
22 firearm, it will show the peaceful beginning of all
23 this, Mr. and Mrs. Krnjaich talking in the front
24 yard, their two young children, two and four years
25 old, their two sons playing. Ms. Connolly,

1 Mr. Adams, Mr. Zweifel also conversing with them.

2 It'll show the defendant coming up in his Volvo
3 fast, abrupt stop, him going right to that speed
4 bump, muttering. This video will show Mr. Krnjaich
5 trying to -- to talk with the defendant before he
6 touches his property. Hey, buddy. Hey, buddy. What
7 are you doing. What are you doing? You'll see him
8 throw the speed bump off road from the opposite lane,
9 the one that wasn't even in front of his car.

10 And the video will show the fright, the absolute
11 panic, when -- when Mr. Krnjaich has the gun pointed
12 at him after the defendant pulls it out. Now, the
13 video -- you won't see the actual gun, but you will
14 see the panic that ensues when Mr. Krnjaich has the
15 gun pointed at him, and you'll see him kind of make a
16 loop and go back for his son. And you'll also see
17 panic from Ms. Connolly, Mr. Zweifel, and Mr. Adams
18 as they line up behind themselves trying to take
19 cover in back of a tree, which is the only place they
20 take cover from.

21 Now, I'm convinced that the conclusion of the
22 State's evidence and the State's case that you will
23 come to guilty on four counts of aggravated assault,
24 one count for each of the four victims in this case,
25 Michael Krnjaich, Sara Connolly, William Adams, and

1 Daniel Zweifel. There is not a count for Amanda
2 Krnjaich because she didn't see all of the incident
3 occur because she was distracted by trying to get her
4 young child in the house as the defendant was holding
5 the gun in the direction of the other four
6 individuals present.

7 Thank you.

8 THE COURT: Thank you, State.

9 Does the Defense wish to make an opening
10 statement at this time?

11 MS. STEVENS: Yes, Your Honor.

12 THE COURT: You may proceed.

13 OPENING STATEMENT

14 MS. STEVENS: Good morning.

15 MULTIPLE JURORS: Good morning.

16 MS. STEVENS: This story starts out in Starkey
17 Ranch; you've heard that. Starkey Ranch is a really
18 cute community out in Odessa. It's one of these
19 planned communities that we see popping up all over
20 Pasco County. Everybody -- all the houses look the
21 same. All the roads are strategically designed to
22 have this nice, homey, quaint community feel.
23 Starkey Ranch is one of our older communities here in
24 Pasco County, so it's a little bit more mature.
25 Those cookie-cutter homes, as we call them, have a

1 little bit more personality as families have moved in
2 and started to make these properties their own. And
3 it actually has some of the nice oak trees instead of
4 these, like, two-day-old pine trees we see sitting
5 all over the place.

6 But as we learn about this day, February 9th,
7 2023, we're going to hear about two different
8 families. Actually, it'll be two main families and
9 then some supporting characters, so to speak. And on
10 this day, we are -- we find ourselves at Starkey
11 Ranch community. You will hear about the -- we are
12 going to have to hear from this gentleman how he says
13 his last name. I'm going to call him Michael. Not
14 out of disrespect but --

15 THE COURT: Can I have counsel at the bench
16 just -- just real briefly.

17 (Begin sidebar.)

18 THE COURT: Counsel, you might be careful. It's
19 Golden Rule to say we. You're not part of this --

20 MS. STEVENS: Oh, sorry.

21 THE COURT: -- and you've used it five times.
22 So we don't find ourselves anywhere. You --

23 MS. STEVENS: (Indiscernible).

24 THE COURT: We're -- we're not going to put
25 ourselves -- they're not going to put themselves in

1 the position of defendant's day.

2 MS. STEVENS: You're absolutely right.

3 THE COURT: So I'm just being careful. I know
4 it's opening, but if you can just --

5 MS. STEVENS: I didn't even recognize I was
6 doing it. I apologize. I will --

7 THE COURT: You just said we'll -- we will find
8 ourselves. So you're putting them in the position of
9 the defendant. So it -- you can say they'll see,
10 they're going to hear, they're going to this. Okay?
11 But we don't put them in the position. Okay?

12 MS. STEVENS: Yes.

13 THE COURT: All right. Just be careful. Okay.
14 Thanks.

15 (End sidebar.)

16 THE COURT: Excuse me. Sorry about that.

17 MS. STEVENS: So on this day, William Clifton
18 was driving in the community of Starkey Ranch.
19 Mr. Clifton lives in Starkey Ranch. He lives in an
20 area of Starkey Ranch that happens to be closer to
21 the -- there's a school out by one of the main roads.
22 And there are -- the Krnjaichs -- Krnjaich -- Michael
23 and his family live out near the portion of this
24 community that's out closer to the preserve, but
25 still connects to some of the main roads and the

1 shopping centers and whatnot.

2 So Mr. Clifton is out that night, and he is
3 driving through the community, and he is on Barbour
4 Trail.

5 The -- Barbour Trail has been having some issues
6 at that time, and there were speeders going through
7 Barbour Trail. Because, although Barbour Trail is
8 out by the preserve on the outer side of the
9 community, it also is a rather long road. Starkey
10 Ranch is designed that you have 54 at a lower -- I'm
11 imagining a map, and if -- on the lower portion of
12 Starkey Ranch you have State Road 54. Off to the
13 side, in a triangle kind of form, you're going to
14 have the major road of Starkey Ranch. Other major
15 intersections are going to be things like Ridgeland,
16 we're going to learn about, and we'll learn -- or I
17 anticipate the evidence will explain where this is on
18 the map and there will be more information about the
19 location of Starkey Ranch.

20 As you learn about Starkey Ranch, you'll --
21 the -- Barbour Trail can go throughout the
22 development and is rather long, so it's not uncommon
23 for people who need to get from one place to another
24 to be on Barbour Trail, or who live at the very far
25 end of Barbour Trail may start out at the small end

1 and then end up going through. So there's -- there's
2 a relatively large amount of traffic that goes
3 through. And some of these individuals are --
4 there's concern for speeding, and there are some
5 speeders going through there.

6 So the families on Barbour Trail attempt to get
7 assistance to have some traffic calming devices put
8 in. And after making those efforts, the traffic
9 calming requests, ultimately they don't get their
10 traffic calming. They decide that they are going to
11 take matters into their own hands, so they purchase
12 portable speed bumps.

13 And Michael and his family purchased these
14 portable speed bumps that we heard about, and you
15 heard the evidence is -- the evidence will show that
16 there may be about -- I believe we're going to hear
17 that they're about two inches or so high, and we're
18 going to hear -- I'm going to -- I anticipate the
19 evidence will show that they stretched the entire
20 length of this residential road. The -- anybody that
21 drove on Barbour Trail while the speed bumps were out
22 would be forced to go over these speed bumps. An
23 individual driving down Barbour Trail could not go
24 around them, could not have any -- they were side by
25 side. So it's not like they were staggered so you

1 could kind of weave in and out of them. They were
2 not of such a thing that you could just speed up and
3 go over them and hope they didn't -- so a person
4 could speed up and go over them and hope for the
5 best.

6 The -- the reason this is important is that
7 the -- Michael and Amanda and the other individuals
8 on Barbour Trail would put these speed bumps out when
9 their families were out. They would go out and roll
10 them out all the way across the road, and then when
11 their family was done using them, being outside,
12 enjoying the evening, they'd go out, they'd roll them
13 back up, they'd put them in the bag, and they'd put
14 them back home.

15 So the speed bumps went out when they wanted
16 them, came in when they wanted them, but anybody who
17 drove that road was forced to comply with their
18 traffic requirements. Anybody who drove through
19 there, it didn't matter if you were speeding or not
20 speeding, if -- the cars that came through had no
21 choice but to accommodate those. The cars that were
22 going 25 miles an hour had to modify their -- their
23 travel on that road. Slow down, speed up. It
24 doesn't matter. They had -- were forced to comply
25 with these speed bumps that were not authorized by

1 anybody other than the families that lived there,
2 Michael and Amanda, that they were the ones who put
3 them out. So they couldn't get permission to have
4 traffic calming devices put in, so they did it
5 themselves, and everybody who drove down that road
6 were forced to comply with it, whether they liked it
7 or not.

8 That's important because we're going to hear
9 about February 9th when William Clifton is out
10 driving on Barbour Trail. He comes across speed
11 bumps in the road. Yellow, plastic, green. I
12 believe that the evidence will show that they are
13 plastic speed bumps and -- for children to play.
14 They're not designed for traffic roadways, and they
15 are not affixed to the road. They're temporary.
16 They roll up, they roll out, and they are plastic.

17 Mr. Clifton sees these items in the road. He
18 can tell that they are not fixed to the road because
19 you can see them clearly. It's daylight out. And
20 Mr. Clifton decides he doesn't want to roll -- drive
21 over them. He also believes that -- you are going to
22 hear that he believes them to be illegal, doesn't
23 want to drive over them, and doesn't want them in the
24 road. So he stops his car, he gets out. He notices
25 there's other individuals on the street.

1 He -- Mr. Clifton -- you -- you will see two
2 videos today. I anticipate you'll see two videos
3 today. One video is a point of view from Michael and
4 Amanda's front porch. There's a camera that points
5 out in the direction of the street. And it is
6 correct, there is a overhang that cuts off a little
7 bit. There's also a -- window screen or a sunshade
8 of some type, and those create a -- they -- they
9 hinder the view of where Mr. Clifton ultimately
10 lands.

11 What you -- what I believe you will see on the
12 video is going to be the time that Mr. Clifton comes
13 into view on the -- his lane of travel is going to
14 be -- passenger side door is going to be to the -- to
15 Michael and Amanda's house, so you will see the
16 passenger side view. You will see on the opposite
17 side of the car Mr. Clifton gets out of the car and
18 he goes to the speed bump on the driver's side. You
19 will see individuals on the grass -- or the video
20 will show individuals on the grass. The video will
21 show you -- show the car, and then Mr. Clifton goes
22 up to the speed bumps, he grabs the speed bump, and
23 he tosses it over into the side of the road. Not
24 onto the grass, not down the street, just tosses it
25 over to the side of the road.

1 Then, as he's returning either -- he's
2 returning, he sees the people on the side of the
3 road. One person is now coming at him. He goes to
4 turn around and go to his car, and there's a brief
5 exchange of words, and Mr. Clifton sees this large
6 man coming at him swiftly. This large man. Hey,
7 bud. Hey, bud. What are you doing? Not please
8 don't touch those. Don't touch those. Those are
9 mine. What are you doing? Get out. Stop. Don't do
10 that. Just hey, bud. Hey, bud. What are you doing?
11 The audio on the video will provide an opportunity to
12 hear what is said. And Mr. Clifton believed that
13 those speed bumps were illegal. Mr. Clifton will
14 express that. The video will provide that
15 opportunity to be heard.

16 As he is seeing this gentleman coming at him, he
17 turns to go back to the car. And Michael, instead of
18 saying anything else, the next thing you see on that
19 video is going to be Michael pushing Mr. Clifton.
20 We're not talking about a slight push. We're not
21 talking about a scooch out of the way. We are seeing
22 a forceful, a -- the video shows a forceful push of
23 such force, the video will clearly show that
24 Mr. Clifton doesn't just take a few steps back.
25 Mr. Clifton doesn't kind of stumble back.

1 Mr. Clifton is pushed in the shoulder as he's turning
2 away. He's pushed in the shoulder as he's turning
3 away, and you see several large movements to his
4 rear. So much so his feet both come off the ground.
5 You see -- the video will show that clearly.

6 Mr. Clifton is pushed so hard he is turned with
7 his back to this man who has just physically pushed
8 him with such force that he is spun in the other
9 direction, and he ultimately lands -- not stumbles,
10 not walks, not skips, he is pushed so hard that he
11 has to land. On the video it shows this. He lands
12 in the neighbor's driveway.

13 The entire time from the push, the force of the
14 push, the movement, the landing, his back is to
15 Michael. Michael, this large man. You will see --
16 the video shows the -- the view of this man. The
17 video will show -- you will -- the -- it's evident
18 that his arms are very muscular. The video has the
19 ability to show those who watch it the -- the
20 structure of Michael. He is a big guy. He, compared
21 to Mr. Clifton, is much larger. And visually you can
22 see -- an individual on the video can see that he has
23 the capacity to be stronger. Mr. Clifton, compared
24 to Michael -- Michael was bigger, Michael was
25 stronger, Michael had more muscles, Michael is coming

1 after Mr. Clifton. Mr. Clifton gets pushed. He gets
2 launched behind him. Back to Michael.

3 Last thing he knows about Michael, Michael's
4 pushing him over speed bumps in the road. Pushes him
5 with such force, back to him, he has no idea what's
6 coming next. He knows this man, who's angry enough
7 over speed bumps to push him. He knows there are
8 people on the side of the road. The people on the
9 side of the road didn't say hey, stop. Didn't say,
10 Michael, what are you doing? Don't do that. The
11 video will -- will provide this information.

12 The video has audio. The video does not show
13 anybody or provide any -- you will -- I would suggest
14 that -- pay close attention to the video. Pay close
15 attention to the audio. Listen for individuals
16 talking. The video is not going to provide any --
17 listening -- anything to hear where anyone on the
18 side of the road tries to step in, tries to stop it.
19 The only thing the video will show, the reaction, is
20 Michael's wife.

21 Michael's wife, who's the first person to engage
22 in this scenario, sees the -- sees the vehicle come
23 up, starts to see Mr. Clifford get out of the car,
24 and yells, Michael, Michael. Alerts her husband.
25 Consider why she alert -- why would a person alert

1 their husband? What does this person want her
2 husband to do? This person wants her husband to get
3 involved, and he does. And when he does, the
4 video -- you can see her clearly, because it's coming
5 from the porch, her porch, to her. You see put her
6 hands in her face. And is she laughing? What does
7 the video show? So now we have several people on the
8 side -- now there are several people on the side of
9 the road, and none of them are doing anything to stop
10 Michael.

11 So with his back to the threat, without aid --
12 potential for aid, Mr. Clifton has to make a
13 decision. Mr. Clifton has to decide if he is going
14 to defend himself or let himself be the victim of
15 another attack.

16 Mr. Clifton decided that he was not going to be
17 a victim. He was not going to wait and see what
18 happened. He was not going to wait and see if
19 Michael was done with him. Mr. Clifton carries a
20 firearm. Lawfully carries a firearm. He carries it
21 in his waistband, in a holster designed for the
22 weapon. There will be evidence that he is trained on
23 that weapon. There will be evidence that he is
24 lawfully carrying that weapon. Mr. Clifton takes
25 that weapon out of his holster before he turns

1 around. Before he turns around, he pulls that
2 weapon, turns around, and he points it at Michael to
3 stop whatever attack is coming next.

4 You will hear that when he pulled that weapon
5 out and pointed it at Michael, his finger was not on
6 the trigger. His finger was not on the trigger
7 because he did not intend to shoot anybody.
8 Mr. Clifton wanted to stop being attacked. He wanted
9 to stop being pushed around by Michael with such
10 force that he was flown over to the next street --
11 the next driveway. He did this by displaying a
12 weapon so that the attacker would retreat.

13 It worked. The attacker retreated. He ran off
14 into his driveway. Mr. Clifton points the weapon at
15 his attacker, follows the attacker until that threat
16 is done. This man pointed it at his attacker, his
17 attacker retreated, de-escalated. The attack was
18 over. His fear -- was able to control the fact that
19 he had stopped that attacker. He put that weapon
20 away immediately. As soon as the threat was over, he
21 put his weapon away.

22 Michael ran up into his driveway, over behind
23 his friends, but he never made it all the way there.
24 He stopped. He stopped -- because the video shows
25 where he stopped. He stopped before he got all the

1 way over to his friends for cover. He stopped
2 because the weapon was put away. Everybody in the
3 video takes a collective breath when the weapon gets
4 put away. The threat has come to an end. Because
5 displaying the weapon for the intent of stopping, not
6 shooting, because it worked. Michael backed off.

7 The video shows Michael wasn't done. Michael
8 was leaning in towards Mr. Clifton, leaning in to see
9 if he had to go and finish the job. Whatever that
10 meant, he was going to protect those speed bumps.
11 Those speed bumps that he put in the road.

12 And I would tell anybody who watched that video,
13 there was no way to get around those speed bumps.
14 Michael put them in the road. He wanted everybody to
15 slow down. People were going to go over those speed
16 bumps whether he wanted it or not. His kids needed
17 to be safe. We all know kids need to be safe, but it
18 wasn't Michael's job to alter the flow of traffic.
19 Wasn't Michael's job to force everybody on that
20 street to use those speed bumps.

21 And, ultimately, how protective of you -- are
22 you of plastic speed bumps that you force people to
23 drive over all day? SUVs, vans, doesn't matter.
24 Please come and drive over my speed bumps, but please
25 don't try to move them out of the road. Those are my

1 speed bumps, for my kids. How dare you? And to be
2 physically attacked over moving them out of the road
3 so you didn't have to drive -- so that Mr. Clifton
4 didn't have to drive over them? That's escalation.
5 Michael escalated this encounter to the point of
6 physical attack. Mr. Clifton had no idea what was
7 happening coming next. In Mr. Clifton's mind at that
8 time, the only reasonable thing to do was to prevent
9 himself from being a victim, so he pulled out his
10 firearm, he displayed it, and he stopped the threat.
11 Once the threat was done, he re-holstered his weapon,
12 and he immediately called 911 to report the attack.

13 The video will show that he's standing off --
14 unfortunately, the video cuts off at the -- or is --
15 the view cuts at some of the worst angles. You --
16 the video shows that as he is launched backwards, he
17 goes so far back that he's lost sight of in the dash
18 camera of his own vehicle. So his dash camera can't
19 see him anymore. The porch can't -- the porch camera
20 can't see him anymore.

21 He puts the weapon away when Michael retreats.
22 Clifton yields by putting his weapon away, by calling
23 911 to report the attack, and he waited for law
24 enforcement. Waited. Making sure that he gave them
25 his side of the story, explained the circumstances.

1 He got in his car on the phone, 911. 911 said, sir,
2 maybe go park down street. So Mr. Clifton went
3 parked down on a different road. We'll hear that
4 road -- or the road will be named Berrypick, and he
5 continued to wait there. He was there when law
6 enforcement showed up. Law enforcement gets there,
7 says, sir, where's the gun? The gun is in the glove
8 box. Mr. Clifton is on the side of the road waiting,
9 reporting his attack. Very -- worked with law
10 enforcement. Law enforcement got their side of the
11 story, went and talked to Michael, came back and
12 apparently (Indiscernible), and now we are here
13 today.

14 So any -- once all the evidence has been
15 presented, the credibility of the witnesses has been
16 weighed, there will be -- the ending of the story
17 is -- comes after Mr. Clifton drove away and went and
18 waited on Berrypick to tell law enforcement about his
19 attack.

20 The story here is when all the neighbors are
21 waiting. They're waiting on Michael and Amanda's
22 front porch, and they're talking. They're talking
23 about the event. They're talking about who was the
24 first aggressor. Who put physical contact on the
25 other person? Who escalated the experience?

1 Michael. Michael's scared. Michael's scared.

2 Michael admits later, I know I shouldn't have
3 touched him. Michael's got to protect himself, and
4 he starts talking to his friends, his neighbors.
5 Hey, guys. He's talking to them. And then later,
6 everybody's got the same version of events that, when
7 you watch on the video -- when a video is viewed, the
8 events that the entire friend group presents are
9 inaccurate. And they're so closely inaccurate --
10 weigh the credibility of those individuals that will
11 be presented before you today. Weigh their
12 credibility. Who has an interest in the way this
13 case comes out? Who had an interest in who looked
14 like the first aggressor? Who had an interest in
15 being reasonable in a physical attack?

16 When the evidence is here, when the evidence is
17 presented, when the weight of the evidence is
18 evaluated, the only verdict here is not guilty. Not
19 guilty because it was justified.

20 Thank you.

21 THE COURT: Thank you.

22 I'm going to take the jury into the jury room
23 briefly.

24 Ladies and gentlemen, we're going to get ready
25 for our first witness, so I'm going to go ahead and

1 let you step in, use the restroom, so we can go
2 straight through the witness so we don't have to
3 stop. You want to just leave your notes right there.
4 You can take your water. There's male and female
5 bathrooms in there. Go ahead. And you all can take
6 a quick break, and we'll get our witnesses lined up
7 outside ready to go. Okay?

8 (The jury exited the courtroom.)

9 THE BAILIFF: The jury is out of the courtroom,
10 Your Honor.

11 THE COURT: All right. You all can step out.
12 I'm going to -- this is a Zoom hearing that doesn't
13 have anything to do with either side. So we're off
14 the record on the trial.

15 (Recess from 11:03 a.m. to 11:12 a.m.)

16 THE COURT: All right. I'm going to step down,
17 use the restroom. You can let the counsels know that
18 they can step back in and we'll begin as soon as I
19 get back.

20 THE BAILIFF: Yes, Your Honor.

21 THE COURT: Which will be about two minutes.

22 THE BAILIFF: Yes.

23 (Recess from 11:13 a.m. to 11:17 a.m.)

24 THE BAILIFF: Circuit Court is back in session.

25 THE COURT: You may be seated.

1 THE COURT: All right. We're back on the record
2 on Mr. Clifton's case, 23-CF-562.

3 State, are you ready to proceed?

4 MR. SARABIA: We are -- Judge, just a couple of
5 brief matters. I would just bring them to the
6 Court's and Defense's attention.

7 THE COURT: Okay.

8 MR. SARABIA: One, I heard Defense's opening,
9 and multiple times they said Mr. Clifton waited and
10 gave his whole side of the story, which they limined
11 out the fact that he made statements afterwards. He
12 really kind of refused to make statements. So I
13 didn't say anything in opening, but if they think
14 they're going to ask the deputy questions and imply
15 that Mr. Clifton cooperated and gave his whole side
16 of the story, I think that that that would open the
17 door to the fact that he lawyered up, actually.

18 THE COURT: Okay. You -- Counsel, you did say
19 that.

20 MS. STEVENS: Correct. I --

21 THE COURT: Your -- your direct statement was --

22 MS. STEVENS: Yes, yes.

23 THE COURT: -- you're going to hear he waited,
24 he was cooperative, and he gave his side of the
25 story.

1 MS. STEVENS: Correct. And I -- I don't think
2 that was inaccurate, and I don't think it changes
3 what I believe the motion in limine is, is that I
4 wanted the second set of conversation where
5 Mr. Clifton invoked after he gave his -- his original
6 accounting of the event.

7 So he did provide an accounting of the event.
8 Then asked -- they asked him, would you like to give
9 a statement. He goes, well, I didn't know I needed
10 to give a statement. He says you were -- you were
11 the victim of an attack, do you want to give a
12 statement. Not without -- I do not want to give a
13 written statement without talking to an attorney.
14 That is when he invoked.

15 As -- as -- I assumed, anything prior to
16 invoking the right is admissible, but I did not want
17 it when Mr. -- when Officer Griffin came back and
18 asked -- started asking him questions about other
19 things. That would be --

20 THE COURT: Well, but -- hold on. Let me just
21 make sure I understand what you just said, and I'm
22 going to repeat it back to you so I'm -- I'm clear.
23 The officer said to Mr. Clifton, you were -- you're
24 saying that you were the victim of an attack. Would
25 you like to make a statement about that? Correct?

1 MS. STEVENS: Provide a written statement after
2 he had already given his original statement.

3 THE COURT: Well, I'm -- I'm not asking for
4 that. I'm -- I'm repeating what you said.

5 MS. STEVENS: Yes, ma'am.

6 THE COURT: The deputy said, you're saying --
7 he's already made statements -- that you were the
8 victim of an attack. Would you like to make a
9 written statement or a statement? Is that what
10 you're saying?

11 MS. STEVENS: Yes.

12 THE COURT: And then he said, not without my
13 lawyer.

14 MS. STEVENS: Correct.

15 THE COURT: He -- what you said is that he was
16 super cooperative and he was the victim, and then he
17 told them what happened. But what you're really
18 saying with -- what they're saying, is that he
19 didn't. When they gave him an opportunity to discuss
20 that he was the victim of this attack, that he
21 refused. I'm not saying we're going to use the word
22 lawyer, because we would not use the word lawyer, but
23 he refused to give a statement as a victim.

24 State, that's what you're saying?

25 MR. SARABIA: Yes. And additionally, there was

1 another question or two posed that he refused to
2 answer, particularly: What were you doing? Where
3 were you going? Why were you there?

4 THE COURT: Okay.

5 MR. SARABIA: He did not want to answer any of
6 those questions.

7 MS. STEVENS: And --

8 MR. SARABIA: Which is very different from the
9 way Defense counsel made it sound.

10 THE COURT: Well, as we all know, opening
11 statement is not the evidence. So we're not -- we're
12 not going to go through the door now.

13 MR. SARABIA: Correct.

14 THE COURT: But I will -- again, I -- these
15 kinds of cases, you know, you guys know a lot more
16 about it than I do. But if Mr. Clifton -- if you ask
17 questions of the deputy trying to insinuate that
18 Mr. Clifton was fully cooperative, the State's going
19 to be able to get back up there and readdress the
20 fact that he wasn't, quote, fully cooperative, that,
21 in fact, when they asked him to give a statement as
22 him as the victim, he refused. Now, of course, we're
23 not going to use the word without my lawyer, but if
24 you're the victim, there is no Constitutional right.
25 You -- he's not -- he is ending up to be the

1 defendant, but the officer was speaking to him as a
2 victim. You're saying you were attacked. Would you
3 like to make a statement that you were the victim?
4 There's no Constitutional rights to statements as a
5 victim.

6 So when we did the motion in -- you know, to
7 express, the motion in limine, I assumed, and again,
8 no one calendared -- countered this, that at some
9 point when he was being interviewed as a defendant,
10 he invoked. But what I'm hearing is, in fact, that's
11 not true, that he invoked after he was asked if he
12 wanted to give a statement about being attacked,
13 which would mean he's the victim.

14 I'm not getting involved in any of that right
15 now because I'm not going to make a ruling. I'm just
16 commenting that if you intend to somehow elicit that
17 Mr. Clifton was fully cooperative and answered all
18 the questions, there may be -- there may be a
19 cross-examination -- there may be a redirect in
20 there.

21 So you did make it sound in your opening, and
22 again, opening is not the evidence, and I told them
23 not to consider that, so I'm not using that to open
24 some door now, but if we get to that point, I'm going
25 to have to have this conversation again because it

1 sounds like Mr. Clifton was not, as you refer to it,
2 waited and gave his whole statement and was fully
3 cooperative with law enforcement.

4 MS. STEVENS: I -- I understand the nuance, Your
5 Honor. I think that I -- I may have given not as
6 much credit to the front portion of that. If you
7 give me just a moment, maybe I'll clarify this now
8 without having to argue over it.

9 THE COURT: Okay. Well --

10 MR. SARABIA: He's our last witness, so I don't
11 know that we'll get there at this point.

12 Additionally, Judge, I would provide to the
13 Court case law for anticipated -- I think we're going
14 to have a little fight over jury instructions.

15 THE COURT: Okay.

16 MR. SARABIA: Just for the Court's --

17 THE COURT: Are we talking about the use of
18 non-deadly force when it was a firearm?

19 MR. SARABIA: Versus the use of deadly force.

20 THE COURT: Just -- just like I said yesterday,
21 which I looked up myself?

22 MR. SARABIA: Yes. And for the record, I
23 provided the Court with *Little v. State*, which is
24 302 So.3d 396.

25 THE COURT: Okay. I -- I was pretty confident

1 in what I said, but I -- I went and looked it up
2 myself. So we'll talk about this later.

3 But the State, for the Defense, has provided the
4 case law about the use of a firearm can't be really
5 non-deadly force ever because it's per se, firearm,
6 deadly force. But if you have your own case law,
7 I'll look at that too.

8 Only because it's a deadly weapon per the
9 statutes. So I'll look at both of the cases. One is
10 a case from 2021 out of the Second, which is
11 *Claudio-Martinez vs. State*, and the other one is a
12 2020 case out of Fourth DCA, *Little vs. State*. So
13 we'll file -- we'll -- we'll fight this over at a
14 different time. But I don't know which -- I don't
15 know what either one of these says because I looked
16 at some other cases. So I -- I didn't look at either
17 one of these cases, so they'll be helpful reading
18 while we go on.

19 Going back over -- you took a moment to speak to
20 Mr. Clifton. I apologize. We kind of interrupted
21 that. Do you need more time to speak to your client?

22 MS. STEVENS: Briefly.

23 THE COURT: Okay.

24 (Recess from 11:24 a.m. to 11:25 a.m.)

25 THE COURT: We're back on the record.

1 You had an opportunity to speak to your client?

2 MS. STEVENS: I did, Your Honor. And after
3 listening to the Court and the State's argument, I
4 believe that, as I proceed in my case, although I
5 what believed I had excluded out, I definitely
6 believe that (Indiscernible), I could essentially
7 open a door I didn't expect to, and I don't want to
8 have to sit here and argue those types of points in
9 the middle of trial. So in full candor, I would
10 understand that that -- it's not going to -- the
11 Court elaborated on something, I didn't see it from
12 that point of view, and I would (Indiscernible).

13 THE COURT: Okay. And again, he -- he stayed
14 down the street and he gave you a statement. Great.

15 MS. STEVENS: I --

16 THE COURT: We just can't --

17 MS. STEVENS: You're --

18 THE COURT: Yeah.

19 MS. STEVENS: Yeah. And, Your Honor, it was
20 just a difference of view as I'm always looking at
21 these cases from a, you know --

22 THE COURT: Sure, sure.

23 MS. STEVENS: -- very tunnel vision over here.
24 And I -- I do anticipate that there's a potential to
25 bring some testimony forward that would open the door

1 for the State. Let's just open that door now, allow
2 it to be dealt with as we go through the trial.

3 THE COURT: Okay. So I'm not exactly sure what
4 that last statement means. So does the State get to
5 ask the detective, if we get there, you know, you
6 asked him to give a statement about being a victim
7 and he decided not to.

8 MS. STEVENS: Yes. Your Honor, yes. And I -- I
9 did (Indiscernible).

10 THE COURT: They're okay asking that question.

11 MS. STEVENS: Yes.

12 THE COURT: Okay.

13 MS. STEVENS: I trust that they would ask that
14 appropriately. We're not going to comment on his
15 discussion of wanting a lawyer, but we comment on the
16 facts of what actually he did or did not comply.

17 THE COURT: We -- just remind your officer --

18 MR. SARABIA: I'll have to talk to the deputy,
19 but we'll have time to do that.

20 THE COURT: Yeah. Don't -- don't use the word
21 lawyer.

22 MR. SARABIA: Okay.

23 THE COURT: He just -- he decided he didn't want
24 to do that. He -- he declined whatever we want to
25 say. Okay?

1 MS. STEVENS: Your Honor, I have to explain that
2 to my client. He has some --

3 THE COURT: Well, we got a while. That officer
4 is not going to come in right now, so you'll have
5 time at lunch to go over that again. We -- we're
6 done with opening and we're moving on, and that
7 witness isn't going to testify till after lunch, so
8 you'll have plenty of time. Okay?

9 MS. STEVENS: Thank you.

10 THE COURT: All right. Bring the jury back.

11 Again, we're on Clifton, 23-CF-562. Defendant,
12 State, Defense attorney are all present.

13 Come on out.

14 THE BAILIFF: Jurors entering the hearing of the
15 Court, Your Honor.

16 THE COURT: Were you listening to my Zoom
17 hearing that I had that didn't have anything to do
18 with you?

19 UNIDENTIFIED SPEAKER: Yes.

20 THE COURT: It was very loud. I'm sure it was.

21 (Other matters briefly discussed.)

22 THE COURT: All right. thank you all for the
23 short break. For me, I had to do a Zoom hearing.
24 I'm appointed judge in Hillsborough county for a case
25 unrelated to this, so I have to do everything by

1 Zoom. By the way, I hate Zoom. So every -- I don't
2 look good in Zoom. Everybody talks over each other.
3 It's -- you know. I -- I try not to do that.

4 But we are ready to go. Opening statements are
5 done.

6 State, are you ready to call your first witness?

7 MR. MOELLER: We are, Your Honor.

8 THE COURT: Okay.

9 MR. MOELLER: We will call Amanda Krnjaich.

10 THE COURT: All right. Amanda Krnjaich. I'm
11 going to say that name a hundred times and still
12 mispronounce it, so I apologize.

13 MR. MOELLER: And that might be wrong, too, Your
14 Honor, but we'll see.

15 THE COURT: I'll have you swear all the
16 witnesses.

17 THE COURT: Ms. Krnjaich, if you'll come right
18 here to the podium where the microphone is for me.
19 Good morning.

20 MS. KRNJAICH: Good morning.

21 THE COURT: If you stop right there, raise your
22 right hand, be sworn by my clerk.

23 AMANDA KRNJAICH

24 being called as a witness, and having first been duly
25 sworn, testified as follows:

1 THE WITNESS: I do.

2 THE COURT: All right. If you'll have a seat in
3 the witness stand right there. Speak in a loud and
4 clear voice. We do not have a court reporter, so
5 everything we do here is going to be digital. So if
6 I -- if your voice goes down and I can't hear it, I
7 might have you repeat it. Okay?

8 THE WITNESS: Okay.

9 THE COURT: And we have the jurors over there,
10 and all -- the one at the end has to hear you. Okay?

11 THE WITNESS: Okay.

12 THE COURT: As we like to call it, use a little
13 bit of your outdoor voice.

14 THE WITNESS: Okay.

15 THE COURT: All right?

16 Go ahead.

17 DIRECT EXAMINATION

18 BY MR. MOELLER:

19 Q Please introduce yourself to the jury by stating
20 your name and spelling your last.

21 A I'm Amanda Krnjaich, that's K-R-N-J-A-I-C-H.

22 Q I want to bring your attention back to
23 February 9th of 2023. Back on the that date, where did
24 you -- where did you live?

25 A 3290 Barbour Trail, Odessa, Florida 33556.

1 Q And what subdivision is that in?

2 A Starkey Ranch.

3 Q And when did you move to that address?

4 A October of 2017.

5 Q And just in -- in general terms, what type of
6 area subdivision is Starkey Ranch?

7 A A very family-oriented, neighborly subdivision.
8 It's very nice.

9 Q And I want to talk about Barbour Trail. You
10 know, what type of street is Barbour Trail? What I'm
11 asking, I mean, is it residential, is it commercial, is it
12 mixed use? What type of street is Barbour?

13 A Residential only.

14 Q And do you know, at least back on February 9th
15 of 2023, what the posted speed limit on Barbour was?

16 A Twenty-five miles per hour.

17 Q Now, is -- is Barbour Trail a main street that
18 would lead somebody directly out of Starkey Ranch?

19 A No. It's a side street. There's no getting out
20 of our -- the main part of our neighborhood from our
21 street. It leads to other areas.

22 Q And is there a -- what's considered a main road
23 in Starkey Ranch that people would use to get out of the
24 community?

25 A Yes. Rangeland is the name.

1 Q And does Barbour at some point come in contact
2 with Rangeland at a roundabout?

3 A Yes.

4 Q So back on February 9th of 2023, how would you
5 describe the traffic on Barbour, which you said is a
6 25-mile-an-hour posted street?

7 A It's -- unfortunately, people do not abide by
8 25 miles per hour. It's -- people are constantly
9 speeding, unfortunately.

10 Q And do you guys have an opinion as to how fast
11 cars typically go on Barbour, in general?

12 A I'd say, in general, my opinion would probably
13 be about 35, 40 miles per -- per hour.

14 Q And is this -- is this an occasional problem?
15 For example, you know, maybe once a week you'll notice
16 this or perhaps once a day or is it more frequent?

17 A No, it's frequent. It's regularly.

18 Q And, I mean, by regularly, can you give the jury
19 an idea -- and I know you're probably not out there
20 counting cars but --

21 A Yeah.

22 Q -- what you mean by regularly? I mean, is it
23 more often than not if people are going 40 to 45 or
24 however fast you said?

25 A Yes. There's speeding. Like, if we're outside

1 and I'm sitting on my front porch, say, for 20 minutes,
2 I'd say about every other car is speeding.

3 Q And by speeding, are you talking going in excess
4 of 25 or are you talking about speed that -- that you told
5 the jury?

6 A Yeah. Like 35, 40 and above. Yes.

7 Q So do you have any children?

8 A Yes. Two -- two little boys.

9 Q And back in February of 2023, what were their
10 ages?

11 A Two and four.

12 Q So do you ever have your children play out front
13 of your house, or did you back then, I should say?

14 A Yes.

15 Q And did the speeding traffic, as a parent, cause
16 you any concerns for your children who would play out in
17 your front yard?

18 A Yes. We would frequently see people, like, on
19 their phones and just not paying attention at all to their
20 surroundings, so it was a concern having young children.

21 Q And are you talking pedestrians going -- walking
22 down the sidewalk on the phones or are you all talking
23 about motorists?

24 A Motorists, yeah. In their cars, on their
25 phones.

1 Q And at times, are these motorists on the phones
2 in cars the ones that are speeding?

3 A Yes.

4 Q And what's your concern as a parent with this
5 combination with your two kids?

6 A I mean, we're not letting them outside alone by
7 any means, but, you know, they're small children and
8 things can happen, and we want to make sure that people
9 are just aware, you know, slow down a little bit, you
10 know, just in case.

11 Q Now, just to be clear, are your kids out in the
12 street, you know, playing -- playing street football,
13 street soccer, setting up goals on -- on Barbour on the
14 actual street itself?

15 A No. We would never allow that.

16 Q But where are your children at when they're
17 outside, in general?

18 A They're -- they're in our driveway, in our front
19 yard, and on the sidewalk.

20 Q And about how big is your front yard? I mean,
21 is this one of those homes where you have a winding
22 driveway and your way set back?

23 A No, it's very close. I couldn't give an
24 approximation, but, I mean, it's not winding. It's, you
25 know, maybe the length of two cars.

1 Q And is that about -- your driveway could fit
2 about two cars --

3 A Yes.

4 Q -- till they enter your garage door?

5 A Yeah, yeah.

6 Q Now, are you married?

7 A Yes.

8 Q To whom?

9 A Michael Krnjaich.

10 Q And when did you get married to him?

11 A December 2016.

12 Q So were you married back on February 9th of
13 2023?

14 A Yes.

15 Q So, if you know, did your husband also have the
16 same concern about your children and speeding cars on
17 Barbour?

18 A Yes, we had the same concerns.

19 Q And without going into what was said, you know,
20 did you have discussions with him about this -- about this
21 concern?

22 A Yes, we did.

23 Q So did -- did you and your husband decide to do
24 something or purchase something to help address this
25 concern and minimize the risk to your children?

1 A Yes.

2 Q What did you decide to purchase, or your
3 husband, or both of you?

4 A We got temporary speed bumps after seeing other
5 people throughout the neighborhood that had also had them
6 before we had purchased ours. And, you know, other people
7 had said that nothing seemed to work --

8 MS. STEVENS: Objection. Hearsay.

9 MR. MOELLER: Well, I'll -- I'll ask a different
10 question, Your Honor.

11 THE COURT: Okay. That's fine.

12 BY MR. MOELLER:

13 Q So let me ask you this, Ms. Krnjaich. Had you
14 seen other homes and actually seen similar or the same
15 speed bumps out?

16 A Yes.

17 Q Let's start with Barbour -- Barbour Trail.

18 A Yes.

19 Q What about, you know, throughout Starkey?

20 A To be honest, we mainly just stayed on Barbour,
21 so --

22 Q But you've seen them on Barbour.

23 A Yes, on Barbour.

24 Q And are we talking about seeing them maybe
25 outside of one home or seeing them at multiple homes on

1 different times?

2 A Multiple -- multiple homes.

3 Q So do you know where these speed bumps were
4 purchased at?

5 A Amazon.

6 Q And could you describe these as best you can to
7 the jury, these speed bumps.

8 A Yeah.

9 Q How they look, how big they are.

10 A Yeah. They are maybe half the width of this
11 wood right here, I would say.

12 Q And since we're making a record, could you try
13 to approximate? Like, maybe inches or feet?

14 A I mean, what would that be?

15 THE COURT: We're such girls.

16 THE WITNESS: (Indiscernible).

17 BY MR. MOELLER:

18 Q And you're holding up your hands. Are -- are
19 you holding up from your -- are you saying from your
20 elbows --

21 A This is the -- this is the width.

22 Q -- elbows --

23 A This is the width, from -- from this palm to
24 this palm would be like the width of the speed bump.

25 Q Can you give an estimate just for the audio,

1 best you can?

2 A Sure. Maybe nine inches, I'd say. And the
3 length of one would go across, like -- well, one car width
4 would go across. And we purchased two of them. And they
5 were very light. I mean, I could pick them up myself.

6 Q And why did you purchase two?

7 A To cover both sides of the street.

8 Q And you said you could pick them up yourself?

9 A Yes.

10 Q Did you struggle to pick them up?

11 A No.

12 Q Approximately how tall at the tallest point were
13 they?

14 A I mean, how raised they are from the street?

15 Q Raised. Yes, ma'am.

16 A What would that be? Maybe six to eight inches.

17 Q Raised up?

18 A Maybe. Yeah.

19 Q And then when you put them on the road, are --
20 are they -- you actually hammer, glue them, cement them
21 down?

22 A No, no. They're not hammered down at all.
23 They're completely temporary.

24 Q And do you put them out there all the time?

25 A No.

1 Q Or did you at least back then?

2 A No.

3 Q So when would you have them out there?

4 A Only when our children were out front playing.

5 And there were certain days of the week, for example, like
6 Fridays, that seemed to be really heavy traffic more so
7 than others, and we would want to make sure that, you
8 know, people were aware and slowed down. So it was only
9 when our kids were outside. And as soon as we'd go
10 inside, we'd pick them back up and put them inside.

11 Q So I want to go back to -- again, to
12 February 9th, 2023, around 5:45 p.m. or shortly before
13 six. Where were you?

14 A Standing outside my home with my neighbors and
15 my children.

16 Q And you -- were both your children out there?

17 A Yes.

18 Q And do you recall what neighbors were also out
19 in front of your home?

20 A Yes. So besides my husband and I and our two
21 young boys, there was Dan Zweifel, William Adams, and Sara
22 Connolly.

23 Q And you said as well as your husband?

24 A Yes.

25 Q And what were -- what were the adults all doing?

1 A We were -- Sara and I were talking about our
2 family's recent trip to Disney World. I'm not sure what
3 the men were talking about, but that's what I was talking
4 about.

5 Q Standing around, neighborhood chitchat?

6 A Yeah. Mm-hmm.

7 Q And your two young children, are they also
8 outside?

9 A Yes.

10 Q And what -- what are their names?

11 A Noah and Luke.

12 Q And what were Noah and Luke doing?

13 A Noah, he had been playing with Dan's young
14 daughter Zailey [ph] in her little motorized car that
15 little kids can drive.

16 Q Is that Daniel Zweifel?

17 A Yes, yes. Daniel Zweifel's little girl Zailey.
18 Same -- similar age to Noah. And then my little Luke was
19 probably just playing with little cars or something like
20 that.

21 Q Out in the grass or out in the driveway?

22 A Yes, yes.

23 Q So at some point when you're out there talking
24 to neighbors, having your two young children play, did a
25 vehicle catch your attention?

1 A Yes.

2 Q And what was it about this vehicle that caught
3 your attention? What did you see?

4 A Well, my back had been turned to the street, but
5 then all of a sudden I heard a car approaching very
6 quickly and then come to a very abrupt stop.

7 Q And where -- do you know where exactly you were
8 when this happened or approximately? You know, are you
9 way up by the garage door, are you more toward the
10 sidewalk or the street?

11 A Where -- I'm sorry. Where I was?

12 Q Where you were.

13 A I was on the sidewalk.

14 Q And by an abrupt stop, how did you determine it
15 was an abrupt stop? Noise? Because of what you saw?

16 A There was no screeching of tires or anything.
17 It was just I could hear a car approaching very quickly
18 and then it -- then it stopped. It did not continue past
19 our house.

20 Q Where -- where did it stop at in relation to the
21 road?

22 A In relation to, like, our home?

23 Q To your home.

24 A It was nearing, like, right where the beginning
25 of our home would be. Like, say that our next-door

1 neighbor is here, we're here. It'd be like in --
2 approximately in between the two homes.

3 Q And did it stop before or after these speed
4 bumps?

5 A Before the speed bumps.

6 Q Do you know about how far before, roughly?

7 A Maybe 20 feet.

8 Q And did anybody exit this vehicle?

9 A Yes.

10 Q And how many people?

11 A One.

12 Q And as this person exited, did you hear him say
13 anything?

14 A Yes.

15 Q Can you tell the jury verbatim what you heard
16 him say?

17 MS. STEVENS: Objection. Hearsay.

18 THE COURT: Overruled.

19 Go ahead.

20 It's a statement of the defendant.

21 BY MR. MOELLER:

22 Q What did you hear --

23 MS. STEVENS: He has to lay the foundation.

24 THE COURT: Overruled.

25 Go ahead.

1 BY MR. MOELLER:

2 Q To the best of your recollection, what did you
3 hear the defendant say? Verbatim, if you're comfortable.

4 A I don't know exactly verbatim, but I -- I know
5 that I heard him saying foul language, a lot of vulgarity,
6 and how what we were doing was wrong.

7 Q And where were the defendant's eyes focused as
8 he was saying this vulgarity? If you -- if you know.

9 A To the speed bumps.

10 Q And where was he walking toward?

11 A To the speed bumps.

12 Q And at this point, did you -- did you try to get
13 anybody else's attention?

14 A I said my husband's name. Michael.

15 Q Why? Why did you call for Michael?

16 A Because there was a man screaming vulgarity on
17 the street in front of my children and about to approach
18 our personal property.

19 Q And your children, were they still out in the
20 front yard playing?

21 A Yes. They were right there.

22 Q So then did -- did this -- this person then do
23 anything with your property?

24 A Yes. He picked up the speed bump that was not
25 in front of his car, that was not inhibiting where he

1 would have been driving, but the one on the opposite side
2 of the street, and he picked it up and forcefully threw it
3 on the other side of the street towards our neighbor's
4 home.

5 Q And when he did this, did you see your husband,
6 Michael -- Michael Krnjaich, do anything?

7 A Well, while he was going -- while the defendant
8 was going towards the speed bump, my husband had already
9 been warning him not to touch our property. So he had
10 already been saying don't touch that. Like --

11 Q And did you hear your husband, Michael Krnjaich,
12 did he make any -- any threats that you heard to -- to
13 the -- this man?

14 A No. He just said don't touch my property.

15 MS. STEVENS: Objection. Calls for hearsay.

16 (Indiscernible) not just hearsay.

17 THE COURT: Overruled.

18 Go ahead.

19 BY MR. MOELLER:

20 Q Did you hear him make any threats to this man?

21 A No.

22 Q Did he have any -- anything on him that could be
23 used, you know, as a weapon? I'm talking guns, knives,
24 brass knuckles, nunchucks, anything like that.

25 A No.

1 Q What did you see Michael Krnjaich do, if
2 anything, to this person?

3 A He put two hands on his upper shoulder/chest
4 area.

5 Q And then what did -- what did Michael do after
6 putting his hands on this person's chest?

7 A Move backwards. Away -- away from the
8 defendant.

9 Q Okay. And did Michael Krnjaich push the
10 defendant?

11 A Yes.

12 Q And when you saw Michael Krnjaich push the
13 defendant, did he continue advancing? Did Mr. Krnjaich
14 continue advancing on the -- on the defendant?

15 A No, he did not.

16 Q What did he do, if anything, after the push?

17 A Well, he had a gun in his face, so he ran away.

18 Q Okay. And -- and so you just talked about a
19 gun. Who pulled out a gun?

20 A The defendant, Mr. Clifton.

21 Q Do you know where you pulled it out from?

22 A Behind him. Either his hip or behind his jeans.
23 He had it on himself.

24 Q And are you still on the same area of the yard
25 when the defendant pulled the gun out?

1 A Yes.

2 Q And how did Michael Krnjaich react when the gun
3 was pulled out?

4 A He ran backwards towards our home.

5 Q Now, at this point, had -- had Michael Krnjaich
6 done anything verbally to threaten the defendant?

7 A No.

8 Q Had he pulled out any weapons himself?

9 A No.

10 Q Had he done anything, other than shove the
11 defendant, that would be threatening?

12 A No.

13 Q So what did you do when you saw the defendant
14 pull the gun out?

15 A Sorry. As soon as I saw him pull the gun out, I
16 screamed my husband's name, and then I immediately ran to
17 my oldest child that was closest to me.

18 Q And why did you run to your oldest child?

19 A Because I was scared.

20 Q Scared of what?

21 A Someone was going to murder my husband and
22 potentially all of us.

23 Q And do you know, when you ran to your oldest
24 child, did you see where the defendant was pointing the
25 gun at?

1 A I -- as soon as he pulled the gun out and I
2 screamed Mike's name, I ran towards my kids and I never
3 looked back.

4 Q And just to clarify, when he did initially pull
5 the gun out, who did he point it at?

6 A I'm sorry. Say that again?

7 Q And when he did pull the gun out initially,
8 where did he point it?

9 A Where did he point it?

10 Q Yes.

11 A At Mike initially.

12 Q And then your attention then got diverted to
13 your oldest child?

14 A To my kids.

15 Q And what did you -- what did you do then at this
16 point?

17 A So I first ran to Noah, who was in the tiny
18 little motorized car, and I picked him up and I threw him
19 in the house. And then I went over to where my youngest
20 two-year-old was and I picked him -- got him from Mike,
21 and I went in the house and we stayed in the house.

22 Q So were you then able to observe any -- any of
23 the rest of this incident when you were securing your
24 children?

25 A No. I was very afraid, and I told my kids to

1 get away from the windows, and we ran towards the back of
2 the home.

3 Q So after the defendant pulls the gun out, points
4 it at Michael Krnjaich, what was your complete attention
5 focused on?

6 A My complete attention was on my children.

7 Q So back on February 9th, 2023, did you have
8 cameras in your home?

9 A Yes.

10 Q And do you know if these cameras were functional
11 and recorded this incident?

12 A Yes.

13 Q Where's the camera at on the property?

14 A On our porch. Our front porch.

15 Q Was it -- was it a doorbell camera or was it a
16 camera that was on the wall?

17 A Up on the, like, corner of our porch. Up on the
18 wall.

19 Q Now, you stated that after securing your two
20 children inside the home, you stayed in the home?

21 A Yes.

22 Q And were you -- were you looking out windows or
23 were you -- what were you focused on inside the home?

24 A Just calming my -- my children. Noah asked why
25 a man was pointing a gun at a daddy.

1 MS. STEVENS: Objection. Hearsay.

2 BY MR. MOELLER:

3 Q Well, without going into what people said, what
4 was -- what was your always your focus on inside the home?

5 A Just the kids. Just keeping them calm.

6 Q And at some point did Sara Connolly then come
7 inside your house?

8 A Yes.

9 Q You know about how long you'd been in the home,
10 approximately, when she came in?

11 A I -- I couldn't tell you.

12 Q And when she came in your house, did you happen
13 to observe her demeanor?

14 A She looked very shaken up.

15 MS. STEVENS: Objection. Foundation.

16 THE COURT: Hold on, hold on.

17 What's the objection?

18 MS. STEVENS: Foundation, knowledge.

19 THE COURT: She's asking -- he's asking if she
20 saw the demeanor. If she didn't, she'll say no. So
21 overruled.

22 Go ahead.

23 BY MR. MOELLER:

24 Q And were you able to observe her demeanor when
25 she came inside your house after the incident?

1 A Yes.

2 Q And how would you describe her demeanor, based
3 on what you observed, to the jury?

4 A Visibly shaken up.

5 Q And your house on Barbour Trail, is that in
6 Pasco County, Florida?

7 A Yes.

8 Q And do you see the man here in court today --

9 A Yes.

10 Q -- who stopped his car at the speed bumps, got
11 out of his vehicle, cursing, upset, grabbed one of the
12 speed bumps from the opposite lane, and threw it off the
13 road, and then pointed a handgun at your husband, Michael
14 Krnjaich, after Michael Krnjaich pushed him?

15 A Yes.

16 Q Please describe what he's wearing as well as a
17 physical characteristic.

18 A White man in the navy suit.

19 Q What color hair?

20 A Gray.

21 THE COURT: You can point.

22 THE WITNESS: Him.

23 MR. MOELLER: Your Honor, if the record may
24 reflect that Ms. Krnjaich as has pointed to and
25 described the defendant.

1 THE COURT: It will so reflect.

2 MR. MOELLER: May I have a moment, Your Honor?

3 THE COURT: You may.

4 (Attorneys confer.)

5 MR. MOELLER: And, Your Honor, at this point the
6 State is -- I believe without objection from the
7 Defense, is going to move to admit into evidence what
8 has been marked for identification as State's 1 as
9 State's Exhibit 1.

10 THE COURT: Defense, any objection?

11 MS. STEVENS: No, Your Honor.

12 THE COURT: It'll be moved in as State's 1 into
13 evidence.

14 (State's Exhibit 1 received into Evidence as
15 State's Exhibit 1 = DVD containing camera footage)

16 THE COURT: Are you going to move to publish it
17 at this time?

18 MR. MOELLER: Yes, Judge. If we may move to
19 also publish this to the jury.

20 THE COURT: All right.

21 If we can turn down the lights a little bit?

22 Ladies and gentlemen, we got the big picture
23 thing over here so -- they just put this in my
24 courtroom; it's huge. So they're going to play it up
25 there. The video itself is on a CD. We're going to

1 send it back with you. I don't know what size player
2 we're going to have for you. So this is going to be
3 really big. I don't know if we're going to have,
4 like, just a little laptop or bigger. But if for any
5 reason, if you get the little one and you need to see
6 it on the big screen again, let me know. But we're
7 going to play it on the big screen right now.

8 Can you turn the ones straight overhead? These?
9 It gives -- it takes the glare off of there. There
10 you go. Thank you.

11 (The following is the transcription of the
12 recording as it was played in the courtroom and re-
13 recorded onto the system.)

14 (Indiscernible background conversation.)

15 (Recording stopped.)

16 THE COURT: Can you turn up the volume? You've
17 got the volume.

18 As loud as it goes.

19 (Recording started.)

20 (Indiscernible background conversation.)

21 (Recording stopped.)

22 THE COURT: That's as loud as it goes?

23 BY MR. MOELLER:

24 Q Ms. Krnjaich, where are you in this video and
25 what are you wearing?

1 A The black tank top and athletic pants.

2 Q You're right -- right at the (Indiscernible),
3 then, in back of the woman in blue?

4 A Yes, yes.

5 (Recording started.)

6 (Indiscernible background conversation.)

7 MS. KRNJAICH: Michael, Michael.

8 MR. KRNJAICH: (Indiscernible). What are you
9 doing?

10 MR. CLIFTON: (Indiscernible).

11 MR. KRNJAICH: No, it's not.

12 MS. KRNJAICH: Mike. Mike.

13 (Indiscernible background conversation.)

14 (Recording stopped.)

15 BY MR. MOELLER:

16 Q Is that you right there going in the house?

17 A Yes.

18 (Recording started.)

19 MS. KRNJAICH: Get in the house.

20 (Indiscernible background conversation.)

21 MS. KRNJAICH: Get down. Get down.

22 (Recording stopped.)

23 MR. MOELLER: And we're also going to also
24 publish the second video that's going to show a
25 different angle.

1 (Video played with no audio.)

2 THE COURT: All right. We can turn the lights
3 back up.

4 BY MR. MOELLER:

5 Q And are both those videos fair and accurate
6 portrayals of what occurred --

7 A Yes.

8 Q -- on Barbour Trail on February 9th, 2023, at
9 about 5:45 p.m.?

10 A Yes.

11 MR. MOELLER: Okay. No further questions, Your
12 Honor. I tender the witness.

13 THE COURT: Okay.

14 Defense, cross?

15 MS. STEVENS: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. STEVENS:

18 Q Good morning.

19 A Good morning.

20 Q We saw on the video and you testified that you
21 called Michael's name. Correct?

22 A Yes.

23 Q This -- this was after a vehicle pulled up in
24 front of your home. Yes?

25 A Yes.

1 Q At that time, a man gets out and starts moving
2 on the road. Correct?

3 A Yes.

4 Q And you call Michael over.

5 A Yes.

6 Q What did you want Michael to do?

7 A I was bringing his attention to what was
8 happening because he was on a phone call.

9 Q This isn't the first time that somebody has been
10 upset about those speed bumps. Correct?

11 MR. MOELLER: Objection, Your Honor. Relevancy.

12 THE COURT: Sustained. Approach.

13 (Begin sidebar.)

14 THE COURT: -- get me wrong. We did a lot of
15 motions in limine all about, you know, how we are not
16 going to talk about how, you know, the -- there was a
17 bunch of things going on and things that your client
18 were upset about. You're asking her about some other
19 time at some other place not related to these? How's
20 it relevant?

21 MS. STEVENS: (Indiscernible) some other person
22 (Indiscernible) other people (Indiscernible).

23 THE COURT: Yeah. But how's it relevant? Who
24 cares about anybody else?

25 MS. STEVENS: Because she called Michael over

1 because she knew there was going to be a -- that
2 somebody -- I'll move on. I understand.

3 THE COURT: Okay.

4 MS. STEVENS: I think it is, but I think that
5 this may not be the right time or place, and if -- if
6 it is (Indiscernible).

7 THE COURT: Well, if you're going about other
8 incidences, you should have done reverse Williams
9 Rule. So I -- I have no idea where you're going
10 this, but that would be another day, another time.
11 It would be hearsay. It would be a whole lot of
12 stuff. So if you wanted to go into some other
13 incidences with other people, then, you know --

14 MS. STEVENS: It was --

15 THE COURT: -- we should have talked about this
16 before. But we've --

17 MS. STEVENS: I know.

18 THE COURT: -- we've worked very hard to limit
19 this trial to this incident and this incident alone.

20 MS. STEVENS: But the idea that the community at
21 large just wasn't happy about them. That -- the
22 idea, not exact information.

23 THE COURT: I don't -- I don't believe you have
24 any evidence that the community wasn't happy. She
25 just testified that lots of people have these speed

1 bumps. So are you going to call the HOA director?
2 Are you -- who -- who is it that you're going to
3 testify to --

4 MS. STEVENS: No. I can call the -- I can call
5 any one of the witnesses to discuss -- they were
6 talking about different Facebook (Indiscernible) if
7 you get into the --

8 THE COURT: I'm sorry. The Facebook what?

9 MS. STEVENS: The whole community was ticked off
10 with these folks about these -- about these -- the
11 speed bumps. And Mr. Clifton's never encountered
12 them. But they have -- they put them out there
13 knowing --

14 THE COURT: When you say the whole -- the
15 whole -- now you're getting into Facebook posts or
16 whatever. This case is not about whether someone's
17 ticked off about -- the community's ticked off. It's
18 about what happened this day, this time. What
19 happened today.

20 MS. STEVENS: Yes, ma'am. Understood.

21 THE COURT: So we're going to move on. Okay?

22 MS. STEVENS: Yes.

23 (End sidebar.)

24 THE COURT: The objection is sustained. We'll
25 move on.

1 BY MS. STEVENS:

2 Q In 2023, you were married to your husband
3 Michael -- say your last name again.

4 A Krnjaich.

5 Q Krnjaich. You were married to Michael Krnjaich?

6 A Yes. How long had you been married to him at
7 that point?

8 Q We were married in December 2016. So what would
9 the math be on that? Seven years?

10 A Long enough that you knew -- you knew -- you
11 know Michael intimately, and I mean that as in his
12 day-to-day, like, doings and beings and who he is in
13 general.

14 A Yes.

15 Q Okay. And it's -- would you describe him as a
16 physically fit person?

17 A Sure.

18 Q Would you describe him as somebody who takes --
19 who works out?

20 A Yes.

21 Q And somebody who takes care that they're -- who
22 exercises and has muscles and is a strong person. Would
23 you categorize him as strong?

24 A Sure.

25 Q Would you describe him as a gingerly person?

1 A You'll have to give me more description there.

2 Q Are you familiar -- you do not understand what
3 the word gingerly means?

4 A No.

5 Q Then I would say would you describe your husband
6 as soft or meek?

7 A Are you talking physically? Are you talking
8 emotionally?

9 Q I don't want -- let's start with physically.

10 A Physically meek? I mean, he's a man.

11 Q But he -- he works out, he takes care of
12 himself.

13 A Sure.

14 Q And he takes a lot of time at the gym.

15 A I feel like that's a very subjective question.

16 Q Does your husband go to the gym?

17 A Yes.

18 Q Does your husband work out every day?

19 A No.

20 Q Does he work out every other day?

21 A It depends. He travels for work, and when he's
22 gone for work, he does not work out.

23 Q Isn't it true that your husband puts so much
24 care into his physique that -- and he -- his body shape is
25 important to him. Do you agree?

1 A No.

2 Q No?

3 A I think I need a little bit more information as
4 far as what important would mean.

5 MS. STEVENS: Your Honor, may we approach?

6 THE COURT: Sure.

7 (Begin sidebar.)

8 MS. STEVENS: My client -- there's -- we're
9 allowed to instruct -- or to have the jury compare
10 the body structure and the physical makeup of each
11 person to -- to -- victim to the defendant. Michael
12 is -- he is -- he's -- he takes good care of his
13 physique. He's --

14 THE COURT: Right. She testified he worked out.
15 Michael is going to testify. This is irrelevant what
16 her point is -- I don't know what you're trying to
17 get --

18 MS. STEVENS: She's trying to avoid the fact
19 that her husband is strong.

20 THE COURT: No. No, she's not. She -- she said
21 he works out, he's strong, he's physically fit. She
22 hasn't denied any of that. So you're -- you're
23 trying to get her to -- to say something else. She's
24 already said -- he speaks for herself. He's going to
25 testify. Her -- her opinion of any of this is

1 irrelevant. She's already said -- you can ask him
2 how tall, does he work out, yes. Period. We're
3 moving on. I -- you're trying to get her to give you
4 more than she's willing to give, and that's fine. I
5 mean --

6 MS. STEVENS: The jury can see. I get it. I
7 get it.

8 THE COURT: I -- he's going to be here.

9 MS. STEVENS: Yes, ma'am.

10 THE COURT: You can ask her how -- obviously,
11 you can say, does he work out? Yes. Is he
12 physically fit? She's given you yes and yes. How
13 tall is he? She probably says I don't know. But I
14 don't know what you're trying to get her to say, but
15 she doesn't have to say it just because you want it.
16 You asked her, does he work out every day? No. Does
17 he work out when he travels? No. She's already
18 admitted he's physically fit. He's a big guy.
19 That's what you're going to get. Let's move on.

20 (End sidebar.)

21 THE COURT: You may proceed.

22 MS. STEVENS: Thank you.

23 BY MS. STEVENS:

24 Q Would -- you said that you saw Michael's
25 physical contact with Mr. Clifton. Correct?

1 A Yes.

2 Q And you described that as a push?

3 A Yes.

4 Q How far -- let me see. I'm sorry. I'm looking
5 at my notes. I apologies. Your testimony was that
6 Michael had already warned Mr. Clifton not to touch the
7 speed bumps.

8 A Correct.

9 Q Your testimony is that Mr. Clifton got out of
10 the car yelling, being -- using vulgar language?

11 A Correct.

12 Q But you don't remember the exact things that he
13 said.

14 A No.

15 Q You watched that video. Right?

16 A Yes.

17 Q And would you say that's a accurate portrayal of
18 what happened that day?

19 A Yes.

20 Q So if there's any vulgar language, I'm sure that
21 the video will show that.

22 A You can't even -- we were closer to the video,
23 and you can't clearly hear exactly everything that maybe
24 I'm even saying. So --

25 Q Right. But the question was that the video

1 accurately portrays what happened. Correct?

2 A Yes.

3 Q And he put two hands on his shoulders.

4 A Yes.

5 Q And I think that you said that Clifton moved
6 back.

7 A Yes.

8 Q Moved back sounds like Clifton voluntarily
9 moved. Would you agree or disagree?

10 A He was pushed back.

11 Q Would you -- when he moved back following the
12 push from your husband, the word moved, was that a
13 voluntary movement or was he forced to move back?

14 MR. MOELLER: Objection. Asked and answered.

15 THE COURT: Sustained.

16 MS. STEVENS: Your Honor, she didn't answer.

17 THE COURT: She said he was pushed. I don't
18 know what more you want her to say.

19 MS. STEVENS: The -- the question was whether or
20 not Mr. Clifton's movements were voluntary.

21 THE COURT: That would be Mr. Clifton to know
22 that.

23 MS. STEVENS: Okay.

24 BY MS. STEVENS:

25 Q You said that he pulled the gun from behind

1 himself -- him?

2 A It wasn't in front of him. Right.

3 Q So his hands went to the rear of his body?

4 A Yes.

5 Q Okay. And at that point in time, where was
6 Michael?

7 A When he pulled the gun out? Is that when you're
8 asking?

9 Q Yes.

10 A In front of Clifton.

11 Q But not directly in front of him. Several feet
12 away.

13 A Can you pose that question one more time,
14 please?

15 Q Michael and Clifton.

16 A Yes.

17 Q Michael was several feet away from Mr. Clifton
18 when the gun was pulled.

19 A Yes.

20 Q February 2023 -- you described the camera on the
21 front porch. Correct?

22 A Yes.

23 Q Camera is in the upper corner, not at the
24 doorbell?

25 A No. At the upper corner.

1 Q This is hard-wired into the home?

2 A Yes.

3 Q This is one of many cameras?

4 A Yes.

5 Q There's more than one camera on the front of the
6 house. Correct?

7 A Yes.

8 Q There is a camera actually facing the driveway.
9 Correct?

10 A Yes.

11 Q Okay. The speed bumps that were purchased, you
12 said these are lightweight?

13 A Yes.

14 Q And you can pick them up yourself.

15 A Yes.

16 Q They -- they kind of roll up. Right?

17 A Correct.

18 Q They are easy to store in the garage?

19 A Yes.

20 Q You put them out yourself sometimes?

21 A Yes.

22 Q Okay. And they go side to side, as in one side
23 of the road to the other side of the road. There's no
24 possible way that anybody could drive around them on
25 Barbour Trail. Correct?

1 A No. Unless you're on, like, a bicycle.

2 Q Then you would have to go, like, through them.
3 Right?

4 A Correct.

5 Q All right. So everybody -- when you had your
6 speed bumps out on Barbour Trail, anybody that drove in
7 front of your house on Barbour Trail was required to go
8 over those speed bumps. Correct?

9 A Yes.

10 Q They could not go around them?

11 A No.

12 Q Their car was required to go over these
13 obstacles in the road. Correct?

14 A Correct.

15 Q Didn't matter if they were doing the speed limit
16 or not they were required to make some kind of -- alter
17 their travel in some way to get over those speed bumps.

18 A Why would they have to alter their travel? I'm
19 sorry.

20 Q Doesn't matter what speed they were going. They
21 had to accommodate for those speed bumps on the road.

22 A They would have to go over them.

23 Q Correct. Speed bumps that don't belong there.

24 MR. MOELLER: Objection. Argumentative.

25 THE COURT: Sustained.

1 BY MS. STEVENS:

2 Q Do the speed bumps belong on the road?

3 MR. MOELLER: Objection. Argumentative.

4 THE COURT: Sustained. Whether they belong
5 there is your interpretation. They are -- they put
6 them out, they took them up. So sustained.

7 BY MS. STEVENS:

8 Q Did you have -- but everybody -- the -- the
9 point I'm making is that everybody had to go over those
10 speed bumps depending on when you put them out.

11 A Yes.

12 Q Okay. They're not affixed to the road.
13 Correct?

14 A No.

15 Q You -- you know your husband pretty well. Would
16 you say that's correct?

17 JUROR NUMBER FOUR: Judge, am I allowed to ask a
18 question?

19 THE COURT: We'll get to that in a minute. Let
20 me -- let them finish, and then if you still have
21 one, we'll talk about it. Okay?

22 JUROR NUMBER FOUR: All right.

23 THE COURT: I'm not saying you're not but --

24 JUROR NUMBER FOUR: No. No, I understand.

25 THE COURT: But I just -- it's -- half the time

1 they'll -- they'll answer it before you get there.

2 Okay?

3 JUROR NUMBER FOUR: It was exactly what she's
4 talking about, though.

5 THE COURT: Okay. Well, we'll get there.

6 Go ahead.

7 BY MS. STEVENS:

8 Q You're -- you know, your husband pretty well.
9 Would you agree with that?

10 A Yes.

11 Q Do you think he's a reasonable man?

12 A Yes.

13 Q Do you agree with the way he handled the
14 situation?

15 MR. MOELLER: Objection. It's irrelevant
16 whether or not she agrees with what he did or not.

17 THE COURT: Calls for speculation? Sustained.

18 And hold on, juror number four, if you want to
19 write your question down for -- so you don't forget
20 it. I was just thinking you might forget it by the
21 time we get there.

22 JUROR NUMBER FOUR: Oh, no. No.

23 THE COURT: Write it down for me and we'll get
24 there.

25 Go ahead.

1 BY MS. STEVENS:

2 Q When you were watching the event unfold on the
3 street, your view -- was your view unobstructed between
4 you and Mr. Clifton?

5 A Yes.

6 Q You could clearly see the interaction between
7 Michael and Mr. Clifton?

8 A Yes.

9 Q You could -- could you see Mr. Clifton's hands?

10 A When?

11 Q While he -- during the incident.

12 A When he pulled a gun out, yes. I saw him pull
13 the gun out.

14 Q Did you see his hands when he was in the middle
15 of the road with your husband before your husband pushed
16 him?

17 A He -- repeat that one more time, please?

18 Q Could you see Mr. Clifton's hands when he was in
19 the middle of the road with your husband?

20 A Yes. I saw him pick up the speed bump --

21 Q Correct.

22 A -- with this hands.

23 Q And then after he picked up the speed bump, he
24 stood up. Correct?

25 A He stood up.

1 Q And he started to walk in a different direction.
2 Correct?

3 A Towards the other speed bump.

4 Q From a different direction from the speed
5 bump -- in a different direction from that speed bump, he
6 moved. Correct?

7 A I don't recall.

8 Q You don't recall whether or not he moved from
9 the speed bump to a different spot?

10 A He picked one up --

11 Q Do you not want to answer my question?

12 MR. MOELLER: Objection. Argumentative.

13 THE COURT: Sustained.

14 Counsel, I -- I apologize. I don't know what
15 question you're asking. So --

16 MS. STEVENS: I'm trying --

17 THE COURT: She's answering the questions you
18 asked, and if you don't like the answers, you have to
19 live with them. But commenting that she doesn't want
20 to answer the question -- she's answering your
21 question. So if you have another question, ask it.
22 Okay? Your question is confusing her. She's allowed
23 to say I'm not sure what you're asking. So if you
24 have another question, ask it.

25 BY MS. STEVENS:

1 Q Since your view was unobstructed, and you could
2 see Mr. Clifton and Michael, at any point in time would
3 you agree that Mr. Clifton never raised a hand to your
4 husband?

5 A To Mike? No.

6 Q Mr. Clifton never physically touched your
7 husband.

8 A No.

9 Q Your -- Mr. Clifton never threatened your
10 husband prior to being touched.

11 A He, like I said, was spewing vulgarity of all
12 sorts. So I don't know.

13 Q But based on your memory, did he ever threaten
14 your husband?

15 A No.

16 MS. STEVENS: That's all I have, Your Honor.
17 Thank you.

18 THE COURT: Okay.

19 Redirect?

20 MR. MOELLER: Yes, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. MOELLER:

23 Q Ms. Krnjaich, before this incident, you had
24 never interacted with the defendant. Right?

25 A No.

1 Q So how long had you had your -- your porch
2 camera out for as of 2023? Was it part of the home when
3 it was purchased?

4 A Yes.

5 Q And will that camera always pick up all of the
6 audio coming from the sidewalk or coming from the street
7 in front of your house on Barbour?

8 A I couldn't tell you. I don't regularly check
9 the audio. We don't have incidents like this happen.

10 Q And it was brought up by Defense counsel that
11 there are other cameras also outside of your home?

12 A Yes.

13 Q And would those cameras provide anything
14 additional that the cameras that we saw here in court did
15 not?

16 A No.

17 Q These speed bumps, are cars able to drive over
18 them?

19 A Yes.

20 Q Have you ever seen cars get -- get damaged from
21 these speed bumps?

22 A No.

23 Q Ever see cars get stuck from these speed bumps?

24 A No.

25 Q Ever see individuals simply have to do U-turns

1 and turn around because they are -- their vehicle is
2 incapable of driving over these speed bumps?

3 A No.

4 Q Now, regarding if the defendant threatened your
5 husband at all that late afternoon, did you see the
6 defendant threaten your husband, Michael Krnjaich, at all?

7 A Yes. He put a gun at him.

8 MR. MOELLER: Just a moment, please, Your Honor.

9 THE COURT: Okay.

10 (Attorneys confer.)

11 MR. MOELLER: No further questions.

12 THE COURT: All right. If the deputy can walk
13 over and grab the juror's question for me?

14 JUROR NUMBER FOUR: I didn't write it down. I
15 know what it is, though. It wasn't for her. It was
16 for you.

17 THE COURT: Okay. Write the question down. I
18 just have to go over it with the lawyers before
19 you -- before I can answer out loud, so that's okay.

20 And for anybody else, if you ever have a
21 question, just write it down for me because I do have
22 to clear it through the lawyers.

23 So it's not for this witness? I can release
24 her?

25 JUROR NUMBER FOUR: Yeah.

1 THE COURT: Okay. Ma'am, you may step down.
2 I'll remind you, you are under oath. Don't talk
3 about your -- your testimony with anyone else in the
4 hallway. I know we're kind of all stuck out there,
5 but don't talk about what was asked or answered,
6 those kind of things. But you may step down. Okay?

7 THE WITNESS: Thank you.

8 THE COURT: Thank you.

9 If I can have the lawyers at the bench?

10 THE BAILIFF: You have a question too, ma'am?

11 JUROR NUMBER SEVEN: Yes. (Indiscernible).

12 THE COURT: Okay. Grab both of them.

13 She can just write juror number seven. Just
14 write number seven on there.

15 (Begin sidebar.)

16 THE COURT: I think I heard him say, write your
17 name.

18 I knew it. The question for the Court is, is
19 the speed bumps legal or illegal? I knew it was
20 coming. That's why I didn't want to talk about it.
21 So I'm going to tell them that I cannot answer this
22 question personally, but they will hear further
23 testimony about that. Because I can't.

24 MS. STEVENS: I understand.

25 MR. MOELLER: The decision (Indiscernible) that

1 they can -- as the fact-finder they can determine
2 from the evidence (Indiscernible).

3 MS. STEVENS: That is a question of law.

4 THE COURT: Correct. It's not a --

5 MR. MOELLER: (Indiscernible).

6 THE COURT: It is not a question of law --

7 MR. MOELLER: Right.

8 THE COURT: -- because we're not going to --
9 there's not a direct answer to this. No one got a
10 ticket. But -- there's no case law. There's no
11 statute I can list to.

12 MS. STEVENS: Okay.

13 THE COURT: I know you want me to take judicial
14 notice of your statute, but that doesn't --

15 MS. STEVENS: (Indiscernible).

16 THE COURT: -- as far as I'm concerned -- I'm
17 sorry?

18 MR. MOELLER: It's a -- it's a question of
19 whether they were (Indiscernible). So I see it as a
20 question of fact applied to the law. So --

21 THE COURT: Correct.

22 MS. STEVENS: I agree. And at some point
23 (Indiscernible) statute (Indiscernible) be included
24 in the jury instructions and they can make that
25 decision for themselves.

1 THE COURT: Well, we'll get to that later. I'm
2 not sure that the statute that you cited to me fit a
3 item that's on the ground that anybody can drive
4 over. That is not an obstruction unless you have a
5 case that tells me that these -- that these pieces of
6 plastic that they laid on the ground are
7 obstructions.

8 MS. STEVENS: It is my -- and I -- I hear what
9 the Court is saying, and I know that this is
10 something that we're going to have to litigate with
11 the Court to make sure that -- I believe that there
12 will be testimony of somebody's knowledge of that
13 statute giving them a belief of the legality of them.
14 Not being able to make a definitive statement, but
15 based on their knowledge --

16 THE COURT: Who's going to testify they're legal
17 or illegal?

18 MS. STEVENS: Not that they're legal or illegal,
19 but they believe them to be.

20 THE COURT: That -- their belief is irrelevant
21 to me. Unless I have a Supreme Court opinion or
22 someone was given a ticket -- I mean, you almost
23 asked the question, did you have permission, because
24 she would have probably said yes. And --

25 MS. STEVENS: She didn't have permission

1 (Indiscernible).

2 THE COURT: Well, I don't -- it doesn't really
3 matter. It's for the jury to decide. Nobody was
4 given a ticket. Nobody was given a citation.
5 There's no facts in evidence in this case that these
6 people who put these plastic strips down somehow knew
7 better.

8 MS. STEVENS: And I -- I think what it comes
9 down to is if my client takes the witness stand,
10 his -- what he did that day involves his belief of
11 whether or not they were legal or not to be -- on
12 his -- whether he was right or wrong, that will be
13 (Indiscernible).

14 THE COURT: Well, I got that. And then
15 they're -- then they get to recall a witness that
16 says that we thought they were legal. So again, it's
17 up to the jury to decide.

18 MS. STEVENS: And as long as they're not --
19 because I can't -- I'm not offering him giving a
20 truthful -- like, his -- he's not the one deciding if
21 they're legal, but it should be able to be argued
22 that he personally did what he did because he
23 believed it to be illegal. And then I --

24 THE COURT: That's fine.

25 MS. STEVENS: -- I understand that I just can't

1 address it with other witnesses.

2 THE COURT: And then if they call -- recall a
3 witness that said that they believed they were
4 legal -- I mean, obviously, they thought they were
5 legal because they -- they -- everybody in the
6 neighborhood was doing it. So that's -- it's a jury
7 question. So that answers --

8 MS. STEVENS: Because I can't ask that with the
9 other --

10 THE COURT: Huh?

11 MS. STEVENS: I understand.

12 THE COURT: I -- I can't answer this.

13 MS. STEVENS: Correct.

14 MS. STEVENS: What your client says is whatever
15 your client says. And if they call somebody to say I
16 think they're legal, then it's -- again, it's up to
17 the jury.

18 Did the family break any laws by having the
19 speed bumps? So this is the same question. So I
20 will explain this to the jury. We saw that coming.
21 Okay?

22 MS. STEVENS: I think that there's no way to
23 avoid that particular question. It was going to
24 be -- I don't want this case to be about the legality
25 of speed bumps, so I don't know how we're going to

1 handle that.

2 MR. MOELLER: (Indiscernible).

3 THE COURT: Well, we're not. We're going to
4 tell them that there is no law and there is opinion
5 only.

6 MS. STEVENS: Okay. That's (Indiscernible).

7 THE COURT: There's -- everybody has an
8 opinion --

9 MS. STEVENS: Okay.

10 THE COURT: -- but I cannot give them -- I'm not
11 going to be able to read them a law that says that
12 these speed bumps were illegal.

13 MS. STEVENS: I think that's -- I think that's
14 appropriate because we're not trying to determine
15 their legality. We're trying to determine --

16 THE COURT: Correct.

17 MR. MOELLER: (Indiscernible) and that's a
18 (Indiscernible) it's really, I think, irrelevant
19 whether they're legal or not.

20 THE COURT: Correct.

21 MR. MOELLER: I mean, they (Indiscernible) in
22 the road. He doesn't have a right to -- to remove
23 them. So it's not even really relevant whether he
24 thinks what he was doing is legal or not.

25 THE COURT: That's what -- we'll get to that.

1 But is the speed bumps legal or illegal, or did the
2 family break any laws, I'm going to answer these
3 questions. Not what you --

4 MS. STEVENS: Well, there isn't --

5 THE COURT: -- what you believe or what you
6 believe or --

7 MS. STEVENS: There is another issue here. If
8 the -- if the State wants the jury instruction that
9 says that Michael was justified because it's
10 property, property has to be in the legal possession
11 of the individual who's protecting them.

12 THE COURT: It -- it was.

13 MS. STEVENS: (Indiscernible).

14 THE COURT: What --

15 MS. STEVENS: But he's in the middle of the
16 road. If he's breaking the law --

17 THE COURT: No. If your client -- your client
18 can testify that he believed that this was illegal.
19 Even if something's illegal, and I made a point of
20 this -- you weren't there -- if I leave my bike in
21 the street -- we all agree the kids shouldn't leave
22 their bikes in the street; bikes aren't allowed in
23 the streets -- I don't have the right to go get that
24 bike and take that bike and do stuff with that bike.
25 I don't get the right to do that. I can't run over

1 it. I can't take it as my own. I can't throw it in
2 someone else's yard. I can, like, move it if I want.
3 But again, you don't get the right to decide this
4 shouldn't be here when there's no cop telling you
5 that or cop saying go ahead and remove that and throw
6 it and break it.

7 MS. STEVENS: So it goes to my client's belief
8 as to why he (Indiscernible) --

9 THE COURT: Right.

10 MS. STEVENS: -- not to the legality
11 (Indiscernible).

12 THE COURT: Correct, correct. So he doesn't
13 have the right to take something that doesn't belong
14 to him just because he thinks it's in the wrong
15 place. But that's up for you guys to --

16 MS. STEVENS: That's not what he's arguing, and
17 I -- if he --

18 THE COURT: Yeah, he is.

19 MS. STEVENS: I guess we'll have to
20 (Indiscernible).

21 THE COURT: He's arguing that those don't belong
22 there, so I can remove them any way I want. Right?

23 MS. STEVENS: I can't get -- no.

24 THE COURT: Okay. Well, we'll hear from your
25 client. I don't know what your client's going to

1 testify. He's never testified --

2 MS. STEVENS: (Indiscernible).

3 THE COURT: -- and he has no right to testify.
4 So I'm not getting involved in that. Okay?

5 MS. STEVENS: Right. I understand. And I
6 either --

7 THE COURT: Okay.

8 (End sidebar.)

9 THE COURT: All right. As we all knew this was
10 going to happen, and I figured it out long -- that's
11 why I wanted to finish up the testimony.

12 Juror number four says in his question, is the
13 speed bumps legal or illegal, question mark. Juror
14 number seven said, did the family break any laws by
15 having the speed bumps?

16 Juror number seven, the family broke no laws by
17 having the speed bumps, number one. Number two, I am
18 not going to say whether the speed bumps were legal
19 or illegal. There's no case law on it. There's no
20 statute on it. That's for you all to decide based on
21 the facts and the evidence in this case. So I will
22 tell you that I'm not going to read you a jury
23 instruction that says the speed bumps were illegal.
24 Okay? So -- but whether you feel that they, in the
25 roadway, were improper, illegal, however you want to

1 define that and whether -- that type of thing, that's
2 up to you as the finder of fact. That's not up for
3 me. I will not be reading you any case law. I will
4 not be reading you any jury instructions about the
5 speed bumps. There's no finding about the speed
6 bumps being legal or illegal. Okay? It's one of
7 those, you know, neighborhood dispute things. Okay?
8 So those will go in --

9 JUROR NUMBER FOUR: There hasn't been a court
10 case about it yet so --

11 THE COURT: Right, right. Right, right.

12 So, State, are you ready to call your next
13 witness?

14 MR. MOELLER: We are, Your Honor.

15 THE COURT: All right. Call your next witness.

16 MR. MOELLER: And the State calls Daniel
17 Zweifel.

18 THE COURT: Daniel Zweifel.

19 Good afternoon, Mr. Zweifel. I'm going to have
20 you come up to the podium where the microphone is.
21 You want to stop right there, raise your right hand,
22 be sworn by my clerk.

23 DANIEL ZWEIFEL

24 being called as a witness, and having first been duly
25 sworn, testified as follows:

1 THE WITNESS: Yes.

2 THE COURT: All right. Please have a seat in
3 the witness stand. Speak in a loud and clear voice
4 for me.

5 All right. State, you may proceed.

6 DIRECT EXAMINATION

7 BY MR. MOELLER:

8 Q Mr. Zweifel, please introduce yourself to the
9 jury by stating your name and spelling your last.

10 A Daniel Zweifel, Z-W-E-I-F-E-L.

11 Q All right. So I want to go back to
12 February 9th, 2023. Where did you live on this date?

13 A Same place as now. 3264 Barbour Trail.

14 Q And that's in the subdivision Starkey Ranch?

15 A Starkey Ranch. Yes, sir.

16 Q Now, do you recall back on February 9th, 2023,
17 what the speed limit was on Barbour Trail?

18 A Twenty-five.

19 Q Do you know, is that something that is posted
20 with a sign?

21 A It is.

22 Q So on that date, around -- around that date, how
23 would you describe the traffic on Barbour Trail? Let me
24 ask this first. How long have you lived on Barbour Trail?
25 When did you move there?

1 A 2017.

2 Q 2017.

3 A Yeah.

4 Q So you had been there six years give or take?

5 A Yeah.

6 Q So during those six years, how would you
7 describe the traffic on Barbour Trail?

8 A I mean, it's picked up with home construction in
9 the neighborhood, so it's gotten to be a busier street.

10 Q And how do you describe the obedience to the
11 speed limits by the motorists?

12 A Unfortunately, not very obedient.

13 Q All right. And is this a weekly occurrence?
14 You might see a car once a week speeding, or is it more
15 frequent than that?

16 A No. It would be more than once a day. At least
17 the days we've been out, you know, observing or --

18 Q And -- and by speeding, are you able to
19 approximate how fast they're going? I mean, are they
20 doing 26 in a 25?

21 A No. You know, my unofficial radar gun has had
22 people 35, 45 pretty regularly.

23 Q And unofficially, are you just talking about
24 your visual estimation?

25 A No. My -- my Bushnell, you know, like

1 fastball -- I don't even know the term for it.

2 Q All right. So --

3 A A little radar gun.

4 Q About 35, 40.

5 A Yeah.

6 Q Now, do you have any children?

7 A Yes.

8 Q And one? Two?

9 A I have four.

10 Q Four children?

11 A Yes.

12 Q At that time, February 9th, 2023, around
13 5:45 p.m., were one of your children outside?

14 A Yeah. My youngest was out there with us.

15 Q And how old was she at the time?

16 A At the time she would have been about three.

17 Q And around that same time frame, February 9th,
18 2023, did the cars speeding on Barbour and the fact you
19 have young children, did that cause you any concerns as a
20 parent?

21 A Oh, definitely. You know, kids, at that age
22 especially, don't know necessarily if there's -- how
23 careful they're supposed to be, how close they can get to
24 the street safely. You know, three -- they're three years
25 old, so a lot of that life experience hasn't hit them yet.

1 Q And would you let your children, you know, play
2 football in the streets, soccer in the streets down
3 Barbour? Set up goals on the street?

4 A Absolutely not.

5 Q So where, then, when they were out in front of
6 your residence, would they be playing? What would they be
7 doing?

8 A Yard, sidewalk, or driveway were the three
9 places we let them play.

10 Q So had any of the residents of Barbour taken any
11 proactive steps to -- in an attempt to minimize the risk
12 that these speeding cars would post to -- to children?

13 A We've attempted speed -- we've requested speed
14 studies from the county where they could come out and try
15 to get us -- make a determination for permanent speed
16 bumps in the road to try to slow traffic down a little
17 bit. We've had that done a few times. And, yeah,
18 honestly, I'm not really confident to speak on the legal
19 process there, but nothing's happened to this point. So
20 you know, we've done the little turtles, please slow down
21 children playing. And then we moved on to -- to trying --
22 to getting a little plastic portable speed bumps out
23 there.

24 Q And is that something that Michael -- well, do
25 you know Michael and Amanda Krnjaich?

1 A I do.

2 Q So where do you live in relation to their house?

3 A Two houses over.

4 Q Same side of the street?

5 A Same side of the street.

6 Q And do you know if they, then, implemented these
7 plastic speed bumps on Barbour?

8 A Yes.

9 Q Do you know if they're the only family on
10 Barbour that would put out these plastic speed bumps?

11 A They are not because I do too.

12 Q You -- you do as well?

13 A Yeah. There are a number of neighbors a little
14 bit further north on the street that put them out also if
15 their kids are playing.

16 A And do you know about -- during this time frame,
17 February 2023, about how many people -- households on
18 Barbour were that would put some type of speed bump out in
19 the street when their children were out?

20 A On any certain day or just how many are using
21 them?

22 Q In general, how many were using them? If you
23 have an estimate based on what you've seen.

24 A I would guess six. Five or six homes.

25 Q And how long had you known Michael and Amanda

1 Krnjaich for as of 2023?

2 A Since we moved in. 2017. So around that time
3 about six years.

4 Q And how often do you socialize with them? Is
5 it, you know, birthday parties, once or twice a year?

6 A Oh no. Weekly we -- we gather.

7 Q So I want to show you what is just going to be a
8 demonstrative aid to help explain to the jury how Starkey
9 Ranch streets are configured. Are you familiar with
10 Starkey Ranch based on living there since 2017?

11 A Yes.

12 MR. MOELLER: I'm showing what's been marked as
13 State's Exhibit 2, a demonstrative aid, to the
14 Defense.

15 THE COURT: Mr. Sarabia, I think we have the
16 easel in the back in the jury room if you want to
17 grab one, if he's going to put it up.

18 MR. SARABIA: Yes, Your Honor.

19 THE COURT: Okay.

20 MR. MOELLER: And, Your Honor, with no objection
21 from the Defense --

22 Correct?

23 MS. STEVENS: No objection, Your Honor.

24 THE COURT: Okay.

25 THE COURT: It'll be State's 2 admitted as

1 State's 2.

2 (State's Exhibit 2 received into Evidence as
3 State's Exhibit 2 = overhead view photo of Starkey Ranch)

4 THE COURT: While the clerk marks the exhibit,
5 we'll see if we can grab an easel.

6 This is going to be in evidence. So it's a
7 blow-up -- I think it's a blown up photograph
8 overhead of the area?

9 MR. MOELLER: Correct, Your Honor.

10 THE COURT: Yeah.

11 MR. MOELLER: The -- all of Starkey Ranch.

12 THE COURT: Okay.

13 MR. MOELLER: May he step down, Your Honor?

14 THE COURT: He may.

15 Sir, when you step down, everything's digital,
16 so I need you to turn the microphone around a little
17 and you keep your voice up. Okay?

18 THE WITNESS: Okay.

19 THE COURT: You're being nice and keeping your
20 voice down, but I need you to keep it up. Okay?

21 THE WITNESS: I got you. I'm sorry. Yep.

22 THE COURT: Thanks. That's -- no. I -- I
23 appreciate it.

24 THE WITNESS: Am I doing this now?

25 THE COURT: Yes, go ahead. He's going to have

1 you --

2 If any of the jurors need to move over and get
3 right in front of the exhibit, feel free to move
4 around so you can see.

5 And, Defense counsel, same thing. If you need
6 to move, you can move.

7 MS. STEVENS: Thank you.

8 MR. MOELLER: So the mic's right there at that
9 podium.

10 So I'm going to publish this to the jury --
11 what's been marked as State's Exhibit 2.

12 BY MR. MOELLER:

13 Q So is this Starkey Ranch?

14 A Yes.

15 Q Is it a fair and accurate overhead view of
16 Starkey Ranch?

17 A Yes.

18 Q Can you just point to the jury and point, as
19 best you can without blocking them, where State Route 54
20 is?

21 A This big road here.

22 Q Does that road go all the way from the -- east
23 to west. Right? Or west to east on the map?

24 A Yes, yes.

25 Q And what is the main road that cuts through

1 Starkey Ranch?

2 A Rangeland Boulevard.

3 Q And do you see Rangeland Boulevard on this map?

4 A Yes, yes.

5 Q And can you just follow it (Indiscernible) kind
6 of slowly with the jury so that they can see Rangeland?

7 A Yeah.

8 Q And does Rangeland go out on one end out west to
9 Starkey Boulevard?

10 A Yes.

11 Q And does Rangeland then go out east to Gunn
12 Highway?

13 A Yes.

14 Q And is -- is Heart Pine also a way to get to 54
15 off Rangeland?

16 A Yes.

17 Q And do you see Heart Pine on here as well? If
18 so, can you show that to the jury?

19 A Heart Pine is right -- this one right here.

20 Q Now, where is -- where is Barbour at now?

21 A Barbour is towards the back. So that's going to
22 be this road right here.

23 Q And can you trace all of Barbour? I think you
24 got close.

25 A Yeah.

1 Q So Barbour, like you stated, is up -- is up here
2 as you traced it. And, if you could, just -- just to make
3 sure it's clear, since some might be seeing this for the
4 first time, one more time, if you could just trace
5 Rangeland and right after that trace Barbour
6 (Indiscernible) street.

7 A All right. Rangeland first. It's going to
8 be -- and then Barbour.

9 Q Now, are you familiar with Tibbetts? And you
10 may -- you may not know it on the map, but where is
11 Tibbetts (Indiscernible) Starkey?

12 A Tibbetts is a little more towards the front.
13 It's going to be in this section near the school.

14 Q Can you point to the school for the jury? And
15 Tibbetts -- does Tibbetts run -- if you know exactly, feel
16 free to point it out, but it's one of the streets in that
17 cluster by the school.

18 A I believe it is this one right here. It could
19 be this one. I'm not sure what order it goes in, but it's
20 one of these -- these two right here.

21 Q So are you familiar with the route -- the
22 easiest route, in your opinion, to take if somebody on
23 Tibbetts wants to exit the community?

24 A The easiest route would be to travel directly up
25 Heart Pine. It's a very short distance to 54, in my

1 opinion.

2 Q And -- okay. If you want to take a seat, I'm
3 probably going to call you back in -- in just a little bit
4 and use this a little bit more.

5 So around 5:45 p.m. on February 9th, 2023, where
6 were you?

7 A I was standing near Michael Krnjaich's driveway.
8 We were just watching the kids as they were playing and
9 hanging out, and socializing with Mike and Amanda and Sara
10 and Will.

11 Q Were you doing anything specific or just typical
12 neighborhood chitchat, let the kids play?

13 A Just hanging out, making sure the kids were just
14 having a good time.

15 Q And was your daughter, who you said was three at
16 the time, was she out there as well?

17 A Yes.

18 Q Who else was there? You stated it was, I
19 believe Michael and Amanda Krnjaich. Who else was with
20 you?

21 A Sara Connolly, Will Adams, and my daughter, and
22 Mike and Amanda's two boys.

23 Q So around -- well, were the speed bumps out
24 there?

25 A Yes.

1 Q Do you know you placed them out in the street?

2 A I believe Mike did. I don't recall if I helped,
3 but I believe it Mike put them out.

4 Q And how high would you approximate these speed
5 bumps are?

6 A Two and a half, three inches.

7 Q And have you seen cars drive over these speed
8 bumps before on Barbour?

9 A Yes.

10 Q Do cars have to slow down to drive over the
11 speed bumps if they're going 25?

12 A No.

13 Q I mean, do cars have to slow down if they're
14 even going over 25 -- a bit over 25 at the speed bumps?

15 A No. It's a very gradual speed bump. It's only
16 about that tall to begin with. I mean, no.

17 Q So would you describe the speed bumps as a
18 physical deterrent or a visual deterrent or both?

19 A Definitely more of a visual.

20 Q So around that time, 5:45 p.m., was there a car
21 that caught your attention?

22 A Yes.

23 Q Explain to the jury what was it about this car
24 that caught your attention?

25 A We heard them coming down the street, which

1 typically draws our attention when we hear the noise of a
2 car approaching.

3 Q And why is that? Why is your attention -- with
4 children out, catch your attention?

5 A We're just -- to be honest, we want to make sure
6 the kids are okay. We hear a car coming. Let's make sure
7 the kids are safe. They are. Okay.

8 Q So you hear the car coming, then you look at the
9 vehicle, watch it?

10 A Yep.

11 Q Does it do anything unusual?

12 A It stopped.

13 Q And where did it -- where did it stop at?

14 A Just right in that lane. In the -- in their --
15 in their lane.

16 Q Was there anything blocking this vehicle that
17 you see that would have prevented it from going over the
18 speed bump and going on its way down Barbour?

19 A No.

20 Q Now, if you could -- if you could step down one
21 more moment.

22 MR. MOELLER: Your Honor?

23 THE COURT: You may. Just keep your voice up.

24 THE WITNESS: Yep.

25 BY MR. MOELLER:

1 Q So the direction that the vehicle was traveling
2 (Indiscernible) where the Krnjaichs are, could you show
3 the jury -- you've already pointed out Barbour Trail to
4 them -- the -- the direction that vehicle was going on
5 Barbour.

6 A This way.

7 Q And so it's going -- and you're pointing, for
8 the record, kind of going up towards the ten o'clock
9 position?

10 A Yes, correct.

11 Q What is back here? That direction the vehicle
12 is going, what is back here in -- in Starkey Ranch? Where
13 does -- where does Barbour end up connecting to going the
14 direction this vehicle was going?

15 A So Barbour ends right here, right at this
16 roundabout, where you'd only have two directions to turn.
17 This would go back into a gated community. This would
18 bring you back towards an outlet road that you could
19 eventually get back to Rangeland and to Starkey Boulevard.

20 Q And you stated back here, this -- this is
21 gated. would -- this would be (Indiscernible)?

22 A Yes, sir. Yes.

23 Q Then the street here. Do you recall the name of
24 that street?

25 A Night Star Trail.

1 Q So Night Start Trail -- aside from the gated
2 community, Night Star Trail -- Night Star Trail will go --
3 go back -- back out to Rangeland.

4 A Night Star Trail does come -- this is Night Star
5 Trail here, so that would come back out to Rangeland right
6 here.

7 Q And where Mr. and Mrs. Krnjaich's home was on
8 Barbour, do you have an opinion as to whether there would
9 have been a quicker way for -- for this vehicle to have --

10 MS. STEVENS: Objection. Relevance.

11 THE COURT: Overruled.

12 Go ahead.

13 BY MR. MOELLER:

14 Q Would there have been a quicker way for this
15 vehicle, then, to have gotten back out to Rangeland, the
16 main road, then go all the way down on Barbour Trail, make
17 a left on Night Star Trail and get out to Rangeland?

18 MS. STEVENS: Objection, Your Honor. Facts not
19 into evidence.

20 THE COURT: Overruled.

21 Go ahead.

22 MR. MOELLER: I'll rephrase. I -- I'll restate
23 the question.

24 BY MR. MOELLER:

25 Q So based on your knowledge of Starkey, would

1 there have been a quicker way for this vehicle to get back
2 out to Rangeland, which we described as the main road in
3 Starkey, from the Krnjaichs' rather than going all the way
4 down Barbour and making left on Night Star?

5 A Based on where I was at the time?

6 Q Based on where you were at the time.

7 A Left on Berrypick right here would bring you
8 right back to Rangeland.

9 MR. MOELLER: Okay. If you want to take a seat
10 again.

11 THE WITNESS: Yes.

12 BY MR. MOELLER:

13 Q So this vehicle that you said stopped, did
14 anybody exit this vehicle?

15 A Yes.

16 Q And when this person exited the vehicle, what
17 side did they get out of? Front? Back? Left? Right?

18 A Driver's -- driver's door.

19 Q And did one person exit or multiple?

20 A One person.

21 Q When he exited, did you hear this person saying
22 anything?

23 A We could hear him. Yeah, we could hear some --
24 some things.

25 Q And could you tell the jury what you heard,

1 verbatim if you're comfortable, to the best of your
2 recollection?

3 A Best of my recollection, you can't fucking have
4 these things out here. They're illegal. Get this shit
5 out of here. Something like that.

6 Q And do you know where this person was looking
7 when they were making these comments?

8 A They were walking towards the speed bump on the
9 opposite side of the road.

10 A And was there anybody else out around this
11 general area other than people we already talked about?
12 You know, was there anybody across the street on Barbour
13 that he would have been speaking to?

14 A No.

15 Q How would you describe what you observed of this
16 person's demeanor?

17 A He seemed agitated. Definitely agitated.

18 Q When he got out of his vehicle, where -- where
19 was his vehicle left?

20 A He left it right in the -- in the lane of
21 traffic that he was -- or sorry -- the lane he was
22 traveling in, left it there.

23 Q Did he pull over the side of the road? Did he
24 kind of pull partway up in a driveway?

25 A Not in a driveway, no. Just pretty much right

1 in the lane he was traveling in.

2 Q And what did this person do with one of the
3 speed bumps?

4 A Took -- grabbed the speed bump that was in the
5 oncoming lane of traffic and began to throw it out of the
6 road.

7 Q And what did -- what did you see Mike Krnjaich
8 do, if anything?

9 A Yeah. I mean, Mike approached, said don't -- I
10 believe he said something effect of don't touch my
11 property, that's mine, leave it there.

12 Q Was this before he threw that first speed bump
13 or after? If you recall.

14 A I'm not sure if I remember that sequence
15 exactly.

16 Q So Mr. Krnjaich says don't touch my property,
17 leave it there. What happened then, after the defendant
18 threw the speed bump off the road?

19 A Mike shoved him after that. Shoved him away.

20 Q So at this point -- well, where were you when
21 this happened? We're going to play the video in a moment,
22 but where were you?

23 A The same spot I was when this all started.
24 Pretty much right on the sidewalk in front of Mike's
25 house. Yeah. Right on the sidewalk.

1 Q And when the defendant was pushed by
2 Mr. Krnjaich, did the defendant do anything else then that
3 caused you concern?

4 A Did what? I'm sorry.

5 Q Did he do anything that caused you concern?

6 A He drew a gun.

7 Q Where from?

8 A I believe it was his right hip.

9 Q And where did you see him point the gun?

10 A At first at Mike. Mike, you know, quickly
11 retreated, kind of ran off to the side and then back
12 towards his home.

13 Q So from the onset of this, when the vehicle
14 pulls up, to when the defendant pulls out the gun, did you
15 ever see Mike Krnjaich display any weapons? Guns, knives,
16 brass knuckles, beer bottle, anything that could be used
17 as a weapon?

18 A No.

19 Q Did you hear him say anything threatening to the
20 defendant?

21 A No.

22 A Now, are you still standing alongside the
23 road -- I believe you already stated -- with Daniel
24 Zweifel, Sara Connolly?

25 A Yeah. And Will Adams.

1 Q What -- what were you all doing when -- when the
2 gun was pulled?

3 A Absolutely in shock. I mean, just absolutely in
4 shock.

5 Q Had anyone said anything to this person when
6 they got out of the car up to the point that he pointed
7 the gun?

8 A I believe I said something to the effect of,
9 come on, what are you doing? Like, just leave it alone.

10 Q Did you make any threats at all?

11 A No.

12 Q Did you see -- did you have any weapons on you?

13 A No.

14 Q Did you display any weapons --

15 A No.

16 Q -- or anything that could be used as a weapon?

17 A No.

18 Q Did you see any of the other individuals --
19 let's just say Sara Connolly. Did you see her display any
20 weapons?

21 A No.

22 Q What about Will Adams? Did he display any
23 weapons or anything that could be used as a weapon?

24 A No.

25 Q And did any of you three, then, leave your

1 position and actually advance, then, on the defendant as
2 he -- you know, from the time he pulled up to when he
3 pulled the gun out?

4 A No.

5 MR. MOELLER: Your Honor, if I may also now just
6 publish again State's 1 for the jury?

7 THE COURT: You may.

8 If we can turn lights down.

9 (The following is the transcription of the
10 recording as it was played in the courtroom and re-
11 recorded onto the system.)

12 (Indiscernible background conversation.)

13 (Recording stopped.)

14 BY MR. MOELLER:

15 Q All right. So can you tell the jury where you
16 are in this video? Are you blue shirt or black shirt?

17 A I'm the black shirt. Kind of hidden right by
18 that little pillar right there. Black shirt, khaki
19 shorts.

20 Q Kind of --

21 THE COURT: Do you want him to step down and
22 point?

23 THE WITNESS: I was going to say, I can point.

24 BY MR. MOELLER:

25 Q Yeah. If you can step down and --

1 A Yeah. Okay.

2 MR. MOELLER: Thank you, Your Honor.

3 THE COURT: Go ahead.

4 BY MR. MOELLER:

5 Q If you can step down and just point to yourself
6 since --

7 A I am this person right here.

8 Q Kind of obstructed right now by the pole.

9 A Yes.

10 Q Now, where's your daughter at right now? Is she
11 out here or is she --

12 A She went over to my house to get her bike. She
13 wanted to ride her bike instead of the motorized car.

14 Q Is this the vehicle that you described to the
15 jury?

16 A Yes, sir.

17 (The following is the transcription of the
18 recording as it was played in the courtroom and re-
19 recorded onto the system.)

20 MS. KRNJAICH: Mike. Mike.

21 (Recording stopped.)

22 MR. MOELLER: If we can just pause it right here
23 for a moment at the 5:50:02 p.m. mark on the top
24 right.

25 BY MR. MOELLER:

1 Q Why are you now -- why do you move your position
2 and now appears you're standing in back of another
3 individual who is standing in back of a -- a tree? Why
4 are you doing that?

5 A In my head, that -- that little tree was going
6 to save me in case something happened.

7 Q So at this point, to the best of your
8 recollection, where is the gun pointed at?

9 A I believe it was still pointed at Mike, who
10 would be off screen at this time.

11 MR. MOELLER: And if we would play the
12 (Indiscernible), please.

13 (Recording started.)

14 (Indiscernible background conversation.)

15 (Recording stopped.)

16 BY MR. MOELLER:

17 Q At some point, does the gun get pointed at you?

18 A Yes.

19 Q Can you say where on the video? And if we've
20 passed it, we can always back up.

21 A We would have passed it by now.

22 THE COURT: You can just say the word stop when
23 you want.

24 (Recording started.)

25 MS. KRNJAICH: Mike. Mike.

1 (Recording stopped.)

2 THE WITNESS: It -- it would be us right about
3 now.

4 MR. MOELLER: If you can pause it here.

5 BY MR. MOELLER:

6 Q At the five -- it still says 5:50:02.

7 A Right about now-ish. Right -- right in that --

8 Q So you testified, too, that the guns were first
9 pointed at Michael Krnjaich, and then it moves toward your
10 direction.

11 A Correct.

12 Q How did it move to your direction? What I'm
13 getting at is what was the motion? Was it just a kind of
14 a sweeping motion? Was it a sudden altered type of
15 motion? Describe that to the jury, please.

16 A It -- obviously, it started at Mike, and then it
17 was a very deliberate movement towards the rest of us.

18 Q Okay. And you're doing some motions with your
19 hand. If you could one more time kind of explain it, if
20 you know. Do you know who he pointed it at, other than
21 Mr. Krnjaich, first, second, and third? Do you recall
22 that offhand?

23 A I don't know I could say that.

24 Q But were they deliberate three -- after
25 Mr. Krnjaich, were they three separate deliberate motions

1 for each of the three of you neighbors?

2 A Yeah. They were very deliberate movements of
3 the weapon.

4 Q And you're saying the difference between that
5 and just a broad sweeping motion.

6 A It was not.

7 Q So if you could demonstrate to the jury what you
8 observed regarding the deliberate motions toward you,
9 Ms. Connolly, and Mr. Adams.

10 A Yeah. So it would have started at Mike and then
11 moved to the -- to his right where Will, myself, and Sara
12 were. And it was -- it was a -- a slow movement.

13 MR. MOELLER: And we could -- thank you, Mr.
14 Sarabia -- play the rest of the video.

15 (Recording started.)

16 (Indiscernible background conversation.)

17 (Recording stopped.)

18 BY MR. MOELLER:

19 Q So why, then, if the gun is being pointed at
20 your direction as well as the other two individuals near
21 you, why are you taking -- why are you moving away from
22 the cover of the tree --

23 A My daughter was --

24 Q -- and the other person?

25 A I'm sorry. I didn't catch that.

1 Q (Indiscernible) the cover of the tree and these
2 other people?

3 A My daughter was leaving the garage on her bike,
4 and I was making sure she stayed over there and did not
5 come over in our direction.

6 Q So when you left the cover of the other people
7 and the tree, was the gun still being pointed in your
8 direction?

9 A At first, yes. Yeah.

10 Q And did you -- when the gun was pointed at you,
11 did you have a fear of being shot?

12 A Definitely.

13 Q And when you walked away from the cover, did you
14 still have a fear that you -- you were going to be shot?

15 A I was concerned. But I mean, I -- I tried to
16 stay calm myself, and my concern was just making sure my
17 daughter stayed over there. So you know, I'd rather her
18 stay in safety.

19 Q Because -- because what was your daughter -- I
20 might have asked you this. What was she getting ready to
21 do?

22 A Ride her bike. She was going to ride her bike
23 down the driveway -- she likes to go fast because there's
24 a little hill -- turn the corner, and then ride over to
25 us. So she could have been over to us in a matter of

1 about ten seconds.

2 Q And are you walking toward your house, two doors
3 down on the left of the video we're looking at?

4 A Yes.

5 Q And as the gun was pointed at you, do you know
6 if the defendant made eye contact with you?

7 A That would have been hard to tell. I believe he
8 was wearing sunglasses.

9 Q So then how did this situation ultimately end?
10 From -- from what we saw at the end of the video, how
11 everything then came to a -- a conclusion?

12 THE COURT: We can turn the lights back up.

13 THE WITNESS: He eventually walked back towards
14 his vehicle. And I'm not sure what, but eventually
15 he drove away. Drove up the -- up Berrypick.

16 BY MR. MOELLER:

17 Q And without saying what was said, did you then
18 speak to law enforcement and make a statement?

19 A Yes.

20 Q Was that the Pasco County Sheriff's Office?

21 A Yes, sir.

22 Q So do you have home surveillance video on your
23 home two doors down?

24 A I do.

25 Q And did you check the home surveillance video to

1 see if it would have recorded anything additional that we
2 don't have here in court that you just looked at?

3 A I did check it, and unfortunately couldn't see
4 anything.

5 Q Why not?

6 A Because my cameras aren't positioned right. My
7 doorbell camera is on a wall here, and then there's a wall
8 of my house here, so it would have blocked the angle we
9 needed. And my driveway cam really focuses on my driveway
10 and my yard. And in being that there's a home in between
11 my house and Mike's, it -- it didn't span -- or didn't
12 have a wide enough view to see it.

13 Q So did your video contribute anything to -- to
14 this case?

15 A No.

16 Q And I have asked this before, but going through
17 everything that was just looked at, at any point, did you
18 display anything that you could use as a weapon to the
19 defendant?

20 A No.

21 Q What about Sara Connolly?

22 A No.

23 Q Will Adams?

24 A No.

25 Q And you see the person here in court today that

1 stopped the vehicle, got out of his vehicle cursing, threw
2 the speed bump, pointed the gun at Michael Krnjaich, and
3 also made a deliberate, as you described, motion of the
4 gun and pointed the gun directly at you?

5 A Do I see him?

6 Q Yes, sir.

7 A Yes, I do.

8 Q Could you please describe what he is wearing as
9 well as a physical characteristic?

10 A Blue suit, mustache, glasses.

11 Q And you can point too.

12 A The gentleman right there.

13 MR. MOELLER: May the record please reflect
14 that -- that Mr. Zweifel has pointed in the direction
15 and identified the defendant.

16 THE COURT: It will still reflect.

17 MR. MOELLER: Just a moment, please, Your Honor?

18 THE COURT: Okay.

19 (Attorneys confer.)

20 BY MR. MOELLER:

21 Q And prior to this incident, you did not know the
22 defendant.

23 A Correct.

24 Q And do you feel threatened when the defendant
25 was pointing the gun at you?

1 A Absolutely.

2 Q And did you feel threatened that you -- you very
3 likely were going to be shot?

4 A I was very, very concerned about that.

5 MR. MOELLER: All right. No further questions,
6 Your Honor. I tender the witness.

7 THE COURT: All right. If you'll give the
8 evidence back to the jury -- I mean to -- to the
9 clerk.

10 MR. MOELLER: If we may keep out 2 for the next
11 witness.

12 THE COURT: If the Defense wants it, that's
13 fine.

14 MR. MOELLER: And do you want me to return the
15 video or leave it there?

16 THE COURT: No. We can leave it there in case
17 she wants to replay it.

18 You may cross.

19 MS. STEVENS: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. STEVENS:

22 Q Good afternoon. How are you?

23 A Hi. Doing well. How are you?

24 Q Doing well.

25 THE COURT: Can you bring the microphone a

1 little bit around? Thank you. There you go.

2 MS. STEVENS: Yes.

3 BY MS. STEVENS:

4 Q So would you agree that this was a scary day?

5 A Yes.

6 Q Do you agree that -- I'm trying to think where
7 I'm going to start. Bear with me. (Indiscernible). You
8 came -- you started living in Starkey Ranch in what year?

9 A 2017.

10 Q Are you aware that -- if that's close in time to
11 when the -- Michael and Amanda started living there?

12 A I believe so.

13 Q Okay. So --

14 A I'm not a hundred percent sure, but I believe
15 it's pretty close.

16 Q Okay. Would it -- is it fair to -- if you think
17 it's fair to say that you guys have kind of lived there
18 the same amount of time?

19 A Pretty close.

20 Q Okay. Well, I won't --

21 A Yeah.

22 Q I won't -- I won't have you make statements --

23 A Yeah.

24 Q -- you don't know to be true.

25 A I'm not sure of their move-in date. I -- but I

1 think we moved in around the same time frame, you know.

2 Q Fair enough. In that time, would you say that
3 you spent a lot of time with Michael?

4 A Yeah.

5 Q And I think I heard you say that weekly you guys
6 are out there spending time with the kids?

7 A Yeah. We -- we probably chat a week -- once a
8 week or once every other week. Something like that.

9 Q In that amount of time of spending time with
10 Michael, would you be able to -- to -- if I asked you some
11 questions about the way he looks, would you feel
12 comfortable just talking about that and describing him?

13 A Sure. Yeah.

14 Q Is he tall -- would you consider him tall or
15 short compared to you?

16 A Maybe a little bit taller.

17 Q Okay. And as -- in comparison to yourself,
18 would you consider him a larger person or a smaller
19 person?

20 A Well, what are you asking specifically? I
21 mean, I have a bigger belly.

22 Q Okay. Muscles. Big muscles.

23 A I'm just being honest.

24 Q That's a fair question.

25 A Yeah.

1 Q Would you say that he has a bigger muscle
2 structure than you?

3 A He -- he has -- has a bigger muscle structure
4 than I do, yes.

5 Q Would you say that Michael is a muscular man?

6 A Yeah.

7 Q Do you have any opinion as to his strength, his
8 ability of strength -- or excuse me. Do you have any
9 knowledge of his strength? (Indiscernible).

10 A Like how much weight he can lift? I have no
11 idea.

12 Q Okay. When you're standing out -- I think in
13 the video we see a dark-colored car come up. Is that --
14 is that the car that Mr. Clifton got out of?

15 A Yes.

16 Q It's fair to say that on this date and time
17 there was no ability -- you didn't have anything with you
18 that would track the speed of that car?

19 A Correct.

20 Q The -- the speed bumps that go out across the
21 road, it looks -- looks pretty clear that they go from one
22 side to the other without a large gap between the two.
23 Correct?

24 A Yes.

25 Q If you are driving from one side of Michael's

1 house to the other, there's no alternative route than to
2 go over the speed bumps. Correct?

3 A Yes.

4 Q You had a conversation about the -- the map of
5 Starkey Ranch. All right? I would like to ask you a few
6 more questions. Would you mind coming over in this
7 direction and doing that?

8 A Sure.

9 THE COURT: Again I'll remind both counsels to
10 keep your voice up. You're away from the microphone.
11 Okay?

12 MS. STEVENS: Yes.

13 BY MS. STEVENS:

14 Q Is it fair to say that you do -- you do not know
15 where Mr. Clifton was going or coming from that day?

16 A That is fair to say.

17 Q And if you -- it's fair to say that you have no
18 idea what road he was traveling to.

19 A Correct.

20 Q What you do know is that he was on Barbour Trail
21 in front of Michael's house.

22 A Yes.

23 Q And on the map that you -- you were working with
24 the State Attorney's Office, there's a blue dot down in
25 the lower left side of this map.

1 A Right.

2 Q And you identified this road -- you identified
3 this road at 54.

4 A Yes.

5 Q Okay. What -- what is in this area? It looks
6 like a bunch of roads and buildings.

7 A Yeah. A couple restaurants here. Publix. You
8 talking about just on this side of 54 or --

9 A Correct.

10 Q This side has gas stations. I mean, Publix, a
11 haircut place, dry cleaner, UPS Store, a couple
12 restaurants. Stuff.

13 Q Retail businesses.

14 A Yeah.

15 Q Okay.

16 A Shops.

17 Q And show me Barbour Trail where it meets
18 Berrypick.

19 A Barbour Trail meets Berrypick right here.

20 Q And that is the -- because this is such a small
21 map, is that the general location of your house?

22 A Yes. I'm -- I'm, you know, right about here.

23 Q Okay. So if I wanted to get to this area you
24 just pointed out where this blue dot is from your house,
25 how might I travel?

1 A From my house, I wanted to get there, I would
2 take Barbour this way and then take a left on Rangeland to
3 get me over to that area.

4 A Is that a convenient way to get to this retail
5 establishment?

6 A From my house? Yes.

7 Q And in this direction you said there was a gated
8 community.

9 A Yes.

10 Q But as to the rest -- I think there's one more
11 gated community as well. But as to the general area and
12 the large area of Starkey Ranch, is that private or
13 public?

14 A Are you speaking about just access or --

15 Q Yes.

16 A Okay. Correct. Other than the two gated
17 areas, everything else is open, yes.

18 Q So the general public can drive through here
19 without any special -- special access.

20 A Correct.

21 Q All right. And as 54 is here, we -- we located
22 it down at the bottom area of this map, you also showed
23 me -- showed this -- some of these other larger routes,
24 large roads. What is -- what is this? If you know.

25 A Starkey Boulevard, I believe.

1 Q Right. So this area down here being the
2 community, like retail, Barbour Trail is as we move up,
3 and Barbour Trail as you showed us, then there's a lot
4 going on on this side of that. Right?

5 A Yes.

6 Q And would you agree that several roads in many
7 different combinations could get you to Starkey?

8 A Several roads could get you -- I'm not sure what
9 you're asking. I'm sorry.

10 Q Is it possible to travel from State Road 54 to
11 Starkey through the community?

12 A Starkey Boulevard?

13 Q Oh, what is this?

14 A Yeah. Starkey Boulevard.

15 Q Yes.

16 A Yes. To answer your question, yes.

17 Q Okay. So not knowing anything about
18 Mr. Clifton's travel that day or plans or no plans, or it
19 doesn't matter, there would be a reason to be in this
20 community for any reason. Fair?

21 A I suppose that's fair. Yeah, yeah.

22 Q So --

23 A Yeah. I mean -- yeah. He could be in there
24 for -- he can drive through. It's not -- yeah, yeah.

25 Q Thank you.

1 A Sorry. Yeah. I wasn't sure if I was supposed
2 to answer. I'm sorry.

3 Q I'll be more clear next time on the question
4 (Indiscernible).

5 I would like to ask you to -- you testified not
6 want to go that Mr. Clifton got out of his car, and as he
7 approached the first speed bump, it's your testimony that
8 he was saying -- saying something.

9 A Yes.

10 Q That he was using foul language?

11 A Yes.

12 Q I would like to play the video, and when you
13 hear the foul language, I would like you to stop. As my
14 assistant will stop the video as soon as you say stop.
15 Are you -- will you do that?

16 A Yeah. I can try. If I can hear it.

17 Q Okay. Did you hear very well the last time it
18 was played or do you need the volume to go up higher?

19 A I couldn't hear much last time other than Amanda
20 screaming.

21 Q Okay. We're going to play it again. If you
22 cannot hear it, I'd ask that you please let me know, and I
23 will be happy to have it turned up. And then if you don't
24 hear anything, that's fine. If you hear it exactly,
25 please let us know.

1 A Okay.

2 MS. STEVENS: If you could just start it.

3 BY MS. STEVENS:

4 Q Make sure you can hear, and then if you need to,
5 let us know.

6 (The following is the transcription of the
7 recording as it was played in the courtroom and re-
8 recorded onto the system.)

9 (Indiscernible background conversation.)

10 MR. ZWEIFEL: All right. It should be opening.

11 (Indiscernible background conversation.)

12 MS. KRNJAICH: Michael, Michael.

13 MR. KRNJAICH: Hey. Careful. Careful now.
14 What are you doing?

15 MR. CLIFTON: That's illegal property.

16 MR. KRNJAICH: No, it's not.

17 MS. KRNJAICH: Mike. Mike. Mike.

18 (Recording stopped.)

19 THE WITNESS: I could not hear it.

20 BY MS. STEVENS:

21 Q (Indiscernible).

22 A I could not hear it there.

23 Q Okay. Well, I did hear a few other people. I
24 wanted to see if we could identify you. You said your
25 daughter had gone to your house?

1 A Correct.

2 Q To get her bike?

3 A Yes.

4 Q Was she going to the garage?

5 A Garage, yes.

6 Q Did you say anything in this video about
7 something opening?

8 A I -- I don't know. I'm sorry.

9 Q Okay. That's fine. If you don't have -- there
10 was a phrase on here that said it should be opening.

11 A That could be me because I opened the garage
12 with my phone. That could have been me.

13 Q Okay. I appreciate that. Thank you. You
14 testified that as Mr. Clifton got out of the car, he
15 walked over to the speed bumps that are the other lane of
16 traffic, the oncoming traffic. Is that correct?

17 A Yes.

18 Q He was also getting out of the driver's side.
19 Correct?

20 A Yes.

21 Q Would you agree that the driver's side of the
22 car is closest in proximity to that speed bump?

23 A I -- I don't know that I would -- I don't know
24 that I could agree with that. I mean, it feels like
25 they're pretty equidistant from the vehicle.

1 Q Fair enough. But -- fair enough. He could have
2 been going to -- okay. I understand. And I just wanted
3 to say that there was -- do you know of anything that was
4 on the other side of Mr. Clifton's car that may have
5 affected his walk or travel path? Do you know if there
6 was anything else in the road from your point of view?

7 A I -- I don't know that for sure, but there were
8 no other objects in the road earlier. You can see it on
9 the video. There was nothing in the road.

10 Q All right. Thank you. How heavy are those --
11 you -- you've handled those speed bumps before. Right?

12 A I have.

13 Q Do you have the exact same set or do you have a
14 different set?

15 A I have the exact same set.

16 Q Would you -- they're pretty lightweight. Right?

17 A Yes.

18 Q Roll up on themselves?

19 A Yes.

20 Q Is it something that you think is -- when you
21 say lightweight, like, could maybe an older child move
22 them on their own?

23 A Yeah.

24 Q Okay. So if they -- when you go to put them
25 away at night, it doesn't take two people to do it.

1 Right?

2 A It does not. Correct.

3 Q And then they store up in a nice little bag and
4 go put it away. Right?

5 A Correct.

6 Q And you would also agree that any -- we've
7 already talked about anybody traveling through here has no
8 option. They have to go over the speed bumps if they want
9 to pass Michael's -- in this circumstance, if they want to
10 pass Michael's house. Correct?

11 A Correct.

12 THE COURT: Can we turn up the lights or are you
13 still --

14 MS. STEVENS: Okay. Yeah. Thank you.

15 THE COURT: We're good.

16 MS. STEVENS: Probably be easier to see.

17 THE COURT: If we can turn off the video.
18 That's fine.

19 BY MS. STEVENS:

20 Q Were you able to watch Mr. Clifton from -- from
21 his spot at the car until he reached the speed bumps?
22 Correct?

23 A Could I see him exiting the vehicle and then
24 walking to the speed bump?

25 A Yes.

1 Q Yes.

2 Q In that time you testified about his statements.
3 Could you see where -- could you -- did you have a view of
4 his hands from where you were standing?

5 A When? Like, the whole time or --

6 Q From when he -- when -- from getting out of the
7 car, as he walked and approached the speed bumps, could
8 you see his hands before he ever touched the speed bump?

9 A Yes. I mean, you can see him just swinging as
10 you're walking. The normal, like, arm --

11 Q And the -- his hands, they're -- they're -- you
12 said like normal when you're walking. You'd say down by
13 his --

14 A I -- I can watch it. I don't -- I don't
15 remember if they were down by his side or -- or out or --
16 I don't remember. Like --

17 Q Is it a -- would you agree that they were not
18 raised above his head?

19 A Yes.

20 Q Would you agree they were not waving at -- in
21 any -- in any way towards Michael?

22 A Yes.

23 Q Would you agree that he did not have his hands
24 above his head or pointed at you before he touched the
25 speed bump?

1 A Yes.

2 Q Same would be true for your observations as it
3 relates to Will Adams?

4 A Yes.

5 Q Sara Connolly.

6 A Yes.

7 Q And since she was standing next to you --

8 THE COURT: Sorry. Hold on one sec. I had the
9 volume up right in front of you so they could hear
10 the -- there you go. Sorry.

11 MS. STEVENS: Just a magnetic personality here.

12 BY MS. STEVENS:

13 Q So as to anybody standing on the side of the
14 road, did he, with his hands, make any movement towards
15 you or anybody standing next to you?

16 A No.

17 Q Did he make any verbal threats -- from the
18 moment he got out of his car till the second he touched
19 those speed bumps, did he make any verbal threat towards
20 you?

21 A No.

22 Q Did you hear him make any verbal threats towards
23 Michael?

24 A No.

25 Q Towards Will Adams?

1 A No.

2 Q Sara Connolly?

3 A No. I did not hear -- no.

4 Q And Amanda either?

5 A No.

6 Q Okay. Did he -- from the time that he got out
7 of the car, before he touched that first speed bump, were
8 you afraid of him at that point?

9 A I was afraid of the situation. If you're asking
10 if I was afraid of him, not necessarily, no.

11 Q And you're afraid of the situation. You mean
12 as -- was that because Michael was coming into the
13 situation?

14 A No. We've never had someone stop like that, get
15 out of their car, and I didn't know what kind of event was
16 going to transpire from that point, so I was concerned of
17 that.

18 Q Okay. Fair enough. As the event unfolds,
19 Michael eventually comes -- comes over to the speed bumps.
20 Correct?

21 A Yes.

22 Q At that time that Michael was coming in -- into
23 the area of the speed bumps, the first speed bump had
24 already been moved. Correct? If you recall.

25 A When Mike enters the screen, you're talking

1 about?

2 Q Correct.

3 A Yeah. I believe the first speed bump was
4 already either in motion or moved when we can see Michael.

5 Q And at -- okay. And at that point in time,
6 Mr. Clifton is -- is moving in -- towards either his car
7 or the second speed bump. I don't know that -- do you
8 know where he was moving after that?

9 A No. I don't know where he was going after that.

10 Q Do you know what direction he was moving
11 towards? The speed bump --

12 A You're saying, like, right or left or -- I --

13 Q The -- I'm -- I'm trying to figure that out. He
14 moved the left speed bump. The right speed bump is still
15 in its location. As it relates to the one that he just
16 moved, where is he going? Is he going towards the next
17 one?

18 A Oh, I don't know. I'm sorry. I'd have to look
19 again. Yeah.

20 Q Fair enough. I appreciate that. We'll let the
21 video speak for itself. Is that acceptable?

22 A Yeah.

23 Q Okay. The -- but he never makes it --
24 regardless, he never touches the other speed bump. Would
25 you agree with that?

1 A I would agree.

2 Q And prior to even -- at that point, Michael and
3 him are pretty close together. Would you agree to that?

4 A Yes.

5 Q And at some point in time following that,
6 Michael puts his hands on Mr. Clifton.

7 A Yes.

8 Q Did you see Michael's feet by any chance?

9 A No. I'm sorry.

10 Q Did you see, at the point -- are you -- can you
11 clearly remember the point Michael put his hands on
12 Mr. Clifton?

13 A I remember that moment, yes.

14 Q And at that point in time is -- does Mr. Clifton
15 have his hands raised towards Michael?

16 A I -- I'm sorry. I don't remember that detail.

17 Q Okay. Is there anything that you can recall --
18 did -- and that -- at that given point, did you hear
19 Mr. Clifton make any threats to Michael while he had his
20 hands on him?

21 A I'm sorry. I -- I couldn't answer that
22 truthfully. I don't know.

23 Q Thank you. I appreciate that. Does --
24 Michael's hands on Mr. Clifton caused Mr. Clifton to move.
25 Correct?

1 A Yes.

2 Q This was not -- would you agree that this was
3 not a soft push?

4 A I -- he didn't push me, so I -- I don't know how
5 hard it was.

6 Q How far did Mr. Clifton move based on the touch
7 and push from -- or the push from Michael?

8 A I believe it was a step or two back --
9 backwards.

10 Q Large step? Small step?

11 A I -- define large, small. How many feet are we
12 talking about? I mean, it was probably -- I -- I don't
13 know, honestly. A couple of paces over.

14 Q Do you think the push, in your view of what
15 happened, and Mr. -- Mr. Clifton's movements after that
16 push, the push caused him to move. Would you agree?

17 A Yeah.

18 Q So Mr. Clifton did not voluntarily move like
19 that.

20 MR. MOELLER: Objection. That calls for
21 speculation.

22 THE COURT: Sustained.

23 BY MS. STEVENS:

24 Q Would -- would you agree that Michael was the
25 first person to use physical contact with another person?

1 Michael's the only one who touched --

2 A I'm sorry. Could you be more clear?

3 Q Pardon?

4 A Could you be more clear? I'm sorry. I just
5 want to make sure I answer you.

6 Q Is Michael the only person that put his hands on
7 another person?

8 A Yes.

9 Q And it's -- you would agree that Clifton never
10 put his hands on Michael.

11 A Michael -- Mike shoved Mr. Clifton. I'm not
12 sure if there was anything right after that, but I --
13 yeah. There was no other --

14 Q And that's fair enough. I'm just asking, from
15 your memory of the event --

16 A Yeah.

17 Q -- from what's in your mind that you -- you can
18 recall, did you ever see Mr. Mr. Clifton put his hands on
19 Michael?

20 A No.

21 Q After Michael pushed Mr. Clifton, Mr. Clifton
22 moves and ultimately Mr. Clifton presents a weapon.
23 Correct?

24 A Yes.

25 Q Firearm?

1 A Yes.

2 Q And he points that -- would you agree he points
3 that at Michael when he pulls it out of his -- out of his
4 holster?

5 A I agree.

6 Q Would you also agree that Michael immediately
7 ran?

8 A Yes.

9 Q And when he ran, he traveled up into the area of
10 his driveway. Is that correct?

11 A Yes.

12 Q As he's traveling into the area of his driveway,
13 you're standing down in the sidewalk area by the tree.

14 A Correct.

15 Q And we saw that. Is it fair to say that Michael
16 never ended up directly behind you and the other
17 individuals, if you recall?

18 A Well, at some point he did, because they were
19 running the kids into the house, and the front door would
20 have been -- would have been almost in line -- maybe a
21 little off center, but yeah.

22 Q Then -- then with that understanding, it would
23 be fair to say that he came up into his driveway area, and
24 then is it -- like, kind of arced back towards the door?

25 A The driveway is straight. To get to the door,

1 you would have to make a turn.

2 Q I appreciate it. I should be more clear. I'm
3 just trying to make sure that I -- we are -- that I
4 understand. It's not -- Michael did not make a straight
5 beeline towards the door. He took a little bit of more of
6 a curved angle. Is that fair to say?

7 A Yeah.

8 Q Okay. And, obviously, based on the testimony,
9 based on the video, you weren't really watching Michael.
10 Correct?

11 A Correct.

12 Q You were paying attention to what's going on in
13 the road.

14 A Yes.

15 Q While you're paying attention to what's going on
16 in the road, you got your mind on your daughter, and you
17 see a firearm, and your testimony was that it was pointed
18 at you?

19 A Yes.

20 Q If was for -- that weapon was out for a very
21 brief amount of time. Would you agree with that?

22 A Probably, yeah. Yeah. I'm sure it was a small
23 moment in time. It felt a lot longer than it probably
24 really was.

25 Q Understandable. The -- Mr. Clifton takes out

1 this weapon, he points it at Michael, there is a moment in
2 time, and then the weapon is put away. Correct?

3 A It did get put away, yes.

4 Q What happened -- so as soon as he put it away,
5 do you remember him making a phone call?

6 A I don't remember seeing the phone call, if that
7 answers your question.

8 Q Okay. Yes, it does.

9 A Okay.

10 Q Is -- do you recall that he made a phone call?

11 A I know he made a phone call because when, I
12 believe, Mike called 911, they said it was already being
13 reported by someone else on the scene.

14 Q And do you remember, when Mike made the phone
15 call, was it while everybody was still down on the ground
16 immediately after he ran up, or do you have any memory of
17 the exact time frame of when he made that call?

18 A I don't know that I could say exactly.

19 Q Do you remember where you were standing when
20 Michael made the call? Because you have some memory of
21 it. Right?

22 A I -- I don't know when the call started, I think
23 is the part I'm struggling with. I know when I walked
24 back up towards Mike's little patio there, he was on the
25 phone with them. I don't know when the call started,

1 though.

2 Q Okay. I appreciate that.

3 A I was not there for the dial.

4 Q Very well. Was that after you had addressed
5 your daughter and --

6 A Yes. She had gone back in the house at that
7 point.

8 Q So I guess prior to seeing Michael on the phone,
9 we can't assume what or when happened, he -- you -- in the
10 period of time between when Mr. Clifton put the weapon
11 away, you addressed your daughter, do you go all the way
12 back to your house and then come back?

13 A I did not. I -- I yelled for her to get back to
14 the house. I said, stay over there, don't come over here.
15 Go inside see Mommy.

16 Q Okay. And then, at that point -- at some time
17 following that, you meet with Michael on the porch, who is
18 on the phone.

19 A Yes.

20 Q At any point in in time did Mr. Clifton get back
21 into his car?

22 A Yes.

23 Q Do you recall if he got back -- when he got back
24 in his car, did he stay there until law enforcement come
25 or did something else happen?

1 A No. He did not stay till law enforcement came.

2 Q Did -- did he -- he got in his car and left?

3 A Yes.

4 Q And are you -- do you know where he went?

5 A Yes.

6 Q And where was that?

7 A Up -- up Berrypick. I believe it was just past
8 the mailbox bank that's up there.

9 Q And you know that because -- did you go look?

10 A I did.

11 Q Okay.

12 A We wanted to see if he was close by still, if we
13 needed to be concerned. Yeah.

14 Q And do you know -- so he has left and you guys
15 are at -- are you still at Michael's house?

16 A Yes.

17 Q You're at Michael's house, Michael -- is he
18 still on the phone or he's not the phone now?

19 A When? I'm sorry.

20 Q After Mr. Clifton is gone.

21 A I -- I don't remember how much longer -- how --
22 I'm sorry. I don't remember how long he was on the phone.
23 I'm sorry.

24 Q Okay.

25 A I -- I think the call was over by then because

1 they were already on the way, I think is what we were
2 told, but --

3 Q And when they are on the way, the law
4 enforcement --

5 A Law enforcement. I'm sorry. Yeah, yeah.

6 Q So Mr. Clifton, we know has left at some point,
7 we know that law enforcement's on the way, and we know
8 that you are on the front porch with, at a minimum,
9 Michael. Correct?

10 A Yes.

11 Q Is there anybody else on the porch with you at
12 that time? Is Amanda there?

13 A I believe -- I think she was inside with the
14 boys.

15 Q Is Sara there?

16 A I -- I don't remember if she went to check on
17 Amanda or if she was still with us. I'm sorry.

18 Q That's fine. If you are putting your memory --
19 looking at your -- going back in -- in your mind, who is
20 with you on the porch, if you recall?

21 A I believe it was myself, Michael, and Will.

22 Q Will Adams?

23 A Yes, Will Adams.

24 Q And on that point in time are -- and I'm not
25 asking you to say anything that was -- the words that were

1 used, were you guys talking while you're on the porch?

2 A Yes.

3 Q And are you discussing the event while standing
4 on the porch?

5 A We were all absolutely shocked at what just
6 happened. So we were like, oh, my gosh, what just
7 happened? Like, what's going on?

8 Q So you're expressing to each other like, hey, do
9 you remember this?

10 A The emotion. Yeah. The emotion.

11 Q Okay. And maybe even some of the details?
12 Comparing details?

13 A At that time, no. No. I think we were all
14 trying to understand what just took place.

15 Q Did -- having been Michael's friend or -- and
16 neighbor for a period of time, were you -- did you have an
17 opportunity to kind of learn about -- would you be able to
18 tell if he was worried?

19 A Yeah, I believe so.

20 Q Would you agree that it -- would it be fair to
21 say that at that time he was worried?

22 A Yes.

23 MS. STEVENS: One moment to go over my notes.

24 BY MS. STEVENS:

25 Q When Mr. Clifton got out of the car, when he

1 went over to the speed bumps, and then when him and
2 Michael have come in physical contact now, did you
3 personally say anything to try and -- like, hey, guys,
4 stop or hear -- make things stop or -- the question would
5 be did you try to de-escalate the situation?

6 A It happened extremely fast. There wasn't much
7 of a time to try to gather both parties and -- and calm
8 down. So I don't believe I said anything.

9 Q Is it fair to say that, although you didn't say
10 anything, you also didn't add to the -- to the --

11 A I -- I don't believe I spoke at all at that
12 moment until after the gun was out.

13 Q Excellent. Thank you for that. And we'll watch
14 the video later, but, as your personal memory, does
15 Mr. Clifton make any comments about -- when -- there was a
16 phrase when Michael said, hey, bud, hey, bud, what are you
17 doing, and then there's some words that Mr. Clifton made.
18 Do you -- do you recall what those were or no?

19 A No, I'm sorry.

20 Q Okay. How familiar with you on the placement of
21 Michael's camera system on the front of his house?

22 A Moderately.

23 Q Okay. As if -- could you say whether he has
24 one, two, or where they're located? Would you be able to
25 tell me something along those lines if I asked?

1 A I believe he has a doorbell camera and I believe
2 there's another camera on the -- that porch area, the one
3 we see. I'm not sure if there's other ones out front. I
4 know -- I believe there's those two at least.

5 Q Okay. And so as -- do you have any knowledge as
6 to whether there's one kind of pointing at his driveway?

7 MR. MOELLER: Objection. Asked and answered.

8 THE COURT: He can answer it if he knows.

9 THE WITNESS: I'm trying to remember. I -- I'd
10 be guessing. I'm sorry. I think there's one more.

11 I -- I'm kind of guessing.

12 BY MS. STEVENS:

13 Q Well, I appreciate your honesty and your candor.
14 I won't make you guess at anything today.

15 A All right.

16 MS. STEVENS: So thank you for your time. I
17 appreciate it.

18 Your Honor, this -- I'm tendering the witness.

19 Thank you.

20 THE COURT: Redirect.

21 MR. MOELLER: Just briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. MOELLER:

24 Q Mr. Zweifel, it was discussed you were back at
25 the house after the event speaking with the other

1 neighbors. Is your testimony here in court based on your
2 independent recollection or what other people told you
3 happened that you did not observe?

4 A I'm trying to recall from my own recollection.

5 Q All right. So despite there not being really
6 any clear audio from the defendant on the video that we
7 watched, how certain are you that he was cursing as he
8 exited the car and approached the speed bumps?

9 A I feel quite certain that there were a few curse
10 words, yes.

11 Q And do you have an opinion on how fast his car
12 was approaching when the -- when the car came down Barbour
13 and stopped at the speed bumps?

14 A I cannot answer that with certainty.

15 MR. MOELLER: No further questions, Your Honor.

16 THE COURT: All right. Sir, you may step down.

17 I'll remind you that you're not to discuss your --
18 your testimony with anyone or what was asked of you,
19 and you remain under subpoena. Okay?

20 THE WITNESS: Okay.

21 THE COURT: But you may step down. Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: All right. Ladies and gentlemen, we
24 get to have lunch today, I promise. And I'm hungry.
25 So we're going to take lunch now, and I'm going to

1 give you an hour so you'll be back down --
2 originally, we had you in the jury pool room, but we
3 have a judge that's getting sworn in today, so
4 they're stealing our jury pool room. So we're going
5 to have you in what they refer to as the Constitution
6 room. It's right next door.

7 Yes?

8 THE COURT CLERK: It's one door down.

9 THE COURT: It's one door down from the jury
10 pool room. So if you -- when you come back at 2:25,
11 you're going to the Constitution room, and then we'll
12 bring you back up and we'll finish up. Okay?

13 No tweeting, texting, blogging, or talking about
14 the case quite yet. We have your phones. You can
15 call people, tell them you're still here, but just
16 don't tell them what's going on. And no driving
17 through Starkey Ranch. Okay?

18 You all have a nice lunch.

19 (The jury exited the courtroom.)

20 THE BAILIFF: The jury has exited the courtroom,
21 Your Honor.

22 THE COURT: All right. The jury's out. We're
23 going to be at lunch. I'll have an opportunity to
24 read the case law. If you want to find any other
25 case law. This -- all the case law that we're

1 talking about is whether the Defense gets the use of
2 non-deadly force when the force that was used was a
3 firearm. In this particular case, I'll note that it
4 was from the opening statement -- I haven't heard the
5 testimony, but I'm assuming I will -- that it was a
6 loaded firearm with bullets in the chamber. So it
7 wasn't an empty firearm with no bullets in it. So
8 I've looked at both of these cases. If there's any
9 other cases you want me to look at later, you can
10 give those to me after lunch. Okay?

11 Any questions from either side?

12 MS. STEVENS: No questions, Your Honor.

13 MR. SARABIA: No, Judge.

14 THE COURT: State, what do you got? Three more
15 witnesses?

16 MR. SARABIA: We got four.

17 MR. MOELLER: Your Honor, we have four.

18 THE COURT: We got to move a little faster.

19 MR. MOELLER: Yes.

20 THE COURT: On both sides, please.

21 All right. Thank you.

22 MS. STEVENS: Your Honor, I do have some case
23 law I want to provide to the Court. I'll get it as
24 soon as I --

25 THE COURT: Okay. Let me -- let me have it when

1 you get back.

2 MS. STEVENS: It's not on this. It's on the
3 State's proposed jury instruction for defense on
4 behalf of Michael. I have some burden shifting case
5 law on that. And I will get it --

6 THE COURT: Okay. Give me the case law and
7 we'll talk about it when you -- when you get back.

8 If you have the jury instructions temporarily
9 done, if you can give me a copy of those. Just shoot
10 them over to my JA. Okay?

11 MS. STEVENS: Thank you.

12 THE COURT: All right. We'll be at lunch.

13 (Recess from 1:29 p.m. to 2:27 p.m.)

14 THE COURT: All right. We're back on the record
15 in the Clifton matter, 23-CF-562.

16 State, are you ready with your next witnesses?

17 MR. SARABIA: Yes, Judge.

18 THE COURT: All right.

19 Defense, are you ready?

20 MS. STEVENS: Yes, Your Honor

21 THE COURT: All right. If we can bring the jury
22 up, please.

23 THE BAILIFF: Yes, Your Honor.

24 THE COURT: Thank you.

25 (Pause.)

1 (Attorneys confer.)

2 THE COURT: Who are we releasing?

3 MS. STEVENS: Daniel Zweifel -- Zweifel.

4 THE COURT: Deputy?

5 MR. SARABIA: I -- the --

6 THE COURT: Okay. That's fine. I just -- on
7 the record I just want to make sure we know who it
8 is. So we're agreeing to release him, both sides?
9 We can release him.

10 Hold on one second. Are we good? Yes?

11 MR. SARABIA: We are.

12 MR. MOELLER: Yes.

13 THE COURT: Okay. If he's outside, I'm going to
14 bring the jury in. As soon as they come in, you can
15 step out and release him. Okay?

16 MR. MOELLER: Yes, Your Honor.

17 THE COURT: Bring the jury in.

18 Again, we're here on Clifton. Defendant,
19 Defense, and State are present.

20 THE BAILIFF: Jurors entering the courtroom,
21 Your Honor.

22 THE COURT: Thank you.

23 (The jury entered the courtroom.)

24 THE COURT: Yeah. If anybody wants to put their
25 bags in the jury room, go ahead. You're the only one

1 that's going to be in there.

2 If you have a question right it down.

3 THE BAILIFF: All jurors are present and seated,
4 Your Honor.

5 THE COURT: All right. Welcome back, ladies and
6 gentlemen. Were you able to get some lunch? Yes?

7 MULTIPLE JURORS: Yes.

8 THE COURT: I apologize for the interruption for
9 not being able to use the jury room. I forgot we
10 were getting -- doing the investiture. So you got
11 lots of judges here as a judge gets sworn in today.
12 So that's what's going on down there. And if you go
13 back down, there will even name more people. So I
14 apologize for that. But we are moving along.

15 State, are you ready to call your next witness?

16 MR. SARABIA: Yes, Judge. The State would call
17 William Adams.

18 THE COURT: Adams?

19 MR. SARABIA: Yes.

20 THE COURT: Okay, William Adams.

21 And while Mr. Adams comes in, I'll just let the
22 jury know I am on duty, so every once in a while you
23 might see people walk in the back, hand me things.
24 It has nothing to do with this case. It has to do
25 with other things going on in the courthouse. And

1 I'm just reading stuff and signing it and giving it
2 back. So I'm multitasking as we speak.

3 Mr. Adams, if you want to step up to the podium
4 where the microphone is for me. Good afternoon.

5 MR. ADAMS: Good afternoon.

6 THE COURT: You want to stop right there, raise
7 your right hand, and be sworn by my clerk.

8 WILLIAM ADAMS

9 being called as a witness, and having first been duly
10 sworn, testified as follows:

11 THE WITNESS: Yes.

12 THE COURT: All right. Please have a seat in
13 the witness stand. We don't have a court reporter
14 today, so speak in a loud and clear voice to make
15 sure the microphone picks up everything you say.

16 Okay?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: No problem.

19 State, you ready to begin?

20 MR. SARABIA: Yes, Judge.

21 THE COURT: All right.

22 DIRECT EXAMINATION

23 BY MR. SARABIA:

24 Q Can you please turn and introduce yourself to
25 the jury?

1 A Will Adams.

2 Q Common spelling?

3 A I'm sorry.

4 Q Excuse me. Common spelling?

5 A Will. Last name --

6 Q Adams?

7 A -- Adams, A-D-A-M-S. Yeah. No problem.

8 Q Okay. And, Mr. Adams, how old are you?

9 A Forty-nine.

10 THE COURT: Mr. Adams, can you give me a favor
11 and pull the chair up just a little bit or the
12 microphone a little closer? Thanks. There you go.

13 BY MR. SARABIA:

14 Q So I'd like to take you back to February 9th of
15 2023. Where were you living at that period of time?

16 A Starkey Ranch on Barbour Trail.

17 Q And that's here in Pasco County?

18 A Yes, sir.

19 Q In relation to Michael and Amanda Krnjaich --
20 Krnjaich's house, where is your residence or where was
21 your residence at the time?

22 A Just a few houses down.

23 Q Same side of the street?

24 A Same side.

25 Q Opposite direction as Mr. Zweifel?

1 A Yes.

2 Q All right. Now, in February of 2023, was it
3 unusual for you to be outside in the front yard or in one
4 of your neighbors' front yards socializing?

5 A No.

6 Q So on February 9th of 2023, roughly 5:45 --
7 between 5:45 and 6 p.m., what were you doing?

8 A Standing in front of the Krnjaichs' home with a
9 couple of neighbors and their kids.

10 Q Okay. Do you remember all of the people that
11 were outside during the time period immediately before the
12 event were here to talk about occurred?

13 A Yes.

14 Q Could you list them for us?

15 A Mike and Amanda, their two sons; Dan Zweifel and
16 his daughter, at least one of them. I can't remember if
17 they were both of them out there, but his youngest
18 daughter Zailey was out there. And Sara Connolly.

19 Q Okay. And you referred to some children. As
20 far as the children are concerned, we're talking small,
21 small children?

22 A Yeah. Small children.

23 Q Okay. Nobody who would be able to come in and
24 talk about what they saw and that type of thing. Right?
25 No teenagers?

1 A No. No teenagers. All these kids were probably
2 six or under.

3 Q Okay. And was it unusual when the kids were out
4 during that time period, for Michael, or even other
5 neighbors, to place out these plastic temporary speed
6 bumps?

7 A Very common.

8 Q And had that happened on this particular
9 occasion?

10 A Yes.

11 Q Now, prior to this event, had you ever heard of
12 William Clifton?

13 A No.

14 Q Had you ever interacted with him before?

15 A No.

16 Q And ultimately, what we're going to talk about,
17 the person who pulled up, was that the first time, as far
18 as you know, that you've ever seen that individual in that
19 vehicle?

20 A Yes.

21 Q So I'm going to play the video for you in a
22 moment, and just make sure you can point out, so we all
23 know, which person you are. But can you describe for us,
24 was there an event that occurred that -- that drew your
25 attention and was unusual?

1 A Yeah. Just a car coming to an abrupt stop right
2 next to where we were standing.

3 Q Were you able -- do you have an opinion on how
4 fast that vehicle was going?

5 A Pretty fast. It -- that's why everybody puts
6 the speed bumps up, because it's pretty common for people
7 to be speeding down the road.

8 Q And do you know, is there a posted speed limit
9 on Barbour Trail?

10 A Yes, there is.

11 Q And do you know what that speed limit is?

12 A I believe it's 25.

13 Q And this vehicle, did it appear to be going more
14 than 25, in your opinion?

15 A Just -- I could go by the sound of the braking.
16 I wasn't paying attention to -- to the vehicle at all.
17 But when it came to an abrupt stop, that's what got my
18 attention. So --

19 Q Okay. So it came to an abrupt stop. At that
20 point you're paying attention. Can you tell us what
21 happens after that?

22 A Yeah. The driver got out of the car, went over
23 to the speed bumps on the opposite side of the road from
24 where we were standing. There were two sets of speed
25 bumps out, one on each direction. Like I said, the driver

1 got out, walked over to the speed bumps, threw it out of
2 the way, started mumbling, yelling something. I heard
3 Amanda say Mike's name, and then I heard Mike saying, hey,
4 buddy, calm down. You know, something to that effect.
5 And then that's when, you know --

6 Q Okay. And did Michael start walking towards
7 the -- the speed bumps in the middle of the road and the
8 individual?

9 A Yeah. Well, it seemed like he was walking --
10 yeah. He walked in that direction, yeah.

11 Q Okay. Up till this point, had you seen any
12 weapons out?

13 A No.

14 Q Did you have any weapons out in your hands?

15 A No.

16 Q Were you holding anything in your hands?

17 A An apple.

18 Q Okay. And how about Sara Connolly? Did she
19 have any weapons out?

20 A No.

21 Q Did Daniel Zweifel -- did he have any weapons?

22 A No.

23 Q And how about Michael Krnjaich? Did he have any
24 weapons in his hands?

25 A No.

1 Q Did anyone say anything hostile to the person
2 that got out of the vehicle?

3 A No.

4 Q Any -- any threats made to the person who got
5 out of the vehicle?

6 A No.

7 Q Now, as Michael Krnjaich was approaching or
8 heading towards the roadway, you indicated he was saying
9 things. Was he using a hostile tone of voice as he was
10 doing so?

11 A No.

12 Q Now, the individual -- as Michael was saying
13 those things, did the individual attempt to engage any of
14 you in conversation or acknowledge that he was being
15 spoken to by Michael?

16 MS. STEVENS: Objection. Leading.

17 THE COURT: Overruled.

18 THE WITNESS: I don't recall, but there's video
19 with audio that would refresh my memory, I'm sure.

20 BY MR. SARABIA:

21 Q Okay. And I guess what I'm getting at is the
22 individual didn't stop and turn and engage in any way, did
23 he?

24 A No.

25 Q So then you indicated he went out, he threw the

1 speed bump on the -- the far end of the street from where
2 you were. So did you see what happened next?

3 A Yeah. He went to go for the next speed bump,
4 and that's when Mike pushed him.

5 Q Okay. And say pushed. You didn't see Michael
6 punch him, did you?

7 A No.

8 Q Did he kick him?

9 A No.

10 Q But he pushed him away from the direction he was
11 heading in?

12 A Yes.

13 Q And once that happened, what did you see occur?

14 A Mr. Clifton, he, you know, re-got his footing
15 and then turned and drew a weapon.

16 Q Okay. When he drew the weapon, what was he
17 doing with it?

18 A Pointing it at Mike.

19 Q Okay. And again, just to be fair, like, so the
20 barrel is aimed in the direction or at Michael Krnjaich?

21 A Yes.

22 Q Now, where you were in relation to Michael
23 Krnjaich, was he in line where you were or was he off to
24 the side, or how would you describe that?

25 A If -- off to the side, down the road, you know,

1 20 feet.

2 Q Okay. So if -- if the defendant is pointing the
3 firearm in Michael Krnjaich, would that be a different
4 direction to where you were?

5 A Completely different direction, yes.

6 Q Okay. What did Michael do at that point? What
7 did you see him do?

8 A He turned and he ran.

9 Q And once he did that, can you describe what did
10 the defendant do? Was he still pointing firearm?

11 A Yes.

12 Q And can you describe where and the manner in
13 which he was pointing firearm?

14 A He just tracked Michael as he ran. He started
15 running down the road, and he kind of curved back towards
16 his house, and so Clifton just tracked him with the gun.

17 Q Okay. And at any point did he point the firearm
18 any -- in any other direction?

19 A Yeah. After Michael had kind of exited the
20 area, unfortunately, I was, like, the next person closest
21 to him, and so, you know, anybody who was standing behind
22 me or to the right of me got stuck with it. And at one
23 point he paused on me, was pointing the gun at me, and
24 that's when you'll hear the audio where I say, you know,
25 don't point that thing at me. And then I believe I said

1 something to the effect of I'm just standing here eating
2 an apple. And then shortly after that, he put his weapon
3 down.

4 Q Okay. I believe there's a point in the video
5 where we can see you kind of put your hands out. Why did
6 you do that?

7 A To show him that I wasn't a threat and that I --
8 you know, I was just standing there.

9 Q What was he doing at the point where you -- you
10 put your hands out?

11 A Holding his gun up and pointing it.

12 Q Okay. So once the gun comes out, where is your
13 focus?

14 A On the gun and where he's pointing it.

15 Q Okay. And do you have a clear memory of the
16 defendant pointing the firearm directly at you?

17 A Yes.

18 Q Is that something that you can easily forget?

19 A Nope. That's one of the highlights of this. Or
20 lowlights, I guess.

21 Q When he did that, were you afraid that you were
22 going to get shot?

23 A Yes. That's why I put my hands up and said, you
24 know, I'm not a threat. Not in those words. But, hey,
25 I'm just standing here. Don't point that thing at me.

1 Q And did you feel like you were being threatened?

2 A Yeah. Briefly.

3 Q Okay. And could you tell, was he -- did he
4 point the firearm at the other individuals that were in
5 your immediate vicinity as well?

6 A At that point, everybody was standing behind
7 where I was, so -- their exact positions I don't know.
8 We'd have to look at the tape and -- and figure that out.
9 But -- but I believe it was me, and then it was Dan, and
10 then I think Sara was standing right behind Dan.

11 Q Was your attention more focused on the firearm
12 or where the other people are?

13 A The firearm.

14 Q Okay. Follow -- roughly, if you recall, how
15 long does the defendant have the firearm out?

16 A It went really quick. The point where it slowed
17 down was when it was pointed at me, and he was pointing it
18 at me long enough for me -- for me to say, don't point
19 that thing at me, I'm just standing here eating an apple.

20 Q Okay.

21 A So long enough.

22 Q So after that point, what did the defendant do?
23 Did he stick around? Did he get in his vehicle? Or were
24 you paying that close attention to him?

25 A Even after watching the tape, I mean, I'm still

1 foggy on the details. Like I said, there's very specific
2 highlights. But to the best of my -- my memory right now
3 at the moment, he eventually put the gun down, and he
4 eventually got into his car, and he -- he was on his cell
5 phone, I believe, in his car, and then he drove away.

6 Q Okay. Now, the individual that you saw approach
7 the speed bumps, get pushed, pull out a firearm, point the
8 firearm at Mike Krnjaich, and point the firearm at you, do
9 you see him in the courtroom here today?

10 A Yes.

11 Q Can you please point him out and identify
12 something that he's wearing?

13 A Blue suit, blue tie, white shirt, glasses.

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

16 THE COURT: It will still reflect.

17 BY MR. SARABIA:

18 Q All right. Now, I'd like to draw your attention
19 the screen behind you, because I'm going to ask you --

20 THE COURT: Can we turn down the lights, please?

21 (The following is the transcription of the
22 recording as it was played in the courtroom and re-
23 recorded onto the system.)

24 (Indiscernible background conversation.)

25 (Recording stopped.)

1 BY MR. SARABIA:

2 Q I'm going to skip ahead a little bit. Well,
3 actually, right here. Can -- can you step down and just
4 point out which individual you are in the video?

5 A Blue shirt, tan shorts, flip-flops, by the tree.

6 Q And you have your -- I think that's left hand
7 down by your side. There's something in your left hand?

8 A That's the apple.

9 (The following is the transcription of the
10 recording as it was played in the courtroom and re-
11 recorded onto the system.)

12 (Indiscernible background conversation.)

13 MR. ZWEIFEL: All right. It should be opening.

14 (Indiscernible background conversation)

15 MS. KRNJAICH: Michael, Michael.

16 MR. KRNJAICH: Hey. Careful. Careful now.

17 MR. CLIFTON: That's illegal property.

18 MR. KRNJAICH: No, it's not.

19 MS. KRNJAICH: Mike. Mike. Mike.

20 (Indiscernible background conversation.)

21 MS. KRNJAICH: Get in the house.

22 (Indiscernible background conversation.)

23 MS. KRNJAICH: Get down. Get down.

24 (Recording stopped.)

25 BY MR. SARABIA:

1 Q All right. And real fast, I'm going to point
2 out one of the things you were talking about. At this
3 point right here:

4 (Recording started.)

5 (Indiscernible background conversation.)

6 (Recording stopped.)

7 BY MR. SARABIA:

8 Q Is that where you say don't point that at me,
9 approximately, and then follow up with, I'm just eating an
10 apple?

11 A Yes.

12 Q Are you -- you were able to hear okay from where
13 you are?

14 A Good enough.

15 Q Okay. During the entirety of this incident, did
16 you ever make any threatening movements or say anything
17 threatening to the defendant?

18 A No.

19 MR. SARABIA: All right, Judge. I don't have
20 any more questions for this witness.

21 THE COURT: All right.

22 Cross?

23 MS. STEVENS: Yes, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. STEVENS:

1 Q Good afternoon. We see you here pretty much in
2 the same spot the whole time. You're over there by the
3 tree. Correct? You're the first -- basically it's --
4 you're the first person -- after Michael's out of the
5 street, you're the first person to -- there's nobody
6 between you and Mr. Clifton. Correct?

7 A Correct.

8 Q During the event, you had a clear view of
9 Mr. Clifton as he interacted -- or Michael interacted with
10 him? As the interaction was going on, did you have a
11 clear view?

12 A Yes.

13 Q Could you -- could you see -- were you able to
14 see clearly Mr. Clifton's hands?

15 A Yes.

16 Q At any point in time, did you see him raise his
17 hands towards Michael?

18 A Just when he was pulling out his gun.

19 Q Prior to that -- prior to Michael putting his
20 hands on Mr. Clifton, had Mr. Clifton raised his hands in
21 violence towards Michael?

22 A I don't think so, but we could replay it.

23 Q And as you sit here, and based on what you've
24 seen today, is there anything that comes to mind that
25 would say -- would -- would you believe that he raised his

1 hands in violence to Michael?

2 A When he pulled the gun out. I would say that
3 was an act of violence.

4 Q Prior to having Michael's hands on his body,
5 would you agree that he had never raised his hands in
6 violence to Michael?

7 A Yes.

8 Q Would you also agree that at no time did
9 Mr. Clifton put his hands on Michael?

10 Q Yes.

11 Q Would you agree that Michael is only person who
12 acted with physical violence that day?

13 A It depends on how you define that.

14 Q Physical touch. Putting your hands on another
15 person.

16 A Yeah. Michael is the only person who touched
17 anyone that day, yes.

18 Q When Mr. Clifton got out of the vehicle, the --
19 the car -- the side of the car that you were on is the
20 passenger side. Correct?

21 A Yes.

22 Q And Mr. Clifton gets out of the car on the
23 driver's side.

24 A Yes.

25 Q He approaches the speed bump from the driver's

1 side to the speed bump on the left side of the road.

2 A Yes.

3 Q That is the speed bump that he moves first.

4 Correct?

5 A Yes.

6 Q At that time, as he's moving to the speed bump,
7 he is not making any threats to you at that time.

8 A Correct.

9 Q And as he is moving forward to the speed bumps,
10 he is not making any threats to Michael.

11 A Okay.

12 Q Is that correct?

13 A Yeah.

14 Q As he moves up to the speed bumps, he is focused
15 on the speed bumps. Correct?

16 A Yes.

17 Q Okay. Then he moves the speed bump. Correct?

18 A Yes.

19 Q Has a few steps in the other direction?

20 A Yes.

21 Q And then Michael -- that's when Michael comes up
22 to him, after the speed bump's already been moved.

23 A Yes.

24 Q After Mr. Clifton is moving in the other
25 direction.

1 A You mean towards Michael and where the other
2 speed bump is? Then, yes.

3 Q But the -- the takeaway from that is he is not
4 touching anything else at this point. Mr. Clifton is not
5 touching anything else at that point.

6 A I agree.

7 Q Mr. Clifton is not bent down to pick up the
8 second speed bump.

9 A I agree.

10 Q And Mr. Clifton has not expressed that he is
11 going to touch the other speed bump. Correct?

12 A Not to my knowledge.

13 Q But even though Clifton has -- has let go of the
14 first speed bump, he has not said he's going to harm any
15 other speed bumps, he has not threatened Michael, he has
16 not threatened you or anybody else on the side of the
17 road, Michael puts his hands on him and pushes him.
18 Correct?

19 MR. SARABIA: Objection. Compound question.

20 THE COURT: Sustained.

21 If you want to rephrase, that's fine.

22 BY MS. STEVENS:

23 Q So at that point in time, we've agreed that
24 Mr. Clifton was not touching any speed bumps. Correct?

25 MR. SARABIA: Objection. Asked and answered.

1 THE COURT: Sustained.

2 BY MS. STEVENS:

3 Q The time -- there was a lapse in time between
4 any contact with speed bumps and when Michael decided to
5 push Mr. Clifton. That is correct. Would you agree?

6 A I -- I just want to clarify. I think what
7 you're asking me is that from the time that the first
8 speed bump was thrown to the time that Mike pushed
9 Mr. Clifton, was he touching anything else?

10 Q Correct.

11 A Okay. The answer to that is no. He wasn't
12 touching anything else.

13 Q And when Michael pushed him, this was not a
14 light push. Correct?

15 A What do you mean by light?

16 Q When a man pushes another man, there is a
17 difference between if it is a light push where it's a --
18 something that causes minimal contact and minimal force,
19 or was this a heavy push with a lot of force?

20 A Well, he didn't fall down. So I'm going to say
21 that for Mike it was probably a very light push.

22 Q For Mike it was a very light push. Does that
23 mean that Mike has the capacity to push harder?

24 A I'm -- I'm sure, yes.

25 Q And you said that you're -- if I'm -- if I'm

1 understanding that's correct, you are classifying this as
2 a light -- for Michael, this is a light push because
3 Mr. Clifton did not fall. Correct?

4 A Yes.

5 Q Would you agree that falling -- just because he
6 didn't fall does not mean that -- let me rephrase that
7 because that might be confusing. The point of the matter
8 is that when Michael pushed Mr. Clifton, there was force
9 to that. Correct?

10 A Yes.

11 Q Mr. Clifton's body moved as a result of that
12 push. Correct?

13 A Yes.

14 Q And I understand that everything's on the video,
15 but getting it from somebody who saw it personally is very
16 helpful for us here today, and I appreciate that you're
17 able to walk through me -- through this with me. The idea
18 that the push caused Mr. Clifton to -- to move, that force
19 caused him to move to a point where at one point
20 Mr. Clifton's back was to Michael. Is that correct?

21 A Yeah. I think so. I think he made a full --
22 almost a full turn, yeah.

23 MS. STEVENS: Thank you. No further questions.

24 THE COURT: State?

25 MR. SARABIA: No questions.

1 THE COURT: All right.

2 Sir, you may step down. I'll just remind you,
3 you remain under subpoena, but do not discuss your
4 testimony with anyone else. But you're able to step
5 down. You're done for now. Okay?

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

7 THE COURT: Thank you, sir.

8 (The proceedings continue in Volume IV.)
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COUNTY OF PINELLAS

I, Mary Ann Burke, a digital court transcriber for the Sixth Judicial Circuit, do hereby certify that I was authorized to and did transcribe the foregoing proceedings and that the transcript is a true and correct record of said proceedings.

DATED this 10th day of February, 2026.

Mary Ann Burke

Mary Ann Burke, CET-1292
Digital Court Transcriber
Sixth Judicial Circuit