

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 IV

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

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

3 MR. MOELLER: Yes. The State calls Sara  
4 Connolly.

5 THE COURT: Sara Connolly.

6 Good afternoon, Ms. Connolly. If you want to  
7 come to the podium where the microphone is for me.  
8 You want to stop right there, raise your right hand,  
9 and be sworn by my clerk.

10 SARA CONNOLLY

11 being called as a witness, and having first been duly  
12 sworn, testified as follows:

13 THE WITNESS: I do.

14 THE COURT: Thank you. All right, you may have  
15 a seat in the witness stand. We don't have a court  
16 reporter, so I just need to make sure that you speak  
17 in a loud and clear voice for me. Okay?

18 THE WITNESS: Okay.

19 THE COURT: Thank you. Use the outdoor voice a  
20 little, or the mom voice. Either one's good.

21 THE WITNESS: Right.

22 THE COURT: All right. Go ahead.

23 DIRECT EXAMINATION

24 BY MR. MOELLER:

25 Q So, Ms. Connolly, please introduce yourself to

1 the jury by stating your name and spelling your last.

2 A Sara Connolly, C-O-N-N-O-L-L-Y.

3 Q Now, back on February 9, 2023, where do you  
4 live?

5 A Barbour Trail.

6 Q Do you know the street number?

7 A 3285 Barbour Trail in Odessa.

8 Q Is that in Starkey Ranch?

9 A It is.

10 Q When did you move to that address?

11 A September of 2016.

12 Q So on February 9th, 2023, did you know a Michael  
13 and Amanda Krnjaich?

14 A Yes.

15 Q Where was your house in relation to theirs?

16 A Across the street.

17 Q Is it directly across the street from where they  
18 lived?

19 A Yes.

20 Q So I want to bring your attention to around 5:45  
21 that afternoon, roughly. Just before six o'clock. What  
22 were you doing at that time?

23 A Standing on the -- at their house in the front  
24 yard, talking.

25 Q Did you call --

1           A     Oh, I'm sorry.  Mike and Amanda's front yard,  
2 talking to them.

3           Q     Were -- were they both out there at that time?

4           A     They were.  The kids, Will, and Dan were out  
5 there as well.

6           Q     Will Adams and Daniel Zweifel?

7           A     Zweifel, yes.

8           Q     Zweifel?  Do you recall what the conversation  
9 was about, just generally?

10          A     I was talking to Amanda and the boys about  
11 Disney.

12          Q     While you were talking about Disney, had -- had  
13 you just gone to a trip or had they?

14          A     They had just -- the boys had just gotten back  
15 from their first time at Disney the day before.

16          Q     Are you talking about the -- your children or  
17 the children of Michael and Amanda?

18          A     Mike and Amanda's children.

19          Q     So how long have you known Michael and Amanda?

20          A     Since they moved in.  I'm not sure -- I don't  
21 know the exact year.  I don't know exactly when they moved  
22 in, but it had been a couple of years at least.

23          Q     So at some point, when you're talking with them  
24 about the trip to Disneyland, did something catch your  
25 attention?

1 A Yeah. A car stopped.

2 Q And did you see the vehicle coming down the road  
3 or was it the car stopping that caught your attention?

4 A It was -- it was when the car stopped that it  
5 got my attention.

6 Q Now, was there -- was there anything on the road  
7 in front of the car when it stopped?

8 A There were speed bumps.

9 Q Do you know who placed the speed bumps there?

10 A Mike.

11 Q Can you describe for the jury, if you know,  
12 about how tall you would say those are?

13 A An inch, maybe two.

14 Q And do you know why -- why those speed bumps  
15 were placed in the road?

16 A People drive very fast on that road, so a few of  
17 the neighbors have gotten the speed bumps and place them  
18 in front of the houses when kids are playing outside.

19 Q In your opinion, is speeding problem on Barbour?

20 A Very much so.

21 Q So when this vehicle stopped, did anybody exit  
22 the vehicle?

23 A Yes.

24 Q How many people?

25 A Just one.

1 Q And did you hear this person say anything as  
2 they exited the vehicle?

3 A Yes. They were talking. Ranting. They were  
4 talking loudly about the speed bumps.

5 Q Do you know, was there any foul language or any  
6 curse words thrown in that you could hear?

7 A Yes, there was.

8 Q And when they are -- this person's talking  
9 loudly, are you able to tell where their -- where their  
10 attention is? Where they're looking.

11 A The speed bumps.

12 Q And what do you see this person do?

13 A They walked across the street and picked up the  
14 furthest speed bump from them and threw it to the side.

15 Q And did -- did Mike Krnjaich try to intervene in  
16 any way?

17 A Mike tried to stop him from touching the speed  
18 bumps.

19 Q And how -- how did he try to stop him? Did he  
20 try to stop him from touching the speed bump the first  
21 time physically or just -- just by trying to talk to him?

22 A By talking to him.

23 Q And was that effective?

24 A No.

25 Q And when Mr. -- when he was talking with -- with

1 the person that got out of the car, what tone of voice  
2 was -- was he using?

3 A I'm trying to think of the word.

4 Q Was it -- was it an angry tone? Was it a calm  
5 tone? Was it an annoyed tone?

6 A It wasn't angry. It was kind of annoyed. What  
7 are you doing?

8 Q And did -- did the person who got out of the car  
9 respond to -- to Mr. Krnjaich at all?

10 A Not -- not that I heard, no.

11 Q And so what did this person then do to one of  
12 the speed bumps?

13 A I'm sorry?

14 Q What did this person do to one of the speed  
15 bumps then?

16 A He picked it up and threw it to the side.

17 Q And how Mr. Krnjaich respond?

18 A He pushed him.

19 Q Now, at the point where Mr. Krnjaich pushed this  
20 person, what was the person doing after he threw the first  
21 speed bump? Where did he go? Where did he step far as --  
22 as far as what you could see?

23 A Before or after?

24 Q After he threw that first speed bump.

25 A As far as I -- he was standing there, I guess.

1 It happened very fast.

2 Q And after Mr. Krnjaich pushed this person, what  
3 did you see after that?

4 A He backed up into my driveway, and he pulled a  
5 gun.

6 Q And who did he point the gun at?

7 A First Mike, and then the rest of us that were  
8 standing there.

9 Q Now, up to this point, had you seen Mr. Krnjaich  
10 pull out any weapons or display any weapons? Anything  
11 that could be used as a weapon, including nonconventional  
12 weapons like beer bottles, you know, tire rods, things  
13 along those lines that might have a dual purpose.

14 A No.

15 Q And when this happened, where were you?

16 A I was in -- on the sidewalk across the street.

17 Q That was with Mr. Adams and Mr. Zweifel?

18 A Yes.

19 Q Did you or them also display or have any weapons  
20 on you or anything that could be used as a weapon?

21 A No.

22 Q And did you hear anybody threaten verbally the  
23 man that got out of the car, either up to the point when  
24 he arrived to when he drew his firearm?

25 A No.

1 Q Now, I'm going to publish what's been admitted  
2 as State's 1, one of the two videos on, and I'm going to  
3 ask you, once it starts playing, the Judge will allow you  
4 to step down and point to yourself on the screen, it's a  
5 little bit high, as best you can, as to where you are on  
6 the video?

7 THE COURT: Can we turn down the lights a  
8 little?

9 THE WITNESS: I am --

10 BY MR. MOELLER:

11 Q And we're going to start from the beginning.  
12 I'm sorry.

13 A Oh, I'm sorry.

14 Q It's -- it's kind of stuck in the middle right  
15 now, so we're going to back it up.

16 THE COURT: There we go.

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 (Indiscernible background conversation.)

21 (Recording stopped.)

22 BY MR. MOELLER:

23 Q Right now you're not on -- are you on the screen  
24 right now?

25 A I am not.

1 I'm just walking on the screen right now in the  
2 blue top and the black pants.

3 Q Walking down the sidewalk?

4 A Yep.

5 (Recording started.)

6 MR. ZWEIFEL: All right. It should be opening.

7 (Indiscernible background conversation.)

8 (Recording started.)

9 BY MR. MOELLER:

10 Q Is this just a chitchat you were describing  
11 about Disney and the kids were playing?

12 A Yes.

13 (Recording started.)

14 (Indiscernible background conversation.)

15 (Recording stopped.)

16 BY MR. MOELLER:

17 Q You can -- you can take a seat if you want to.  
18 Unless you want to stand and watch it. Whatever is  
19 comfortable.

20 Is this the car that you -- we were talking  
21 about?

22 A Yes.

23 (Recording started.)

24 MS. KRNJAICH: Michael, Michael.

25 MR. KRNJAICH: Hey. Careful. Careful now.

1           What are you doing?

2           MR. CLIFTON: That's illegal property.

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

4           MS. KRNJAICH: Mike. Mike. Mike.

5           (Recording stopped.)

6 BY MR. MOELLER:

7           Q     So I'm going to pause it right here for a  
8 moment. At this point, what had just happened?

9           A     He had just pulled a gun.

10          Q     And where's the gun at this point, if you  
11 recall, pointed at?

12          A     At -- at this point, it was probably pointed  
13 towards the group of people right there.

14          Q     And the group of people you're talking about,  
15 the group that you're with behind the tree?

16          A     Yes.

17          Q     So -- so why -- why are you taking cover, then,  
18 behind, it looks like, the tree and the -- the other two  
19 individuals?

20          A     Well, I was -- I was kind of take -- going  
21 behind Dan to -- to be protected because he was -- a gun  
22 was pointed at me.

23                 MR. MOELLER: And if we could resume the rest of  
24 the video, please?

25                 (Recording started.)

1 (Indiscernible background conversation.)

2 (Recording stopped.)

3 BY MR. MOELLER:

4 Q At this point, the gun's being pointed at you?

5 A Yes.

6 (Recording started.)

7 (Indiscernible background conversation.)

8 MS. KRNJAICH: Get in the house.

9 (Indiscernible background conversation.)

10 MS. KRNJAICH: Get down. Get down.

11 (Recording stopped.)

12 BY MR. MOELLER:

13 Q So when the gun was being pointed at you, just  
14 to make it clear, are you saying that the -- the barrel of  
15 gun, the part the bullets come out, was actually being  
16 pointed at your direction -- at you?

17 A Yes.

18 Q Did you feel threatened?

19 A Yes.

20 Q Were you afraid that you were quite possibly  
21 going to be shot?

22 A Yes.

23 Q So throughout this whole incident that we just  
24 played, at any point had you or anybody other than the  
25 defendant displayed any weapons or anything that can be

1 used as a weapon?

2 A No.

3 Q If you or -- did you hear any -- any verbal  
4 threats toward the defendant from -- from you or anybody  
5 that was present? Any threats? I'm going to -- you know,  
6 I'm going to hit you, I'm going to beat you.

7 A No.

8 Q And you said your home -- I probably should have  
9 asked this when then video was playing, but you said your  
10 home is directly across the street. So was that -- if we  
11 need to put it back up, let me know -- was that driveway  
12 we see across the street, was that the driveway to your  
13 house?

14 A Yes. He stepped back onto my driveway.

15 Q And did you have any video surveillance at your  
16 home?

17 A No. We had videos that they didn't record.

18 Q You checked and they weren't recording, or did  
19 you just know they weren't recording?

20 A No. We didn't -- we -- it was after we checked  
21 to see if we had, and realized that they weren't  
22 recording.

23 Q And do you see the man in court here today that  
24 pointed the gun at you, that caused you to feel threatened  
25 and be in fear of being shot?

1 A Yes.

2 Q If so, please describe a physical characteristic  
3 and an article of clothing. You can also point to him if  
4 you see them in the courtroom.

5 A The man in the blue suit with glasses.

6 MR. MOELLER: Your Honor, may the record please  
7 reflect that Ms. Connolly has described the defendant  
8 here in court.

9 THE COURT: It will so reflect.

10 MR. MOELLER: And one moment, please, Your  
11 Honor.

12 (Attorneys confer.)

13 MR. MOELLER: No further questions. I tender  
14 the witness.

15 THE COURT: Okay.

16 Cross?

17 CROSS-EXAMINATION

18 BY MS. STEVENS:

19 Q Good afternoon.

20 A Hi.

21 MS. STEVENS: If you could take it to 5:49:59,  
22 please.

23 BY MS. STEVENS:

24 Q And this is -- Ms. Connolly, this is the moment  
25 that you indicated when the gun was on you. Correct?

1 It -- this is the number -- the timestamp that I took down  
2 when you answered that question. Would you agree?

3 A Probably. That's when I said -- yes.

4 Q Okay. And so here, with the gun is on you, can  
5 you see Michael in this frame?

6 A Yeah. He's running toward the driveway.

7 Q Would you -- would you mind showing the jury  
8 where Michael is standing, please?

9 A That's Mike.

10 A And would you agree that, as we play that more,  
11 he's going to come up into the grass area further back  
12 behind you guys. Correct?

13 A Yes.

14 MS. STEVENS: Okay. And if -- we'll play the  
15 video, please.

16 (The following is the transcription of the  
17 recording as it was played in the courtroom and re-  
18 recorded onto the system.)

19 (Indiscernible background conversation.)

20 (Recording stopped.)

21 MS. STEVENS: And pause -- that's good.

22 BY MS. STEVENS:

23 Q And you said it was still on you at this point.  
24 Is that correct?

25 A I -- I don't think so.

1 Q By this time the gun was not pointed at you?

2 A Correct.

3 Q And that's why you have your back to  
4 Mr. Clifton. Correct?

5 A Yes.

6 Q No more -- threat was over.

7 A I was potentially -- I was worried about the  
8 kids.

9 Q But at this point in time, you were not -- as  
10 you've already testified, there was no gun pointed at you  
11 at this point in time.

12 A Not directly at me.

13 Q You said that the type of -- Mike said something  
14 to this man as he was approaching the speed bumps.  
15 Correct?

16 A Yes.

17 Q And you said that -- the phrase you used was  
18 Michael was -- started annoyed?

19 A Yeah.

20 Q And he was annoyed at the gentleman going after  
21 the speed bumps.

22 A Correct.

23 Q These speed bumps, they -- you described them as  
24 being about two inches high. They, however, spanned --  
25 there are two speed bumps, but when they go end to end,

1 they go all the way across the road. Correct?

2 A Correct.

3 Q These speed bumps do not allow cars to go around  
4 them. They must go over them. Correct?

5 A Technically, no. They could go -- one tire  
6 could go around it.

7 Q So these -- these seat bumps going fully across  
8 the road, like you just said --

9 A Yes.

10 Q -- and that we've seen on the video, you think a  
11 car would not have to go over them to pass in front of  
12 Michael's house?

13 A One tire -- one -- the tire -- two tires on one  
14 side wouldn't have to go over.

15 Q But the vehicle has to pass over the speed  
16 bumps.

17 A Yes, yes.

18 Q There's no way to go around them without having  
19 to travel over speed bumps.

20 A Correct.

21 Q So everybody who passed in front of, at this  
22 time, your house and Michael's house, must go over the  
23 speed bumps.

24 A Correct.

25 Q This includes people that were speeding.

1 A Correct.

2 Q This includes people that were going the speed  
3 limit.

4 A Yes.

5 Q This includes people that just wanted to be out  
6 for the day.

7 A Yes.

8 Q So did you also have speed bumps on -- that you  
9 put out too?

10 A No.

11 Q Were you -- did you have a clear view of Michael  
12 pushing Mr. Clifton?

13 A I -- I believe so, yes. Yes, I did.

14 Q When you watched Michael push Mr. Clifton,  
15 Mr. Clifton was pushed away from Michael. Correct?

16 A Yes.

17 Q The -- the push was so much so that Mr. Clifton  
18 moved several feet back.

19 A He stepped backwards a couple of times.

20 Q And ultimately ended up in your driveway?

21 A Yes.

22 Q It's fair to say that the encounter happened  
23 where the speed bumps are.

24 A Yes.

25 Q So where the speed bumps are, followed by the

1 push. Correct?

2 A If that's -- I mean, that's what it showed, yes.

3 Q Is that what you remember?

4 A Yeah. I mean -- yes.

5 Q So speed bumps, pushed by Michael, Mr. Clifton  
6 moves because of the push. Correct?

7 A Yes.

8 Q Mr. Clifton moves because of the push and ends  
9 up in your driveway.

10 A He backs up into our driveway, yes.

11 Q He backs up into your driveway. You make it  
12 sound as though he did that voluntarily.

13 A I can't say that he would have made it into my  
14 driveway from the push. He would -- ended up in my  
15 driveway.

16 Q You -- it's your testimony here today that you  
17 don't believe that the push was enough force to meet your  
18 driveway?

19 A I don't know.

20 Q At any point in time was -- did you see  
21 Mr. Clifton's back to Michael?

22 A Not that I remember.

23 Q How far was -- how far is your driveway from the  
24 speed bumps? Do you know?

25 A I don't.

1 Q Is it one foot? Two feet? Could you give an  
2 estimate?

3 A Two feet? I don't know. I'm not good at -- I'm  
4 not good at measurements.

5 Q If you could just -- to verify, Mr. Clifton is  
6 behind the tree kind of ahead of Will Adams. Would you  
7 agree with that?

8 A Yes.

9 Q That is your driveway he's standing in?

10 A Correct.

11 Q Your driveway, that's the farthest point from  
12 that area is -- would be considered the furthest point  
13 from those speed bumps? Would you also agree with that?

14 A That he was in?

15 Q Yes.

16 A Yeah.

17 Q And how many cars fit in your driveway if we  
18 were to put two side by side?

19 A Three.

20 Q So three cars fit in the driveway, and  
21 Mr. Clifton, you've already established, is sitting in the  
22 driveway. So -- and that's two feet. You're still in --  
23 that's -- do you -- would you like to change that?

24 A You -- you didn't -- you didn't ask where he  
25 was. You asked how far my -- my driveway is from the

1 speed bumps. My driveway starts about two feet from  
2 there.

3 Q Okay. Fair enough. Would you say that  
4 Mr. Clifton is further away than that two-foot range?

5 A Yes.

6 Q Would you say he's further away than ten feet or  
7 less?

8 A Honestly, I have no idea.

9 Q Okay. All right. Did you see Mr. Clifton ever  
10 put his hands on Michael?

11 A No.

12 Q Did you hear Mr. Clifton ever threaten Michael  
13 with words?

14 A He was yelling. Not --

15 Q Did you ever hear him threaten Michael?

16 A Not that I remember.

17 Q Okay. Did you ever see him -- see Mr. Clifton  
18 raise his hands -- other than pulling out his weapon, did  
19 you ever see Mr. Clifton raise his hands to Michael?

20 A I -- I don't recall.

21 Q Did you ever see anybody other than Michael put  
22 their hands on another person during this incident?

23 A No.

24 Q Michael is the only person who came into  
25 physical contact with anybody?

1 A At that point, yes.

2 Q Is there another time during this incident that  
3 somebody put their hands on somebody else?

4 A I mean, when Amanda picked up her kids.

5 Q Fair enough. But in anger --

6 A No.

7 Q -- there was nobody who put hands on another  
8 individual?

9 A No.

10 Q And based on your observation, would you agree  
11 that all of this came about related to these speed bumps?

12 A I --

13 MR. MOELLER: Objection. Calls for speculation  
14 as to why this all occurred.

15 THE COURT: Sustained.

16 BY MS. STEVENS:

17 A After -- after this portion and as time goes  
18 through this video, at some point you end up inside  
19 Amanda's house. Correct?

20 A Yes.

21 Q Are you -- when you go into Amanda's house, did  
22 you and Amanda talk about what happened?

23 A Amanda was crying. The boys were crying. I  
24 asked if they were okay.

25 Q And then did you guys talk about what happened?

1 A Not really.

2 A You did not have -- and so your testimony here  
3 today is that you had no conversations about what happened  
4 outside?

5 A It was probably, oh, my gosh, I can't believe  
6 that just happened.

7 MS. STEVENS: Okay. Thank you.

8 No further questions.

9 THE COURT: Any redirect?

10 MR. MOELLER: No, Your Honor.

11 THE COURT: All right. Ma'am, you may step  
12 down. You remain under oath, so don't discuss your  
13 testimony with anyone else, but you may step outside.

14 State call your next witness.

15 MR. SARABIA: The State calls Michael Krnjaich.

16 THE COURT: All right. Michael Krnjaich.

17 Good afternoon, sir. If you can step to the  
18 podium where the microphone is for me. If you want  
19 to stop right there, raise your right hand, and be  
20 sworn by my clerk.

21 MICHAEL KRNJAICH

22 being called as a witness, and having first been duly  
23 sworn, testified as follows:

24 THE WITNESS: I do.

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

1 the witness stand. Speak in a loud and clear voice  
2 for you. We don't have a court reporter, so we just  
3 need to make sure the microphones pick up all your  
4 testimony. Okay?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: All right. State, you may proceed.

7 MR. SARABIA: Thank you, Judge.

8 DIRECT EXAMINATION

9 BY MR. SARABIA:

10 Q Could you please turn and introduce yourself to  
11 the jury?

12 A Hello. My name is Michael Andrew Krnjaich.

13 Q And could you please spell your last name for  
14 the microphone.

15 A Sorry. It's kind of hard. K-R-N-J-A-I-C-H.

16 Q And, Mr. Krnjaich, how old are you?

17 A I am 46 years old.

18 Q And back on February 9th of 2023, where did you  
19 live?

20 A At 3290 Barbour Trail in Odessa, Florida.

21 Q And what county is that in?

22 A Pasco County.

23 Q What subdivision is that in?

24 A Starkey Ranch subdivision.

25 Q Are you married?

1 A I am.

2 Q What's your wife's name?

3 A Amanda Krnjaich.

4 Q Now, Barbour Trail, back in February 2023, was  
5 there a posted speed limit?

6 A There was.

7 Q And what was the posted speed limit?

8 A Twenty-five miles an hour.

9 Q Now, over the course of you living on that  
10 street, did you have young kids that liked to play out in  
11 the front yard?

12 A Yes.

13 Q And by February 9th of 2023, how old were they?

14 A They were two and four years old.

15 Q So two and four years old. Walking?

16 A Yes.

17 Q And able to move around by themselves?

18 A Yes.

19 Q Particularly with a four-year-old, can you  
20 always predict exactly where a four-year-old is going to  
21 run to or be?

22 A You have to keep your eye on them at all times.

23 Q Okay. As a parent, is there a concern sometimes  
24 that a four-year-old or even a two-year-old might dart in  
25 the direction of the road or close to the road?

1 A Absolutely. It's one of our biggest fears.

2 Q Okay. Do the kids also have, like, little toys  
3 and things, like -- like scooters or pretend cars?

4 A They have little things that they ride, little  
5 Hot Wheels, and play with balls, you know, toys that they  
6 play out with in the yard.

7 Q And over time, and we've heard a lot of  
8 testimony about it, but do people tend to travel a little  
9 fast on that road? Faster than 25 miles per hour?

10 A Unfortunately, yes, and more often than not.

11 Q And was that a concern for you, given that you  
12 wanted to make use of your front yard with your two  
13 children?

14 A Absolutely.

15 Q So I don't want you to tell me anything anybody  
16 said, but did you explore the possibility of buying these  
17 plastic speed bumps?

18 A Yes.

19 Q Before you did that, did you try and contact law  
20 enforcement to determine the legality?

21 A Yes.

22 MS. STEVENS: Objection.

23 THE COURT: What's the basis of your objection?

24 MS. STEVENS: May we approach?

25 THE COURT: Sure.

1 (Begin sidebar.)

2 MS. STEVENS: He's -- I think my objection was  
3 premature, and I apologize. I didn't (Indiscernible)  
4 say that, but I do apologize -- and I think --

5 THE COURT: I assume --

6 MS. STEVENS: -- it's about --

7 THE COURT: -- he's just going to ask if he  
8 contacted them, if he had any problems. No. He's  
9 not going to go into what anybody said or what  
10 anybody did.

11 MS. STEVENS: I'm sorry. As I processed it  
12 coming up -- I do apologize if --

13 THE COURT: That's okay. That's why I was  
14 trying to see if you were going to stay hearsay, and  
15 then I'm like, ah, we haven't gotten there. So no  
16 problem.

17 MS. STEVENS: Sorry.

18 (End sidebar.)

19 THE COURT: So you withdraw the objection at  
20 this time?

21 MS. STEVENS: Yes, Your Honor.

22 THE COURT: Okay.

23 BY MR. SARABIA:

24 Q Based on the conversations that you had, do you  
25 decide to purchase the speed bumps and utilize them?

1 A Yes.

2 Q So on February 9, 2023, while the kids were out,  
3 did you place the speed bumps?

4 A Yes.

5 Q And were these things even left out  
6 indefinitely, all day long, all night long?

7 A No. They were -- they were portable so we  
8 just -- when we go outside with the kids, we put them out,  
9 and then when we'd come in, we would roll them up and put  
10 them inside.

11 Q Now, is -- is the purpose of the speed bumps --  
12 I noticed -- and I have one of the videos kind of  
13 displayed up there -- there's some things on the side of  
14 the speed bumps too. What are those?

15 A They're just signs making people aware that  
16 there are children in the area playing.

17 Q Is the purpose of this stuff to try and draw  
18 attention to that?

19 A It's to slow people down, you know, if  
20 they're -- if they're speeding. Just to make people aware  
21 that there are kids in that area playing and that could  
22 possibly go into the road.

23 Q All right. Now, I'm using the video, I think  
24 it's called car video on -- on the CD, and it -- it's  
25 paused right at the beginning. Do you see yourself on

1 this video? Do you know where you are? Just --

2 A I do, yes.

3 Q Can you please point yourself out for us?

4 THE COURT: Can we turn down the lights just a  
5 little?

6 MR. SARABIA: And if he can step down and  
7 actually --

8 THE COURT: Yeah. You can step up. Just keep  
9 your voice up. Be careful.

10 THE WITNESS: Sorry.

11 THE COURT: It's okay. You're the first one to  
12 fall, but I thought it would happened more. Go  
13 ahead.

14 BY MR. SARABIA:

15 Q Okay. What are you doing at that point?

16 A My two-year-old was over on the other side, and  
17 he's in the red shirt right above me, so he was kind of  
18 off on his own, so I wanted to be over there so I could  
19 stay in front of him so he wouldn't wander out in the  
20 road. So I was over by him.

21 A All right. And your hand is up by your ear.

22 A I was on -- I was on my phone at the time.

23 Q Okay. Now, I'm going to play this in a moment,  
24 but I want to go through it with you a little bit. As  
25 this develops, did something come to your attention at

1 about this point or was brought your attention?

2 A I just noticed a vehicle coming down the road,  
3 in my opinion, at a excessive rate of speed.

4 Q All right. Did it appear the vehicle was going  
5 more than 25 miles per hour?

6 A Yes.

7 Q Was anybody trying to draw your attention to the  
8 situation as well?

9 A The other individuals who were outside had  
10 noticed it, but I had noticed it myself.

11 Q Okay. And so what do you observe occur once  
12 this vehicle drives up and stops?

13 A It came down the road, you can, you know, hear  
14 the engine going at, in my opinion, an excessive rate of  
15 speed, and he comes to an -- an aggressive stop, I'm  
16 assuming right there about, my estimation, between 30 or  
17 so feet from the speed humps.

18 Q Now, let me ask you about the speed bumps for a  
19 moment. How high off the ground are they?

20 A About an inch and a half.

21 Q Do they -- if you're going 25 miles per hour, do  
22 you even have to slow down, really, to go over them?

23 A No. You can go right over them. They're --  
24 they're just a traffic calming mechanism.

25 Q Do they prevent you from traveling down the

1 road?

2 A Absolutely not.

3 Q Now, this car stops. Correct?

4 A Correct.

5 Q When the car stopped, did it prevent vehicles  
6 from going down the road?

7 A Yes.

8 Q In fact, while this is going on, were there  
9 multiple vehicles that came up behind the vehicle and  
10 could not pass?

11 A There were.

12 Q Which was more obstructive? The speed bumps or  
13 the vehicle that stopped in the middle of the road?

14 MS. STEVENS: Objection. Relevance.

15 THE COURT: Calls for speculation. Sustained.

16 MR. SARABIA: Okay.

17 BY MR. SARABIA:

18 Q So as the vehicle stops, what did you see  
19 happen?

20 A I saw the -- the door come open and a gentleman  
21 get out and start aggressively moving towards the speed  
22 bumps, screaming or yelling or -- yelling obscenities at  
23 us. Something along the lines of these F-ing speed bumps,  
24 these are F-ing illegal, that sort of thing.

25 Q Okay. Now, as -- as those things are being

1 said, was the person specifically engaging with you or any  
2 of the other individuals outside and speaking to you, or  
3 was he kind of heading off in a direction into itself?

4 A In -- in what -- what do you mean into himself?  
5 He was -- he was yelling at us. Not any individual  
6 directly, but he was yelling at us, screaming.

7 Q Okay. Was -- was he facing you?

8 A He was walking towards the speed bumps. So I --  
9 I don't know.

10 Q Okay.

11 A I guess he's facing my direction.

12 Q Once you see that happen, what do you start to  
13 do? What's your concern?

14 A I just tell them -- I just told him that they're  
15 not illegal and don't touch my property, just stay away  
16 from my, you know, speed bumps. Not -- they're not yours.  
17 Don't touch my property.

18 Q Now, did you use aggressive language?

19 A No.

20 Q And I think you said something to the effect of,  
21 like, hey, buddy, hey buddy.

22 A Yeah.

23 Q Were you cursing at the individual?

24 A No.

25 Q Were you trying to get his attention to at least

1 engage you or acknowledge you?

2 MS. STEVENS: Objection. Leading.

3 THE COURT: Overruled.

4 Go ahead.

5 THE WITNESS: I was. I was trying to get his  
6 attention so that he would stop moving forward  
7 towards the speed bumps.

8 BY MR. SARABIA:

9 Q And did he do that? Did he -- did he ever stop  
10 and acknowledge you or stop and begin to engage in a  
11 conversation?

12 A Never.

13 Q Now, as that's happening, where do you go? What  
14 do you do?

15 A So as he approached the speed bumps, as he got  
16 to the first one and reached down, you can see I start  
17 walking into the street telling him to -- don't touch my  
18 speed bumps, don't touch my speed bumps. And from there,  
19 he saw me, he heard me, and he heard my requests, and he  
20 continued to pick up one of the speed bumps and hurl it  
21 across the road. And as that -- as he did that, I was  
22 getting to one speed bump, he turned to go for the other  
23 one, and I thought he was going to either, you know, pick  
24 it up or throw or damage it or throw it at one of us or  
25 one of the kids, and at that point, just to get him away,

1 I -- I shoved him in the shoulder.

2 Q Okay. Now -- well, let me ask about that. If  
3 you hit someone in the face, you're trying to cause  
4 damage. Right?

5 A Mm-hmm.

6 Q If you kick somebody in the -- in the gut,  
7 you're trying to cause damage. You agree?

8 A Yes.

9 Q Now, what was the action that you took? Did you  
10 punch the guy?

11 A I did not. It was an open, empty-hand jolt  
12 shove.

13 Q And --

14 A One time.

15 Q And the purpose -- the purpose of that was to  
16 move him away from your property?

17 A Correct.

18 Q So once you -- once you pushed, did you move  
19 forward anymore?

20 A No. I stood still.

21 Q Did you try and attack the individual?

22 A No.

23 Q Up to that point, had you said anything  
24 threatening to him?

25 A No.

1 Q Did you have anything in your hands, any weapons  
2 or anything --

3 A No.

4 Q -- up that point?

5 A No.

6 Q And what happened immediately after that?

7 A After I shoved him, he went back a couple of  
8 steps, and he immediately reached in his back hip and  
9 turned around and pointed a gun right in my face.

10 Q Now, was the firearm pointed directly at you?

11 A Directly at me. I -- I thought he was going to  
12 kill me.

13 Q Were you afraid?

14 A Absolutely afraid.

15 Q Do you feel like he was threatening you?

16 A Absolutely.

17 Q What did you do?

18 A First thing in my mind was just turn and run.

19 Q And is that what you did?

20 A I did. Flipped right around and ran.

21 Q Now, I want to -- I want to talk about your path  
22 a little bit, and I'm -- I'm going to play this for you,  
23 and I'm going to kind of ask you to tell us what you're  
24 doing and why you're doing it after I play this clip.

25 (Video played with no audio.)

1 BY MR. SARABIA:

2 Q All right. Now, you're heading -- you're  
3 heading off in a particular direction. Why are you going  
4 in the direction you're going?

5 A So I -- I turned right around to run away, I  
6 guess you could claim north, and I came into the line of  
7 sight of my -- my baby, my two-year-old son, so I veered a  
8 little bit up the driveway so that if he fired at me, he  
9 wouldn't hit my son.

10 Q And your son, he's -- that's the little kid in  
11 the red shirt there?

12 A Him in the red. Yeah.

13 Q Down a little closer to the road?

14 A Correct.

15 Q Okay. And so you veer, and then you get to a  
16 point where you stop and you start moving back towards  
17 your son. Why did you do that?

18 A So as I ran away looking over my shoulder up the  
19 driveway, once he removed the firearm from me, I saw he  
20 had it pointed at Will, Dan, and Sara. I stopped and went  
21 back for my son.

22 Q Okay. At that point, because it wasn't on you,  
23 did you feel like it was safe that you could move and try  
24 and get the kids to safety?

25 A I -- I -- no matter what, I wanted to get my kid

1 to safety, and it wasn't on me at that time, so that was  
2 my opportunity to go after him.

3 Q And that's about the same point in this video  
4 where we can see -- that's Will kind of holding his hands  
5 up?

6 A Hands up, yeah.

7 Q So following this, roughly, if you know, how  
8 long did the person have the firearm out?

9 A Time-wise, 30 seconds maybe.

10 Q Okay. And following -- following that, did the  
11 person with the firearm, did they eventually get back into  
12 their vehicle and drive a little bit up the street?

13 A Eventually he did. He -- he stayed outside his  
14 vehicle for a little bit, and then he went -- I don't know  
15 when he went in. I went to call 911. And then he got in  
16 his vehicle, stayed in his vehicle for a little bit. I  
17 don't know timing-wise. And then eventually he did drive  
18 off.

19 Q Okay. So shortly after this, and the videos  
20 only go so long, but did you -- did you contact somebody?

21 A Yeah. I dialed 911.

22 Q Okay. And a period of time after, not -- not  
23 too long after, did some law enforcement officers arrive?

24 A Yes.

25 Q And did they eventually speak with you?

1 A Yes.

2 Q Did you talk to them about what happened?

3 A Yes.

4 Q Did you tell them and point out to them, hey, I  
5 have a video surveillance system that captured a large  
6 part, if not all, of the incident?

7 A I did.

8 Q And did you provide law enforcement access to  
9 that?

10 A Yes.

11 Q Now, there's been some talk about the cameras  
12 you have on your house. Obviously, we've seen the one  
13 that's the view from, I guess, the front porch. Are there  
14 additional cameras that you have on the front of your  
15 house?

16 A There are.

17 Q Did any of the other camera angles capture what  
18 happened in the roadway where the speed bumps are?

19 A No.

20 Q And I think there was talk that perhaps there's  
21 one over the garage area?

22 A There is one over the garage area which points  
23 at our garage doors. It doesn't point off into the street  
24 area, so it's pointed at the garage doors. It didn't  
25 capture any of the incident.

1 Q Did you allow law enforcement to review any of  
2 the surveillance that they wanted or needed to?

3 A Absolutely.

4 MR. SARABIA: Okay. May I have just a moment,  
5 Judge?

6 THE COURT: You may.

7 MR. SARABIA: Oh, I'm sorry.

8 BY MR. SARABIA:

9 Q Prior to this, had you ever seen Mr. Clifton  
10 before?

11 A I've never seen him before in my life.

12 Q Ever noticed the vehicle before or had any  
13 incidents whatsoever with this person or this vehicle?

14 A No. No interactions. Never talked to him.  
15 Never met him. Never seen him.

16 Q Now, the person that came out, moved the speed  
17 bump, you pushed when he was going to the other speed  
18 bump, and then pulled out a firearm and pointed it at you  
19 and then the other individuals, do you see that person in  
20 the courtroom here today?

21 A I do.

22 Q Can you please point him out and identify  
23 something that he's wearing?

24 A He's in the blue suit.

25 MR. SARABIA: Judge, may the record reflect

1 witness has indicated the defendant?

2 THE COURT: So reflect.

3 MR. SARABIA: May I have just a moment?

4 THE COURT: You may.

5 (Attorneys confer.)

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

8 THE COURT: All right.

9 Cross?

10 MS. STEVENS: Yes.

11 CROSS-EXAMINATION

12 BY MS. STEVENS:

13 Q Good afternoon.

14 A Good afternoon.

15 Q Your testimony was that you decided to put the  
16 speed bumps up after you made a request for traffic  
17 calming in the -- on your street. Correct?

18 MR. SARABIA: Objection, Judge.

19 Misrepresentation of the testimony.

20 THE WITNESS: I didn't say that.

21 THE COURT: Sustained. I don't believe he ever  
22 said that. If you want to ask him if that's when he  
23 did, that's fine.

24 MS. STEVENS: My notes are incorrect. I  
25 apologize.

1 BY MS. STEVENS:

2 Q Did you ever make requests to -- to get help  
3 with the -- the speeding on your street?

4 A What do you mean? Did I physically ask for  
5 requests for traffic help on the street or speeding help  
6 on the street?

7 Q You said that -- you said that there's a problem  
8 with speeding --

9 A Correct.

10 Q -- on Barbour Trail.

11 A Yes.

12 Q At any point in time, did you try to get  
13 anything done on your street that would help with that  
14 speeding?

15 A I know people did. I did not personally do --  
16 do that.

17 Q Did anybody in your household --

18 A No.

19 Q -- that you're aware of?

20 A No.

21 Q Okay. At the -- in this video -- not this  
22 video, but your wife made some -- when the car came up, at  
23 some point you saw the vehicle, but you also were alerted  
24 to that vehicle by somebody else. Right?

25 A Correct.

1 Q And that person was your wife?

2 A Yes.

3 Q And once she alerted you and you noticed the  
4 vehicle, you started walking over to -- toward the person  
5 who got out of the car.

6 A Once he got out of the car and -- and made his  
7 way screaming towards the speed bumps, yes. You can see  
8 it in the video.

9 Q So it's your testimony that he was screaming.

10 A Loud enough for us to hear him.

11 Q Loud enough for -- but you also said that he --

12 A Yelling obscenities.

13 Q Yelling obscenities. He was upset -- did you  
14 think he was upset about something?

15 A I have no idea.

16 Q Okay. But he was walking towards the speed  
17 bumps.

18 A He was.

19 Q And you didn't want him to walk towards those  
20 speed bumps.

21 A I didn't say that.

22 Q You wanted him to walk towards the speed bumps.

23 A I didn't say that either. I don't know what he  
24 was doing. You'd have to ask him that.

25 Q Then -- but why did it matter if he was

1 approaching the speed bumps?

2 A I was -- I had no idea. I have no idea what he  
3 stopped in the middle of the road for and jumped out of  
4 his car yelling obscenities at us. And he was yelling  
5 about the speed bumps, so I determined that he was going  
6 after the speed bumps.

7 Q Okay. And so my question is, why did it matter  
8 to you?

9 A Because that's my property. I didn't know what  
10 he was going to do.

11 Q Okay. The property that you placed in the  
12 middle of the road. Correct?

13 A Correct.

14 Q The property that you placed in the middle of  
15 the road so people would drive over them.

16 A Correct.

17 Q These things that would drive over it are huge  
18 vehicles. Correct?

19 A Correct.

20 Q So you have placed speed bumps in the middle of  
21 the road and invited the general public to -- to drive  
22 over them with their car. Correct?

23 A Correct.

24 Q However, when a man gets out of his car and  
25 seems upset about them, that warrants physical contact.

1           A     I didn't have any physical altercation with him  
2 until he picked them up and either hurled them, which  
3 they're not made to do, or he was going after the next  
4 one, and I was in fear that he was going to use it as a  
5 weapon or do something else. That's when I made physical  
6 contact.

7           Q     So you say when he hurled --

8           A     Yes.

9           Q     -- the speed bump. When -- by hurl -- and I  
10 believe that you said they -- let me make sure; I don't  
11 want to misread it. Hurling them across the road --

12          A     Yes.

13          Q     -- is the phrase that you used. The speed bumps  
14 go from -- when they're side by side, they go from one end  
15 of the road to the other side of the road, and they  
16 stretch end-to-end across. Correct?

17          A     There are two pieces. So you can see the one  
18 that he picked up and threw all the way on the other side  
19 of the road here and up on the other side of the road.

20          Q     Right.

21          A     Okay?

22          Q     And I'm glad that you pointed that out because  
23 that's exactly what I want to talk about, is that he  
24 didn't fling it up into the grass or over the sidewalk.  
25 They are still in the road. Correct?

1           A     He threw in the road. Correct. From the middle  
2 of the road.

3           Q     And -- correct. But they're just -- it's just  
4 sitting there on the side of the road. Correct?

5           A     After being thrown, yes.

6           Q     Did they break?

7           A     I didn't have time to check them.

8           Q     Today you've probably seen them since then.

9           A     Oh, yeah. They did not break.

10          Q     They did not break. The -- that speed bump came  
11 to rest right there. Correct?

12          A     Yes.

13          Q     Then Mr. Clifton walked away from that speed  
14 bump.

15          A     Towards the other speed bump.

16          Q     So you thought. Correct?

17          A     No. That's what happened.

18          Q     Correct. But you did not know where he was  
19 going when he left that speed bump.

20          A     But you just said correct, that's where he went.

21          Q     He was walking in that direction.

22          A     Okay. After he threw the original -- the first  
23 speed bump?

24          Q     Correct.

25          A     Okay.

1 Q He was walking in that direction, and you  
2 assumed he was going to the other speed bump.

3 A Because he was going to the other speed bump.  
4 You said that was correct.

5 Q I am not testifying here today. We are having a  
6 conversation --

7 A Oh, okay.

8 Q -- about what you saw and what you believed  
9 happened.

10 A Right. Once he, you know, threw my property, I  
11 was -- didn't know what he was going to do with the other  
12 one, if he was going to try to damage the other one or  
13 throw it or use it as a weapon. I did not know. So I was  
14 trying to get him away from the situation, get him away  
15 from my property, which it is, and I shoved him,  
16 unfortunately.

17 Q Okay. And the question I had was you assumed  
18 this is what he was going to do next. That is an accurate  
19 statement. Correct?

20 A I didn't say that. I don't know what he was  
21 going to do.

22 Q Exactly. If you do not know what he's going to  
23 do --

24 A But I know what he did.

25 Q He never touched the other one. Correct?

1 A No, he did not.

2 Q You are telling us now, and your -- your  
3 testimony is that you thought he was going to the second  
4 one. Correct?

5 A I don't know what he was going to do.

6 Q That's what I'm asking you.

7 A I know that he picked up my property and threw  
8 it across the street, and that's when I intervened.

9 Q But you didn't intervene -- intervene with him  
10 throwing anything. He had already thrown it. Correct?

11 A He did throw it. Correct.

12 Q And then he moved in a different direction from  
13 the one that was thrown.

14 A Towards the other speed bump, in my direction,  
15 coming towards me.

16 Q But we can agree that he left it on -- on the  
17 ground and walked away from it. Correct?

18 A Which -- which one, ma'am?

19 Q The speedbump that he threw. He threw it, he  
20 left it, and walked away from it. Correct?

21 MR. SARABIA: Objection. Argumentative.

22 THE WITNESS: I don't understand what she's  
23 saying, Your Honor.

24 THE COURT: If you don't understand, just say  
25 you don't understand.

1 THE WITNESS: I don't understand what you're  
2 saying. I'm sorry.

3 THE COURT: All right.

4 BY MS. STEVENS:

5 Q So now you are afraid he is going to touch your  
6 speed bumps. Correct?

7 A I wasn't afraid. He had already touched the  
8 speed bumps, ma'am.

9 Q You're afraid he's going to go after the next  
10 one.

11 A I didn't know what he was going to do. And I  
12 had requested multiple times for him not to touch my  
13 property to begin with.

14 Q How many times?

15 A Multiple.

16 Q So you didn't want to touch them when -- out of  
17 the car, but you wanted him to touch them when he was in  
18 the car by driving over them. Correct?

19 A Correct.

20 Q And everybody that drove by your house while  
21 these things are out had to drive over the speed bumps.  
22 Correct?

23 A Yes.

24 Q Nobody had a choice to avoid them.

25 A No.

1 Q No. And you put your speed bumps out?

2 A Yes.

3 Q In front of your house?

4 A Yes.

5 Q In front of your street?

6 A In front of our driveway on -- in the street.

7 Q On the street that's a public roadway. Correct?

8 A To be honest with you, I don't know if it was  
9 private or public at that time. I'd have to look up the  
10 records.

11 Q But anybody could -- you didn't control who  
12 drove on that road. Correct?

13 A I did not.

14 Q But you controlled how fast they went?

15 A No, I did not.

16 Q Okay. After your speed bumps were touched by  
17 Mr. Clifton or tossed off to the side of the road, you  
18 decided to push Mr. Clinton -- Clifton. Correct?

19 A I did.

20 Q You pushed him with such force that he was  
21 propelled backwards. Correct?

22 A No.

23 Q Did he stand still?

24 A He did not stand still.

25 Q Did he kind of lean back?

1 A Yes.

2 Q He only -- he leaned back.

3 A He took a couple steps backward. He didn't fall  
4 to the ground or anything like that.

5 Q No, he didn't fall to the ground. That's  
6 correct. However, his body -- his entire body moved as a  
7 result of your physical force.

8 A Okay.

9 Q Isn't that correct?

10 A Yes.

11 Q You pushed him with such force that he went from  
12 where the speed bumps are -- correct? That's where it  
13 started?

14 A Okay.

15 Q Correct?

16 A Yes.

17 Q And he was pushed with such force, where did he  
18 end up?

19 A About four or five feet from me.

20 Q Into your neighbor's driveway. Correct?

21 A No. He was in the street when he pulled the gun  
22 and pointed at me.

23 Q But it was over in the general direction of that  
24 driveway.

25 A Like I said, about four or five feet.

1 Q So the answer to the question is yes?

2 A It wasn't in the driveway. No, ma'am.

3 Q Regardless, he was pushed in the direction of  
4 the driveway.

5 A Yes.

6 Q Okay. And the push is what caused him to move.

7 A Yes.

8 Q He would not have moved but for your physical  
9 force.

10 A I -- I don't know.

11 Q Was it your intent to push him and move him?  
12 Correct?

13 A It was my intent to get him away from my  
14 property. Correct.

15 Q It was your intent to touch Mr. Clifton without  
16 his permission. Correct?

17 A Yes.

18 Q And because of that, Mr. Clifton ended up on the  
19 other side of the road from you. Correct?

20 A No. He ended up a few feet away from me.

21 Q Fair enough. The video can --

22 A Show that. Correct.

23 Q So he ends up further away from you, and as he  
24 traveled from your -- the force of your push, as he  
25 traveled, his -- his body was turned away from you, wasn't

1 it?

2 A At one point, yes.

3 Q So at some point in time, his back is to you.

4 A I'm not sure.

5 Q But you did just -- but you do agree that at  
6 some point it -- he was pushed with such force that he  
7 turn around. That's what you just testified to. Correct?

8 A I'm not sure if it was the force that turned him  
9 around or if he was turning around himself. I don't know.

10 Q Okay. But it was after that movement that the  
11 weapon was pulled out. Correct?

12 A Yes.

13 Q And at the time that you -- that he moved the  
14 speed bump till you put your hands on his body, did he  
15 threaten you personally?

16 A No.

17 Q Did he raise his arms in anger to you?

18 A No.

19 Q Did he threaten anybody else around you?

20 A No.

21 Q Did he raise his arms in anger towards anybody  
22 else?

23 A No.

24 Q Did he move towards you in an aggressive manner?

25 A Yes.

1 Q Towards your speed bumps or towards you  
2 personally?

3 A Towards the speed bumps.

4 Q He pulled his gun out. Correct?

5 A Yes.

6 Q That shocked you.

7 A Absolutely.

8 Q You didn't expect that to happen.

9 A No. I didn't -- I didn't expect him to jump out  
10 of his car in the middle of the road either.

11 Q Correct. But you didn't expect him to pull a  
12 gun out after you pushed him.

13 A No.

14 Q No. So after you push a man in the middle of  
15 the street so hard that he ends up, as you're saying,  
16 several feet away with his back to you --

17 A I didn't say that.

18 Q -- what did you expect him to do?

19 MR. SARABIA: Objection, Judge. Argumentative.  
20 Calls for speculation.

21 THE COURT: Sustained. It calls for  
22 speculation. What he might have thought he might do  
23 doesn't matter. It's what he did. So everything  
24 else other than that is speculation.

25 BY MS. STEVENS:

1 Q You didn't know he had a gun, did you?

2 A I did not.

3 Q And on this date, at this time, if you have seen  
4 the gun, would you have pushed him?

5 A If I had seen the gun when? If he -- if he had  
6 got out of the car holding a gun?

7 Q If you had seen Mr. Clifton's gun, would you  
8 have pushed him?

9 A When?

10 Q Any time.

11 A No.

12 Q No.

13 A I don't want to get shot. I also don't want  
14 people to come up to me --

15 Q So it's only okay to push people when they don't  
16 have a gun?

17 A No. It's okay -- I -- in my opinion, like, to  
18 get them away from doing any more damage to my property.  
19 I have the right to defend my property.

20 Q And in the same vein, to get somebody away from  
21 you, you show them a gun.

22 A Okay.

23 MR. SARABIA: Objection, Judge. Argumentative.

24 MS. STEVENS: Thank you.

25 THE COURT: Counsel, I don't know what you're

1 doing, but that wasn't a question, so sustained.

2 MS. STEVENS: Fair enough. I tender the  
3 witness.

4 THE COURT: State, any redirect?

5 MR. SARABIA: I don't have any questions, Judge.

6 THE COURT: All right, sir. You may step down.  
7 You're released from your subpoena.

8 THE WITNESS: Thank you.

9 THE COURT: I remind you not to discuss your  
10 testimony with anyone else. I know you all are still  
11 under subpoena outside. Okay?

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Thank you.

14 MS. STEVENS: Your Honor, is he released from  
15 his subpoena or --

16 THE COURT: No. I said everyone's still under  
17 subpoena.

18 State, call your next witness.

19 MR. SARABIA: The State would call Detective  
20 Griffin.

21 THE COURT: Detective Griffin?

22 MR. SARABIA: Yes.

23 THE COURT: Okay. Detective Griffin.

24 Before the detective begins, is everybody okay  
25 with the restroom? We're okay? Okay. Do you need

1 one? Okay.

2 Why don't we go ahead and take the jury in the  
3 jury room for just five minutes for the restroom  
4 break. I should have thought about that before. I  
5 was -- I was okay, so I thought everybody else was.  
6 Sorry about that. My bad.

7 Remind -- no talking about the case while you're  
8 back there. Okay? I know you're in the jury room,  
9 but only -- only buccaneer talk about how we're doing  
10 good. That's all we're talking about today.

11 (The jury exited the courtroom.)

12 THE BAILIFF: The jurors have exited the  
13 courtroom, Your Honor.

14 THE COURT: I'm going to step off because I'm  
15 going to drop this (Indiscernible) off. I'll be  
16 right back.

17 Will you just tell them to knock when they're  
18 ready to?

19 THE BAILIFF: Yes, Your Honor.

20 THE COURT: Thank you.

21 (Recess from 3:54 p.m. to 4:01 p.m.)

22 THE BAILIFF: All rise. Circuit Court is back  
23 in session.

24 THE COURT: You may be seated.

25 Are they ready?

1 THE BAILIFF: They have not knocked yet.

2 THE COURT: Okay. See if they're ready. Just  
3 knock and see if they're ready.

4 THE BAILIFF: All right.

5 THE COURT: Great.

6 If they're ready, tell them -- everybody else?  
7 Bring them all in. We're good.

8 THE BAILIFF: Jurors entering the courtroom,  
9 Your Honor.

10 THE COURT: Thank you.

11 (The jury entered the courtroom.)

12 THE BAILIFF: All jurors are present and seated.

13 THE COURT: All right. Detective Griffin, come  
14 on up. You can stop at the podium for me just to be  
15 sworn in. Stop right there.

16 Swear -- swear him in. Go ahead.

17 JOSHUA GRIFFIN

18 being called as a witness, and having first been duly  
19 sworn, testified as follows:

20 THE WITNESS: I do.

21 THE COURT: Please have a seat in the witness  
22 stand. Speak in a loud and clear voice for me.  
23 We're digital, so we don't have the court reporter  
24 today. So if your voice goes down, I'll yell at you,  
25 but that's not usually your problem, so we should be

1 good to go.

2 DIRECT EXAMINATION

3 BY MR. SARABIA:

4 Q Could you please turn and introduce yourself to  
5 the jury?

6 A I'm Detective Joshua Griffin with the Pasco  
7 County Sheriff's Office.

8 Q And how long have you been with the Pasco County  
9 Sheriff's Office?

10 A I've been employed for eight years, since  
11 September of 2017.

12 Q And what sort of training do you have to have in  
13 order to become a deputy and a detective with the Pasco  
14 County Sheriff's Office?

15 A You go to various trainings. You start -- go to  
16 the police academy, first and foremost. And then  
17 throughout your time at the sheriff's office, you go to  
18 interviews and interrogations trainings, report writing  
19 trainings, speed measurement, death investigation  
20 trainings. Multiple -- just different trainings.  
21 Interview trainings.

22 Q Okay. Now, at -- in February of 2023, what was  
23 your assignment with Pasco County Sheriff's Office? Were  
24 you a detective then?

25 A No, sir, I was not.

1 Q And what were you doing at that time?

2 A At that time, I was a patrol corporal.

3 Q And as a patrol corporal, what would -- what  
4 were your duties?

5 A So I would respond to calls for service and  
6 investigate calls for service on top of assisting the  
7 patrol sergeant with administrative tasks.

8 Q Now, February 9th, 2023, roughly -- close to  
9 6 p.m., did you get a request to respond to an address on  
10 Barbour Trail?

11 A Yes, sir.

12 Q And did you and other road patrol deputies  
13 respond to 3290 Barbour Trail?

14 A Yes, sir. That's correct.

15 Q And what county is that in?

16 A That's in Pasco County.

17 Q And what subdivision is that in?

18 A It's specifically in the Starkey Ranch  
19 subdivision.

20 Q Okay. Now, Barbour Trail. Is there a posted  
21 speed limit on that road?

22 A Yes, there is.

23 Q And what is the posted speed limit?

24 A It's 25 miles an hour.

25 Q Now, when you got on scene, where did you first

1 go?

2 A I went to Berrypick where Mr. William Clifton  
3 was.

4 Q Okay. And was he in a vehicle?

5 A Yes. He was in a gray Volvo.

6 Q All right. And is -- was that -- is that  
7 consistent with the vehicle that you ultimately observed  
8 on the video surveillance that pulled up to the speed  
9 bumps?

10 A Yes, it was.

11 Q And that individual in the vehicle that you  
12 referred to as Mr. Clifton, do you see him in the  
13 courtroom here today?

14 A Yes, sir, I do.

15 Q Can you please point him out and identify  
16 something he's wearing?

17 A He's wearing a blue suit.

18 MR. SARABIA: Okay. Judge, may the record  
19 reflect that the witness has identified the  
20 defendant?

21 THE COURT: It will so reflect.

22 BY MR. SARABIA:

23 Q Now jumping ahead a little bit because we're --  
24 because we're there and that followed, did you eventually  
25 look in that Volvo?

1 A Yes, I did.

2 Q And did you locate a firearm in that Volvo?

3 A Yes, sir. I located a firearm.

4 MR. SARABIA: Now, Judge, I'd like to approach  
5 the witness with State's Exhibits 3 and 4.

6 THE COURT: You may.

7 BY MR. SARABIA:

8 Q First, I want to turn your attention to State's  
9 Exhibit 3. Can you open this up and tell me if you've  
10 seen that item before?

11 A Yes, I have.

12 Q Now, aside from --

13 THE COURT: Oh, we're not taking it out of the  
14 box. Oh, we have the lock on it. Right?

15 MR. SARABIA: Yes.

16 THE COURT: Do we have the lock? Okay.

17 MR. SARABIA: Yes.

18 THE COURT: You can take it out of the box.

19 Sorry. I forgot we had the lock on it.

20 BY MR. SARABIA:

21 Q Referring to the lock, that orange thing right  
22 there that goes through the -- the magazine, through the  
23 chamber, that's not something you place there. That's a  
24 lock that kind of mirrors the -- the zip tie there that  
25 the Court places on for safety?

1 A Yes.

2 Q Okay. Now, if you could just clip these couple  
3 so that you can show -- show the item?

4 A Yes.

5 MR. SARABIA: And I'm sorry. At this time, we'd  
6 like to admit it into evidence.

7 THE COURT: Any objection? State's 3. It's the  
8 firearm.

9 MS. STEVENS: No, Your Honor

10 THE COURT: It'll be admitted. State's 3 as 3.

11 (State's Exhibit 3 received into Evidence as  
12 State's Exhibit 3 = firearm, Taurus GX4)

13 THE COURT: Go ahead.

14 BY MR. SARABIA:

15 Q Yeah. And I apologize. This is the firearm you  
16 found in Mr. Clifton's vehicle?

17 A Yes, it is.

18 Q Okay. Can you tell us what kind of firearm it  
19 is?

20 A It's a semiautomatic, 9 millimeter.

21 Q Okay. And how would this firearm operate if it  
22 didn't have a lock?

23 A If it didn't have a lock -- so can I cut open  
24 the magazine?

25 Q Yes.

1 Q While you're doing that, as a law enforcement  
2 officer, have you used firearms before? You're familiar  
3 with firearms?

4 A Yes.

5 Q Is it a normal part of your job?

6 A Yes.

7 Q You've shot firearms before?

8 A Yes. We have to qualify every year.

9 THE COURT: Just make sure it's pointed at the  
10 ground for me.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Okay. Thank you.

13 BY MR. SARABIA:

14 Q Is it clear to you that this is a firearm?

15 A Yes. This is a firearm.

16 Q And can you explain to us how it operates?

17 A So you would load the magazine here with rounds.  
18 Once you insert the magazine into the handle here where  
19 the magazine goes, once it's here, you would rack back the  
20 slide, a round would then be chambered here, and the slide  
21 would be forward, and then, at that point, it would be  
22 ready to be fired.

23 Q Okay. And -- and as it sits here today in  
24 court, you can't put the magazine in the --

25 A No. Due to the -- the lock.

1 Q Due to the lock. And the slide can't go forward  
2 because of the lock, and that's all the safety. Right?

3 A Yes.

4 Q Okay. So then once you chamber the round, what  
5 has to happen in order for the gun to fire?

6 A So once a round is chambered, you just simply  
7 pull this trigger, and then the firing pin would strike  
8 the back of the bullet, and then the projectile would be  
9 fired out of the end -- an explosion would happen in the  
10 casing, and the projectile would fire and the casing would  
11 eject out the port.

12 Q Okay. So I want to ask you a couple of  
13 questions about this particular firearm. Does it have a  
14 normal safety on it that you see in some firearms?

15 A No. No. There's not a traditional switch-type  
16 safety that you would see on a --

17 Q Is there something that you could refer to as a  
18 safety on it?

19 A Yes. There is this -- that piece that sticks  
20 off of the -- the trigger here. So you would have to  
21 have -- you would -- if you had a normal shooting, you  
22 would -- the trigger could be depressed.

23 Q Okay. It's kind of like there's a safety on the  
24 trigger?

25 A Yeah. To -- to prevent sort of a misfire or,

1 you know, if you accidentally touched it.

2 Q Okay. But basically, with this particular  
3 firearm, if there's a round in the chamber, you pull the  
4 trigger, a bullet should come out?

5 A Yes, sir.

6 Q Now, when you recovered this firearm -- you can  
7 put it down. When you recovered this firearm from  
8 Mr. Clifton's vehicle, did you check it to see if it was  
9 loaded?

10 A Yes, sir.

11 Q And what did you find?

12 A I found that there was one round in the chamber.

13 Q Okay. And were there any additional rounds?

14 A Yes. There was nine rounds in the magazine.

15 Q Okay. And how -- if you were to load the  
16 magazine to capacity, how many rounds would you put in it?

17 A This one appears to be 11.

18 Q Okay. So if you load that magazine with 10, you  
19 then rack it, one goes in the chamber. Is that the  
20 situation you found it to be in?

21 A Yes, sir.

22 Q All right. And State's Exhibit 4, if you could  
23 look at that for me. What is that? Are you familiar with  
24 that -- that item or set of items?

25 A Yes, yes. This is the ammunition that I found

1 in the firearm.

2 Q Okay. And how many of them are there?

3 A There is ten. Would you like me to count them?

4 Q No. As long as -- as long as you're satisfied  
5 that there's ten. If you could just show the jury one of  
6 them? And those are all -- we're calling them rounds,  
7 which would be unfired bullets in their casings?

8 A Yes.

9 And you can -- you can put those back.

10 Q After you first made contact with Mr. Clifton --  
11 and I'm sorry, what was the location that was at?

12 A Where I made contact with Mr. Clifton?

13 Q Yes.

14 A It -- it was off Berrypick.

15 Q Okay. And is that -- is that the road right off  
16 of Barbour Trail?

17 A Yes, it is.

18 Q I'll go over -- I'll go over a map with you in a  
19 minute. After you made contact with Mr. Clifton, did you  
20 then go back to 3290 Barbour Trail?

21 A Yes, I did.

22 Q And were there other deputies that were  
23 assisting you in the investigation?

24 A Yes.

25 Q And were some of them already present there?

1 A Yes.

2 Q But what role did you assume in the  
3 investigation?

4 A I was the primary officer on scene at the time.

5 Q Does that mean, like, the lead investigator?

6 A Yes.

7 Q And did you make contact with Michael Krnjaich?

8 A Yes, I did.

9 Q Did he speak with you?

10 A Yes, he did.

11 Q Did he answer all your questions?

12 A Yes.

13 Q Did he let you know that there was video  
14 surveillance that he had of the incident?

15 A Yes, he did.

16 Q And did you -- were you able to review all the  
17 video surveillance that you wanted to?

18 A Yes.

19 Q And did Michael Krnjaich provide you with that  
20 video surveillance?

21 A Yes, he did.

22 Q Now, there was -- and that -- that video  
23 surveillance is from the vantage point of the -- the front  
24 porch area of 3290 Barbour Trail?

25 A That is correct.

1 Q Now, there's -- there's additional video that we  
2 discussed in court from a dashcam video. Without going  
3 into any detail, would -- were you ever made aware of any  
4 dashcam video while you were conducting this investigation  
5 back on February 9th of 2023?

6 A No, I was not.

7 Q Did you have an opportunity to speak to Amanda  
8 Krnjaich?

9 A Yes, I did.

10 Q And did she cooperate in answering questions  
11 that you had?

12 A Yes, she answered all my questions.

13 Q And did you have additional deputies speak with  
14 Daniel Zweifel, Sara Connolly, and Will Adams?

15 A That is correct.

16 Q Did he get statements from all those people?

17 A Yes, he did.

18 Q Now, when you arrived at 3290 Barbour Trail,  
19 were the -- were -- was there still a yellow speed bump in  
20 the roadway?

21 A Yes.

22 Q Did you have an opportunity to look at that?

23 A Yes. I also took photos.

24 Q Now, roughly how high is it off the ground?

25 A The top of the speed bump, maybe two, three

1 inches.

2 Q Okay. Did it -- did it appear to obstruct any  
3 travel across Barbour Trail?

4 A No, it did not.

5 Q Did you write any citations or anything for  
6 there being a speed bump in the roadway?

7 A No.

8 Q And following your investigation, did you make  
9 an arrest in the case?

10 A Yes, I did.

11 Q And who did you arrest?

12 A I arrested William Clifton.

13 Q At some point, were you able to see an  
14 identification of Mr. Clifton?

15 A Yes.

16 Q How old was Mr. Clifton back then?

17 A He was 45 years old.

18 Q And do you know what the listed address was for,  
19 Mr. Clifton?

20 A It was off of Tibbetts.

21 Q Now -- sorry. Can I take those from over there?  
22 I'm holding up -- I'm going to show you State's Exhibit 2.  
23 Can you show us -- well, one, are you -- are you familiar  
24 with this area?

25 A Yes, I am.

1 Q Can you orient yourself and just show us where  
2 is 54?

3 A So this is 54 right here.

4 Q So the top of the picture as I'm holding it  
5 would be north and the bottom would be south?

6 A That is correct.

7 Q And do you see Starkey Road? Starkey Road?

8 A Yes. So Starkey runs here.

9 Q All right. And roughly where was this incident?

10 A Right there.

11 Q Okay. And that -- that's Barbour Trail right  
12 there?

13 A Yes, that's Barbour Trail.

14 Q And you indicated the place where you saw  
15 Mr. Clifton, where you came in contact with him was  
16 Berryville?

17 A Berrypick.

18 Q Berrypick?

19 A Yes.

20 Q Where's that?

21 A Berrypick is this road right here.

22 Q So he pulled up a few houses and turned down  
23 that road and was sitting there?

24 A Yes.

25 Q Now, the listed address for Mr. Clifton, roughly

1 what area of the community is that?

2 A That's this area. This front area right here.

3 Q Okay. Now, Barbour Trail, if you're going north  
4 on Barbour Trail from this area, is there anything beyond  
5 that other than more residences?

6 A No. It's a residential street.

7 Q Is there any -- is there any -- is Barbour Trail  
8 a thoroughfare that would allow you to get to any other  
9 major shopping area or outside of the community?

10 A No.

11 Q So unless you're going to a residence deeper in  
12 the community, is there really any reason to be on Barbour  
13 Trail? Not that you couldn't be, but any specific reason?

14 A No.

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

16 THE COURT: You may.

17 MR. SARABIA: Judge, at this time, I'd like to  
18 move State's Exhibit 4 into evidence.

19 THE COURT: All right. Any objection? It's the  
20 bullets.

21 MS. STEVENS: No objection.

22 THE COURT: Casings. I'm not sure. I'm always  
23 bad at those. What are they? Bullets?

24 THE WITNESS: Bullets.

25 THE COURT: Bullets.

1 THE WITNESS: Ammunition.

2 THE COURT: I always call them the wrong thing.  
3 Okay. Bullets. All right. They'll be admitted as  
4 State's 4.

5 (State's Exhibit 4 received into Evidence as  
6 State's Exhibit 4 = ten unfired bullets)

7 THE COURT: Just so the jury knows, you can have  
8 the gun or you can have the bullets, but you can't  
9 have both. Okay? So we'll send the gun in first.  
10 But if you want the bullets, let me know. We'll have  
11 them out here. We'll switch them out. All right?  
12 Even though we do have the lock on the gun, I just  
13 don't want anybody to try. It keeps it safe that  
14 way.

15 BY MR. SARABIA:

16 Q The rounds that you recovered from that firearm,  
17 were those hollow points?

18 MS. STEVENS: Objection. Relevance.

19 THE COURT: Overruled.

20 THE WITNESS: Yes. They are hollow points.

21 BY MR. SARABIA:

22 Q What's the significance of that?

23 A So a hollow point is made so it does not  
24 over-penetrate a target that it is fired at.

25 Q Do those tend to be more dangerous or less

1 dangerous?

2 A More dangerous.

3 MR. SARABIA: I don't have any more questions,  
4 Judge.

5 THE COURT: Okay.

6 Cross?

7 MS. STEVENS: Yes.

8 CROSS-EXAMINATION

9 BY MS. STEVENS:

10 Q Good afternoon.

11 A Good afternoon.

12 Q You -- you just testified about the gun that you  
13 recovered from Mr. Clifton's car. What -- it's a Taurus.  
14 Correct?

15 A Yes.

16 Q Okay. And then you were talking about the  
17 trigger on -- on this particular weapon. That trigger  
18 has -- the trigger itself acts as a type of safety. Would  
19 that be a correct way to say -- say that?

20 A If the trigger is pulled properly, the gun will  
21 fire.

22 Q Correct. And -- but it's -- it's different than  
23 a traditional trigger. Correct?

24 A It's the -- it's a standard trigger that's on  
25 most guns.

1 MS. STEVENS: Your Honor, may --

2 THE WITNESS: It's --

3 THE COURT: Sure.

4 BY MS. STEVENS:

5 Q Now, what I'm referring to is, on this trigger,  
6 it looks like --

7 THE COURT: If you want to hold it up. It's got  
8 the lock on it. It can't fire.

9 BY MS. STEVENS:

10 Q So on this weapon is -- there's a -- an item  
11 coming off of the trigger. It's like a protrusion is all  
12 I can think.

13 A Mm-hmm.

14 Q That is a -- that's not something you see on  
15 every single firearm. Correct?

16 A Not every single firearm. That is on the  
17 firearm that I have.

18 Q And -- but on -- but the purpose of this is to  
19 create an -- it is an added safety feature of this weapon.  
20 Correct?

21 A Yes.

22 Q So -- and by doing that, it means that if the  
23 first lever is not pulled in conjunction with the -- with  
24 the actual trigger, the gun will not fire if you don't get  
25 both of those. Correct?

1 A Correct.

2 Q So this particular weapon, this is a safety  
3 feature.

4 A Yes.

5 Q So although it's not like some of the other  
6 weapons where you have to press a button or move -- move a  
7 slide, it still has something that gives you -- there's a  
8 step between the actual touching the trigger and actual  
9 firing the projectile. Correct?

10 A Yes.

11 Q Okay. When you retrieved the weapon out of  
12 Mr. -- Mr. Clifton's car, you also, at some point in time,  
13 did obtain his -- his wallet. Correct?

14 A Yes.

15 Q And you also found out that he -- he has a  
16 license regarding firearms. Correct?

17 A Yes. He made me aware because he had a CCW.

18 Q And you ultimately did see that and verify it.  
19 Correct?

20 A Yes.

21 Q So as it relates on that date and time, he was  
22 legally allowed to wear that weapon?

23 A Yes.

24 Q And as part of this -- the concealed weapons  
25 permit, does the concealed weapons permit have any

1 regulation that you know of in relation to carrying a  
2 concealed firearm, is there any prohibition against how  
3 the firearm is loaded?

4 A No.

5 Q So nothing about that weapon that you recovered  
6 as it relates to Mr. Clifton carrying it on his person,  
7 that act in and of itself was not -- there was no  
8 investigation because that's not something that was  
9 against -- it wasn't illegal for him to have that.

10 Correct?

11 A No, it was not.

12 Q Okay. So he is lawfully carrying a firearm.

13 A Yes.

14 Q And that lawfully carried firearm just happened  
15 to have bullets in the gun. Correct?

16 A Happened to have?

17 Q When he carried his weapon, he loaded it.

18 A Yes.

19 Q Not illegal.

20 A No.

21 Q Okay. So part of your training in weapons, when  
22 an individual pulls a firearm out and points it at a --  
23 something else, when that person chooses to keep their  
24 finger off of the trigger and hold it on the side, is it  
25 commonly understood as to why somebody would do that?

1           A     I'm trained that I would only point a firearm at  
2 somebody if I was ready to shoot them.

3           Q     And -- but it is significant that somebody would  
4 not put a finger on the trigger. Would you agree with  
5 that?

6           A     A trigger can be -- you can easily reach a  
7 trigger with your finger in a matter of milliseconds.

8           Q     Okay. But it's -- it's another step.

9           A     Yes.

10          Q     Fair enough. When you arrived at Barbour Trail  
11 that night, you did speak with Michael Krnjaich?

12          A     Michael Krnjaich?

13          Q     Thank you. The -- when you spoke with Michael,  
14 he, at some point in time, provided you with surveillance  
15 video. Correct?

16          A     Yes.

17          Q     Did you -- did you watch that surveillance video  
18 at the time?

19          A     Yes.

20          Q     Did you watch it independently of Michael?

21          A     I believe he was holding the phone as I watched  
22 it.

23          Q     He was holding the phone as you watched it. Did  
24 you watch it and were you able to hear the audio on the  
25 video?

1 A At the time, no.

2 Q While you were on scene that night, before you  
3 made any formal arrest, did you listen to the audio that  
4 accompanied that video?

5 A I cannot recall if I did.

6 Q When you were talking with Michael, were you  
7 aware at that time that he had other cameras at his home?

8 A I can't remember.

9 Q And when you were talking to Michael that day,  
10 did he offer to provide you the Ring camera that is in his  
11 home, on his front porch?

12 A Yes. I obtained the Ring video footage from  
13 Michael Krnjaich.

14 Q There's Ring video footage?

15 A Well, the video footage of his -- whichever  
16 camera system that was.

17 Q He has the -- the video that we've seen here  
18 today, we've heard testimony that that is a camera located  
19 in their -- on their porch, but it is not a Ring camera.

20 A Okay.

21 Q But on the day that you investigated the case,  
22 Michael did tell you he would get the Ring camera for you.  
23 Correct? He used that phrase?

24 A I can't recall exactly what he said two and a  
25 half years ago.

1 Q But today as you sit here, you were familiar  
2 with concept of a Ring camera in this case. Is that  
3 correct?

4 A I mean, Ring makes different cameras than just a  
5 doorbell camera.

6 Q Then, at any point in time, did Michael provide  
7 you with any additional surveillance?

8 A No.

9 Q Did you ask him if -- did you ever go back and  
10 see if there was any additional video surveillance?

11 A No. I collected the video that I did collect.

12 Q Did -- did you ever -- is it accurate that that  
13 weapon is not -- as it relates to that night, you have no  
14 belief that that weapon was fired. Correct?

15 A Are you asking if that night the weapon was  
16 fired during this incident?

17 Q Correct.

18 A No, it was not.

19 MS. STEVENS: No further questions.

20 THE COURT: Redirect?

21 MR. SARABIA: No questions, Judge.

22 THE COURT: All right. Detective, thank you  
23 very much, sir. You may step down.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Is he released from his subpoena?

1 MS. STEVENS: Yes, Your Honor.

2 THE WITNESS: Scissors?

3 MR. SARABIA: We --

4 THE COURT: You can just leave them right there.  
5 State, you want him to remain?

6 MR. SARABIA: Yes, Judge.

7 THE COURT: Okay. You're going to remain.  
8 Don't discuss your testimony. Okay? Thanks.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: All right. State call your next  
11 witness.

12 MR. SARABIA: The State rests at this time,  
13 Judge.

14 THE COURT: Okay. Ladies and gentlemen, I know  
15 we just took a bathroom break, but I'm going to need  
16 to take probably about a 15-minute minimum break with  
17 the lawyers to discuss jury instructions and a few  
18 other things. Would you all like your phones back  
19 and be able to walk outside a little, maybe stretch  
20 your legs and not be stuck back there? I get a yes?  
21 Okay.

22 I'm going to go ahead and have you back in the  
23 Constitutional room. Is that what we call it? The  
24 Constitution room at 4:45, 4:50. You'll see a lot of  
25 people around. Like I said, they're doing that

1           swearing in on the first -- on the first floor. So  
2           you'll see a lot of people. But just go back in the  
3           Constitution room at 4:45, 4:50. Okay? And if you  
4           want to call people and tell them you're still here,  
5           that's fine. Just don't discuss the case and the  
6           facts of the case. Okay?

7           Yeah. If you need to grab your purse, go ahead.  
8           Or your murse.

9           (The jury exited the courtroom.)

10          THE BAILIFF: All jurors have exited the  
11          courtroom, Your Honor.

12          THE COURT: All right. For the record, the jury  
13          has left the courtroom.

14          The State having rested, what says Defense?

15          MS. STEVENS: Your Honor, at this time, Defense  
16          would renew all motions and objections previously  
17          presented in this case, including all motions  
18          previously provided by prior counsel.

19          THE COURT: Okay.

20          MS. STEVENS: Defense would also move for  
21          judgment of acquittal and argue that, even in the  
22          light most favorable to the State, they have not met  
23          their burden of proof in this case and have not  
24          overcome the assertion that my client's justified use  
25          of force based on the evidence provided in -- during

1 the trial today.

2 The -- the evidence is presented that Michael  
3 Krnjaich -- Michael put force on Mr. Clifton without  
4 provocation. The fact of moving the speed bump to  
5 the side, there -- it had ended, and there was no  
6 direct knowledge that he was -- Mr. Clifton was going  
7 to conduct further damage to any other property.  
8 It's the same circumstance as the State has argued  
9 previously that the -- Mr. Clifton -- it's a -- it's  
10 a reverse concept. They're saying that -- just stick  
11 to the evidence.

12 Your Honor, at this time the State has not met  
13 their burden of proof. Mr. Clifton has asserted that  
14 he acted in justified use of non-deadly force, and I  
15 don't believe that there's been any evidence that  
16 rises beyond a reasonable doubt that he had -- had --  
17 even in the light most favorable to the State, that  
18 he was not justified to use non-deadly force.

19 THE COURT: Okay.

20 State?

21 MR. MOELLER: Your Honor, examining the evidence  
22 in the most -- in the light most favorable to the  
23 State, the State would ask that the motion is denied.

24 Regarding the aggravated assault, Mr. Clifton  
25 has claimed that his use -- or threatened use, I

1       should say, of deadly force, which is force likely to  
2       cause death or great bodily harm, was simply not  
3       justified in this case because the facts do not  
4       support the reasonable belief that such force was  
5       necessary or threat of force was necessary to prevent  
6       imminent death or great bodily harm to the defendant.

7               Regarding the aggravated assault, Mr. Krnjaich  
8       did push the defendant in order to protect his  
9       property, as the defendant can't be the one to decide  
10      what's legal and what's illegal with others'  
11      property. When Mr. Krnjaich pushes the defendant, it  
12      is one push with both hands on the upper part of his  
13      body. Mr. Krnjaich, after the push, does not pursue  
14      the defendant, does not go after him, does not  
15      display any weapons, or do any aggressive action  
16      toward the defendant.

17              And in fact, there was a distance of -- of a  
18      driveway, I believe it was -- the evidence was --  
19      10 to 15 feet between the defendant and Mr. Krnjaich,  
20      and at that point, the defendant was in no position  
21      to feel there was imminent death or -- death or great  
22      bodily harm based on the push and all the other facts  
23      brought in the trial.

24              And I don't know if the Defense -- Defense was  
25      also asking for a judgment of acquittal regarding the

1 other three counts in this case or just Count 1.

2 MS. STEVENS: All counts.

3 MR. MOELLER: Well, so --

4 THE COURT: Well, Mr. Krnjaich is Count 4, so --

5 MR. MOELLER: I'm sorry. Count 4. Yes, Your  
6 Honor.

7 So regarding Counts 1, 2, and 3, as well, there  
8 is testimony that the defendant, mainly through  
9 Mr. -- through -- through the -- the second witness,  
10 Your Honor, that the State had, that the defendant  
11 then systematically pointed the firearm at each of  
12 the other three individuals in the case: Michael --  
13 Will Adams, Sara Connolly, and Daniel Zweifel. That  
14 they were not standing anywhere near where --  
15 where -- anywhere Mr. Krnjaich was. In fact, the  
16 testimony was asked that the defendant actually  
17 pointed his weapon at each one of them as they really  
18 were frozen, trying to take cover behind a tree or  
19 cover in back of each other. So therefore, clearly,  
20 there is no justifiable use of deadly force either  
21 regarding Counts 1, 2, and 3 in the State's case.

22 So based on that, we ask that the Defense's  
23 motion is denied as to all counts.

24 THE COURT: All right. Defense, anything else?

25 MS. STEVENS: Yes, Your Honor. I would argue

1           that the -- the wrong -- justifiable use of deadly  
2           force is, I would argue, the wrong standard to  
3           address here. I believe that the -- the justified  
4           use of non-deadly force is the more appropriate  
5           review of this judgment of acquittal.

6           Mr. Clifton asserts that he used non-deadly  
7           force when he was approached by a man and pushed  
8           after moving one speed bump. This attack was so much  
9           so that he was pushed into a neighboring driveway  
10          several feet away. And we even heard evidence that  
11          Mr. Clifton's back was to Michael. We heard that  
12          from Daniel Zweifel. We heard that even Michael  
13          believed that Mr. Clifton had his back to him. We  
14          heard testimony that, when he came around, he pointed  
15          his weapon at Michael.

16          The use of justified non-deadly force here was  
17          to present the weapon to stop what Mr. Clifton had no  
18          idea -- didn't know what was going on behind him.  
19          The fear that can be -- that comes from that kind of  
20          situation is one that you don't know what you're  
21          going to turn around and see. You present your  
22          firearm. It stops any attack that may be coming.  
23          And when that did happen, Mr. Clifton tracked -- we  
24          heard that phrase -- he tracked Michael. Once  
25          Michael stopped and retreated, he holstered his

1           weapon.

2           The testimony from the other witnesses nearby  
3           were not consistent or reliable. Everybody thought  
4           it was directed at them. Everybody thought that they  
5           were on him whole time. And the video just doesn't  
6           match up to where they said the gun was at that  
7           particular time.

8           So based on that, and I believe that the case  
9           law that we provided earlier, the use of non-deadly  
10          force is more appropriate here because the gun was  
11          never -- the projectile was ever released from the  
12          weapon. The testimony -- the taking the gun out in  
13          and of itself is not deadly force. Showing a weapon  
14          that has the potential for -- for being used as a  
15          deadly weapon or being used to commit a deadly force,  
16          that is, in and of itself, different.

17          The thing that you look at in these cases is the  
18          force that's used, not the item. So here, the force  
19          that was used was to present a weapon without firing  
20          it. He -- the testimony does not support that he  
21          ever threatened to fire it. It does not support that  
22          he made any statements that would lead him to believe  
23          that he did. The force that was actually used, as  
24          has been testified here today, is non-deadly force,  
25          and I don't believe that the State met their burden,

1 even in light most favorable to them, to overcome  
2 that allegation of the claim of self-defense.

3 THE COURT: Okay. The cases that you all cited,  
4 and I'll -- I'll -- again for the record, I assume  
5 you're asking me to use the case that you cited,  
6 *Claudio- vs. -- Martinez vs. State*, which is cited.  
7 It's a Second DCA case, 324 So.3d 45, I think is the  
8 correct cite that you've given to me. The State has  
9 provided me with *Little*, which is a Fourth DCA case,  
10 cited at 302 So.3d 396.

11 I'll note that *Little* is a case which goes  
12 through a very good analysis of use of non-deadly  
13 force and use of deadly force, and breaks down the  
14 fact that the statute was changed in 2014 and then  
15 again in 2017, and it not only talks about firing the  
16 weapon, but also a person who uses or threatens to  
17 use deadly force in accordance with this subsection  
18 does not have a duty to retreat, has a right to stand  
19 your ground, blah, blah, blah, blah, or threatens to  
20 use deadly force, or is not engaged in a criminal  
21 activity. And it goes over that once you pull a  
22 firearm and you point it at someone, it's a jury  
23 question on whether that's deadly or non-deadly  
24 force.

25 Clearly, he didn't pull out the gun and hold it

1 next to him. He pointed the gun directly at the  
2 victim -- all of the victims. He pointed at the one  
3 victim who he claims he's, quote, defending himself  
4 from. Okay. Still don't think that's a JOA. And  
5 then he points it directly at three individuals who  
6 he has no -- absolutely no basis to defend himself  
7 against. They have not done anything. I believe the  
8 one guy says, hey, this is an apple, don't point that  
9 gun at me. And he's pointing at -- the witnesses'  
10 testimony is he points it at each one of them  
11 individually. It's a loaded gun with a -- with a  
12 bullet in the chamber. So clearly that would be  
13 considered use of deadly force and/or -- and/or a  
14 jury question.

15 I also cite to the *Drejka* case, D-R-E-J-K-A, vs.  
16 *State*, 330 So.3d 1055, which is similar. Not  
17 exactly, because *Drejka* actually discharged the  
18 firearm, which rises the level, but in his motion for  
19 judgment of acquittal he claims the use -- he had --  
20 because he was also pushed in *Drejka*, and he claims  
21 that that push by a big man, which is kind of what  
22 you were alleging in front of the jury, is by  
23 itself -- rises to the level that he could use deadly  
24 force because he was in fear because of the  
25 difference in sizes between the two individuals. And

1 the Court found that -- that that was not justifiable  
2 based on the video.

3 I'll note in this video that the testimony of  
4 the witnesses is consistent with the video. They're  
5 minding their own business in the front yard. The  
6 defendant comes to an abrupt halt -- fairly abrupt.  
7 He doesn't roll up and think, oh, I don't know how to  
8 go around it, and then stop. He comes flying into  
9 the video, slams on the brakes, and they all look at  
10 him, and then he gets out and he goes to the far side  
11 of these speed bumps, which I'll note that  
12 everyone -- no one has testified are illegal,  
13 unlawful. It might be annoying, but they're used by  
14 a lot of people in the neighborhood. They're bought  
15 at Amazon. They're not bolted down. They're just  
16 laying in the street. And he is cursing, using foul  
17 language, yelling, aggressive. That's the testimony  
18 of every witness.

19 He goes over, he grabs property. You can see  
20 the victim, Mr. Krnjaich, say, hey, man, buddy,  
21 buddy, that's mine. He says -- at one point, the  
22 defendant says, these are illegal, and Mr. Krnjaich  
23 says no, they're not. I actually have that in  
24 quotes. And he said, yes, they are. He grabs  
25 property that's not his, clearly knows they're not

1 his, and then removes that property.

2 Mr. Krnjaich is saying that he is defending his  
3 property. He's told the defendant this is his  
4 property, told the defendant that it's his and not to  
5 touch his property, and that he uses non-deadly  
6 force. The video is very clear. He pushes him. And  
7 it's up to the jury to decide, like, what the amount  
8 of the push is. I will say that, from my vantage  
9 point, the defendant is pushed two steps and then he  
10 runs on his own. And he turns around, and, although  
11 we can't see it, we know he pulls the gun because  
12 everybody screams and everybody runs.

13 And so it's up to the jury. It's not up to me.  
14 But I don't see that the push that was made of the  
15 defendant is overly forceful. It appears that he  
16 takes two steps and then he begins to run, and then  
17 he pulls out the gun, and he points it at the victim.  
18 The victim runs away, but he remains and continues to  
19 point the firearm, not down at the ground, but at the  
20 victim.

21 So the jury could find that -- and it's up to  
22 them; it's not up to me -- that once Mr. Krnjaich  
23 retreats, any time -- anything else after that the  
24 defendant has no right to use any force, period, end  
25 of statement. Deadly, non-deadly force. He has no

1 right once the -- the person who he's concerned on,  
2 he's defending himself from, has moved out of the  
3 area. So that'll be up to the jury.

4 And then that is, when once Mr. Krnjaich leaves  
5 the area -- and that's on the video, he's clearly not  
6 going through -- towards the defendant, not -- he's  
7 running. He's running the other way. He does not  
8 come back towards him. He does not step back into  
9 the roadway. He's running towards his own home. He  
10 then points the firearm at three other individuals  
11 who are even closer, I -- I would say. And again,  
12 they're a residential roadway apart. Maybe ten feet,  
13 maybe eight feet. I don't know how big that roadway  
14 is, but I know that the front-facing dashcam video  
15 shows that this is a very narrow road. I'd be  
16 surprised if two -- two cars can pass very closely  
17 together on either side. So I don't know what that  
18 is. Twelve feet maybe from side to side? He's on  
19 one side of the street and they're on the other side  
20 of the street. So he's less than 12 feet away, and  
21 he's pointing at -- at all three of these  
22 individuals. They have done nothing, said nothing.  
23 Matter of fact, the only thing they said is I have an  
24 apple.

25 So clearly, as to Counts 1, 2, and 3, as to

1 victims William Adams, Daniel Zweifel, that's  
2 Z-W-E-I-F-E-L, and Sara Connolly, the defendant would  
3 have no defense -- not defense of others, not defense  
4 of himself. He has no self-defense claim. They have  
5 done nothing. They're not involved in any of this.  
6 So any self-defense claim would be denied.

7 And as to Mr. Krnjaich, again, he's using -- the  
8 jury could find he's using deadly force to non-deadly  
9 force, which is not allowed under the statute. And  
10 he continues to use the deadly force even after the  
11 victim, Mr. Krnjaich, has removed himself from -- has  
12 retreated. He continues to point the loaded firearm  
13 at him and hold him in the -- you know, with the gun  
14 on him, and to the point where he -- he has to turn  
15 left -- excuse me, I think he turns right, so he's  
16 not in -- the gun is not pointed at his two-year-old.  
17 Because he was concerned by the way he was running he  
18 was in the path where, if he shot him, he'd shoot his  
19 two-year-old, which -- who I will note is in the  
20 yard, which is where the victim was at this time. He  
21 actually went a little bit to the right and then  
22 scooted back around when he saw that the gun were on  
23 the other three, who's not involved in the push, goes  
24 back and gets his child and runs him in the house.

25 So based on all the evidence, in the light most

1 favorable to the State, and the fact that this is a  
2 loaded firearm that was actually pointed at the  
3 victims, at this point, the judgment of acquittal  
4 will be denied.

5 And again, I'm citing the *Little* case and the  
6 *Drejka vs. State* case, and find that pointing or  
7 threatening with a firearm is deadly force, and it's  
8 not non-deadly force. Pulling the gun out and  
9 holding it down would clearly be non-deadly force;  
10 I'll get you that. Shooting is deadly force. But  
11 the *Little* case says threatening with a gun by  
12 pointing it at someone -- and the *Little* case is  
13 actually on point. The guy's in his yard looking for  
14 money, and he puts his gun right up to his -- you  
15 know, points it right at him, tells him get on the  
16 ground. He doesn't say I'm going to shoot you or  
17 anything. He just says get on the ground. And the  
18 jury, the Supreme Court -- the 4th DCA and Supreme  
19 Court did not take cert on this, but the Fourth DCA  
20 said that is the use of deadly force because the  
21 statute was changed and now the threat of the use of  
22 a firearm is, in fact, deadly force.

23 I will note, however, State, the use of  
24 non-deadly force instruction will be given to the  
25 jury. I think the -- the *Little* case and the other

1 cases say it's a jury question. But, you know, in  
2 the -- both of these cases, the use of non-deadly  
3 force was argued and given to the jury.

4 So I -- I know there was some indication that we  
5 might have some argument about that. We're not going  
6 to argue about that. I'm going to give non-deadly  
7 force, I'm going to give deadly force, and you all  
8 can fight it out to the jury and explain why it's one  
9 or the other or whatever you want to do. Okay?

10 So that -- that resolves the JOA and the use of  
11 non-deadly force. What is the other issue in the  
12 jury instructions? Have we resolved that?

13 MS. STEVENS: (Indiscernible).

14 MR. SARABIA: I think some of the issues may not  
15 be able to -- if the -- if the defendant is going to  
16 testify, it may resolve some of the State's issues,  
17 but at the moment I don't think that they get  
18 transferred intent, or their proposed transferred  
19 intent, or even the State's proposed transferred  
20 intent.

21 THE COURT: Okay. Currently, they do not.

22 Is your client going to testify?

23 MS. STEVENS: It is our intent to put on a  
24 defense with my client testifying, Your Honor. Of  
25 course, I'm sure you'll want to discuss that with my

1 client, but he is intending to --

2 THE COURT: Okay. Do you need a few more  
3 minutes to talk to him before I talk to him?

4 MS. STEVENS: He's prepared to answer that  
5 question now.

6 THE COURT: All right.

7 Mr. Clifton, please stand up and raise your  
8 right hand.

9 (The defendant was sworn.)

10 THE COURT: All right. You can put your hand  
11 down. You may have a seat, sir.

12 Mr. Clifton, state your name.

13 THE DEFENDANT: William Clifton, C-L-I-F-T-O-N.

14 THE COURT: Thank you, Mr. Clifton. Sir, you're  
15 the defendant in this case, and, as I have indicated  
16 to the jury on numerous occasions since we started  
17 yesterday, you, as a defendant, have an absolute  
18 right to remain silent. That means you do not have  
19 to testify, and, if you don't testify, we have an  
20 instruction that says they're not allowed to use it  
21 against you. You understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And you also understand that that  
24 decision on whether to testify or not is 100 percent  
25 your decision.

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: So your lawyer can give you their  
3 opinion, their best guess, but, in the end, if you  
4 choose not to testify, it's your decision. If you  
5 choose to testify, it's your decision. You  
6 understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Has anybody threatened or coerced  
9 you into making this decision?

10 THE DEFENDANT: No.

11 THE COURT: Has anybody given you -- told you  
12 you have to testify or you have to not testify?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Are you currently taking any  
15 medication for any reason for anything?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: What are you taking?

18 THE DEFENDANT: Prescription medication through  
19 the VA.

20 THE COURT: Okay. Is it a mental health  
21 medication?

22 THE DEFENDANT: Two of them are, yes.

23 THE COURT: Okay. Did you take it as prescribed  
24 within the last 24 hours?

25 THE DEFENDANT: Yes.

1 THE COURT: Is -- is there anything about the  
2 medication or the reason for the medication that's  
3 causing you to have a hard time understanding what  
4 you're doing here today?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Do they impair you in any way?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: And in this particular case, have  
9 you had enough time to talk to your lawyer about  
10 whether you wish to testify?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And what is your decision?

13 THE DEFENDANT: I will testify, Your Honor.

14 THE COURT: Okay. That's fine.

15 So the defendant's going to testify, so we can  
16 put that in there.

17 And other than those issues, what -- what other  
18 issues do we have about jury instructions?

19 MR. SARABIA: So, Judge, I put the lesser  
20 included crimes in there, and the Defense did not ask  
21 us to do that. I don't know if they're seeking them.  
22 We would not be seeking them. So that's one  
23 question.

24 And the next is, in justifiable use of deadly  
25 force. So Defense and I communicated about

1           justifiable use of non-deadly force, and they  
2           submitted what they would like. I think I may have  
3           added a paragraph in there. But they did not request  
4           the Stand Your Ground instruction. I don't think  
5           that this case needs that. So while I have it in the  
6           justifiable use of deadly force, I think it can come  
7           out, but I did not want to take it out without the --  
8           the Defense agreeing.

9           MS. STEVENS: There's been no -- there's been no  
10          evidence presented or questions about his ability to  
11          stand -- or to -- to be there. Give me just a  
12          moment, please.

13          (Pause.)

14          MS. STEVENS: If we could please leave that in.

15          THE COURT: Leave what in?

16          MS. STEVENS: The Stand Your Ground. I'm  
17          looking for it so I can be very specific.

18          THE COURT: Can you give me the case -- 3.6  
19          what?

20          MS. STEVENS: What was the question? I'm --

21          MR. SARABIA: On the old -- I don't know if  
22          we've sent the Court the new copy -- the new copy  
23          where all the pages are divided, but on the old copy  
24          it's page seven.

25          THE COURT: You have not. Can you shoot me a

1 copy of that?

2 MR. SARABIA: Sure. I will email one right now.

3 THE COURT: Is it 3.6(f)? Is that what we're  
4 talking about?

5 MR. SARABIA: I believe so.

6 MS. STEVENS: (Indiscernible) some numbers.  
7 Unfortunately, I don't (Indiscernible) off the top of  
8 my head.

9 (Attorneys confer.)

10 THE COURT: It's mhandsel@jud6.org.

11 (Pause.)

12 MS. STEVENS: Your Honor, did I hear you say  
13 that -- sounded like there was conversation about  
14 transferred intent, but I don't know that we have  
15 (Indiscernible) argument on that.

16 THE COURT: Well, we're not arguing about it  
17 because your client hasn't testified yet.

18 MS. STEVENS: I understand. Now I know where  
19 that goes.

20 THE COURT: So what the State was saying is we  
21 can't really argue about transferred intent because,  
22 right now, there's no testimony to that and we're not  
23 sure there will be. So --

24 MS. STEVENS: Well, that's my argument, Your  
25 Honor, because it sounds like his argument --

1 THE COURT: I mean, in most of the self-defense  
2 instructions there's, you know, in the dwelling  
3 house, in the residence. We take all that out.  
4 Right?

5 MR. SARABIA: We -- we should have taken all  
6 that out.

7 THE COURT: Okay.

8 MR. SARABIA: Now, there -- there's a couple  
9 things that I think still need to come out. For  
10 instance -- so I'm -- I'm on the new page 13. I  
11 don't know if the Court's gotten the -- the email  
12 yet, but --

13 THE COURT: No.

14 MR. SARABIA: -- but where it says force was  
15 necessary to prevent, A, imminent death or great  
16 bodily harm to himself, or, B, (Indiscernible)  
17 commission of applicable forcible felony.

18 THE COURT: There's neither.

19 MR. SARABIA: Yeah. They would need to provide  
20 a forcible felony to insert there that they believe  
21 the evidence shows, and, at this point, I don't think  
22 we're there. So I mean, I -- I think they can still  
23 get the prevent imminent death or great bodily harm.  
24 Obviously, the State's position is that neither one  
25 of those things were present but --

1 THE COURT: So the use of deadly force is  
2 justifiable if Mr. Clifton reasonably believes that  
3 the force was necessary to prevent imminent death or  
4 great bodily harm to himself while resisting -- and  
5 any attempt to murder him? I don't think you got  
6 that. Commit -- and you need to put in an applicable  
7 forcible felony?

8 MR. SARABIA: I think -- I think you're in a  
9 different --

10 THE COURT: Oh, I'm in a different section?

11 MR. SARABIA: -- spot from me.

12 THE COURT: Okay. Sorry.

13 MS. STEVENS: We're on page 13 going into 14.

14 THE COURT: Justifiable. Threaten to use death  
15 or great bodily -- reasonably believe that such force  
16 or threat was necessary to prevent? That one up  
17 there?

18 MR. SARABIA: Correct.

19 THE COURT: Okay. And it says A or B or both.  
20 Imminent death or great bodily harm to himself or  
21 herself or another or imminent commission of a  
22 forcible felony. Are you just asking for A?

23 MS. STEVENS: Your Honor, I don't -- I don't  
24 have the -- is it A or B or is it supposed to be  
25 both?

1           THE COURT: It's A or B or both. I just don't  
2 think you have a forcible felony. You have a push,  
3 but that's not a forcible felony. That's a battery.  
4 That's not a forcible felony. So --

5           MS. STEVENS: However, the argument could be  
6 that a battery can be enhanced to aggravated battery  
7 based on injury or severity of an injury. So --

8           THE COURT: You have a push back. That's all  
9 you have. You got to -- I mean, it's not like I  
10 could have fallen down, I could have broken my hip.  
11 I get -- he doesn't pull the gun until after he's  
12 pushed. He doesn't fall down. So --

13           MS. STEVENS: Well, the argument, and I believe  
14 what the -- the evidence is about to show is that  
15 there was the potential for more harm, and that  
16 Mr. Clifton responded to what he believed was going  
17 to happen. And I think that, at that point, the  
18 evidence may -- may rise to that level, and I hope  
19 that we can readjust it at that point. I mean, the  
20 Court can't make ruling (Indiscernible). But I do  
21 believe that we will be able to present evidence that  
22 might (Indiscernible) reasonable --

23           THE COURT: So -- so what my question to you is,  
24 you want to put in there that the imminent commission  
25 of what?

1 MS. STEVENS: Aggravated battery.

2 THE COURT: Aggravated battery. And then we're  
3 going to define what aggravated battery is? Because  
4 that's what we're going to have to do. And the  
5 aggravated battery is that the battery caused serious  
6 bodily injury.

7 MS. STEVENS: And I understand, Your Honor, the  
8 problem is, I don't even want this jury instruction.  
9 I understand that it's going to be in there. I'm  
10 concerned that by adding this in there, it will add  
11 questions to the jury that just aren't applicable in  
12 this particular case. The idea that Mr. -- they're  
13 going to have to evaluate --

14 THE COURT: So you're saying you don't want  
15 justifiable use or threatened use of deadly force  
16 instruction, period.

17 MS. STEVENS: I don't.

18 THE COURT: Okay. Well, we're definitely  
19 putting it in. So the question is, you believe that  
20 the aggravated -- forcible felony would be aggravated  
21 battery.

22 And then, State, we'll have to get a definition  
23 of aggravated battery. Since he didn't have a  
24 weapon, is the aggravated battery that he --

25 MR. SARABIA: To intentionally cause great

1           bodily harm.

2           THE COURT: Yeah. Intentionally cause great  
3           bodily harm.

4           MS. STEVENS: Your Honor, actually, I would like  
5           to take out the -- I don't want to run the risk of  
6           creating -- to complicate the instruction and have  
7           the jury asking questions that -- it just rises to  
8           the level of potential confusion for the jury  
9           (Indiscernible) great bodily harm. Your Honor, we  
10          would request A -- sub A (Indiscernible).

11          MR. SARABIA: In that situation, I will just get  
12          rid of sub A and make it one sentence.

13          THE COURT: Okay.

14          So going back to the lesser includeds, we didn't  
15          really address that. So I got the instructions now.  
16          Right now the charges are aggravated assault, four  
17          counts. The lesser included crimes of aggravated  
18          assault in -- are improper exhibition of a firearm  
19          and assault. Do -- does the Defense want either?  
20          Both? One? The other? What is your position?

21          MS. STEVENS: Your Honor, we would request  
22          the -- both -- both lesser includeds.

23          THE COURT: All right. State, they're asking  
24          for both. Let me -- just give me a second.

25          MR. SARABIA: If they want them, I think they

1 get them.

2 THE COURT: Okay.

3 MR. SARABIA: Is the way that I've done the  
4 lessers acceptable to the Defense?

5 MS. STEVENS: It's -- they're (Indiscernible).

6 THE COURT: They're both category one lessers.  
7 So improper exhibition of a dangerous weapon or  
8 firearm is 10.5, and assault, which is 8.1.

9 MS. STEVENS: (Indiscernible).

10 MR. SARABIA: (Indiscernible) one time for  
11 Counts 1, 2, 3, and 4, and then (Indiscernible).

12 THE COURT: Yeah. Usually what I do is I just  
13 say -- I read it and then I say that these are the  
14 same for each individual victim. So I don't read it  
15 four times.

16 MS. STEVENS: I understand.

17 THE COURT: I read the original aggravated  
18 assault four times; I do that. But the lessers are  
19 the same. You just insert victim name, assault. So  
20 I just read it once, I read assault once, and I say  
21 those are the lessors for each individual victim.

22 MS. STEVENS: Okay. I understand.

23 THE COURT: Now, the problem is that -- well, it  
24 doesn't really go into the instruction, but I assume  
25 the -- the transferred intent instruction, if you get

1           it, would only be for the Counts 1 through 3 and not  
2           for 4.

3           MS. STEVENS: Correct. Because 4 would  
4           (Indiscernible).

5           THE COURT: Right. It looks like -- on the ones  
6           you sent me, it is -- it's in there four times. It  
7           looks like Mr. Moeller just sent me a copy and it's  
8           in there four times, but I'll read it once. So just  
9           keep it in there four times, but I'll read it once.

10          So we agree, both of those -- on the ones you  
11          just sent me, you already have both of those lessers  
12          in there.

13          MR. SARABIA: Yes.

14          THE COURT: Okay. So we're good. Put them in  
15          there four times, but I'm only going to read them  
16          once, just so you all know.

17          And then, for the justifiable use of deadly  
18          force, again, it is the defendant -- defense to the  
19          crime of aggravated assault if the actions of  
20          Mr. Clifton constitutes the justifiable use or  
21          threatened use of deadly force. Deadly force means  
22          force likely to cause death or great bodily harm. He  
23          does not have the burden of proving that he was  
24          justifiable in using or threatening to use deadly  
25          force. Instead, for you to find the defendant

1 guilty, the State must prove beyond a reasonable  
2 doubt the defendant was not justified in using or  
3 threatening to use deadly force. The law on the  
4 justifiable use of deadly force is as follows. And  
5 we're putting in imminent death or great bodily harm  
6 to himself, and we're taking out the forcible felony,  
7 that B. Right, State?

8 MS. STEVENS: Yes.

9 MR. SARABIA: Yes, Judge.

10 THE COURT: Okay. And then if William Clifton  
11 was not committing any crime other than alleged  
12 aggravated assault for which the defendant is  
13 claiming self-defense, and if he was in a place where  
14 he had a right to be, then the defendant had no duty  
15 to return retreat before using or threatening to use.  
16 On the other hand, if at the time he used or  
17 threatened to use force, he was committing a -- and  
18 insert defendant's criminal act.

19 MR. SARABIA: We would put theft and criminal  
20 mischief there.

21 THE COURT: Okay. State -- I mean Defense, what  
22 is your position on that?

23 MS. STEVENS: Our position is that these items  
24 were illegal based on their placement in the road  
25 causing other vehicles to alter their normal course

1 of traffic. They are -- based on the statute the  
2 Court took judicial notice to, I -- I believe that it  
3 rises to the level of obstruction in the roadway  
4 based on the definition given. If that's the case,  
5 there -- he's not trying to do anything of criminal  
6 mischief. He's trying to move what he believes to be  
7 illegal objects out of the road, and that those  
8 objects were, in fact, illegal.

9 Is -- that is the claim -- or those are the  
10 other -- if those are what the State wants to put in,  
11 we need to be able to argue that -- then let the jury  
12 decide if his belief was what caused him to do that,  
13 because he believed them to be unlawful. The statute  
14 is provided and that he -- because now we're putting  
15 a position where he was committing criminal mischief.  
16 That would not be criminal mischief if he was indeed  
17 doing willful -- willful and malicious to the items  
18 or to do harm or damage. There's a reason for him to  
19 do that, that he believed they were illegal.

20 And I believe that if we're going to add  
21 anything like that, we need to add the statute  
22 that -- if we don't -- even if the Court doesn't make  
23 a determined fact -- make a fact as to whether or not  
24 they're legal or illegal, I would ask that it be put  
25 in there so that the jury knows -- knows about it.

1 Knows the -- the verbiage of it.

2 THE COURT: Okay. Well, I've taken judicial  
3 notice of both statutes, and neither one of them  
4 apply in this case. You have a law enforcement  
5 officer who came, saw, wrote no tickets. You have a  
6 witness who testified that he checked; they weren't  
7 unlawful.

8 The Florida Statutes 316 says -- first of all,  
9 I'm not sure and nobody's testified that this is a  
10 public roadway. This is -- most of the places in  
11 Pasco, neighborhoods like this, are private-owned  
12 roads by the HOA. But I don't know that to be sure.  
13 I don't know, but we didn't have any testimony to  
14 that.

15 But it says -- Florida Statutes 316.205 says  
16 which prohibits willful obstruction -- obstructing  
17 the free, convenient, and normal use of public  
18 streets, highways, or roads by impeding traffic,  
19 standing on the roadway, or endangering the safe  
20 movement of vehicles and pedestrians. Everybody  
21 testified you could drive 25 miles an hour over it.  
22 Didn't like it, but it didn't impede anything.  
23 They -- everybody testified -- the law enforcement  
24 officer, all the witnesses, everybody testified that  
25 people drive up and down the street over these speed

1 bumps. They don't obstruct, they don't do anything.  
2 So they clearly do not obstruct the free, convenient,  
3 and normal use of the public streets, highways, or  
4 roads by impeding traffic, standing on the roadway,  
5 or endangering the safe movement of a vehicle or  
6 pedestrian. There's no testimony to that. Not at  
7 all. The officer testified that they didn't -- it  
8 was fine. So that one doesn't apply.

9 The second one is the Pasco County Florida Code  
10 Ordinance Section 82-2, which says: Obstructing  
11 roads prohibited. Obstructing, by any means, any  
12 public or county right-of-way, or county easement,  
13 used as a street, road, highway, or causing such  
14 obstruction, is prohibited. Obstructing, by any  
15 means, any private right-of-way, or private easement  
16 for egress and ingress, used as a street, road,  
17 highway, or causing such obstruction, is prohibited  
18 if such obstruction interferes with the efficient  
19 delivery of emergency or law enforcement services.  
20 This subsection does not prohibit obstruction of a  
21 private right-of-way or private easement for ingress  
22 or egress by a person with exclusive ownership,  
23 according to the recorded instruments of the county,  
24 of the right-of-way or easement.

25 There's no testimony that these plastic

1           throw-out things that we put on in any way prohibit  
2           the ingress or egress of emergency delivery or law  
3           enforcement services. So there's been no testimony  
4           that either one of these apply.

5           So again, the problem is -- is that your client  
6           can say whatever he wants. I have no law. I have  
7           nothing that says these are illegal. I have law  
8           enforcement that testified that they're not illegal.  
9           He didn't write a ticket for it. So you know, he --

10           MS. STEVENS: Your Honor, I -- I would ask the  
11           Court to consider just letting the jury make that  
12           decision. I understand there's no case law on point  
13           as far as speed bumps, but the idea that these are  
14           obstructing the free and convenient and normal use of  
15           a public street is the -- I think it's plain in the  
16           testimony that they weren't supposed to be there.  
17           They put them there because they wanted them there.  
18           It's not -- I mean, by definition, nobody could go  
19           around them. The free, convenient, and normal use of  
20           a public street.

21           This is a CDD community, and I believe that the  
22           testimony will come out in the same reliability as  
23           what was given when people said that they believed  
24           them to be legal. I don't -- I don't think that they  
25           had any authority to believe one way or another, and

1 I'm just asking that the jury get an opportunity to  
2 have the same information so that they can make that  
3 decision.

4 THE COURT: This isn't something for them to  
5 decide. There is no -- no law that would allow your  
6 client to make a determination of someone else's  
7 property. This would be no different than if a  
8 bicycle was -- you know, someone was riding bicycle  
9 and they dropped it. He doesn't get to say, hey,  
10 that bicycle is four feet in the roadway, and that's  
11 illegal, so I get to take that bicycle and throw it  
12 into the -- their driveway and damage the bicycle.  
13 That would be criminal mischief.

14 MS. STEVENS: Right. But --

15 THE COURT: Yes. It was somewhat in the  
16 roadway, but he doesn't have the right to enforce.  
17 If he was law enforcement, maybe. But he's not law  
18 enforcement. He's not code enforcement. He's not  
19 law enforcement. He's not the HOA director. He's a  
20 guy driving his car.

21 So this is someone else's property. He's told  
22 it's someone else's property. He can do one of two  
23 things. He can drive over it, sue them, get a dec  
24 action. He can, you know, complain to law  
25 enforcement. He can complain to the HOA. But he

1 doesn't get to take someone else's property because  
2 he doesn't think it belongs there. It's not his.

3 Clearly, we all agree he knows that property is  
4 not his. So it's someone else's. And therefore, if  
5 you take property not of your own, that's theft. You  
6 don't get to say, well, I don't think it had a right  
7 to be there, so I'm going to take it. He took things  
8 that did not belong to him.

9 It'll be up to the jury, and I'm sure you'll  
10 argue he was moving it out of the way. It's not  
11 theft. It's not criminal mischief. Because all he  
12 did was move it five feet to get around it. You get  
13 to argue that. That's not anything wrong with that.  
14 But to say that I'm supposed to tell them that it's  
15 unlawful, I can't do that. There's nothing about  
16 this that's unlawful. Nothing.

17 MS. STEVENS: Your Honor, I'm not asking you to  
18 tell the jury that it's unlawful. I'm asking you to  
19 give them the same information to make the  
20 determination as though they were making a  
21 determination about the criminal mischief or about  
22 theft. They -- I believe --

23 THE COURT: But there is no -- what -- criminal  
24 mischief is a law. Theft is a law. I can give them  
25 a jury instruction, and they can say, yes, he

1 committed criminal mischief, yes, he committed theft.  
2 I cannot give them a jury instruction that says,  
3 says, hey, those plastic things on the road  
4 Mr. Clifton doesn't like. Therefore, they're  
5 obstructions. Therefore, you decide if they're --  
6 they meet the statutory definition. No, they --  
7 there is no jury instruction on that.

8 MS. STEVENS: I understand and I agree. I just  
9 wanted to have the verbiage of it being -- to  
10 obstruct under this statute means this, and then let  
11 the jury decide. It's a -- it's a -- it's punishable  
12 under (Indiscernible) violation. It is a actionable  
13 offense. I understand the Court's position.  
14 Obviously, there's nothing going to change that. I  
15 can object all day long. You made a ruling, and I  
16 will honor that.

17 THE COURT: Okay. I'm not going to give them  
18 any jury instructions about, you know, obstruction.  
19 They -- they see for themselves where it is. The  
20 State wants criminal mischief and petty theft. We'll  
21 put it in there.

22 Give me the instructions for criminal mischief  
23 and petty theft so that the jury has that too.

24 MS. STEVENS: And just -- just for the sake of  
25 doing it, Your Honor, Defense objects to those

1 (Indiscernible).

2 THE COURT: Okay. Your objection is noted. The  
3 facts are that he took the things and put them  
4 somewhere they didn't belong. And I -- I'm not sure  
5 criminal mischief is actually -- because I think they  
6 testified that nothing was injured. So I don't know  
7 where you get criminal mischief. State?

8 MR. SARABIA: He was concerned they could be  
9 damaged.

10 THE COURT: Okay.

11 MS. STEVENS: I don't know if that rose to the  
12 level of any kind of, like, actual damage, though.  
13 They didn't make any --

14 THE COURT: I says was -- he was committing.

15 MS. STEVENS: I guess I don't --

16 THE COURT: So fact that it ended up not being  
17 damaged, you're saying he tried to damage it. Is  
18 that your -- is that your --

19 MR. SARABIA: Correct.

20 THE COURT: Okay.

21 MR. SARABIA: He was heading toward the  
22 additional speed bumps with the potential intent to  
23 damage them.

24 MS. STEVENS: I'm sorry. What page are we on?  
25 I missed it all again.

1 THE COURT: We're -- we're still on the same  
2 page, justifiable use of the -- of deadly force.  
3 We're still at insert defendant's criminal acts, or,  
4 if at the time used or threatened to use deadly  
5 force, he was not in a place where he had a right to  
6 be. I think we take that out. I think we'd all  
7 agree that he can stand on the road in -- in this  
8 neighborhood. Yes?

9 MR. SARABIA: I'm sorry. Where are you?

10 THE COURT: We're right below on the other hand,  
11 if, at the time William Clifton used or threatened to  
12 use deadly force, he was committing a -- insert  
13 defendant's criminal activity. We agreed we're going  
14 to put petty theft, criminal mischief. Yes?

15 MR. SARABIA: Correct.

16 THE COURT: And then, or, number two, if, at the  
17 time William Clifton used or threatened to use deadly  
18 force, he was not in a place where he had a right to  
19 be.

20 MS. STEVENS: I agree --

21 MR. SARABIA: That's not --

22 THE COURT: He -- he was in the road. He has a  
23 right to be there. It's a public road. He wasn't in  
24 a private -- you know, a private area. He was in a  
25 public area. So that comes out.

1 MS. STEVENS: And as far as the criminal  
2 mischief for -- to note our objections  
3 (Indiscernible) criminal mischief -- I don't think  
4 that criminal mischief is appropriate.

5 THE COURT: Okay. That'll be overruled. It'll  
6 be up to the jury. So the defendant's -- not  
7 place -- okay. The -- the duty to retreat means the  
8 defendant had the legal obligation to use every  
9 reasonable mean -- means to avoid any danger before  
10 using or threatening to use deadly force.

11 MS. STEVENS: If we take out number two, I  
12 think --

13 THE COURT: That comes out too.

14 State, does that make sense?

15 MR. SARABIA: Yes.

16 THE COURT: Okay. So --

17 MS. STEVENS: I think some of this is repeated  
18 in --

19 THE COURT: The law does not require the  
20 defendant to retreat if he was placed in imminent  
21 danger of death or great bodily harm or imminent  
22 danger of commission of a forcible felony. We've  
23 decided there is no forcible felony, so we'll take  
24 out that part -- or imminent danger of forcible  
25 felony?

1 MR. SARABIA: Yes.

2 THE COURT: Because basically we're saying great  
3 bodily harm --

4 MS. STEVENS: Yes.

5 THE COURT: -- that's in there.

6 MS. STEVENS: Correct.

7 THE COURT: -- against himself, and it would  
8 have increased his danger to retreat. That comes  
9 out. Or if retreat would have been futile. That  
10 comes out. But if the defendant had a duty to  
11 retreat and if he could have safely retreated -- all  
12 that comes out.

13 MS. STEVENS: Yes.

14 THE COURT: So that whole -- that whole line,  
15 that all comes out. So it'll end up: The law does  
16 not require the defendant to retreat if he was in a  
17 place in imminent danger of death or great bodily  
18 harm.

19 MR. SARABIA: So the -- the -- but if the  
20 defendant had a duty to retreat, that would stay in.  
21 Right? Because that's the alternative.

22 THE COURT: Yes. Yeah. I'm sorry. That'll  
23 stay in.

24 MS. STEVENS: Oh, okay. Yes.

25 THE COURT: Sorry. I got a little crazy and

1           took out part I didn't -- I shouldn't have taken out  
2           there right now.

3           MS. STEVENS: I don't have a problem taking out  
4           anything (Indiscernible).

5           THE COURT: And then, the use of deadly force is  
6           justified if William Clifton is -- reasonably  
7           believed that the force was necessary to prevent  
8           imminent death or great bodily harm while resisting  
9           an attempt to murder him or commit a forcible felony.  
10          That's out. Right? Because we've -- we've already  
11          decided it's great bodily harm.

12          MS. STEVENS: Yes.

13          THE COURT: State, yes?

14          MR. SARABIA: Yep. That's fine.

15          THE COURT: Okay. And I'm just trying to read  
16          it all. So -- in deciding whether William Clifton  
17          was justified in use or threatening to use deadly  
18          force, you must consider the circumstances at the  
19          time the force or threat of force was used. The  
20          danger need not have been actual; however, to justify  
21          the use or threatened use of deadly force, the  
22          appearance of imminent danger must have been so real  
23          that the defendant actually believed believe the use  
24          or threatened use was necessary. Moreover, to  
25          justify the use or threatened use a reasonable,

1 cautious, prudent person -- blah, blah, blah. That's  
2 all in.

3 However, if -- however, the use of or threatened  
4 use of deadly force is not justifiable if you find  
5 that William Clifton used force or threat of force  
6 to -- to initially provoke the use or threatened use  
7 of force against himself, unless the force or threat  
8 of force asserted towards the defendant was so great  
9 that he reasonably believed that he was in imminent  
10 danger of death or great bodily harm and had  
11 exhausted every reasonable means to escape the danger  
12 other than using or threatening to use deadly force  
13 on Michael Krnjaich, or, in good faith, William  
14 Clifton withdrew from physical contact. I think or  
15 number two is out, because I don't think he withdrew  
16 from physical contact. Clearly indicating that he  
17 wanted to withdraw, stop the use, threaten to use,  
18 all that -- that wouldn't -- two wouldn't apply.

19 MR. SARABIA: That's fine.

20 THE COURT: Defense?

21 MS. STEVENS: I'm sorry. I'm just reading  
22 through it, Your Honor. Number two implies that he  
23 had (Indiscernible).

24 THE COURT: Number one is the force or threat of  
25 force asserted towards the defendant was so great

1           that he reasonably believed that he was in imminent  
2           danger of death or great bodily harm. That's what  
3           he's alleging.

4           MS. STEVENS: Correct.

5           THE COURT: And had exhausted every reasonable  
6           means to escape the danger other than using or  
7           threatening to use the deadly force, or, in good  
8           faith, Clifton withdrew from physical contact with  
9           Michael Krnjaich and clearly indicated to him that he  
10          wanted to withdraw and stop the use or threatened --  
11          force, but Mr. Krnjaich -- that he wanted -- or --  
12          but he continued to assume -- to resume the use of  
13          threatening -- we don't have that. We don't have  
14          (Indiscernible) come back out. All right. So or,  
15          number two, is out.

16          In considering the issue of self-defense, you  
17          must take into account the relative physical  
18          abilities and capabilities of Mr. Clifton and Mr. --

19          MS. STEVENS: Michael.

20          THE COURT: -- Krnjaich. Krnjaich. I'm just  
21          going to -- I'm going to mess it up a hundred times.

22          Okay. So then we have justifiable use of  
23          non-deadly force. Have -- have you all gone through  
24          this?

25          MR. SARABIA: Yes. I believe -- well, I'll ask

1 Defense. It -- I think it mostly comports with what  
2 they sent us that they wanted.

3 MS. STEVENS: I was going to look through it.

4 MR. MOELLER: (Indiscernible).

5 THE COURT: Again, you put in the part about  
6 use -- however, the use of or threatened use of  
7 non-deadly force is not justified if you find that  
8 William Clifton used force or the threat of force to  
9 initially provoke the use or threatened use of force  
10 against himself, unless the force or threatened force  
11 asserted toward William Clifton was so great that he  
12 reasonably believed that he was in imminent danger of  
13 death or great bodily harm and had exhausted every  
14 reasonable means to escape. I'm not sure that's the  
15 correct on non-deadly force.

16 MS. STEVENS: I don't know if that was included  
17 in --

18 MR. SARABIA: That (Indiscernible).

19 MS. STEVENS: -- (Indiscernible) or is that --

20 MR. SARABIA: No. That -- that, I think I added  
21 that section in the -- I believe that is the  
22 non-deadly one. I'll check (Indiscernible).

23 MS. STEVENS: All right. I don't  
24 (Indiscernible).

25 MR. SARABIA: And that -- that is the way it

1 reads in the form jury instructions.

2 MS. STEVENS: Then it must be in there.

3 THE COURT: Yeah. That's in.

4 MR. SARABIA: It's different when there's --

5 THE COURT: No. I guess -- I guess it's still  
6 in there. However, use of threat -- non-deadly force  
7 is justified if you find he was attempting to commit  
8 or escaping the commission; however, unless the force  
9 or threatened force asserted towards the defendant  
10 was so great -- blah blah, blah. But number two  
11 would be out. Right?

12 MR. SARABIA: Correct.

13 THE COURT: Okay. So same thing. We just take  
14 the bottom half -- it is in there. Sorry. It just  
15 seemed like not -- shouldn't be in there, but it is,  
16 so --

17 MR. SARABIA: I'm going to take away the one and  
18 just make it one big long paragraph.

19 THE COURT: Okay. Keep the transferred intent  
20 instruction. We can always pull it out. We just  
21 won't staple. Just don't staple it. Put paper clips  
22 on these. Okay?

23 MR. SARABIA: Okay.

24 MS. STEVENS: I'm sorry. Did you say you were  
25 taking out the (Indiscernible).

1 THE COURT: We're just taking out the or.

2 MR. SARABIA: Yeah. The -- the number two.

3 THE COURT: Or number two.

4 MS. STEVENS: Thank you.

5 THE COURT: And then -- but we're leaving in, in  
6 considering the issue of self-defense, again, you  
7 take the physical abilities and capacities of the two  
8 individuals.

9 MS. STEVENS: Correct.

10 THE COURT: And then request justifiable use of  
11 force instruction against property. State wants  
12 this. Defense does not?

13 MS. STEVENS: Correct. Your Honor, I believe  
14 that there is argument here that this is burden  
15 shifting, causing the jury to alter their view of --  
16 to focus on our client's justified using force or  
17 non-deadly force. In having them evaluate Michael's  
18 actions and whether or not he was justified, I  
19 believe that that shifts the burden from the -- from  
20 the State to the Defense to prove that Michael  
21 shouldn't have used it. I think it's just way too  
22 much. It complicates the circumstance, it confuses  
23 the jury, and it puts the Defense in -- the burden to  
24 prove that he did not act justified -- in a justified  
25 way.

1           MR. SARABIA: And, for the record, I just pulled  
2 out the one specific part of justifiable use of  
3 non-deadly force that I believe would pertain to  
4 Michael Krnjaich's actions against the defendant.

5           MS. STEVENS: I -- I understand. I just don't  
6 think that Michael should have a defense in any  
7 respect. He's not at trial here. His actions were  
8 not gone in an evidentiary manner. He made his  
9 statement of what he did. I don't think the jury  
10 needs to consider whether or not he was justified or  
11 not. We're arguing based on our client did and we  
12 want them to focus on the evidence that it relates to  
13 our client.

14           I also think this provides a false indication  
15 that if they find that he -- that Michael was  
16 justified, then that's more weight towards convicting  
17 the defendant, and I think that that -- that runs a  
18 risk that I don't think should be included.

19           MR. SARABIA: I think that's the whole point  
20 is --

21           THE COURT: I know what you're saying. I am  
22 going to read the instruction and tell the jury that  
23 this instruction -- we're going to put Michael  
24 Krnjaich was justified -- in -- in a line right above  
25 this, I'm going to have you put in that this

1 instruction only goes to the actions of Michael  
2 Krnjaich, and that's all I want to say. That's all  
3 it goes to. For them to determine his actions and  
4 his actions alone. This does not go to the  
5 defendant. But the jury has -- they've already asked  
6 me some questions on whether this is legal, that that  
7 is legal. This is for them to decide if he was  
8 justified in pushing your client.

9 You asked the defendant -- you asked the victim,  
10 I'm sorry, on the witness stand, these questions, and  
11 I'll note -- and I took note of this because I was  
12 concerned by the question you asked. You said, you  
13 pushed him, and he said yes. And then he pulled the  
14 gun, and he said yes. And you said, would you have  
15 pushed him if he had not -- if you saw the gun, and  
16 he said no, because I didn't want to be shot.

17 And so the jury has a right to know if Mr. --  
18 the victim of Count 4 has a right to push your  
19 client. It's going to make their decision on whether  
20 your client's use of deadly force or non-deadly force  
21 is correct. If they find that Mr. -- the victim did  
22 not have a right to push your client, then that  
23 might -- that might -- they might find that your  
24 client had the right to use deadly force because he  
25 had no right to put his hands on him. And so

1 anything that happens after that -- anything happens  
2 after that is on him. That's what you're going to  
3 argue anyway. And I don't want them coming back and  
4 asking me, did he have a right to push him? Is there  
5 anywhere in the law that he has a right to push him?

6 I'm not saying he does have a right to push him.  
7 I'm saying it's the jury's decision to decide the  
8 first encounter and then the second encounter. And  
9 that is always -- put this as to only as to Count 4.  
10 That's what I meant to say. This is -- this  
11 instruction is only to Count 4.

12 MS. STEVENS: And, Your Honor, I have to -- I  
13 have to move this back to the speed bump situation.  
14 Here, you want the jury -- we're -- we are going to  
15 include in the jury instructions an instruction for  
16 them to evaluate the legality of Michael's justified  
17 actions, and -- but we -- now -- and because it's a  
18 concern that might come to the jury. We know for a  
19 fact the jury's already asking questions about  
20 whether or not the speed bumps are legal. I --  
21 the -- including the -- I understand the Court does  
22 not -- and the problem here is I believe that this  
23 Court does -- is not finding that that law applies to  
24 the speed bumps.

25 But I -- I think this is the same argument.

1 Giving the jury something to decide on -- because now  
2 we have given Michael more validity. Like, they --  
3 we've given him -- the jury an opportunity to find  
4 that he either did or didn't wrong, where we're going  
5 to leave the question open for my client that could  
6 otherwise be answered by the jury as well.

7 THE COURT: Okay. I understand your argument,  
8 but again, the argument that Defense can make in this  
9 case is that these speed bumps were in the road and  
10 he moved them. He did not destroy them. He did not  
11 steal them. He moved them. They're speed bumps that  
12 they put out because they want to put out. They  
13 don't get to -- and you can argue they don't get the  
14 right to throw stuff down on the ground because they  
15 don't like speeders. I don't have a law that says  
16 that, so I can't give them an instruction. But that  
17 won't stop you from arguing it, and I'm not going to  
18 stop you. I'm not going to say, oh, facts not in  
19 evidence, sustained, no way. You get to argue  
20 whatever you want, but there's no instruction that I  
21 can give them that would assume or assist them.

22 Because then they would be making law -- they would  
23 be making decisions about a law that does not exist.

24 Property law exists. Criminal mischief, theft,  
25 that exists. These are property, clearly, of another

1 that was in the road. Your argument is -- their  
2 argument is he took property that didn't belong to  
3 him, and you have a right to defend your property.  
4 Your argument's going to be they don't have a right  
5 to put their property in the road and not expect  
6 someone to move it so they can go around it. Clearly  
7 moving their property, that wasn't damaged and he  
8 didn't take, is not theft and it's not criminal  
9 mischief. He moved it. Wah.

10 And their argument's going to be who is he to be  
11 the HOA Karen and decide what he gets to do and who  
12 gets to put what and jump out and curse at people and  
13 start messing with their property. That step, he  
14 took -- took some something that wasn't his, and when  
15 someone had the audacity to jump up and tell him no  
16 and push him away from their property, he ups the  
17 ante. Those are the arguments. And these fine six  
18 people are going to tell me what is what.

19 I'm not stopping anybody from making the  
20 argument, but clearly property law exists. You're  
21 not allowed to take things that don't belong to you,  
22 even if they're not where they're supposed to be.  
23 That belongs to someone else. You know, there's a  
24 whole bunch of stuff about that. But I am not going  
25 to stop the -- either side from making argument that,

1           because there is no law, that these speed bumps can  
2           be put out there, and these speed bumps are in my  
3           way, so I moved them. Like I'd move his kid's bike  
4           or I'd move his kids trike, I moved these speed bumps  
5           that are in the way. And there you go. So I  
6           understand your objection. It'll be overruled.

7           So -- but I just want on the request for  
8           justifiable use of force instruction to say this  
9           applies to Count 4 only. Just so they're not back  
10          there thinking that there's some sort of weird -- you  
11          know, it doesn't -- it doesn't account for 1, 2, and  
12          3.

13          The transferred intent. Keep it in. We'll see  
14          if we put it in later. There's a transferred intent  
15          and then there's the defendant's proposed transferred  
16          intent. The transferred intent instruction says if a  
17          person intends to hit, strike, or shoot a person, and  
18          in the process hits, strikes, strikes, or shoots a  
19          different person, the law transfers the intent to  
20          hit, strike, or shoot the intent person to any person  
21          who was actually hit, struck, or shot. That's the --  
22          I guess that's the standard.

23                 MS. STEVENS: Yes.

24                 THE COURT: And you want to have this -- and an  
25                 issue in this case is whether William Clifton was

1 justified in threatening to use non-deadly force  
2 against Michael Krnjaich, and in the process  
3 threatened unintended victims. If you find that  
4 William Clifton was justified in the use of  
5 non-deadly force against Mr. Krnjaich, in the process  
6 also threatened unintended victims, the justification  
7 for the threatened use of non-deadly force transfers  
8 to the threat against unintended victims.

9 I'm not reading that. I will read the standard  
10 transferred intent. And if you want to -- if you  
11 want to put if -- if a person intends or attempts, I  
12 can put it -- you know, something like that. If a  
13 person intends to hit, strike, or shoot and in the  
14 process hits, strikes, or shoots -- but I can put in  
15 a word here, since we have -- he didn't actually  
16 shoot him. So if a person intends to threaten, point  
17 a gun? I don't know what you want to put in there.  
18 What'd you put in down here?

19 MS. STEVENS: Inflict fear. To cause fear?

20 THE COURT: Okay.

21 MS. STEVENS: I -- yeah. I think if the person  
22 intends or attempts to --

23 THE COURT: Point a gun or shoot a gun? Where  
24 it says shoot, you can put: If a person intends to  
25 hit, strike, or point or shoot a person -- point a

1 gun or shoot a person. I don't know.

2 MS. STEVENS: I was having a hard time with that  
3 too, Your Honor. I just --

4 THE COURT: I -- I think the jury understands  
5 just the way it is.

6 MS. STEVENS: Yeah.

7 THE COURT: And I'll just let you argue it.

8 MS. STEVENS: I can argue -- I can argue to  
9 clarify the --

10 MR. SARABIA: We have a proposed transferred  
11 intent based on case law that -- and I don't know if  
12 you --

13 MS. STEVENS: (Indiscernible).

14 THE COURT: Oh, hold. There's a third one. If  
15 the aggravated assault against Michael Krnjaich  
16 would, under all the circumstances, have been  
17 justified upon the theory of self-defense, and then  
18 the unintended ag assault against the bystander by  
19 the pointing of the firearm in the proper and prudent  
20 exercise of such self-defense is also justified.

21 Okay. I'll go that one. That's good.

22 MR. SARABIA: And there's a -- I cited that  
23 case, *Brown v. State*. That one I think is actually  
24 a -- it might be a murder or a shooting. I had to --

25 THE COURT: That -- that sounds good.

1 MR. SARABIA: -- alter it for aggravated  
2 assault, but --

3 THE COURT: You okay with that?

4 MS. STEVENS: I -- there was -- I mean, yeah. I  
5 think that goes better than the other one --

6 THE COURT: Can we just take the case law out?

7 MR. SARABIA: Yeah. I decided to put that there  
8 so --

9 THE COURT: Yeah. Take -- so take out page 18.  
10 Take out page 19. We'll use page 20.

11 MS. STEVENS: The only thing --

12 THE COURT: And take out the cite.

13 MS. STEVENS: Can we somehow make the -- in the  
14 proper and prudent exercise of self-defense? I --  
15 that verbiage seems a little outdated and I don't  
16 know if it will track with the jury, but I don't know  
17 that I can really -- I don't know (Indiscernible).

18 THE COURT: No. I think that's the correct --

19 MS. STEVENS: It is from the case. It's  
20 straight from the case.

21 THE COURT: I'm just going to read it on the  
22 case. I'm just going to take out the word State's up  
23 at the top. So propose -- and proposed. Just have  
24 it say Transferred Intent. Okay? You see?

25 MR. SARABIA: Yep. Got it.

1 THE COURT: And then it'll be fine. And then  
2 you just take out the case name.

3 Plea of Guilty, Reasonable Doubt. That's  
4 standard. Any objection to that?

5 MS. STEVENS: Not the standard, Your Honor.

6 THE COURT: Okay.

7 MS. STEVENS: Can we -- I'm sorry. Can we go  
8 back to Transferred Intent? If you find there was an  
9 aggravated assault -- something that indicates  
10 that -- I don't want it to just assume that the  
11 aggregated assault happened. So if they find that an  
12 aggravated assault was committed against so and so,  
13 then -- then have that -- the rest in there. If you  
14 find --

15 THE COURT: If you find?

16 MS. STEVENS: Yeah. If you find that an -- if  
17 you find William Clifton committed an aggravated  
18 assault against -- that way it's a little bit more  
19 neutral and it doesn't indicate (Indiscernible) that  
20 it actually -- you know, if the aggravated assault  
21 against my Michael. I think it adds a little element  
22 of you still get to decide, but if you do --

23 THE COURT: Okay. Just -- you got to be more --  
24 you -- you said a lot of words and we have to type  
25 them.

1 MS. STEVENS: Sorry.

2 MR. SARABIA: How about if you find an  
3 aggravated assault against Michael Krnjaich would --

4 MS. STEVENS: Yes.

5 MR. SARABIA: Okay.

6 THE COURT: Okay. We're good. All right. Put  
7 that in there.

8 Going to Weighing the Evidence, I've gotten to  
9 the point where I'm just one through ten. I don't  
10 take anything out.

11 MS. STEVENS: Okay.

12 THE COURT: I just read it all.

13 Whether the defendant has met its burden of  
14 proof. The witnesses in law enforcement. Right now  
15 the defendant's testifying, so we keep that in. Take  
16 out the italics, give only if the defendant  
17 testifies. Are you there? You're on page 23?

18 MS. STEVENS: Yep. You can take that out.

19 THE COURT: Mr. Serabia, since you're going to  
20 type these for me. Print these, I should say. Take  
21 out the italics. Yes?

22 MR. SARABIA: Page 21?

23 THE COURT: Twenty -- well, you -- you're --  
24 you're probably automatically repaging yourself.

25 MR. SARABIA: (Indiscernible).

1 THE COURT: So the -- basically whether the  
2 defendant has met it's burden.

3 MR. SARABIA: Okay.

4 THE COURT: So just take defendant in this case  
5 has become a witness, and take the italics above the  
6 top. The rest of it's okay. We'll take out the  
7 defendant not testifying now. He said he's  
8 testifying.

9 Rules of Deliberation. We're giving them all.  
10 I -- I don't care if we keep in the jury is not to  
11 discuss the question. We said it right in front of  
12 all of them, so we just put them all in there.

13 Cautionary Instruction. Verdict. Single  
14 Defendant, Multiple Counts, Submitting the Case to  
15 the Jury.

16 And at the bottom there, the exhibits will be  
17 sent into the jury room with you when you begin to  
18 deliberate. Take out the.

19 We're going to be here late.

20 I'm also considering putting a time frame on  
21 closings of 45 minutes for each side. What do you  
22 say? What says Defense?

23 MS. STEVENS: Agreed.

24 THE COURT: State?

25 MR. SARABIA: I'd ask for 60 minutes, but I

1 don't think I'll take 45.

2 THE COURT: I'll give you 45. If you need to  
3 wrap up, I'm not going to -- you know --

4 MR. SARABIA: I just don't know how long  
5 Mr. Moeller is going to take.

6 THE COURT: Well, that's my point. We're just  
7 going to -- he's -- he's the new guy. We're going to  
8 make him talk a little faster, but not too fast.

9 All right. State, can you make me 12 copies?

10 MR. SARABIA: (Indiscernible).

11 MS. STEVENS: Can I ask. I have a USB for our  
12 evidence. Are they're going to be allowed to send  
13 something back there or --

14 THE COURT: What do you have on there?

15 MS. STEVENS: It's the two other videos.  
16 They -- and the audio was cleaned up and the -- the  
17 zoomed-in -- the State has -- they were going to stip  
18 to it.

19 MR. SARABIA: Yeah. That's fine.

20 MS. STEVENS: They're going to stip to --

21 THE COURT: Does your -- does your laptop play  
22 USB?

23 MS. STEVENS: My assistant knows how to -- he  
24 came in and -- oh.

25 MR. SARABIA: Mine will on the -- on the court

1 TV.

2 THE COURT: No. I'm asking -- the one that  
3 we're going to send back to the jury, does it play?

4 MR. SARABIA: I don't believe I have one. We  
5 were going to send the big board back with them, but  
6 our big board broke.

7 THE COURT: Okay. So we -- what I do is have  
8 you guys put your laptop into training mode and send  
9 it back. That's what I've been doing.

10 MR. SARABIA: Okay.

11 THE COURT: So the question is, does it have a  
12 UPS [sic].

13 MR. SARABIA: Yes.

14 THE COURT: All right. So then that's good.

15 MR. SARABIA: Our does, yes.

16 THE COURT: I don't like everything highlighted  
17 like this.

18 THE COURT CLERK: Okay.

19 MR. SARABIA: Is it one verdict form -- one  
20 verdict form for each count?

21 THE COURT: Yes. Of course we do.

22 THE COURT CLERK: So take the bold --

23 THE COURT: Yeah.

24 THE COURT CLERK: Okay.

25 THE COURT: But other than that, everything's

1 good.

2 THE COURT CLERK: Okay.

3 THE COURT: The verdict forms are right here.  
4 We're just going to take the bolding out. We get --  
5 I put the victims' names at the top so they know  
6 which verdict goes with which count. So --

7 All right. I'm going to take ten minutes. Can  
8 we have the jury back up at four -- at 5:55?

9 And the defendant will testify. Do you have any  
10 other witnesses?

11 MS. STEVENS: I might. I -- at this time, no,  
12 Your Honor, but I (Indiscernible) everything if  
13 something comes up that I need --

14 THE COURT: I -- I understand, but right now you  
15 only think you're going to call the defendant.

16 MS. STEVENS: Yes.

17 THE COURT: Okay.

18 (Recess from 5:42 p.m. to 5:58 p.m.)

19 THE COURT: Thank you.

20 MR. SARABIA: Apologize, Judge.

21 THE COURT: No. No problem. We're bringing the  
22 jury up. We -- we -- Judge Robens, as part of this  
23 thing, had a bunch of platters of sandwiches, so we  
24 just brought one up and we're just going to give that  
25 to the jury for dinner.

1 MR. SARABIA: Fantastic.

2 THE COURT: Along with snacks and water from  
3 downstairs. So --

4 MR. SARABIA: Very convenient.

5 THE COURT: Uh-huh. It's probably -- they'll  
6 probably like it better.

7 They're on their way up. Is there any problem  
8 with that?

9 MR. SARABIA: No problem. We're ready to go.

10 THE COURT: All right. Did we make enough  
11 copies of the jury instructions?

12 MR. SARABIA: We still have some printing. We  
13 saw an error in the verdict instruction page, so  
14 we're going to fix that and print out a bunch of  
15 copies of that page and stick them in.

16 THE COURT: Okay. No problem.  
17 Defense, are you ready?

18 MS. STEVENS: Yes, Your Honor.

19 THE COURT: All right. So if the jury's ready,  
20 it's 23-CF-562. We talked about jury instructions.  
21 The defendant's going to testify. I've already  
22 interviewed him on that, and they're ready. So I'm  
23 bringing the jury in.

24 Bring in the jury.

25 Defendant, Defense, and State are present and

1 have been throughout.

2 THE BAILIFF: Jurors entering the courtroom,  
3 Your Honor.

4 THE COURT: Thank you.

5 (The jury entered the courtroom.)

6 THE COURT: I told the jury they could bring  
7 their water and their snacks if they wanted to, but  
8 they didn't -- they look like they came empty handed.  
9 So -- oh, somebody got coffee.

10 THE BAILIFF: All the jurors are present and  
11 seated Your Honor.

12 THE COURT: All right. Welcome back. I'm sorry  
13 that took so long. We went over a lot, including the  
14 jury instructions, and they are being printed as we  
15 speak, so that when we begin closing arguments that  
16 you will have a copy of the jury instructions as the  
17 Defense and the State close. So I like to do it  
18 ahead of time because they're going to say a lot of  
19 stuff in closings about what I'm going to tell you  
20 the law is, and so I like those to be done ahead of  
21 time, and we had some argument about that. So I  
22 apologize.

23 We also -- we had that investiture so we stole  
24 their food. So it's in the back for you when you get  
25 done. So they got platters of sandwiches and stuff,

1 and we got that for you and it's in your jury room.  
2 So we'll also bring up your waters and chips and  
3 stuff when you go back there to deliberate. So we do  
4 have food for you. Okay?

5 But the State having rested, Defense, call your  
6 first witness.

7 MS. STEVENS: Your Honor, at this time, the  
8 Defense calls William Clifton.

9 THE COURT: All right. Mr. Clifton, right here  
10 to the podium, please, sir. Stop right there. Raise  
11 your right hand and be sworn by my clerk.

12 WILLIAM CLIFTON

13 being called as a witness, and having first been duly  
14 sworn, testified as follows:

15 THE WITNESS: I do.

16 THE COURT: Please have a seat in the witness  
17 stand. As you've heard me discuss all day, speak in  
18 a loud and clear voice so we make sure it's picked up  
19 by the microphone.

20 Defense may proceed.

21 MS. STEVENS: Thank you.

22 DIRECT EXAMINATION

23 BY MS. STEVENS:

24 Q Good evening.

25 A Good evening.

1 Q Could you please introduce yourself and spell  
2 your name for the record?

3 A Good evening. My name is William Clifton,  
4 C-L-I-F-T-O-N.

5 Q And, Mr. Clifton, where do you live?

6 A In Starkey Ranch neighborhood.

7 Q How long have you lived there?

8 A Since the end of 2017.

9 Q And specifically what street do you live on?

10 A Tibbetts Street.

11 Q Is -- you said it's the Starkey Ranch  
12 neighborhood?

13 A Yes.

14 Q Is that a -- do you know whether or not that's a  
15 public or private community?

16 A It is public, and then there's two gated  
17 communities that's private that you have to have access  
18 to.

19 Q Is this a HOA community? Do you know?

20 A It's a HOA and CDD.

21 Q HOA and CDD. Is -- what is -- do you know the  
22 set of the abbreviations? Do you know what those letters  
23 stand for?

24 A Well, technically, Starkey Ranch is master  
25 property owner's association. Everybody just says HOA.

1 And then CDD is Community Development District.

2 Q And do you have any personal knowledge as to HOA  
3 being public or private as it relates to the Starkey  
4 Ranch?

5 A Except for the two gated communities, everything  
6 else is public.

7 Q Okay. Does that -- the HOA or the CDD manage  
8 the infrastructure, like the roads and those types of  
9 things? Is that the HOA or the CDD?

10 A It would be the CDD.

11 Q And to your knowledge, the traffic calming or  
12 traffic speed limits and stuff like that, is that HOA or  
13 CDD?

14 A That would be on the CDD.

15 Q And the CDD -- CDD, that's not necessarily  
16 public, as it's owned by the people of Starkey Ranch.  
17 It's another kind of entity?

18 A It's a entity that now, after the developer  
19 moved out, that has homeowners that's on the board.

20 Q Do you know whether that's a --

21 THE COURT: Mr. Clifton, you're going to have to  
22 talk a little louder. Okay?

23 THE WITNESS: Okay.

24 THE COURT: Okay. Thank you.

25 THE WITNESS: Okay.

1 THE COURT: Go ahead.

2 BY MS. STEVENS:

3 Q Do you know whether that is something that's,  
4 like, public within the community, or is it more of a  
5 organization -- type of governmental organization?

6 A It's a governmental organization.

7 Q Thank you. And on February 9th of 2023, I want  
8 to talk to you about that time frame. Do you recall that  
9 time frame?

10 A Yes.

11 Q On that day, February 9th of 2023, where did  
12 you -- did you also live in the Starkey Ranch community at  
13 that time?

14 A Yes.

15 Q Same place?

16 A Yes.

17 Q On February 9th of 2023, we've heard testimony  
18 that you ultimately ended up on Barbour Trail. Do you  
19 recall that time frame?

20 A Yes.

21 Q When you were driving on Barbour Trail, did you  
22 come across anything out of the usual?

23 A Yes.

24 Q What was that?

25 A There were two plastic speed bumps across the

1 roadway.

2 Q Were those -- can you describe those? We've  
3 heard them today, but in your words, what are -- what did  
4 they look like?

5 A They were not affixed to the street. They were  
6 portable, and they were side by side across the street,  
7 not staggered or anything like that, just one across from  
8 the other one.

9 Q Were -- is this something that -- you were in  
10 your car. Correct?

11 A Yes.

12 Q Is it something that your car, in order to pass  
13 them, you had to go over them?

14 A Yes.

15 Q Was there any option for you to -- without  
16 changing the direction of your travel, could you have  
17 avoided those?

18 A No.

19 Q And did you -- did you know why those speed  
20 bumps were there?

21 A No.

22 Q Did you have any personal knowledge as to who  
23 those speed bumps belonged to?

24 A No.

25 Q Did you have -- what did you personally feel

1 about -- what did you think about those speed bumps?

2 A I did not want them in the roadway.

3 Q Why is that?

4 A It was obstructing the free flow of traffic.

5 Q And is that something that you are familiar  
6 with? Do you --

7 A I don't understand the question.

8 Q You said that it's the free flow of traffic.

9 A Yes.

10 Q Does that go to whether or not you believed --  
11 you said you didn't want them there?

12 A Yes.

13 Q Was that because you just -- just, heck, I don't  
14 want them there, or did you have a reason and you spoke of  
15 them being the free flow of traffic? What -- where is  
16 that language coming from? What is that language?

17 A The free flow of traffic? I mean, just being  
18 able to drive down the street without having any obstacles  
19 or anything in the street to --

20 Q Did you have any opinion as to whether or not  
21 they were legal or illegal?

22 A Yes.

23 Q And that opinion, was that something that you  
24 had -- where did you get that opinion?

25 A I did research online, and then the -- the

1 community minutes.

2 Q So doing research online, and you were familiar  
3 with obstructions in the road, the -- the definition of  
4 what you believe -- obstructions in the road.

5 A Yes.

6 Q And as you're driving down Barbour Trail, you  
7 see speed bumps in the road.

8 A Yes.

9 Q And based on your understanding of obstruction,  
10 that is why you believed it should not be in the road? Is  
11 that correct?

12 A Yes.

13 Q And based -- with that understanding, did you  
14 believe the speed bumps to be legal or illegal?

15 A Illegal.

16 Q Making that decision, where you got your  
17 information about obstruction, was that a random site did  
18 it have any authority that you could share with us?

19 A I looked up on the -- the Florida statute site  
20 and then also the Pasco County ordinance site.

21 Q Okay. So your information -- your -- your  
22 decision that those were illegal was based on research  
23 that you had done personally.

24 A And also the community minutes had information  
25 in there to not put these out.

1 Q Okay. So you're driving down Barbour Trail and  
2 you see items that you believed to be illegal in the  
3 middle of the road.

4 A Yes.

5 Q Did you continue on your way or did you do  
6 something?

7 A I stopped before I got to the speed bumps.

8 Q And let's talk about your -- as you're  
9 traveling, do you -- at that point in time on that day, do  
10 you know how fast you were going?

11 A Twenty-five.

12 Q You -- you gave us a very specific number.  
13 You've been sitting here all day. Why is it that you're  
14 sure that these -- this was 25 miles an hour?

15 A I occasionally glance down and make sure I'm  
16 doing 25. Look at my speedometer.

17 Q Is -- is your speed something you pay attention  
18 to on a normal day?

19 A Yes.

20 Q Okay. Is -- now, me, at home, I sometimes will  
21 just fly through the community and I'll be like, I am  
22 comfortably driving, and in my mind I'm doing -- I'm doing  
23 the right -- but I'm just kind of casually going. Do you  
24 kind of drive through the community like that or do you  
25 have a specific reason that you know you were doing 25?

1           A     I have a specific reason. I -- as I'm driving,  
2 I glance down to look to make sure I'm doing the posted  
3 speed limit for that street.

4           Q     Is that important to you?

5           A     Yes.

6           Q     And -- and you -- the reason you come -- so  
7 you're doing 25, you see the -- the items in the road, and  
8 you stop. Do you screech on your brakes and your car  
9 comes to an immediate stop? Or describe that for us.

10          A     Yes. I had to put on my brakes pretty -- I  
11 guess, you know, not too hard, but hard enough to come to  
12 a complete stop.

13          Q     And did your car -- did you hear any squealing  
14 of your tires?

15          A     No.

16          Q     Did you have to brake hard enough -- was it  
17 difficult to stop the vehicle?

18          A     No, it wasn't.

19          Q     All right. What was your intent when you  
20 stopped the car?

21          A     To move the speed bumps out of the roadway.

22          Q     Were you going to do anything that you  
23 considered harmful to those speed bumps?

24          A     No.

25          Q     What was -- how were you going to move them out

1 of the way?

2 A Just by -- with my hands.

3 Q As -- did you ultimately get on your car?

4 A Yes.

5 Q And where did -- where did you go?

6 A I went on the opposite side of the street  
7 because I saw a group of people standing on the right.

8 Q So you were -- you went on the opposite side of  
9 the street. Where were you -- where were you headed?

10 A To the speed bump in the oncoming lane of  
11 travel.

12 Q And your car -- where was your car? Oncoming  
13 or -- or forward movement of traffic?

14 A Forward movement.

15 Q And you're -- you get out of the car. You  
16 are -- we can assume that you were on the driver's side.  
17 Correct?

18 A Yes.

19 Q Your -- the speed bump that you walked to is --  
20 in relation to the driver's side, is it closer or further  
21 away than the one that would be in the same lane of  
22 travel?

23 A It was closer.

24 Q And so you're walking to the closer speed bump,  
25 and you mentioned that you saw people?

1           A     Yes.

2           Q     Can you tell me -- did you know the people that  
3 you saw?

4           A     No.

5           Q     Had you seen those people before?

6           A     No.

7           Q     Can you tell us generally where those people  
8 were?

9           A     There was a couple people standing by the tree,  
10 and I remember a big guy standing at the end of a driveway  
11 talking on the phone.

12          Q     Okay. And the people standing by the tree.  
13 We've seen the video play. Is that going to be on the  
14 passenger side of your -- of your car?

15          A     Yes.

16          Q     All right. And speaking of video, we have --

17               MS. STEVENS: May I approach?

18               THE COURT: You may.

19               MS. STEVENS: I am approaching with Defense  
20 Exhibit 1.

21               MR. SARABIA: We would stipulate.

22               THE COURT: So stipulated. State -- Defense 1.

23               (Defense Exhibit 1 received into Evidence as  
24 Defense Exhibit 1 = thumb drive with zoomed-in camera  
25 footage from Krnjaich porch)

1 MS. STEVENS: Thank you. Your Honor, with the  
2 stipulation, may I publish, or would you like me --

3 THE COURT: No, you can publish.

4 MS. STEVENS: All right.

5 BY MS. STEVENS:

6 Q Mr. Clifton, you know what's in this -- this  
7 envelope. Correct?

8 A Yes.

9 THE COURT: Can we turn down the lights? I  
10 assume we're going to publish it and it's going to be  
11 up on there.

12 MS. STEVENS: And before he presses play, Your  
13 Honor, I would request permission to publish to the  
14 jury.

15 THE COURT: I've already given you permission.  
16 It's Defense 1.

17 And again, you'll have this in the back.

18 MS. STEVENS: Yep.

19 Would you please pull up --

20 (Attorneys confer.)

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 MS. KRNJAICH: Michael, Michael.

25 (Recording stopped.)

1 BY MS. STEVENS:

2 Q Mr. Clifton, this video -- what is this a video  
3 of? Is this the same event that we've seen played through  
4 today?

5 A Yes.

6 Q And there -- it's a different view. Is that  
7 correct?

8 A Yes.

9 Q Have you watched this all the way through?

10 A Yes, I have.

11 Q How is it -- how is this a little different? Is  
12 it from a different angle? Is it further up? Is it close  
13 in? What -- from -- what do you believe it to be?

14 A It's a more zoomed-in, closer view.

15 MS. STEVENS: Okay. Please play.

16 (The following is the transcription of the  
17 recording as it was played in the courtroom and re-  
18 recorded onto the system.)

19 MS. KRNJAICH: Michael, Michael.

20 MR. KRNJAICH: Hey, careful. Careful now. What  
21 are you doing?

22 MR. CLIFTON: That's illegal property.

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

24 MS. KRNJAICH: Mike. Mike.

25 (Indiscernible background conversation.)

1 MR. ADAMS: Hey. Don't point that at me.

2 (Indiscernible background conversation.)

3 MS. KRNJAICH: Get in the house. Get down. Get  
4 down.

5 (Recording stopped.)

6 BY MS. STEVENS:

7 Q This is a closer view of the same video.

8 Correct?

9 A Yes.

10 Q Do you -- in this video, we saw that you went up  
11 to the speed bumps that we discussed.

12 A Yes.

13 Q Then you -- did you -- you moved the -- the  
14 speed bump?

15 A Yes.

16 Q Was this -- like, did you hurl it over? How  
17 would you describe your -- your moving of the speed bump?

18 A I picked it up and then tossed it to the curb.

19 Q How far?

20 A Maybe five feet.

21 Q And what was your intent when you moved that?

22 A Just to move it to the curb.

23 Q Did you want to break it?

24 A No.

25 Q Did you want to damage it?

1 A No.

2 Q Did you want to take it from whoever owned it?

3 A No.

4 Q At that time, did you know who owned those speed  
5 bumps?

6 A No.

7 Q At that time, had anybody from when you got out  
8 of your car, until you touched --

9 THE COURT: Can turn up the lights. Turn up the  
10 lights.

11 BY MS. STEVENS:

12 Q -- you got out of your car and the first touch  
13 of the speed bump. In that time frame, had anybody talked  
14 to you?

15 A Yes.

16 Q And you described people off to the side --  
17 passenger side of your car, and a gentleman stand -- up  
18 ahead, a large man, on the phone.

19 A Yes.

20 Q Who -- of those two groups, who -- who talked to  
21 you?

22 A I do not remember which group it was.

23 Q And was the -- do you recall what was said?

24 A I just remember them saying, hey, what are you  
25 doing? Hey, what are you doing? That's not your

1 property.

2 Q Okay. And was there any discussion that  
3 happened after that?

4 A I -- as I had picked up the speed bump, tossed  
5 it off to the side, I look up and I see this big guy  
6 coming at me, and I turn to get away from him and I say,  
7 get away from me.

8 Q And did he ask you -- he's the one that asked  
9 you what -- what you were doing? Is that that correct or  
10 you don't know who said it?

11 A No, I don't know who said it.

12 Q So when somebody asked what are you doing, did  
13 you respond?

14 A No.

15 Q Okay. And I ask you now, what were you doing?

16 A I was just moving the speed bump to the side of  
17 the roadway.

18 MS. STEVENS: Okay. You can turn that off. I  
19 don't need (Indiscernible).

20 BY MS. STEVENS:

21 Q The -- so now you've moved the speed bump.  
22 There's this man coming at you. When you see him, what is  
23 your first reaction seeing this man?

24 A To try and get away from him.

25 Q Is he doing something that's encouraging you to

1 get away from him? What -- what is it about him that you  
2 want to get away from?

3 A The aggressive manner that he's running towards  
4 me.

5 Q Running towards you. And what -- what do you  
6 mean by aggressive manner?

7 A He has a mean look on his face.

8 Q Okay. Are you -- do you say anything to him?

9 A No. Other than, when he's coming towards me, I  
10 say get away from me.

11 Q And where are you moving to at this time?  
12 You -- you've moved the speed bump. You have stood up.  
13 Correct?

14 A Yes.

15 Q And this man is coming at you and you say, leave  
16 me alone.

17 A Get away from me.

18 Q Get away. I'm sorry. Thank you.

19 A Yes.

20 Q Get away from me. What -- where are you going  
21 now?

22 A I am turning to try and get away from him.

23 Q You are turning to get away from him? Are you  
24 turning where?

25 A I'm turning to the right and putting my left

1 side towards the guy -- the big guy.

2 Q Your left side? So if -- if I am standing and  
3 you are Michael, you are turning to the left side like  
4 this?

5 A Yes.

6 Q And ultimately, do you turn your whole body or  
7 does anything happen between then?

8 A I just remember briefly turning my body before  
9 the big guy attacks me.

10 Q And briefly moving your body. Why are you  
11 moving your body in that direction?

12 A To try and get away from the big guy.

13 Q Were you going -- did you have a place in mind  
14 to go to?

15 A To maybe make it to my car, if I could.

16 Q So did you ever make it to your car?

17 A No.

18 Q What happened?

19 A The big guy attacked me. He used his leg to  
20 trip me up. I go flying through the air. I spin around.  
21 My back is to this big guy. I don't know what he's doing.  
22 I don't know what's going on. I'm scared, and I'm looking  
23 at the pavement like, am I going to hit the pavement?

24 Q Did you hit the pavement?

25 A No. Luckily, I was able to regain my balance.

1 Q So how far -- do you know how far -- first of  
2 all, was -- what caused you to move?

3 A The attack from the big guy.

4 Q Was -- explain to me the attack. Was it a -- a  
5 kick, a push, a jump? What?

6 A It was a very forceful push on my upper left  
7 body.

8 Q Can you show the jury with your hands where --  
9 where you felt him -- and I'm seeing you're on the front  
10 part of your chest and the -- the side of your shoulder?

11 A Yeah. Right here.

12 Q The -- and it was one hand or two hands?

13 A Two hands. And he also used his leg to trip me  
14 up.

15 MS. STEVENS: I'm approaching with Defense  
16 Identification 2.

17 BY MS. STEVENS:

18 Q Do you know what this is? You don't have to say  
19 what it is, but do you recognize it?

20 A Yes, I do.

21 Q And how do you recognize it?

22 A Because that's the event that happened.

23 Q Okay. And does it fairly accurately describe  
24 the events as you recall them?

25 A Yes.

1 MS. STEVENS: All right. Your Honor, I'd like  
2 to move into evidence Defense Exhibit -- Defense for  
3 identification 1.

4 THE COURT: It would be 2.

5 MS. STEVENS: Two. Apologies.

6 THE COURT: State, any objection?

7 MS. STEVENS: No objection.

8 THE COURT: All right. State's 2 will be moved  
9 in as State's 2.

10 MS. STEVENS: Thank you.

11 THE COURT: Oh, I'm sorry. I apologize.  
12 Defense 2 will be moved in as Defense 2.

13 (Defense Exhibit 2 received into Evidence as  
14 Defense Exhibit 2 = photo of Michael Krnjaich pushing  
15 William Clifton)

16 MS. STEVENS: You're starting to sound like me,  
17 Judge.

18 THE COURT: I think you said State. I said  
19 State. Sorry.

20 MS. STEVENS: Permission to publish?

21 THE COURT: You may.

22 MS. STEVENS: All right.

23 BY MS. STEVENS:

24 Q Mr. Clifton, I'm going to --

25 MS. STEVENS: Or, Your Honor, may I hand it to

1 the -- the jurors?

2 THE COURT: Yeah. You can hand it to juror  
3 number seven and she can pass it on down. I think it  
4 pretty much speaks for itself.

5 BY MS. STEVENS:

6 Q Mr. Clifton, you said that you felt --

7 THE COURT: Hold on.

8 MS. STEVENS: Oh, yes.

9 THE COURT: Let them look at it.

10 MS. STEVENS: (Indiscernible).

11 (Defense Exhibit 2 was published to the jury.)

12 BY MS. STEVENS:

13 Q Mr. Clifton, you said that you -- you were  
14 talking about this foot.

15 A Yes.

16 Q What -- tell me what you know about his foot.

17 A Using his left leg to trip me and as he's  
18 pushing me.

19 Q And does that cause your movement to change?

20 A Yes. It launches me off the ground.

21 Q And to -- to anybody that watches the video or  
22 anybody that's been here today, you're using words like  
23 launch and attack where others have used words like push  
24 and shove. Would you categorize -- why would you  
25 categorize this different than those words? Why would you

1 use the term attack or force?

2 A That's just the words I would use to describe  
3 the situation.

4 Q Is that as it happened?

5 A Yes.

6 Q Did these actions put you in fear?

7 A Yes.

8 Q Who were you afraid of?

9 A The big guy that attacked me.

10 Q And now we hear again that phrase, big guy.

11 Mr. Clifton, how much do you weigh?

12 A A hundred and 30 pounds.

13 Q How tall are you?

14 A Five-ten.

15 Q Are you -- is that fair and representative of  
16 what you were in February 9th of 2023?

17 A Yes. It was the same.

18 Q The same. And in your mind, this big guy, what  
19 is it that -- talk about your feelings of him and how he  
20 acted towards you.

21 A He has a big muscular upper body that is twice  
22 my size.

23 Q A lot of muscles?

24 A Yes.

25 Q And does he -- and you said he had the look on

1 his face. What was that?

2 A It looked angry.

3 Q What do you think -- do you know what he was  
4 angry about?

5 A No.

6 Q Okay. And before he pushed you, did he give you  
7 any instructions?

8 A No.

9 Q Did he say anything about if you don't stop  
10 doing that, I'm going to push you?

11 A No.

12 Q Did you have an opportunity to have a  
13 conversation with him before he attacked you?

14 A No.

15 Q When you were attacked, you were pushed and the  
16 force moved you.

17 A Yes.

18 Q You said your feet came off the ground.

19 A Yes.

20 Q When you -- did you regain your footing?

21 A Yes.

22 Q And when you did that, how was your body  
23 positioned?

24 A As I was regaining my balance, my back was  
25 turned to the big guy.

1 Q Your back was to him. Could you see him in any  
2 of the car reflections or any way did you -- could you see  
3 him?

4 A No.

5 Q Could you hear him?

6 A No.

7 Q Did you know what was going on behind you?

8 A No. I had no idea.

9 Q So as you are forcefully pushed, you regain your  
10 balance, you -- your back is to him, what happens next?

11 A I just remember trying to defend myself. I  
12 turned around and pointed my gun at the big guy that just  
13 attacked me because I didn't want to get attacked again.

14 Q Did you -- could you have reasonably known what  
15 was coming behind you before you turned around?

16 A No. I had no idea.

17 Q What -- what were you thinking?

18 A I did not want to end up dead or in the  
19 hospital.

20 Q Again, we've heard a lot of the terminology that  
21 doesn't go -- use such extreme language. What led you to  
22 believe that you could be dead or in the hospital?

23 A The guy is twice my size. He would either end  
24 up coming over, doing another attack, and either killing  
25 me or putting me in the hospital.

1 Q So you pulled out your gun.

2 A Yes.

3 Q Where do you carry -- first of all, are you --  
4 do you have special permission to carry the gun?

5 A Yes. In 2023 I had my concealed carry permit.

6 Q And did you carry a weapon frequently?

7 A Yes.

8 Q Where did you carry?

9 A On my right hip inside my waistband.

10 Q And when you carried, was this an everyday thing  
11 or once in a while? How often did you carry your weapon?

12 A Every day.

13 Q Every day, even when you were driving around to  
14 run errands?

15 A Yes.

16 Q Did you always -- how did you -- when you  
17 carried it -- we've heard a testimony today about the way  
18 it was loaded. Is that how you normally carried it?

19 A Yes.

20 Q And did you put that gun on with -- on  
21 February 9th of 2023 in anticipation of this event?

22 A Never.

23 Q When you pulled out your firearm that you were  
24 legally carrying, you pointed it at who?

25 A At the big guy that had attacked me.

1 Q When you pointed it at him, were you going to  
2 shoot him?

3 A No.

4 Q Why did you pull out your weapon if you weren't  
5 going to shoot him?

6 A I just wanted to stop him from attacking me  
7 again.

8 Q Did it work?

9 A Yes.

10 Q What did he do?

11 A He turned and ran down the street, and  
12 immediately upon seeing that, I holstered my gun, and then  
13 I see him run up a driveway.

14 Q And again, we've heard a lot of different things  
15 today, and now you're telling us -- this testimony is that  
16 he ran down the street, and when did you put your gun  
17 away?

18 A It was a matter of seconds.

19 Q Did you put your -- point your gun at anything  
20 else or anybody else?

21 A No.

22 Q Did you make any statements about what you were  
23 going to do next?

24 A No.

25 Q Did you make any threats to anybody?

1 A No.

2 Q What did you say?

3 A I didn't say anything.

4 Q Okay. And let's go back to when you pulled out  
5 your -- your gun. When you pull out your gun, you said  
6 you weren't intending to shoot anyone.

7 A Yes.

8 Q Can you tell me -- you have experience with  
9 firearms. Correct?

10 A Yes.

11 Q Do you have training?

12 A Yes.

13 Q Where does that training come from?

14 A It was when I was serving in the Navy.

15 Q And you're -- you're no longer in the Navy?

16 A No.

17 Q But you still -- you -- have you maintained that  
18 knowledge?

19 A Yes.

20 Q And in your training, is -- what is -- do you  
21 have something different between when you pull a weapon  
22 out to shoot it and when you pull a weapon out to display  
23 it?

24 A Yes.

25 Q Can you please tell me what that is?

1           A     When I pull a weapon out and I don't intend to  
2 shoot it, I index my finger from the training, and I keep  
3 my finger above on the frame of weapon straight like that.

4           Q     And you say when I pull it out. Is this  
5 something you do frequently?

6           A     No.

7           Q     Is this something you've ever done before?

8           MR. SARABIA: Objection, Judge. Relevance.

9           THE COURT: Sustained.

10          BY MS. STEVENS:

11          Q     So you have taken your gun out and you have your  
12 finger in -- what did you call it?

13          A     Indexing.

14          Q     Indexing. Does that mean -- explain -- I see  
15 the way your hand was held was you're pointing. Is it on  
16 the trigger? Off the trigger? Is it on the guard? Give  
17 us -- me some more explanation.

18          A     It is on the -- right below the slide there's  
19 like a little indention where you can place your finger.

20          Q     This is State's Exhibit 3. Can you show us how  
21 you were -- I don't -- we don't want to point it at  
22 anybody. Maybe you could point in this direction and show  
23 the jury how it was being held.

24                  THE COURT: That's fine.

25                  MS. STEVENS: Thank you.

1 BY MS. STEVENS:

2 Q And -- yes. And the difference on this -- thank  
3 you -- is when your hand is on this portion that you  
4 showed the jury, then the next step would be what?

5 A To move it in front of the safety on the  
6 trigger.

7 Q And that safety on the trigger, explain to us  
8 how -- when you touch that safety, will the gun  
9 immediately release a projectile?

10 A No.

11 Q What -- what happens?

12 A You have to move this portion back into, like,  
13 an inset, is what I would call it, and then --

14 THE COURT: You have to keep your voice up, sir.  
15 You're falling away.

16 THE WITNESS: Oh, okay. Sorry.

17 You would have to pull the portion that's  
18 sticking out in front of the trigger in line with the  
19 trigger. It's got a little hollowed out portion.  
20 And then you would have to pull the trigger all the  
21 way back in order for the weapon to fire.

22 BY MS. STEVENS:

23 Q Do you know what the intended purpose is for  
24 that type of trigger?

25 A It's a safety.

1 Q A safety? It's one more step between pulling  
2 the weapon and firing the weapon.

3 A Yes.

4 Q So you take the weapon out, you show it to  
5 Michael -- or the -- the big man. Correct?

6 A Yes.

7 Q Do you now know who that big man is?

8 A Yes.

9 Q And who is that?

10 A Michael Krnjaich.

11 Q Michael does what after seeing the gun? He runs  
12 down the street. Correct.

13 A He turns away from me and runs down the street,  
14 and then he runs up the driveway.

15 Q And you told us that you -- what did you do with  
16 your gun at that point?

17 A Within a matter of seconds, I holstered my gun.

18 Q And where does Michael -- do you know where  
19 Michael ultimately ends up?

20 A In front of the garage.

21 Q Front of the garage? Did -- when you put  
22 your -- holstered your weapon, anything happen next?

23 A Yes. There was a guy standing by the tree that  
24 made a statement.

25 Q Did you talk to that person with -- we don't

1 have to -- we've heard what he testified to, but was there  
2 anybody else that came into the situation?

3 A There was another person that walked out of the  
4 open garage behind me. I turned to look, and there was a  
5 guy walking out holding a hand -- holding the phone in his  
6 right hand.

7 Q Okay. And when he came out, you didn't interact  
8 with him?

9 A No, I did not. I was turning back to get my  
10 phone and dial 911.

11 Q Okay. But at that time the gun was away?

12 A Yes.

13 Q So the gun's away. You see -- this gentleman  
14 comes out of the garage.

15 A Yes.

16 Q And did you say you called 911?

17 A Yes.

18 Q Why did you call 911?

19 A Because I was attacked.

20 Q And that happened right after you put your  
21 weapon away?

22 A When I called 911? There was a brief pause  
23 because of the guy standing by the tree and the statements  
24 he was making.

25 Q Okay. So the interaction with Will Adams after

1 the gun was away?

2 A Yes.

3 Q Okay. How long -- did you ever -- okay. So  
4 there's other people on the side of the road by -- we just  
5 talked about Will Adams, but on your driver -- on your  
6 passenger side of the vehicle, you said there were people  
7 over there.

8 A Yes.

9 Q Did -- when Michael ran away, before the gun was  
10 put away, we've heard testimony today that the weapon was  
11 pointed at those -- some of those individuals. Did you --  
12 tell me about the path of you pointed the -- the gun.

13 A I only pointed it at the -- the big guy that  
14 attacked me.

15 Q Did -- did you ever point it at anybody else?

16 A No.

17 Q Okay. When you were on 911, were you inside or  
18 out of the car?

19 A I was standing outside the car.

20 Q Did you ever get back in the car?

21 A Yes.

22 Q Did you stay in that location or did you ever  
23 leave?

24 A Yes. I was on the phone with 911 for six  
25 minutes and 17 seconds, so I stayed on the phone with

1 them, a portion outside, and then I was sitting inside,  
2 and then they -- the 911 dispatcher informed me to move  
3 the gun to the glove box for the officer's safety and to  
4 also move to a location to wait for the deputies to show  
5 up.

6 Q Did you have any problem with that?

7 A No.

8 Q Okay. And is that what you did?

9 A Yes.

10 Q Is that -- and where did you move?

11 A I turned down Berrypick, and I waited by  
12 where -- it's like the electrical, like, utility boxes  
13 kind of thing.

14 Q Okay. And that's -- did you ultimately come  
15 into contact with law enforcement that night?

16 A Yes, I did.

17 Q And where were you when that happened?

18 A When the deputy showed up, I was sitting in  
19 my -- in my wife's car.

20 Q Okay. Oh, you had been driving your wife's car  
21 that night?

22 A Yes.

23 Q With -- when you think about you and your  
24 capabilities and you talk about Michael and his size, talk  
25 to me about your thoughts on the two of you if there was

1 a -- if there was -- his -- his -- whether or not he is  
2 more powerful or less powerful, if he's more -- if you  
3 believe him to be strong or weaker than you. What are  
4 your thoughts as to you versus him?

5 MR. SARABIA: Objection, Judge. Speculation.  
6 Compound question. And --

7 THE COURT: Sustained. You're allowed to talk  
8 about what his size is, you ask the other person how  
9 their size is. He's speculating for anything after  
10 that.

11 BY MS. STEVENS:

12 Q Were you afraid of Michael?

13 A Yes.

14 Q At the time you pulled out your gun, before you  
15 pulled out your gun, did you have any -- did you -- what  
16 other options did you have?

17 A I did not see any other options.

18 Q Did anybody offer you any assistance?

19 A No.

20 Q Do you -- did you recall anybody trying to stop  
21 Michael?

22 A No. Not that I remember.

23 MS. STEVENS: That's all I have. I'll tender  
24 the witness, Your Honor.

25 THE COURT: Cross?

1 (Attorneys confer.)

2 MS. STEVENS: Your Honor, I just want to publish  
3 the last thing on the video so that -- if it's going  
4 to go in the jury room it will have been published.

5 THE COURT: That's fine. Any evidence you have  
6 in your possession, can you please hand it over? I  
7 think you have the photograph around here somewhere.  
8 Okay. So she can mark them. That's all.

9 (Attorneys confer.)

10 BY MS. STEVENS:

11 Q Mr. Clifton, do you know what the other video is  
12 on there?

13 A It is the -- it's the full version that has  
14 better audio.

15 MS. STEVENS: I -- I'll tender the witness. We  
16 don't have to wait for the technology if it's going  
17 to be difficult.

18 THE COURT: Okay. The jury will have it in the  
19 back if they want to look at it.

20 MS. STEVENS: Correct, Your Honor.

21 THE COURT: Okay. You can turn up the -- we'll  
22 just put the thumb drive -- it's the same video we've  
23 seen a couple times, so it's not anything new.

24 MS. STEVENS: I understand.

25 THE COURT: Okay. You can go ahead and turn

1           that off if you want.

2           UNIDENTIFIED SPEAKER: Yes, ma'am.

3           THE COURT: Thank you.

4                                   CROSS-EXAMINATION

5 BY MR. SARABIA:

6           Q     Mr. Clifton, what were you doing on Barbour  
7 Trail that night?

8           A     Out driving. Going to pick up some stuff for a  
9 trip that my wife and I was going on, and I was going to  
10 put gas in my wife's car.

11          Q     You remember gas in the car?

12          A     Yes.

13          Q     Going north on Barbour Trail?

14          A     Yes.

15          Q     You agree with me there's no gas station in that  
16 direction. Right?

17          A     I was out driving in the neighborhood.

18          Q     You were out driving in the neighborhood just  
19 because you wanted to drive around in the neighborhood.  
20 Right?

21          A     Yes.

22          Q     You were looking for speed bumps.

23          A     No.

24          Q     No?

25          A     No.

1 Q But you agree, there was -- there's nothing  
2 going on Barbour Trail that you had any business doing.  
3 Right?

4 A It was a nice evening. I was out driving. I  
5 didn't want to -- didn't know that I need to provide a  
6 reason for out driving on Barbour Trail.

7 Q Oh, certainly you're allowed to drive a Barbour  
8 Trail, but you -- are you telling this jury that you --  
9 there was no reason that you were going north on Barbour  
10 Trail that night other than you just wanted to drive the  
11 car around?

12 A Driving around.

13 Q Okay.

14 A That was -- that was the way that also you can  
15 get out of the community.

16 Q Okay. But that -- that's not really a good way  
17 to get out of the community. You would agree?

18 A It's a way to get out of the community.

19 Q But from your residence on Tibbetts, it's --  
20 it -- you're not actually getting out of the community if  
21 you go north on Barbour. You're going further into the  
22 community. You can loop around and get out, like anybody  
23 else.

24 MS. STEVENS: Objection. Compound.

25 THE COURT: Overruled.

1 BY MR. SARABIA:

2 Q -- but it's not actually a direction you go to  
3 get out of the community. Right?

4 A It is a less traveled way, and a better way  
5 instead of going to the main highways all the time.

6 Q So where were you trying to go?

7 A I was going to go to Starkey Boulevard.

8 Q Okay. And Starkey Boulevard, you'd agree, you  
9 would have to be on Rangeland, right, to go to Barbour  
10 Trail?

11 A Yes.

12 Q And from your residence, you actually would have  
13 to go east on Rangeland to get to Barbour Trail. Right?

14 A If you're on Rangeland, yes.

15 Q Okay. And from your residence, if you go west  
16 on Rangeland, then it takes you directly Starkey --  
17 Starkey Road. Right?

18 A Yes.

19 Q In fact, if you go north on Barbour, to get back  
20 to Starkey Road, you have to loop back and -- to get back  
21 to Rangeland where you -- exactly where you'd have been if  
22 you'd have gone west. Right?

23 A Yes.

24 Q So it doesn't make any sense to go to Starkey  
25 Road via Barbour from where you were.

1           A     Rangeland is more busy, and it's -- you know,  
2 there's other, smaller roads that you can drive down  
3 throughout the neighborhood to get to other streets that  
4 you want to go to.

5           Q     So from where you are -- and you agree this is  
6 Starkey. Right?

7           A     Yes.

8           Q     From where you are, instead of going here, up  
9 Rangeland to get to Starkey, you went this way. All --  
10 you didn't go this way. You went all the way down to  
11 Barbour Trail, went up Barbour Trail, which would either  
12 take you right back to where you were on Rangeland.

13          A     That's Berrypick right there --

14          Q     Right.

15          A     -- that you pointed out.

16          Q     Or you can go all the way up and then it takes  
17 you just a little bit further down Rangeland than you  
18 would have been. Right?

19          A     Yes.

20          Q     So to be clear, is that what you're telling this  
21 jury your intended route was?

22          A     Yes.

23          Q     So that you could go to the gas station where?

24          A     I was going to go to the gas station that was --  
25 at -- where Starkey Boulevard is and 54.

1 Q Okay. And that -- that's way down here.

2 A Yes.

3 Q You have a much more direct route to get there  
4 on a not very well-traveled road. You know -- you know  
5 which road this is, don't you?

6 A Lake Blanche.

7 Q Lake Blanche. Lake Blanche isn't very  
8 well-traveled. In fact, it's pretty, pretty open. Now,  
9 you have a lot of residences on that road. Right?

10 A I don't think there were at that time, no.

11 Q So that's an easy trip down that road and then  
12 to the gas station on 54 and Starkey. Right?

13 A Yes.

14 Q But you decided to go the opposite direction,  
15 again, north, in the opposite direction, so you could  
16 travel all the way down Barbour Trail, so you can loop  
17 back to Rangeland, so you could then go up Starkey and  
18 then all the way down to the gas station?

19 A Yes.

20 Q How old are you?

21 A Forty-eight now, I think.

22 Q You're roughly the same age as all the other  
23 people that have testified. Correct?

24 A I -- I don't their ages, no.

25 Q I think we heard some of them testify about it,

1 but -- so to be clear, you're driving north on Barbour  
2 Trail and you come up and you see these speed bumps.

3 A Yes.

4 Q And it's your testimony that you didn't know why  
5 they were there.

6 A No.

7 Q Had no idea.

8 MS. STEVENS: Objection. Asked and answered.

9 THE COURT: Overruled.

10 Go ahead.

11 BY MR. SARABIA:

12 Q No idea.

13 A No.

14 Q Did you see little signs on the side?

15 A Yes.

16 Q Did you pay attention to the signs?

17 A Yes.

18 Q What did the signs say?

19 A Caution, slow, kids playing.

20 Q Did that clue you in to why those speed bumps  
21 might be there?

22 A You could look at the sign and think that that  
23 was that, but then you could also look at it that people  
24 may have left it out there and forgot it.

25 Q Okay.

1           A     So that's why you pay attention to your  
2 surroundings and not some sign that people post outside.

3           Q     Sure. Important to pay attention to your  
4 surroundings. Right?

5           A     Yes.

6           Q     So you were paying attention, then, that there  
7 were three little kids right there --

8                   MS. STEVENS: Objection. Relevance.

9                   THE COURT: Overruled.

10 BY MR. SARABIA:

11           Q     -- right in the immediate vicinity. Correct?

12           A     I only remember two.

13           Q     You only remember two. But you saw two little  
14 kids out. Right?

15           A     Yes.

16           Q     You saw a sign that said caution, kids at play.  
17 Right?

18           A     Yes.

19           Q     And you saw the speed bumps there with the  
20 signs.

21           A     Yes.

22           Q     It's your testimony you had no idea why they  
23 were there.

24           A     They may have put them out there to make people  
25 aware by having those signs there.

1 Q Yeah. Because you agree, that doesn't make any  
2 sense that you had no idea why they were there. Right?

3 So okay. You said it's important to be aware of  
4 your surroundings. So you got out of the vehicle, and I  
5 believe your testimony was you saw the -- the big guy, as  
6 you call him. Mike.

7 A Yes.

8 Q So you knew he was there. Right?

9 A Yes.

10 Q You could see the size of him.

11 A Yes.

12 Q But you weren't afraid of him then. Right?

13 A That's why I went on the other side of the  
14 street. I did not want to have an altercation with this  
15 individual.

16 Q Okay. Because you knew that you were going to  
17 start something that could lead to an altercation. Right?

18 A No.

19 Q You didn't think that going and picking up the  
20 speed bumps and throwing them to the side, that that was  
21 going to cause any kind of altercation?

22 A No.

23 Q So that's why you went to the opposite side of  
24 the road, to avoid the big guy with the -- with the  
25 confrontation that you didn't think was going to happen?

1           A     Yes.  That's why I went to the opposite side of  
2 the road.

3           Q     Okay.  And you saw the other people there.  
4 Right?

5           A     Yes.

6           Q     And you would agree none of them threatened you  
7 at all.  Right?

8           A     No.

9           Q     They were just outside enjoying the weather,  
10 having a good time.  Right?

11          A     Yes.

12          Q     It was a picturesque scene.  Right?

13          A     Not picturesque.  I mean, you know, just normal  
14 families out.

15          Q     Normal families.  Not picturesque when the speed  
16 bumps were there.  Right?

17          A     Yes.

18          Q     So you headed directly to the speed bump because  
19 that was your intent, was to remove that speed bump.  
20 Right?

21          A     Yes.

22          Q     Okay.  And your belief, because you've done  
23 online research, is that it's improper because it  
24 obstructs the roadway.

25          A     Yes.

1 Q I think your words were obstructed the free flow  
2 of traffic.

3 A Yes.

4 Q But you agree you could have just traveled right  
5 on over it. Right?

6 A It could also damage your vehicle.

7 Q Okay. You eventually did travel right over it.  
8 Right?

9 A I -- I don't remember.

10 Q Okay. Well, you did go forward when it was  
11 still there in the road so that you could go on  
12 Berryhill [sic]. Right?

13 A Berrypick. Yes.

14 Q And it didn't obstruct your travel at all when  
15 you did that, did it?

16 A I don't remember if I drove over or if I drove  
17 into the other lane where I removed the other speed bump.  
18 I don't remember at that time where I was driving.

19 Q Okay. So it's your belief that it could somehow  
20 damage your vehicle.

21 A Yes.

22 Q Driving over that plastic speed bump.

23 A Yes.

24 Q So while you decided to park -- you parked your  
25 car in the middle of the lane. Right?

1 A Yes.

2 Q And you got out on the road. Right?

3 A Yes.

4 Q Obstructing traffic.

5 A No.

6 Q Obstructing the free flow of traffic while your  
7 car was sitting there in the lane. Right?

8 A There was no traffic.

9 Q There was no traffic? Did you see the video?  
10 The car that comes up right behind your vehicle and stops?

11 A Yes, yes.

12 Q In fact, I'm sure, as you're aware, there was an  
13 additional two vehicles that came up and couldn't get  
14 around your vehicle after the pizza delivery driver.  
15 Right?

16 A Yes.

17 Q So your vehicle was obstructing traffic.

18 A They drove around and continued down the street.

19 Q Okay. Well, they couldn't go in the direction  
20 that you were blocking, could they?

21 A No.

22 Q But the speed bumps were obstructing free flow  
23 traffic in your mind. Your vehicle wasn't.

24 A I was also obstructing traffic, yes.

25 Q Okay. So it's okay for you to obstruct traffic

1 when you want to.

2 MS. STEVENS: Objection Argumentative.

3 THE COURT: Overruled. It's a question.

4 THE WITNESS: What was the question? I'm sorry.

5 BY MR. SARABIA:

6 Q It's okay for you to obstruct traffic when you  
7 want to.

8 A No.

9 Q No. So you agree, then, it -- it was not okay  
10 for you to obstruct traffic.

11 A I was thinking I was only going to be there a  
12 couple seconds, not obstruct any traffic.

13 Q Okay. So if you obstruct traffic for a couple  
14 seconds, then it's okay?

15 A People get out of the car all the time and stop  
16 and load people or unload people, and they stop in the  
17 street for a couple seconds.

18 Q Oh, so obstructing the free flow of traffic  
19 means you have to understand what that means and whether  
20 it applies to the situation or not. Right?

21 A Yes.

22 Q Okay. And you determined that it didn't apply  
23 to when you stopped the car in the middle of traffic  
24 blocking a bunch of cars from proceeding, but you  
25 determined that it did apply to these speed bumps that you

1 could have just driven right over?

2 MS. STEVENS: Objection. Compound and  
3 argumentative.

4 THE COURT: Overruled.

5 THE WITNESS: Sorry. Could you state the  
6 question again?

7 BY MR. SARABIA:

8 Q You decided that it was okay or wasn't  
9 obstructing traffic when you were stopped in the middle of  
10 the road, blocking a bunch of cars from proceeding north  
11 on Barbour Trail, but it wasn't okay for these speed bumps  
12 to be present that you could have just rolled right over.

13 A I did not see any traffic at the time, so I did  
14 not think I was obstructing traffic.

15 Q Okay. So you got out. It's your intent to  
16 remove the speed bumps. And as you're doing that, Mike  
17 Krnjaich, who you refer to as the big guy, was actively  
18 trying to communicate with you. Right?

19 A I do not remember who was making the statements.

20 Q Well, you heard somebody saying, hey, buddy,  
21 hey, buddy. Right?

22 A No. It was not that statement.

23 Q Okay. He said, hey, buddy, hey buddy, what you  
24 doing? Isn't that what was said?

25 A I do not remember that. I remember them saying,

1 hey, what are you doing? Hey, what are you doing? That's  
2 not your property.

3 Q Okay. And I believe you testified on direct you  
4 didn't have an opportunity to have a conversation before  
5 you got shoved, but the reality is you did. You -- when  
6 he was actively asking you, trying to engage with you  
7 about what you were doing, you could have stopped to talk  
8 to him, couldn't you?

9 A Yes.

10 Q You didn't do that, did you?

11 A No.

12 Q No. Because you were determined to remove those  
13 speed bumps. Right?

14 A Yes.

15 Q And you thought if you stopped to have a  
16 conversation with him, he might try to stop you from  
17 removing the speed bumps. Right?

18 A No.

19 Q No? You just didn't want to talk to him?

20 A No.

21 Q And you weren't going to explain to him or ask  
22 him, hey, would you remove these speed bumps for me?

23 A No.

24 Q No. You were going to help yourself. Right?

25 A I was going to move them out of the roadway.

1 Q You were going to take the matter into your own  
2 hands.

3 A No.

4 Q No? No, you weren't?

5 A Just to move them out of the roadway is the --  
6 the way I was looking at it at that time.

7 Q Right. But you agree, that's taking the matter  
8 into your own hands. Right?

9 MS. STEVENS: Objection. Asked and answered.

10 THE COURT: Overruled.

11 Go ahead.

12 BY MR. SARABIA:

13 Q Do you agree?

14 A Yes.

15 Q To be fair, you're not law enforcement. Right?

16 A No.

17 Q You're not code enforcement. Right?

18 A No.

19 Q You're not Florida Highway Patrol.

20 A No.

21 Q You're not HOA or CDD.

22 A No.

23 Q So you have -- you have no authority to enforce  
24 any of the laws or codes or any of that. Correct?

25 A Correct.

1           Q     So when you drove up and you saw the speed bumps  
2 there, I'm sure you stopped and then you called somebody  
3 who could do that. Called law enforcement. Right?

4           A     That was after the attack.

5           Q     Oh, that's right. You didn't do that. You got  
6 outside to do it yourself. Right? You decided to help  
7 yourself.

8           MS. STEVENS: Objection. Argumentative.

9           THE COURT: Overruled. It's cross. It's by  
10 nature argumentative, so overruled.

11          Go ahead.

12          (The proceedings continue in Volume V.)

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CERTIFICATE OF COURT TRANSCRIBER

STATE OF FLORIDA

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*

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Mary Ann Burke, CET-1292  
Digital Court Transcriber  
Sixth Judicial Circuit