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IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

CASE NO. 2013CF102888A000XX
JUDGE HUDSON

STATE OF FLORIDA

vs.

LUIS ALBERT TOLEDO,
Defendant.

* * * * *

DEPOSITION OF: INVESTIGATOR WILLIAM MAXWELL

DATE TAKEN: FEBRUARY 19, 2015

TIME: COMMENCED AT 2:41 P.M.
CONCLUDED AT 3:25 P.M.

PLACE: VOLUSIA COUNTY COURTHOUSE
101 EAST ALABAMA AVENUE
DELAND, FLORIDA 32724

STENOGRAPHICALLY
REPORTED BY: SHAWNA R. STIMSON, RPR, FPR
COURT REPORTER and NOTARY PUBLIC

* * * * *

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C O N T E N T S

TESTIMONY OF INVESTIGATOR WILLIAM MAXWELL

Direct Examination by Mr. Nappi 4

REPORTER'S CERTIFICATE 48

CERTIFICATE OF OATH 49

E X H I B I T S

* * * NONE MARKED * * *

S T I P U L A T I O N S

It is hereby agreed and so stipulated by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript are expressly reserved by the Deponent.

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

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P R O C E E D I N G S

THE COURT REPORTER: Raise your right hand.

Do you solemnly swear, or affirm, that the testimony you are about to give will be the truth, the whole truth, nothing but the truth?

THE WITNESS: I do.

THEREUPON,

INVESTIGATOR WILLIAM MAXWELL,

having been first properly identified, was duly sworn, examined, and testified upon his oath as follows:

DIRECT EXAMINATION

BY MR. NAPPI:

Q Please state your name.

A William Maxwell.

Q Where are you employed?

A With the Volusia County Sheriff's Office.

Q What do you do for the sheriff's office?

A I'm a major case investigator.

Q How long you been with the sheriff's office?

A Since 2008.

Q Any prior law enforcement experience?

A No, sir.

Q How long have you been with major cases?

A Full time has been a year. I was transferred last year. As an on-call status it's been since end of

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 2010, beginning 2011.

2 Q So I think October 2013 you were full time or
3 just still on call?

4 A I was on call at that time for the major case
5 unit. Full time for -- I was assigned to Deltona for
6 their CID, which is Criminal Investigation Division.

7 Q Okay. And is that where you first came into
8 contact with Luis Toledo?

9 A As in which --

10 Q Not in this case but in your Deltona dealings?

11 A In my experience in Deltona, yes, sir.

12 Q Because you say that you were monitoring
13 communications. You heard Luis Toledo's name come up in
14 a possible domestic disturbance on October 22.

15 A Yes, sir, that's correct.

16 Q And that rang a bell in your mind.

17 A Yes, sir.

18 Q And you contacted some officer. Tell me about
19 that whole -- on October 22.

20 A No problem. On the date that you're talking
21 about I was at my desk at the time working on some other
22 things associated with Deltona. I had heard the radio
23 traffic coming in. I found out that Sergeant Vickery at
24 the time was in communication on the call. He had been
25 talking, I guess, to someone in reference to the

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 potential domestic violence charges or things that were
2 occurring. At that point in time I hit up on a TAC
3 channel which is a -- I don't know if you know what a
4 TAC channel is.

5 Q No.

6 A But a TAC channel is a channel that's outside
7 of the normal primary channel where I can actually talk
8 independently back and forth to be able to get
9 information or relay information.

10 I had asked for him to call me because I
11 needed to speak with him about potentially what was
12 going on because I had history with Mr. Toledo from
13 prior involvements.

14 Q Okay. What was your history with him?

15 A When I got assigned to District 4, Deltona, as
16 a patrol agent all the way up to investigations, I had
17 had interaction with Mr. Toledo on -- in reference to
18 gang activity, narcotics activity, activities of a
19 criminal nature in there. Not saying that he was
20 involved in those. He was giving me information in
21 reference to people that were committing those crimes.

22 Q Did this start in 2008?

23 A I would venture to say it was probably more in
24 2009 or '10. I'm not positive when it started.

25 Q Up until 2013?

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 and my major concern is for his safety in the car.

2 So they remained in the car. I exited the car
3 and walked over to the dumpster.

4 Q And then you continue your travels after that?

5 A After that I had actually Sanford PD and
6 Seminole County respond and our crime scene guy respond.
7 We remained there until after that was completed,
8 meaning the search of the garbage can. Myself and
9 Investigator Medford.

10 Q Investigator Medford?

11 A Uh-huh. He stayed there. We might have
12 transitioned, myself and Investigator Beers, back and
13 forth through the car. Mr. Jackson was asleep. He had
14 fallen asleep during the recording pretty much and
15 stayed inside the vehicle. Never exited.

16 Q Did you search the dumpster?

17 A No, sir. I walked up to the dumpster. Upon
18 walking up to the dumpster I immediately saw what
19 appeared to me to be a trunk mat. It was black in
20 color. It was rolled almost inward kind of deal, and I
21 could look directly down and see that there was a lot of
22 sand on it, and there was some bags and things directly
23 in that area.

24 Q Okay. This is not the first time -- well,
25 then, I guess subsequently that's when Mr. Jackson told

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 A Yes, sir.

2 Q Was he a confidential informant for you?

3 A Not documented. Not documented.

4 Q So he was just giving you information about
5 drug deals, gang stuff?

6 A Yes, sir. Yes, sir. I had verified his
7 activity through Investigator Schoeps at the time, which
8 is now Sergeant Schoeps. He had given me information
9 that he had been documented previously with the
10 sheriff's office. And then he had been -- turned over,
11 in a sense, information to the department -- or DEA task
12 force.

13 Q So we know that Mr. Toledo was working with
14 the DEA at some point.

15 A That is correct. Yes, sir.

16 Q Was he also a documented confidential
17 informant for the sheriff's office?

18 A Not that I know of. Not for -- not something
19 I was privy to.

20 Q Were you paying him for --

21 A No, sir.

22 Q So why was he doing it?

23 A His -- over the period of time that we spoke,
24 it was pretty much to give me information to help
25 suppress the gang activities that were going on with

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 people that weren't in conformance with gangs. In a
2 sense, they were going out doing things the gang would
3 never approve of.

4 Q So rogue gang members?

5 A In a sense, yes, sir.

6 Q How many times you think you had contact with
7 Mr. Toledo face-to-face?

8 A A lot.

9 Q What's "a lot"?

10 A He knew me, I knew him. If I saw him on the
11 street, he'd wave me down just to give me parts and
12 pieces of information.

13 Q Did you have a cell phone?

14 A No, it was all interaction.

15 Q So you wouldn't be able to call him up and
16 say, I need -- let me -- I heard something on the TAC
17 channel, let me call up Mr. Toledo?

18 A If anything occurred in that nature, I would
19 always redirect it to Investigator Schoeps based on that
20 he was one of the initial contacts for transition from
21 him to this to DEA.

22 Q Okay. So this -- on the 22nd this domestic
23 incident -- and they requested a well-being check at
24 Covent Gardens?

25 A Yes, sir.

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 Q Was the domestic incident in Seminole County
2 or Volusia County that we're talking about here?

3 A The information that was coming in at the time
4 was kind of confusing. We had heard there was
5 information coming out like she was traveling back from
6 Lake Mary to Volusia County to speak about that incident
7 but also speak of an incident that had occurred right
8 before, I guess, she had gone over to Lake Mary to work.

9 Q Okay. Did you on the 22nd go to the
10 residence?

11 A No, sir.

12 Q You did go to the residence on the 23rd?

13 A Yes, sir. I had given instructions to the
14 deputy, his name is Deputy Bainbridge. He was his
15 own -- assigned to that zone down there. I had called
16 him on the TAC channel and said, "You need to call me at
17 the office." And I explained to him at that point in
18 time, "If there is any need to sit down and talk with
19 him, I'll be glad to come out and help you in that
20 situation because he's always been pretty much, I
21 believe, truthful with me through my experience with
22 Mr. Toledo."

23 I had told him that if there was anything to
24 do with probable cause that was obtained that he had
25 actually committed some kind of criminal activity, I

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 still would come out but I'd like an update. I remained
2 at the office late that day hoping someone would call me
3 saying, "Hey, I need you to come out." At that point in
4 time, nobody had called and I had secured for the night.

5 Q And you went over there the next day at 1239
6 hours?

7 A Yes, sir. I had actually got called out that
8 night for some other unrelated things, went out, did
9 that, so I came into work late that day. Upon coming
10 in, I went to a fight call in Enterprise, which is south
11 of that location. Once I cleared that, I started
12 getting information from deputies that came to assist me
13 that there was a problem over at Covent Gardens. And at
14 that point in time I immediately responded to that
15 location.

16 Q So you didn't go there independently of other
17 deputies. You went there once you heard that there was
18 a well-being situation?

19 A I had heard there was some type of issue at
20 that location. I wasn't sure exactly what it was. So
21 it's approximately a half mile from where I was at, so I
22 just transitioned over to that location.

23 Q So you go over there. Do you go inside the
24 house?

25 A No, sir, I do not.

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 Q When you go there, obviously you're briefed
2 and you talk to individuals. Who did you talk to?

3 A When I got on scene, Captain Dave Brannon,
4 he's the commanding officer for District 4, he had come
5 to me. I was one of their lead investigators for that
6 area. He also knew that I also did major case at
7 nighttime so I was going to be pretty much tasked with
8 obtaining a search warrant for the house. I explained
9 to him that I had already made contact with some of my
10 counterparts in major case to have a response. They had
11 already also done a -- I mean, everybody was fluid at
12 that time.

13 At that point in time I told them that I'm not
14 going to do a search warrant at this point in time.
15 Let's get briefed. Let's figure out what's going on. I
16 was briefed by Sergeant Rego, which was the initial
17 sergeant -- one of the initial sergeants on the scene
18 from the alpha shift. He had pretty much gave me a
19 brief detail of what had occurred, meaning with Lake
20 Mary, things -- the nature of going in the residence,
21 looking to see if there -- for a well-being check for
22 Michael, Thalia and also Yessenia.

23 Q Did you speak with Yessenia's mother?

24 A Through the -- that day?

25 Q Yeah.

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1 A Yes, sir, I did.

2 Q And she was there?

3 A She wasn't on scene when I got there. That's
4 later in the day that I made contact with her. That's
5 probably hours.

6 Q When you were there, did Mr. Toledo arrive
7 when you were there?

8 A No, sir. He was already taken from the scene.
9 He had been relocated based on other charges.

10 Q So when you got there, he's already been there
11 and gone?

12 A That's correct.

13 Q Did you speak with any neighbors?

14 A Yes, sir.

15 Q Besides Mr. Jackson, we'll get to him.

16 A Yes, sir.

17 Q We'll get to Mr. Jackson. But any other
18 neighbors while you were there that morning?

19 A I did. I was familiar with a previous dealing
20 that I had been down there. I was part of a burglary
21 task force. There had been a burglary at a residence
22 next to Yessenia's and Toledo's house. I immediately
23 went over to that location, made contact with the owner
24 to see if they had heard anything, seen anything or had
25 any knowledge of what had occurred.

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1 He had said he didn't have anything at all
2 that he could provide.

3 Q Do you remember his name?

4 A I do not. I remember the house but I'd have
5 to go back in the report previously.

6 Q And that was the residence to the left or
7 right of Toledo's if you're looking from the street?

8 A If you're at Toledo's, it's going to be to the
9 right. I do have a case number if you need that case
10 number.

11 Q Sure. Go ahead. Let's put it on the record.

12 A VCSO 130006775, and that's when I would have
13 made contact with that neighbor previously and also
14 Mr. Toledo in reference to Mr. Jackson as well.

15 Q Okay. So if I'm looking at Toledo's residence
16 from the street --

17 A To the right.

18 Q -- it will be on the right.

19 So you were briefed by several officers at the
20 scene. What are you instructed do at the scene?

21 A When I came on scene, my primary is to make
22 sure I maintain the scene. And if there's any immediate
23 witnesses or anything that I can acquire at that time
24 prior to whoever the case agent is going to be on scene,
25 I would start gathering intel at that time.

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1 Q Did you speak to anyone to gather intel, any
2 other witnesses?

3 A I spoke with law enforcement. I did speak
4 with the residents next door that had no information.
5 And then at that point in time major case units were
6 actually arriving on scene.

7 Q And they took over?

8 A We worked together on it. My task after they
9 came on scene -- they were going to be debriefed by
10 Sergeant Rego and everything else. My task was to
11 continue making contact, but I transitioned to law
12 enforcement at that time contacting the deputies that
13 went inside the house and see what they had.

14 Q Okay. And that would be Deputy Paul,
15 Deputy Morris, Deputy Miller?

16 A Yes, sir. That's correct.

17 Q Did you speak with any other family members
18 while you were on scene there? Did other family members
19 arrive?

20 A There were people coming on scene at that
21 time. They would not have been allowed to come into the
22 immediate area, of course. I would have -- my only --
23 speaking with them I did recognize some of the people
24 that were coming on scene that were related to
25 Mr. Toledo. I advised that they needed to stay outside

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1 of the crime scene tape, that they would have needed to
2 stay in the corner, which if you saw Mr. Jackson's home
3 where he was at, they were located probably a yard away
4 on -- they maintained where they were at, actually, on
5 the sidewalk. They were compliant.

6 Q But you didn't get any -- you didn't take any
7 statements from them?

8 A No, absolutely not.

9 Q And as far as you know, they weren't involved
10 in anything?

11 A Not to my knowledge.

12 Q And I guess the next thing you did of major
13 consequence was you spoke with Mr. Jackson?

14 A After I -- well, from that point I talked to
15 the deputies on scene. I had them slow down what was
16 going because it's a very fluid scene. I separated them
17 all and I got individual verbal statements, which are
18 not recorded because they hadn't even started their
19 supplements or anything else. They were just
20 maintaining. I said, "I need you to go back in,
21 describe what you did."

22 I had spoken to Mr. -- I think it was
23 Mr. Miller first. After that would have been Mr. Paul
24 and then after that would have been Mr. Morris where I
25 obtained the information that I needed to transfer over

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1 to Sergeant Thoman and also Investigator Betz. That's
2 in my supplement.

3 Q Now, give me the hierarchy at a crime scene
4 like this. It seems like Sergeant Thoman is telling a
5 lot of other deputies what to do.

6 A Yes, sir. That's correct.

7 Q It seems like you're telling a lot of the
8 deputies what to do.

9 A Yes.

10 Q We have Major Case Investigator Ford. So
11 who -- Investigator Ford is the case agent and he's a
12 criminal investigator. You're an investigator. You
13 have Sergeant Thoman. Just give me the hierarchy here.

14 A Any type of scene that I've been privy to work
15 has been based on whoever gets on scene first is pretty
16 much in charge until a decision is made who is going to
17 be the case agent. I don't think the case agent was
18 actually determined until later down the road.

19 My immediate chain of command outside the
20 district at the time would have been Sergeant Thoman
21 based on I worked on the on-call status. He would be my
22 direct supervisor over my actual supervisor. So it
23 would be Sergeant Thoman. Then it would go down to
24 investigators, whoever are going or assigned, and then
25 down to a crime scene. But who runs the show at that

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1 time would be Sergeant Thoman.

2 Q Okay. Thank you for that.

3 So you talked to all the deputies, Deputy
4 Miller, Deputy Paul, Deputy Morris in order. Sergeant
5 Thoman is talking to you, Investigator Betz arrived.

6 A I immediately -- after I told them what was
7 going on and what I obtained from Deputy Morris, I
8 immediately went to Sergeant Thoman, told him what I
9 had. And Investigator Betz had just arrived on scene.
10 Sergeant Thoman at that time said, "Stand down on that
11 part of it. Go ahead, Betz. Go interview him right
12 now."

13 Q Okay. And this would be Mr. Jackson?

14 A No, that would be Mr. or Deputy Morris.

15 Q Morris.

16 A Yes, sir.

17 Q All right. Now, at some point you were
18 brought in to speak with Mr. Jackson.

19 A Correct.

20 Q And why were you brought in to speak with him?

21 A Investigator Beers and Investigator Ford had
22 initially gone in and started speaking with Mr. Jackson
23 and also his mother.

24 Q That was in his kitchen?

25 A Yes, sir. I wasn't inside but it was inside

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1 residence. They were, I believe, tasked to go in, make
2 contact, get information, and obtain any type of buccal
3 swabs or scrapings of that nature.

4 At the time that I was finishing, Investigator
5 Betz was moving. At that time I was transitioning back
6 toward my vehicle. They were coming out of the
7 residence. I asked permission if I would be able to
8 speak with him based on that I had had dealings with
9 Mr. Jackson on a previous case.

10 Q Okay. Now it's coming together.

11 A Yes, sir.

12 Q What previous cases did you have dealings with
13 Mr. Jackson on?

14 A There had been a case mit's going to be
15 Volusia County case number 12-0011093. There was a
16 burglary complaint that had come in from Deltona High
17 School that Mr. Jackson had been involved in, and that
18 progressed forward through my investigation to where an
19 arrest was made.

20 Q Okay. And did you arrest him?

21 A Physically I did not but he was arrested
22 subsequently.

23 Q Were the lead investigator on that case?

24 A Yes, sir. Yes, sir.

25 Q Okay. And that case was concluded prior to

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 this interview?

2 A Yes, sir. Yes, sir.

3 Q So he didn't have anything pending at this
4 time?

5 A No, sir, nothing.

6 Q But you knew him?

7 A Yes, sir.

8 Q Did he know you?

9 A When he came out the door he recognized me.

10 Q So you said, well, let me go take a crack at
11 him, essentially?

12 A In a sense, yes. I was hoping that if there
13 was any resistance, which I wasn't privy to the
14 interview, that he would maybe want to talk and say,
15 Hey, I know you. I feel comfortable with you, and maybe
16 talk to me as a law enforcement officer.

17 Q So you spoke with him outside?

18 A Yes, sir.

19 Q And what was he doing outside? Was he just
20 kind of --

21 A His mother was outside. I walked up to her
22 and I said, "Ma'am, I understand that there's been an
23 investigation that's going on." That I would like to
24 see if -- "Would you see if Tyshawn would like to talk
25 to me?" He came out the front door. I reintroduced

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 myself to him. He introduced himself to me.

2 He started giving me some information based
3 on -- that Mr. Toledo had come over to the residence
4 that morning to the point of knocking on the window. I
5 observed a smudge mark, which was while we were talking,
6 on the window. It appeared to be a palm print, kind of
7 looked almost like clay, in a sense, the way I saw it.

8 I let him continue talking but he was
9 obviously upset because he had been just interviewed.

10 Q Yeah. What was his demeanor at this point?

11 A He was very calm. He had just -- I think he
12 was -- when it comes to emotions, it's kind of hard for
13 me to dictate it out but I think he was more just
14 frazzled because he had just been questioned about a
15 homicide.

16 Q Okay. Yeah.

17 You had a good long conversation with him at
18 this point?

19 A I would say it probably encompassed less than
20 ten minutes.

21 Q Okay. Was it recorded?

22 A No, sir. No, sir.

23 Q Do you think he was being truthful with you
24 when he was talking to you?

25 A I do. I do. He was giving me information

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1 that I felt was comfortable to include where he had
2 knocked on the window because I had to immediately tell
3 my commander that was there, that you need to go check
4 this window now, too.

5 Q And who did you tell about that?

6 A Sergeant Thoman.

7 Q In your prior dealings, did Toledo and Jackson
8 ever come into contact with each other on any --

9 A Yes, sir.

10 Q Okay. Tell me about that.

11 A The interaction -- not on historical things --
12 when I had come over to the residence on the burglary
13 that occurred next door to Mr. Toledo's house that I had
14 previously stated -- I think it was 3/11/2013 -- he had
15 advised that they were friends. That day I had actually
16 seen Mr. Toledo, Yessenia, the two kids, Tyshawn. They
17 were all out in the area trying to give us information
18 to what they had saw. There was a white Honda that had
19 been a part of a burglary and they took off. They were
20 giving me intel on that.

21 But otherwise I had no dealings or knowledge
22 that they were even friends prior to that.

23 Q All right. Now, what else -- after you spoke
24 with Mr. Jackson, what else did you do at the scene at
25 that time?

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1 A When I concluded with Mr. Jackson, he was
2 obviously having some things going on that was
3 upsetting.

4 Q He had to go to school actually.

5 A Correct. But he was upset and he was actually
6 not even dressed. He just had a pair of shorts on, I
7 think, and some slides or whatever. At that point in
8 time I knew that I wasn't going to get any information
9 that I felt -- was comfortable with. I told him go
10 ahead and go to school. I explained to him and his
11 mother while they were standing there, "Go to school.
12 If you can remember anything that will help me find out
13 where these kids are, when you come back, I'll be here.
14 Let me know." So we released him and he went off to
15 school.

16 Q And he did come back and did talk to you
17 again?

18 A Yes, sir. It was about I think 8:30 at night.

19 Q Did he approach you?

20 A His mother did first.

21 Q And she said what? He wants to talk to you?

22 A She said, "Investigator Maxwell, my son wants
23 to talk to you. He's scared but would you be willing to
24 talk to him?" I said "absolutely" and went over and
25 started talking to him.

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 Q All right. And was this conversation outside?

2 A Yes, sir.

3 Q Recorded?

4 A Not recorded. It was actually in the street.

5 He had told me -- which is in my report. Not going to

6 go over that report. But he was definitely wanting

7 assistance at that time.

8 Q Okay. Were any promises made to him?

9 A No, sir. The only thing that I had requested

10 is -- because he only wanted to go with me. That was

11 the whole situation. I explained to him based on what

12 we have going on, absolutely not. I'm going to get

13 another investigator to go with me. I stepped away from

14 him, contacted Sergeant Thoman, told him what I had

15 going on, and Investigator Beers was tasked to ride with

16 us.

17 Q So that's when you guys went down to Seminole

18 County?

19 A Yes, sir.

20 Q And you described the route in your report?

21 A Yes, sir. He actually took us on that route,

22 and that's why I described it the way it was.

23 Q And that was recorded?

24 A Yes, sir.

25 Q What was his demeanor in the car?

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 A Calm, cool, collected. No -- no fear. The
2 only thing that he was concerned about that he didn't --
3 he didn't know what was going on. He didn't want people
4 to see him in the vehicle. I have an unmarked vehicle
5 with tint and I explained to him, "You're fine," so
6 we're good to go. He was tired, too.

7 Q Okay. And obviously you -- did you time the
8 route?

9 A It would have been on the recording. When
10 you're saying -- I don't know if you're saying time from
11 the time I left to how long it took --

12 Q Like a stopwatch or anything?

13 A No, sir.

14 Q Just trust the recording?

15 A Just on the recording.

16 Q And you just went the direction he told you to
17 go in?

18 A Yes, sir.

19 Q You didn't make any other stops here or there?

20 A No, sir.

21 Q He did say that he lost -- he's driving his
22 Saturn.

23 A Correct.

24 Q And he said Mr. Toledo was driving the Honda?

25 A If I recall correctly, yes, sir.

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1 Q And he said at one point he lost visual
2 contact with the Honda but reacquired it in the parking
3 lot?

4 A Yes, sir. Yes, sir.

5 Q Do you recall where he lost contact with the
6 Honda?

7 A If my memory serves me correctly, I know we
8 were after the Lake Jennie park. It would have been
9 probably less than a mile from that location where the
10 actual Publix was.

11 Q Okay. Now, you did go to the Lake Jennie
12 Apartments where the dumpster is?

13 A Yes.

14 Q Was that before or after that Publix?

15 A That was after.

16 Q Okay. Is that how he says it happened? He
17 went to the Publix first and then went to Lake Jennie?
18 Or was it Lake Jennie, which was on the way to the
19 Publix?

20 A No, sir. It was -- we went to the Publix.
21 What I actually did was I told him, "I want you to --
22 I'm going to be driving the car. I want you pretty much
23 to go turn-by-turn situation." We got to the Publix.
24 We made the turn. We started coming back. And prior to
25 getting to the location, that's when he decided, you

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1 need to take a left.

2 Q Okay. All right. Okay. So you go down to
3 the Publix, you come back, you go to Lake Jennie?

4 A Yes, sir.

5 Q And he tells you about what he observed and
6 what he saw?

7 A Yes, sir.

8 Q When he directed you to Lake Jennie
9 Apartments, to the dumpster --

10 A Yes, sir.

11 Q -- did his demeanor change noticeably? Did he
12 become worried, frantic?

13 A I think at the -- not worried, not frantic. I
14 think he was concerned based on -- my whole intention is
15 once we made the turn from Publix, I assumed we were
16 coming right back to Deltona. And for him to say, "Make
17 that turn," he started to act a little -- not -- I don't
18 even know the proper word. I would say he was trying to
19 direct us in the right direction but it was dark, so I
20 think he was wanting to make sure that I turned the
21 right direction, because we focused on the Taco Bell,
22 not actually a street name. So that's -- the Taco Bell
23 was actually right there at the corner.

24 Q Is that the 24-hour Taco Bell?

25 A I don't know about that. I'm trying to stay

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1 on the diet so ...

2 Q Right. That is -- the reason why I ask you if
3 it's the 24 hours, the sign would be lit up, it would be
4 open for business.

5 A I know there was exterior lights on it. I
6 don't remember, to be honest with you. At that time of
7 night I don't think -- I think it was open because it
8 wasn't that late. He came back, I think, around 8:30,
9 and we would have already been in traffic at least going
10 that way by 10:00.

11 Q Well, no, I was talking about the preceding
12 night when he was following Mr. Toledo, if that Taco
13 Bell was an all night or is that how he knew to turn
14 there.

15 A I don't think it's a 24-hour at that time. I
16 think it changed after time. I think it would have been
17 closed.

18 Q Now, when you go into Lake Jennie, do you get
19 out of the car with him?

20 A No. I maintained -- made him stay in the car
21 the whole time. We went down the roadway, and we turned
22 into an apartment complex. I remember the complex.
23 It's white in color. He says, "Go down there." Got to
24 that location. I asked Investigator Beers to maintain
25 him in the car based on that area is a high crime area,

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1 you about sand on his boots?

2 A I don't recall exactly when he said it. I
3 think it was during that time or it would have been in
4 transition driving. Yes, sir.

5 Q Okay. So after that scene was secure, you
6 left?

7 A Yes, sir.

8 Q You took Mr. Jackson back to Volusia County?

9 A Yes, sir. That's correct. We actually went
10 the same path that we came. And then he had advised
11 once we came to the area of -- it's called DeBary and
12 Doyle Road. They're the same road, but they change
13 names at a certain location, which is Providence
14 Boulevard. There is a 7-Eleven right there.

15 He had told us about the story about coming
16 back, some of the statements that Mr. Toledo had said
17 and that he became scared for himself and asked
18 Mr. Toledo if he would drop him off at Jacob Brock,
19 which is the street before the 7-Eleven, so he could go
20 there and get some Black and Milds to go home and he'd
21 walk home himself.

22 Q And how far of a walk is that?

23 A Probably less than a quarter mile, maybe half
24 mile, if that.

25 Q You dropped Mr. Jackson back off at his home,

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1 right?

2 A Yes, sir.

3 Q What did you do after that? Did you continue
4 to talk to him or did you --

5 A Mr. Jackson? No, sir. There's some things
6 that are missing that when we talked -- I don't know if
7 you want to go -- you had asked me about Yessenia's
8 mother.

9 Q Yeah, I want to get back to that. I know that
10 your next thing is Jackson calls you on the phone.

11 A I'd have to look, to be honest with you. I
12 don't recall that part. I have my supplement with me.

13 Q Okay. Well, then let's go back to Yessenia's
14 grandmother.

15 A Yes, sir.

16 Q Ms. Perez.

17 A Uh-huh.

18 Q You spoke with her at the scene, but later on
19 that night around 9:00 you said or this is before --

20 A I didn't speak with her at the scene. I knew
21 that she had come to the scene.

22 Q Oh, that's right.

23 A I had been tasked by Investigator Mott, which
24 is our crime scene lead, and also Investigator Dewees.
25 They're both probably equal on level. I was tasked to

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1 go to the house to try to obtain a DNA sample from Mom
2 and Dad, which ended up being Mom because Dad is not
3 actually biologically linked to them, which at that
4 point in time I made contact, obtained the swab, and
5 then turned custody over to Investigator Mott.

6 Q And when you spoke with I guess the
7 grandmother of the children --

8 A Yes, sir.

9 Q -- did she tell you anything about what she
10 thought happened or just the fight the day before?

11 A Yes, sir. Yes, sir.

12 Q Did she tell you anything about Lake Mary,
13 about at Yessenia's workplace?

14 A No, sir. It was mainly based on the
15 relationship between her and Mr. Toledo, that it was
16 volatile in her eyes, that there had been threats made
17 to her and also to --

18 Q You mean her directly or her her daughter?

19 A Her directly.

20 Q From Mr. Toledo?

21 A Yes, sir. That it had progressed to an
22 unhealthy relationship and that she had made statements
23 that she believed Mr. Toledo was involved in the
24 disappearance or murder of the family.

25 Q Did she tell you why it rose -- their

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1 relationship rose to such a level where he would be
2 threatening her?

3 A She had said that they were having family
4 issues, that it was mainly based on financial issues,
5 that Yessenia was working, providing for the family,
6 Mr. Toledo was not. He was going to school, but he
7 wasn't actively contributing to the house financially.

8 Q Okay. So I guess she was talking to
9 Mr. Toledo and they would get into arguments and he
10 would then threaten her?

11 A Are you speaking of Yessenia or the mom?

12 Q The mom.

13 A In reference to the mom, I believe this was a
14 short term during probably that month or maybe a little
15 bit prior or days prior to the situation. But that's
16 where those threats that she was alluding to -- not --
17 she didn't get them something like six months ago or
18 anything like that.

19 Q What about nature of the threats between
20 Yessenia and Mr. Toledo?

21 A Yessenia and Toledo, she said there was just a
22 lot -- they weren't happy together. They would get in
23 verbal fights, possibly physical fights. So per her
24 account, it was based on that Mr. Toledo was making
25 threats to her to stay out of their business, and if

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 they didn't, he would become violent on them.

2 Q For her to stay out of his business?

3 A The business of the family between Yessenia
4 and him and the kids.

5 Q Okay. Who else did you talk to on those two
6 days, I guess, the 23rd and 24th?

7 A That I physically talked to?

8 Q Yeah.

9 A The only people that I have talked to that is
10 not documented in a report, because there was no really
11 interview conducted, family members of Mr. Toledo had
12 come on scene.

13 Q Which we talked about.

14 A Correct. There was a -- I think it's his
15 niece. I had had some prior dealings with her months
16 prior to that for a dealing in stolen property burglary
17 deal. And he had actually come to my office and brought
18 her because he says, "Hey, you need to be honest with
19 these folks and do that." And then he had addressed me
20 in the parking lot and said, "Hey, I need you to come to
21 the house. I need to talk to you. I have some
22 information I need to share with you."

23 I was privy to his dealings with the case he
24 was working with the statewide prosecutor, so I had
25 direct contact.

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1 Q That would be Orange County case?

2 A Yes, sir. I think it was Orange or Polk. I
3 think it is Orange.

4 Q Okay. Mr. Jackson called you on the telephone
5 twice.

6 A Okay.

7 Q And if you want refer to page 3 of 3.

8 A Do you know what line it is by any chance?

9 Q Yeah. 137.

10 A (Witness complies.) Okay.

11 Q So he called you twice on the 24th?

12 A If that's the date -- I think it was the --

13 Q Well, I know on the 24th you were contacted by
14 Investigator Beers.

15 A That would have been the morning time.

16 Q Right.

17 A So I'd venture to say it's either the 23rd or
18 24th late.

19 Q And, obviously, when you departed with
20 Mr. Jackson after traveling, you gave him your business
21 card and he had your contact information?

22 A Yes, sir.

23 Q So he called you directly on your cell phone?

24 A It would have been my work cell phone.

25 Q Work cell phone. Okay.

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1 And he spoke with you directly? His mom
2 didn't call you and say my son wants to talk to you or
3 anything?

4 A No. No, sir.

5 Q This would be him himself.

6 A Uh-huh.

7 Q How did he sound on the phone?

8 A Always good with me. I think he was -- I
9 think -- of course, at that time he's being looked at as
10 being a part of a situation. He doesn't know what he's
11 being looked at for or what law enforcement views him as
12 at that time, but I never felt that he was unwilling to
13 work -- he obviously was upset in the sense that he's
14 involved in that situation, but nothing to the degree
15 that he didn't talk properly to me.

16 Q And then you picked him up and you transported
17 him for interviews?

18 A Yes, sir.

19 Q Which were recorded and videotaped?

20 A Correct. Yes, sir. And I think DNA. There
21 was a DNA one.

22 Q You did go -- you went on October 30th.

23 A Okay.

24 Q You went to collect swabs for DNA comparison?

25 A Yes, sir.

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1 Q Now, did you have any other -- did you ever go
2 inside the house at all, 317 Covent Gardens?

3 A Which house is that?

4 Q Mr. Toledo's house.

5 A No, sir. Never. The only time that I even
6 was on the property was pretty much during that time I
7 maintained outside the residence or was by the vehicles,
8 but never entered any of those. I'd looked around the
9 residence, meaning the exterior.

10 Q So after the 24th when Mr. Jackson was
11 interviewed and you took him back home, did you have any
12 other contact with him in this case?

13 A I think I --

14 Q Besides the October 30 swabbing?

15 A The only interaction I would have had would
16 have been with his mother. If I do recall, she had
17 called my phone, advised that there was something going
18 on with the preacher. He was very upset because he
19 was -- when I say involved, he --

20 Q Who is "he"? "He" being --

21 A Tyshawn.

22 Q -- Tyshawn?

23 A Tyshawn. He was upset because he didn't want
24 to act -- appear that he wasn't assisting law
25 enforcement. He was just upset that he was a part of a

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1 murder or a missing situation. So I had spoken to her
2 and said, "Please, if you need me, let me know."
3 Offered for her to contact Sergeant Thoman directly.
4 After I got off the phone with him I had a meeting with
5 the mother. I contacted Sergeant Thoman, I told him
6 what was going on, and he said he would do a follow-up
7 investigation with Investigator Ford to make contact
8 with Tyshawn.

9 Q I know you assisted in ground searches in
10 Volusia and Seminole County all through the rest of
11 October and November 8.

12 A Yes, sir.

13 Q During your involvement in the ground
14 searches, did any evidence -- did you discover any
15 evidence related to this crime?

16 A No, sir. I was a part of potential locations.
17 I did aerial analysis, I did ground. I also assisted
18 with Seminole County because working on the task force,
19 we went to different locations over there, but nothing
20 that was later determined to be of evidentiary value.

21 Q Okay. And you transported Mr. Jackson again.

22 A What date would that be?

23 Q This was for his, I guess, lie detector test?

24 A Yes, sir. That's correct. CVSA.

25 Q And that was on the 30th?

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1 A That appears -- yes, sir.

2 Q And that was probably right after you did a
3 swabbing for DNA samples at his residence?

4 A I venture to say yes, sir. I don't recall
5 exactly. I think that would probably be it. Yes, sir.

6 Q Was that ride recorded at all?

7 A No, sir. I didn't record anything because I
8 wasn't asking him any questions.

9 Q I was going to say, did you question him or
10 did he volunteer any other information about this case?

11 A No, sir. Nothing was volunteered after --
12 when myself and Investigator Beers went on the ride with
13 him, every time I interacted with him it was pretty much
14 just to talk to him, "Hey, how are you doing? How's
15 school going? What's going on," the 30-minute drive
16 from Daytona to Deltona. And then I would take him back
17 and say, "Thank you for assisting. If you have anything
18 else to share, please contact us."

19 Q Now, did he know he was going down for a voice
20 stress analysis?

21 A Yes, sir.

22 Q Did he talk to you at all about that?

23 A Meaning?

24 Q Did he ask any questions? What is it going to
25 be like or what should I -- not what -- what should I be

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1 prepared for anything like that?

2 A No. Absolutely not. No. He was very
3 comfortable. When he was asked if he'd be willing to
4 come down and talk to us and take a CVSA, he did. I was
5 present during that time outside of the room and then I
6 took him back that night.

7 Q Were you involved in the questioning at all,
8 like, in the development of the questions for the stress
9 test?

10 A No, sir. The only information that would have
11 been maybe -- I don't know -- I mean, directly, no. We
12 would have talked about what had occurred on the travel
13 so we could bring up -- I think it was Investigator
14 White that completed that test. He would have wanted to
15 know what occurred in the sense what had happened from
16 the day until now. So we would have given him that
17 information but not anything on choosing questions or
18 anything like that. No, sir.

19 Q Okay. Since the 30th of October 2013, have
20 you had any contact with Mr. Jackson?

21 A No.

22 Q And after November 8th, did you have any other
23 involvement in this case?

24 A The only involvement I would have had would
25 have been speaking -- pretty much going back out,

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1 briefing the major case unit if they had questions or
2 something that they were unsure might have occurred.
3 But, otherwise, once that was done, I was out of the
4 situation.

5 Q And did you ever --

6 A That I recall. I see this one here. This
7 is -- that's a buccal swab.

8 Q Did you ever interview Mr. Toledo?

9 A Unfortunately, no.

10 Q Did you ever see him at operations when he was
11 being interviewed?

12 A I did.

13 Q Did you have any contact with him?

14 A Yes, sir.

15 Q I'm sure he recognized you.

16 A Uh-huh.

17 Q Did he talk to you at all or did he indicate
18 he wanted to talk to you individually or anything?

19 A Yes, sir, he did.

20 Q And when was that?

21 A I don't exactly know what date it was. I know
22 it was prior to an event that occurred where he had
23 become injured.

24 Q That was in the restroom?

25 A Correct. I wasn't there for that. I walked

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1 out with him to the patrol car that was going to
2 transport him back out. He was crying. He was upset.
3 He calls me Maxwell.

4 Q And this was prior to the incident in the
5 bathroom or after?

6 A I'm pretty sure it was prior to the incident
7 in the bathroom.

8 Q And you're walking him from operations?

9 A The hallway, yes, sir. Our hallway from the
10 interview room is very short and it goes to an area
11 where we park our vehicles. I had walked out with him.
12 He was placed in the patrol car. He addressed me by
13 name and he said -- I said, "Are you okay?" And he
14 said, "Yeah, I'm okay." I said, "If you need anything,
15 let me know." He goes, "I'll talk to you tomorrow."

16 And at that point in time -- there was no
17 communication between him and I at that point in time.
18 I assumed the next day I would be going out and speaking
19 with him directly and that never happened.

20 Q So when he said, "I'll talk to you tomorrow,"
21 what is --

22 A That was it.

23 Q Did you interpret that -- did you interpret
24 that to mean that plans have already been made for you
25 to go see him tomorrow at the jail?

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1 A No, sir.

2 Q Or bring him from the jail back here to
3 operations to talk to us?

4 A No, sir. When he was brought back, he would
5 be transported whatever dates he was there. On the
6 night that I'm speaking of, I had walked out with him to
7 put him in the car, make sure he was secured in the back
8 of the patrol car. It would have been on the right-hand
9 side of the vehicle. The door was open. He was in
10 there. He put his head down. I had asked him that, and
11 that's when he made that statement to me. As soon as I
12 shut the door, they took off. I went back inside, told
13 Sergeant Thoman what was going on, what he had said and
14 the --

15 Q Just that "I'll talk to you tomorrow"?

16 A Well, that he wanted to talk to me tomorrow.

17 Q Wanted to talk to you tomorrow.

18 A Pretty much.

19 Q And he was crying?

20 A Yes, sir.

21 Q Okay. And you reported it to Sergeant Thoman?

22 A Absolutely.

23 Q And what happened after that?

24 A He said, "What are you doing tomorrow?"

25 Because I was working outside of that location. I told

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1 him that I am there for whatever major case needs. And
2 I was waiting for the phone call but then other things
3 occurred afterwards that I wasn't privy to. And at that
4 point in time my involvement was pretty much done in the
5 case.

6 Q Okay.

7 A There is one thing. I apologize.

8 Q Go ahead. You have something else to say?

9 A It's brief. It was just that I had reached
10 out to the statewide prosecutor that I was familiar
11 with. I told him that -- my main thing for that was is
12 there anyone I could speak with that could give me intel
13 to try to find where these folks are.

14 Q That would be --

15 A Meaning Yessenia.

16 Q You're approaching the Latin King angle?

17 A That was my goal of talking to see if there
18 was anybody that would assist me from -- that had been
19 part of the Rico case that would be able to give me
20 information that -- either a hiding spot, a safe place
21 or something like that. My hope was that everybody was
22 going to be alive and found somewhere.

23 I spoke with her directly. She advised that
24 there was another statewide prosecutor that was also
25 familiar with Mr. Toledo and they worked together.

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1 Q And the "her" you're referring to is Ann
2 Wedge-McMillen?

3 A I had spoken to Diane Cecchi.

4 Q Diane Cecchi, okay.

5 A She was my direct contact. Ann was working
6 with her as her partner. They had worked on the case
7 together.

8 I pretty much -- the only thing I divulged to
9 her is that -- they knew because of the media what was
10 going on. I said all, "I'm asking you for is there any
11 contacts that I can speak with that can assist us in our
12 investigation." She said Ann was going to come out and
13 try to -- I think that's what happened. Ann came out
14 and did the interview when I was going to do the
15 interview.

16 Q So you weren't there for that interview?

17 A Oh, no, I was done.

18 Q Okay. Any other involvement in this case at
19 all?

20 A Just today.

21 Q All right.

22 MR. NAPPI: I have no further questions.

23 Thank you for your time, sir.

24 MR. DAVIS: No questions.

25 MR. NAPPI: Read or waive?

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1

THE WITNESS: I'll read.

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(The deposition concluded at 3:25 p.m.)

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INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

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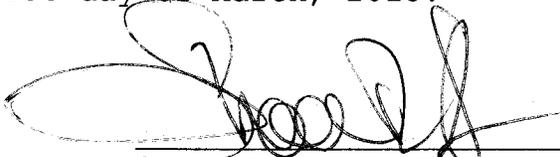
REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, SHAWNA R. STIMSON, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing deposition of INVESTIGATOR WILLIAM MAXWELL; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 1st day of March, 2015.



SHAWNA R. STIMSON, RPR, FPR
COURT REPORTER
(This signature is valid only if signed in blue ink.)

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

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CERTIFICATE OF OATH

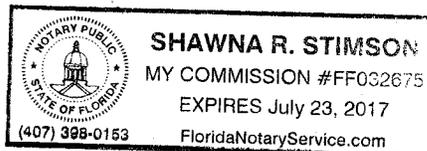
STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, the undersigned authority, certify that
INVESTIGATOR WILLIAM MAXWELL personally appeared
before me and was duly sworn on the 19th day of
February, 2015.

WITNESS my hand and official seal this 1st day
of March, 2015.



Shawna R. Stimson, RPR, FPR
Notary Public - State of Florida
My Commission No.: FF032675
Expires: July 23, 2017
(This signature is valid only
if signed in blue ink.)



Personally Known XX
OR Produced Identification
Type of Identification Produced

INVESTIGATOR WILLIAM MAXWELL - FEBRUARY 19, 2015

1 March 1, 2015

2 Volusia Reporting Company
3 432 South Beach Street
4 Daytona Beach, Florida 32114
5 Telephone (386) 255-2150

6 Investigator William Maxwell, Esqui
7 wmaxwell@vcso.us

8 In Re: State of Florida vs. Luis Toledo

9 Dear Investigator Maxwell:

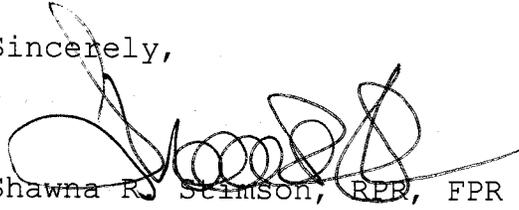
10 Attached please find a complimentary copy of your
11 deposition taken in the above-styled cause on
12 for your reading and signing.

13 Please make corrections, if any, on the enclosed errata
14 sheet, and mail the SIGNED errata sheet to me at the
15 above address so that it may be included in the original
16 transcript.

17 If we do not receive the errata sheet in our office
18 within 30 days from the date of this letter, we shall
19 conclude you have failed to exercise your right to read
20 and sign the transcript. If this is not ample time,
21 please contact our office.

22 Sincerely,

23

24 
25 Shawna R. Stinson, RPR, FPR
26 Court Reporter

27

28 cc: Ed Davis, Esquire
29 Michael Nappi, Esquire

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