

# ORIGINAL

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

CASE NO.: 12-036059-CFAES

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STATE OF FLORIDA

vs.

MICHAEL MORRISON,

Defendant.

\* \* \* \* \*

**DEPOSITION OF:                    INV. JOSHUA MEAD**

**DATE TAKEN:                        JULY 29, 2013**

**TIME:                                COMMENCED AT 2:51 P.M.  
                                      CONCLUDED AT 3:41 P.M.**

**PLACE:                                OFFICE OF THE STATE ATTORNEY  
                                      251 NORTH RIDGEWOOD AVENUE  
                                      THIRD FLOOR  
                                      DAYTONA BEACH, FLORIDA**

**STENOGRAPHICALLY  
REPORTED BY:                        PATRICIA A. BERARD, RPR, FPR  
   COURT REPORTER and NOTARY PUBLIC**

\* \* \* \* \*

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C O N T E N T S

TESTIMONY OF INV. JOSHUA MEAD

Direct Examination by Ms. Anthony

4

REPORTER'S CERTIFICATE

39

CERTIFICATE OF OATH

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E X H I B I T S

(NONE)

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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 was expressly waived by the Deponent.

## P R O C E E D I N G S

1  
2 THE COURT REPORTER: Raise your right hand,  
3 please.

4 Do you swear or affirm the testimony you're  
5 about to give in this cause will be the truth, the  
6 whole truth and nothing but the truth, so help you  
7 God?

8 THE WITNESS: Yes, I do.

9 WHEREUPON,

10 INV. JOSHUA MEAD,

11 acknowledged having been duly sworn to tell the truth  
12 and testified upon his oath as follows:

## D I R E C T E X A M I N A T I O N

13  
14 BY MS. ANTHONY:

15 Q Okay. Investigator, could you state your name  
16 for the record?

17 A Joshua Carlton Mead.

18 Q And where are you employed?

19 A I'm employed at the Florida Department of Law  
20 Enforcement.

21 Q Do you know David Gillespy?

22 A Yes.

23 Q That's my brother from another mother.

24 Okay. And how long have you been there?

25 A Approximately ten years.

1 Q All right. I'm Joan Anthony. I represent  
2 Mr. Michael Morrison.

3 Mr. Sullivan is sitting in today because  
4 Ms. Heatha decided to go to a seminar. Okay?

5 All right. You're here regarding the incident  
6 that occurred on October the 22nd of 2012, where there  
7 was a shooting.

8 A Yes, ma'am.

9 Q What was your role in the investigation? Was  
10 it to investigate because there was an officer shooting?

11 A Yes.

12 Q Okay.

13 A My role specifically was the -- I was the case  
14 agent from the Florida Department of Law Enforcement.  
15 And our perspective is to collect the facts surrounding  
16 the events that led up to -- to include the actual  
17 shooting or discharge a firearm by the officer.

18 Q Okay. I imagine -- I did listen to your  
19 interview because you -- so you interviewed Officer  
20 Armstrong, Dale Kelley, the two -- those two officers.  
21 Were there any other officers that you interviewed; do  
22 you recall?

23 A Yes. I interviewed Sergeant Erdman, another  
24 officer that the name escapes me. There was another  
25 Holly Hill officer that I interviewed. I interviewed a

1 friend of your client, Michael Morrison. I interviewed  
2 Leah Mays. There might be a couple of others.

3 Q Let's go to the interview of Officer Kelley,  
4 Dale Kelley, the interview you did. Was it -- how long  
5 after the shooting? Was it the same day, later on that  
6 day or a couple of days that you did the interview?

7 A With Officer Kelley?

8 Q Uh-huh.

9 A A couple of days later.

10 Q Okay.

11 A From what I remember, Holly Hill Police  
12 Department interviewed him first and then I interviewed  
13 him from our perspective separately a couple of days  
14 afterwards.

15 Q Okay. And when you say "from your  
16 perspective," what was that, to decide if there was a  
17 justifiable shooting?

18 A Yes, ma'am.

19 Q Okay.

20 A Although I want to make it clear, we don't  
21 determine whether it was justified. We just collect the  
22 facts and present it to the State Attorney's Office to  
23 make that determination.

24 Q Okay.

25 A But, yes, that's our perspective is whether

1 the use of deadly force would have been appropriate  
2 under the circumstances.

3 Q Okay. Do you recall briefly what Officer  
4 Kelley told you happened; could you tell us?

5 A Yes, ma'am. He told me that he was  
6 investigating a domestic violence situation between your  
7 client and Leah Mays, who was a cohabitant of his  
8 residence at 805 South Flamingo Avenue, Holly Hill,  
9 Florida, and they got into a verbal argument that turned  
10 physical while riding on his motorcycle, and he was  
11 investigating that portion of it, and it was -- happened  
12 within the city limits of Daytona Beach.

13 Q Okay. So we'll stop right there for now.

14 A Okay.

15 Q Now, when you say that she was a cohabitant of  
16 who, of Mr. Morrison's resident [verbatim]?

17 A Yes, correct.

18 Q Okay. Did you ask them or did they tell you  
19 that they had just brought Ms. Mays from her apartment;  
20 did you know that?

21 A He -- no. He told me that they actually left  
22 from Mr. Morrison's house. This is the information that  
23 he received from Ms. Mays, I guess, actually from his  
24 investigation in total.

25 He said that they left Michael Morrison's

1 house on the motorcycle. Because of the disagreement  
2 that they were having, he wanted -- Michael Morrison  
3 wanted to drop Leah Mays off at her apartment that she  
4 maintains separately and end the relationship that  
5 evening. And once they got there, I guess there's some  
6 allegations of physical abuse.

7 Q Okay. But you misunderstood me. What I was  
8 saying is, prior to them taking Ms. Mays over to  
9 Mr. Morrison's residence -- well, they didn't take her,  
10 exactly, took her to the corner.

11 A Oh, yes.

12 Q Okay. Where did they bring her from?

13 A From the area of her apartment.

14 Q Okay.

15 A Yes.

16 Q So before they -- they knew that Ms. Morrison  
17 [verbatim] was at her -- her apartment?

18 A Say that again.

19 Q She was at her apartment.

20 A Ms. Mays --

21 Q Yes.

22 A -- was at -- in the area of her apartment  
23 during the allegation of the battery.

24 Q Okay.

25 A And then they took her back to the area of



1 Michael Morrison's residence.

2 Q Okay. And did they ever tell you if they --  
3 how did they verify that Ms. -- Ms. Mays lived at  
4 Mr. Morrison's residence?

5 A Several ways they told me, yes.

6 Q Okay. And what was that?

7 A One of the ways was by her report, that she  
8 lived with him. Another way was that when Officer  
9 Kelley from Daytona Beach Police Department met up with  
10 Corporal Armstrong of Holly Hill Police Department,  
11 Corporal Armstrong said he was familiar with both Leah  
12 Mays and Michael Morrison at that residence at 805 South  
13 Flamingo Avenue.

14 Additionally, she said that she was his  
15 live-in girlfriend.

16 Q Okay.

17 A And thirdly, once they responded to the  
18 address later on, she had a cat, cat cages, cat litter  
19 and some personal belongings inside the residence as  
20 well.

21 Q Okay. Okay. So there was no information as  
22 far as going on DAVID and checking her driver's license  
23 or ID or anything?

24 A I couldn't say if they did that or not.

25 Q Okay. But that was not one that came to

1 your -- that didn't come to your --

2 A They did not tell me that.

3 Q All right. Okay. All right. All right. So  
4 once they determined that they're going to go and  
5 possibly arrest Mr. Morrison, then what happened when  
6 they -- did they...

7 A So they said that Officer Kelley and Corporal  
8 Armstrong responded back to the area of 805 South  
9 Flamingo separately. Officer Kelley had brought  
10 Ms. Mays with him. To avoid conflict, he said that he  
11 dropped her off around the corner. I don't recall the  
12 street, but around the corner in the -- in the same  
13 neighborhood and told her to stay there. And then  
14 Corporal Armstrong and Officer Kelley continued to  
15 Mr. Morrison's house. And there was also another Holly  
16 Hill police officer that showed up. I could -- if you  
17 want, I could look up his name in my report.

18 Q Yes, please.

19 A Yes. It was Sergeant Erdman from Holly Hill  
20 Police Department.

21 Q Okay. So all three officers arrived together,  
22 was your understanding?

23 A Sergeant Erdman, I think he showed up just  
24 seconds later was the --

25 Q Okay.

1           A       -- my impression.  But sergeant -- I'm sorry,  
2 Corporal Armstrong and Officer Kelley showed up  
3 simultaneously.

4           Q       Okay.  All right.  So did they, at some point,  
5 go to Mr. Morrison's residence?  Did they knock on the  
6 door?

7           A       Yes.  They reported that they knocked on the  
8 front door and received no answer.  They -- I believe  
9 they also said that they kind of looked around the front  
10 of the residence, all the lights were off.  It didn't  
11 appear that anybody was home at the time.

12          Q       Okay.  And did they tell you if when they  
13 knocked on the door if any one of them identified  
14 themselves as law enforcement?

15          A       I remember asking that.  Let me look at my  
16 report and see.

17                   I don't independently remember, just my report  
18 reflects what I recall is that they said they knocked on  
19 the door and received no answer.  I don't know if they  
20 announced that they were police.

21          Q       Okay.  And I'll go back and listen to your  
22 tape because your tape -- this -- your report --

23          A       That would be the most accurate reflection of  
24 the facts, yes.

25          Q       Okay.  And then after they knocked, what

1 happened? No answer? Did they leave?

2 A No. Then Ms. Mays came walking up and  
3 reiterated that she believes that he is there, that he  
4 is inside. And she reiterated that she lives there.  
5 She wants to end the relationship and because of that  
6 she needed to obtain her personal belongings from  
7 inside.

8 So at her insistence, they looked at a door on  
9 the east side of the house that goes into the garage  
10 where there is a window and used a flashlight to look  
11 into the garage where they saw several motorcycles. And  
12 Ms. Mays said that, yes, that motorcycle, she believes  
13 that's the one that he was on earlier tonight leading  
14 them to believe that he is inside or had recently come  
15 home.

16 Q So they were able to look through the window  
17 of the garage?

18 A There -- there is a door that's got a window  
19 in it on the east side of the garage.

20 Q Now, during your investigation, you never went  
21 over to the actual site of the incident, did you?

22 A Yes, I did.

23 Q Okay. At Mr. Morrison's residence?

24 A Yes.

25 Q Okay. Did you see the door? Do you recall

1 going...

2 A I don't remember the door.

3 Q Okay. All right. Because you can't see  
4 through it, just so you know.

5 A I -- yeah, I don't remember.

6 Q I did go and look, so that's why I was  
7 wondering if you actually went.

8 Okay. All right.

9 A I was there on the scene, but I didn't pay  
10 particular attention to the door at the time.

11 Q Okay. So just there, you didn't look around  
12 or anything?

13 A When I -- that night, yes, I did look around.

14 Q You did? Okay.

15 A The specifics of this report didn't come to  
16 light 'til days after I had already been to the scene.  
17 I was at the scene the night of the shooting.

18 Q Okay.

19 A So I didn't know that door was going to have  
20 any significance in the outcome.

21 Q Okay. All right. So at the scene did you  
22 notice -- tell us where they told that you Ms. Mays --  
23 how did she gain entrance?

24 A So they said that -- I say "they." Officer  
25 Kelley and Corporal Armstrong had similar testimony.

1 Q Okay.

2 A And generally they both testified to the fact  
3 that she asked for permission to jump over the fence.

4 And one of the officers, I'm not -- remember which, but  
5 my report states --

6 Q Okay.

7 A -- that they said, "It's your house. Do what  
8 you want. If you want to hop over your fence, hop over  
9 your fence." That's not a direct quote --

10 Q Yeah.

11 A -- just a paraphrase.

12 Q I know.

13 A And so she hopped over the fence and, "Well,  
14 there's dogs back here if you're going to follow me back  
15 here."

16 The officers said, "We're not going to come  
17 back there if you guys got dogs back there."

18 And she said, "Well, they're friendly with me.  
19 They're -- they're familiar with me. I'll put them up."  
20 So she secured them. I don't remember how. It says in  
21 my report specifically how, which was another indication  
22 to the officers at the time that, you know, obviously  
23 she spends time over there because the dogs were  
24 familiar with her and friendly.

25 So once she secured the dogs she said, "It's

1 clear," and told them they could come back. So the  
2 three of them, Ms. Mays, Corporal Armstrong and Officer  
3 Kelley, continued around back to where there's kind of a  
4 back porch where there's a jacuzzi inside and there  
5 was -- that's where one of the cat cage -- well, I  
6 don't -- it was an animal cage, I don't know if it was  
7 specifically for the cats, was back in the back porch.

8           And at that time -- and also previously while  
9 at the door on the side, Leah Mays was saying, "Mike,  
10 you know, I know you're in there, come out," or  
11 something to that effect. "The police are out here with  
12 me. I want to get my stuff."

13           And she didn't have her keys. And when the  
14 officers asked her, "Well, if this is your place, why  
15 don't you have your keys?"

16           She said, "Well, I can't remember if I left  
17 them or if they're -- if he took them and they're  
18 inside."

19           So then she said, "Well, do I have permission  
20 to kick in the back window?"

21           And they said, "It's your -- again, if that's  
22 what you do to get inside your own house and you live  
23 here, then do it but do it quick because we're not going  
24 to stay here all night going through this."

25           And she said, "Well, I've kicked in the back

1 window before when I had to get inside and he had taken  
2 my keys away from me before."

3 So they said, "Well, if that's what you're  
4 going do, we're not going to stop you but we can't tell  
5 you one way or the other."

6 Q Okay. But -- and at this point still -- and I  
7 don't see it in your report, do you know if the -- if  
8 there's any officers identifying themselves or is it  
9 just Ms. Mays saying --

10 A At that point, it was just her saying that,  
11 "The police are out here with me."

12 Q Okay. Okay. All right. So she proceeded  
13 back there with them. And did she bring any items from  
14 back -- in the back?

15 A Yes.

16 Q Okay.

17 A She gathered her cat and some cat litter and  
18 responded back to Officer Kelley's car and put them  
19 [verbatim] items in the back of his car. And then she  
20 came back to the back of the residence again where  
21 Officer Kelley and Corporal Armstrong still were.

22 Q Okay. And during your investigation -- and I  
23 know you say you talked -- you talked to Mr. Morrison  
24 also, right? Didn't you interview Mr. Morrison?

25 A Yes.



1 Q Did he at any time tell you that for that  
2 weekend he and Ms. Mays had went out of town and that's  
3 why she left the cats there? Did that ever come up?

4 A I'm not -- I don't remember. I could review  
5 my report.

6 Q I didn't see it in there. I didn't --

7 A Oh.

8 Q I'm not trying -- it wasn't a trick question.

9 A Yeah. I don't -- I don't remember.

10 Q I was just asking if you recall him telling  
11 you.

12 A I don't independently recall.

13 Q Okay. All right. So after she put the cat  
14 in, she went back there again. Then what happened?

15 A Right.

16 So that's when she ended up having the  
17 conversation about kicking in the window. And she did,  
18 she kicked in the window. And Corporal -- I think it  
19 was Corporal Armstrong thought better of it. At the  
20 very moment she was going to kick in the window, he  
21 said, "Wait," you know, because he thought that was --  
22 she was going to hurt herself and didn't want her to cut  
23 her leg. But she kicked it anyways.

24 And as soon as she kicked the window and got  
25 down off the cage, that's when Mr. Morrison came into

1 view and they saw a handgun.

2 Q Okay. So after -- it was after Leah kicked  
3 the window in is when this -- now Mr. Morrison is now --  
4 it's now known that he's inside?

5 A Yes.

6 Q Okay. All right. So when Mr. Morrison came  
7 to -- when they saw this gun, where -- where are they  
8 saying -- where was Mr. Morrison?

9 A He was inside the house.

10 Q Okay. He was inside --

11 A Which is the kitchen.

12 Q Okay. The kitchen area. Was he at the window  
13 pointing it? Did he point it outside? Or how did they  
14 see this weapon?

15 A Yes, they -- well, they had their flashlights  
16 illuminating the interior of the residence.

17 Q Okay.

18 A Once she kicked in the window and after it  
19 broke is when they saw who they later determined to be  
20 Mr. Morrison pointing a black-colored semiautomatic  
21 handgun. And he was quoted by saying, "I'm going to --  
22 I'm gonna kill you, mother fuckers," with it, obviously,  
23 being plural that he knew there was more than one person  
24 back there.

25 And that's when Officer Kelley said, quote,

1 "Mike, put your weapon down. The police are out here."

2 Q Okay.

3 A So that's my understanding through my  
4 interviews of the first time Mr. Morrison knew  
5 definitively that the cops -- or should have known that  
6 the cops were there.

7 Q Okay. So let's go back to when he pointed  
8 this gun at the officers. Did they describe to you  
9 where they were at this point?

10 A Yes.

11 Q Where were they?

12 A They said they were in the back porch -- did  
13 you go there?

14 Q Uh-huh.

15 A Okay. So you walk into the back porch.  
16 There's the -- there was a cat cage underneath the  
17 window and then over here (indicating) is the jacuzzi.  
18 And Matt -- I'm sorry, Corporal Armstrong was by the  
19 jacuzzi and took cover immediately down there and had  
20 Ms. Mays behind him. And Officer Kelley was to the  
21 outside of -- he retreated outside to the corner of that  
22 porch.

23 Q Okay. Well, what I'm trying to get at is --

24 A They were all standing --

25 Q Okay. That's what I'm saying.

1 A -- with her at the front of the window --

2 Q Okay.

3 A -- originally when that happened.

4 Q So the description that you just gave was  
5 after the gun was pointed?

6 A That's what they did.

7 Q Okay.

8 A But when -- as the gun was presented, the  
9 three of them were clustered together in front of the  
10 window with Ms. Mays in the front, obviously, because  
11 she's kicking the window.

12 Q Okay. So Ms. Mays's in the front.

13 A Yes.

14 Q So that gun is actually...Ms. Mays?

15 A Well, the way they described to me is the gun  
16 and Ms. Morrison was presented after she hopped back  
17 down --

18 Q Uh-huh.

19 A -- from the cage. So at that point after she  
20 kicked the window, she got down, three of them were  
21 together --

22 Q Okay.

23 A -- in front of the window when he came into  
24 view with the gun.

25 Q So at that point, again, when Mr. Morrison

1 allegedly pointed this gun, he -- he doesn't know that  
2 this is law enforcement because Ms. Mays kicked the  
3 window in and that's when Mr. Morrison first appeared.  
4 Isn't that when he appeared --

5 A Yes.

6 Q -- when the window got kicked in?

7 A Yes, ma'am, but --

8 Q Okay.

9 A -- what you said I don't know that that's  
10 factually accurate.

11 Q Okay. Well, I'll go back, if I'm not stating  
12 the facts.

13 Okay. The window is kicked in. Ms. Mays  
14 stepped down from whatever helped --

15 A Yes.

16 Q -- her to prop herself on the...

17 A Okay.

18 Q Then comes Mr. Morrison with a handgun and  
19 pointed it.

20 A Yes.

21 Q Okay. So there's three people back there.

22 A Yes.

23 Q Mr. Morrison, at this point, don't know if  
24 it's three thugs or three officers because the only  
25 thing he hears is Ms. Mays saying, "Michael" -- well, we

1 don't know if he even heard it. At this point it's  
2 Ms. Mays saying, "Michael, let me in, I have officers  
3 here."

4 A Yes.

5 Q All right. Okay. All right. I mean, you  
6 know --

7 A Why -- I'm sorry. If I could -- if I may.

8 Q Okay.

9 A What I had issue with is you said that he  
10 didn't know that the cops were there. I can't say that  
11 he didn't know the cops weren't there at that moment in  
12 time. The reason I say that is because we reviewed the  
13 calls that he had with the dispatch --

14 Q Uh-huh.

15 A -- where he admitted to knowing that the  
16 officers were on scene.

17 Q Okay. And I reviewed those. I --

18 A So I don't -- and I don't know when exactly  
19 that happened in relation to that moment in time --

20 Q Okay.

21 A -- but ultimately he knew that the police were  
22 there --

23 Q Okay.

24 A -- so that's why I had issue --

25 Q You're right.

1 A -- with what you said.

2 Q "Ultimately," you said the word.

3 A Yeah.

4 Q Okay. And did you ever review any policy or  
5 procedure as far as Holly Hill or Daytona to see if that  
6 was the protocol to go and arrest someone on --

7 A Absolutely not.

8 Q Okay. All right. All right. And during your  
9 investigation, did you determine if the officers were  
10 going there to arrest Mr. Morrison or to assist Ms. Mays  
11 in getting some items?

12 A I was told both.

13 Q Both, okay.

14 And it's fair to say -- I don't know if during  
15 your investigation if you'd learned that the officers,  
16 at first, were convinced that Mr. Morrison was not  
17 actually present at the residence, right?

18 A That was their perception in the beginning was  
19 that he was probably not home.

20 Q Okay. In fact, did you learn that they had  
21 sent an officer by -- prior to taking Ms. Mays over that  
22 they had sent an officer by to do just a --

23 A Yes, that was Sergeant Erdman.

24 Q Okay.

25 A He had been there previously and then returned

1 once he heard the call that Corporal Armstrong and  
2 Officer Kelley were going back to the house that he had  
3 cruised past a couple of times and received no answer.

4 Q Okay. All right. Okay. Okay. All right.

5 So during the standoff, did they -- either Officer  
6 Kelley or Corporal Armstrong describe if Mr. Morrison  
7 pointed this gun another -- second time, third time?

8 A Yes, ma'am.

9 Q Okay. And could you tell us when?

10 A They said that he came into view a second  
11 time, and this was described about an hour, hour and a  
12 half.

13 Q Okay.

14 A The second time your client shined a  
15 flashlight out of the window at them, so that -- that  
16 was important to them because they felt that since they  
17 said that they were the police then now he has them  
18 illuminated that he would have known it was the police  
19 in uniform. They were both wearing their issued  
20 uniforms that evening.

21 Q But did this --

22 A And --

23 Q I'm sorry. Go on.

24 A And then -- and then he disappeared to the  
25 east side where they recall seeing a clothes rack, which



1 I independently saw to the east of the kitchen  
2 separating the dining room area from the kitchen.

3 Q Uh-huh.

4 A And then they -- I believe it was -- I don't  
5 want to misspeak. Let me see. One of them -- I believe  
6 it was Officer Kelley -- I'm sorry, Corporal Armstrong  
7 said that heard a noise consistent with loading a  
8 magazine with ammunition over near that clothes rack --

9 Q Uh-huh.

10 A -- that's situated to the east of the kitchen,  
11 and that was during the time just before or just after  
12 they saw him come into view with the flashlight.

13 Some more time passed where there was  
14 apparently also negotiations going on between Captain  
15 Aldrich, with the Holly Hill Police Department, and  
16 Mr. Morrison using Mr. Morrison's daughter's phone who  
17 was on scene out by the street.

18 And ultimately Mr. Morrison came into view yet  
19 a third time with the same described black-colored  
20 semiautomatic pistol and he was extending it towards the  
21 officers. And at that time is when the Holly Hill  
22 Police Department, Corporal Armstrong, felt that his  
23 life was threatened and that of his partner and that's  
24 when he discharged one firearm -- or one round from his  
25 department-issued firearm.

1 Q Okay. Let's go back to the second time when  
2 he did the flashlight.

3 A Yes.

4 Q When he came with the flashlight. Where were  
5 the officers? Weren't they taking cover?

6 A Yes, but Corporal Armstrong was -- again, he  
7 was positioned -- like if this (indicating) were the  
8 jacuzzi, he was positioned at the corner so that he  
9 could still talk and periodically see Mr. Morrison's  
10 whereabouts to keep track of him.

11 Q Uh-huh.

12 A That's why he felt it was important to discuss  
13 the rounds being put into the magazine because he wasn't  
14 sure where Mr. Morrison was during all this time, if he  
15 was making a plan to come out front, out back,  
16 surrender --

17 Q Uh-huh.

18 A -- you know, or -- or go out in a blaze of  
19 glory, so to speak.

20 Q Okay.

21 A So he was still, from his perspective, in a  
22 position of vulnerability because he wasn't completely  
23 concealed, he was only partially.

24 They were able to get Ms. Mays out and escape  
25 to the front of the house during the standoff. So

1 during that second and I believe third time it was just  
2 Corporal Armstrong and Officer Kelley. Officer Kelley  
3 was, again, at the corner leading to the outside, but he  
4 was also in a position of vulnerability trying to  
5 maintain communications and also determine  
6 Mr. Morrison's whereabouts.

7 Q Okay.

8 A He also remembered that there was a light  
9 above him that was backlighting him or silhouetting his  
10 position, so one of the negotiators came along and  
11 actually unscrewed that during -- during this standoff.

12 So we found through investigation that the  
13 officers still felt a degree of vulnerability even with  
14 positions of semi-cover, concealment.

15 Q But from the position where both officers were  
16 positioned in, are they saying they could see  
17 Mr. Morrison inside the residence?

18 A Yes. Yes, during that time because Corporal  
19 Armstrong clearly reported seeing the gun. He -- he  
20 focused on the barrel of it, saw exactly what -- that it  
21 was a semiautomatic pistol rather than a revolver or a  
22 rifle or a shotgun and the fact that it was even a  
23 semiautomatic pistol, dark in color, black in color. So  
24 he was in a position that he was able to clearly see the  
25 gun, which means that he wasn't hiding behind the

1 jacuzzi.

2 Q And the window that's closest to the jacuzzi  
3 where the gun ended up or Corporal Armstrong ended up  
4 firing was the kitchen window?

5 A Yes.

6 Q Okay. And you say you went -- you didn't go  
7 inside the residence?

8 A Yes, I did.

9 Q Okay. And you saw the pantry?

10 A Yes.

11 Q Okay. Where the bullet hit?

12 A Yes.

13 Q Okay. And Mr. Morrison was shot in the back  
14 area, right?

15 A Upper back.

16 Q Upper back?

17 A Yes.

18 Q Not in the front, the back?

19 A Correct.

20 Q Okay. So from your investigation, the  
21 pointing of the weapon was twice, right?

22 A Yes.

23 Q Okay.

24 A I believe Officer Kelley said that there was  
25 one presentation of a gun, then a flashlight and then

1 the gun.

2 Q Uh-huh.

3 A Corporal Armstrong, I'd have to reflect on the  
4 report to see, he might have reported that it was the  
5 gun all three times. But, again, the reports are the  
6 most accurate. I could review that, if you'd like.

7 Q Okay.

8 A Yes, their -- their reports were consistent.  
9 Both -- both of the officers said that he pointed the  
10 gun originally when the window was kicked in, then it  
11 was just he came into view with a flashlight and then  
12 there was a third time he came into view again, which  
13 was the second time he produced the hand weapon --  
14 handgun.

15 Q Okay. And I'm interested in page 3 of your  
16 report, then, just to make sure. Yeah. It says that --

17 A Which one? Which report?

18 Q The one dated -- I only got one dated October  
19 the 22nd incident. Investigative summary.

20 A Oh, the summary. I don't think I have that  
21 with me.

22 Q Oh. You have another one there?

23 A No, three's all of my -- these are all of my  
24 investigative reports which are inconclusive of the  
25 investigative summary.

1 Q Yeah. Yeah, that's the one I have.

2 A I don't have the summary itself.

3 Q Are you sure? It looks the same.

4 A No, they're different. See.

5 Q Oh.

6 A Yes, right there.

7 Q Okay.

8 A Those -- those are what I have. Those are the  
9 individual --

10 Q Uh-huh.

11 A -- IRs or investigative reports.

12 Q Okay.

13 A The front thing you have is the summary of the  
14 investigation.

15 Q I was just going to point to the page 3 where  
16 you have, "During the standoff Morrison told the  
17 officers that he had considered shooting them through  
18 the front door when they arrived at the residence."

19 A Right.

20 Q You got that information from one, what, one  
21 of the -- from Corporal Armstrong?

22 A Yeah. I just read it again here in one of the  
23 interviews.

24 Yes, during the interview of Corporal  
25 Armstrong, he said, "Morrison told the officers that he

1 considered shooting them through front door when they  
2 first arrived at the residence."

3 That statement was allegedly made by your  
4 client during the standoff while they were in the back  
5 porch, and that came from Corporal Armstrong's  
6 interview.

7 Q Okay. And he said this statement was made  
8 when?

9 A Corporal Armstrong said that during his  
10 interview.

11 Q I know, but -- I know that it was during the  
12 standoff --

13 A Yes.

14 Q -- but when did Mr. Morrison make this  
15 statement?

16 A While they were in the standoff in the back  
17 porch.

18 Q Okay. They're in the back porch and  
19 Mr. Morrison is still inside the house and they heard  
20 him say this?

21 A Yes.

22 Q I'm lost.

23 Before the shooting?

24 A No, after -- yes, before the shooting after  
25 the window kick, correct.

1 Q Oh, so they're saying while he's inside making  
2 all these statements?

3 A Yes. Apparently your client was making lots  
4 of loud statements during the hour and a half --

5 Q Oh, okay.

6 A -- standoff.

7 Q Okay. So this statement was allegedly made  
8 during the standoff?

9 A Correct.

10 Q He's talking?

11 A Yes.

12 Q Oh, okay. All right.

13 Okay. And I guess that was you doing the  
14 interview when he was bleeding? Was that your  
15 interview?

16 A Oh, did I interview Mr. Morrison?

17 Q Yeah.

18 A I don't remember when I interviewed him. I  
19 have to look.

20 Q When they had to call paramedics again to come  
21 tend to the wound.

22 A Yeah, he -- I -- we had an agent go to the  
23 hospital and we learned that he'd already been  
24 discharged from the hospital.

25 Q Uh-huh.



1 A Just a minute here.

2 Q Okay. I mean, because I won't get into it  
3 because the tape -- like you said, you know, the  
4 interviews --

5 A Okay.

6 Q -- the video, so I just wanted to make sure  
7 that was your interview with him.

8 A I'll have to -- have to look.

9 Q Okay.

10 A You asked -- one of the answers to your  
11 previous questions, Officer Bentley --

12 Q Oh, okay.

13 A -- B-E-N-T-L-E-Y, with the Holly Hill Police  
14 Department, he was another officer that I interviewed.

15 Q Okay.

16 A Mr. Earl Rodney Miller was Mr. Morrison's  
17 friend that I interviewed at a later date.

18 Oh, yes. Okay. I spoke to your client in the  
19 Volusia County Branch Jail because we were seeking his  
20 permission to review the medical records to show that  
21 what he was treated for was consistent with the injuries  
22 that the officers reported --

23 Q Uh-huh.

24 A -- which is consistent with the shooting. So  
25 I didn't ask him any questions --

1 Q Okay.

2 A -- but he spontaneously gave me his side of  
3 the story.

4 Q Oh, okay. And --

5 A Which is covered in Serial No. 14.

6 Q That wasn't recorded, though, was it?

7 A No, because I --

8 Q Okay.

9 A -- you can't bring recorders into the jail.

10 Q Okay. At Serial 16. Mine stopped at 16.

11 A Yeah, you got to go a ways.

12 Q Oh, you go backwards?

13 A No, keep going the way you're going there.

14 Q I got 16. It's starts off with 16.

15 A What is it?

16 Q It start -- mine starts out with Serial 16,  
17 page 1 of 3. Actually --

18 A Serial 14.

19 Q I know.

20 A Serial No. 14.

21 (Ms. Anthony perusing.)

22 Q And this is your report. She's got it  
23 labeled. This is Scott Peterka and I got Craft.

24 A So you have the reports written by Peterka and  
25 Craft.

1 Q And yourself.

2 A I wrote -- I wrote No. 14, so you should have  
3 that.

4 Q Okay. I don't have 14. All we have is  
5 your --

6 A Summary?

7 Q Yeah.

8 A Oh.

9 Q Yep. I have your summary. So besides your  
10 summary, you have a report like --

11 A I have individual reports labeled one through  
12 37. I'm sorry, one through 39. These are the reports  
13 that I write as I go through the investigation, which  
14 are used to compile the summary at the end.

15 Q Okay.

16 MR. SULLIVAN: Can we go off the record for a  
17 second?

18 MS. ANTHONY: Yeah.

19 (Off the record.)

20 MS. ANTHONY: We can go back on the record.

21 BY MS. ANTHONY:

22 Q Because like I said earlier, your interview of  
23 Corporal Armstrong and Officer Kelley and Erdman is all  
24 on the audio tapes, right?

25 A Yes, ma'am.

1 Q Okay. I remember that.

2 I'm glad I took your deposition today because  
3 I didn't even know that you had went -- you actually  
4 went by Mr. Morrison's residence.

5 A Oh.

6 Q Okay. How about after he got arrested, were  
7 you there when apparently they brought Ms. Mays back to  
8 the scene, she wanted to get some of her items while  
9 Mr. Morrison was in custody? Were you there --

10 A I don't understand. Say that again.

11 Q -- the early hours -- the early wee hours of  
12 the morning after Mr. Morrison was arrested, Ms. Mays  
13 was brought back to the residence because she said she  
14 wanted some items. Were you there then?

15 A During the shooting?

16 Q No, no, no, after the shooting and  
17 Ms. Morrison having --

18 A Yeah, she was there. She was there when I got  
19 there.

20 Q -- taken away they were --

21 A I don't know if she ever left. I have no idea  
22 if -- if she left after the shooting and came back or if  
23 she stayed there the whole time, but she was there.

24 Q Okay. Did you have any contact with  
25 Mr. Morrison's daughter?

1 A Yes.

2 Q Okay. Did you also interview her, do you  
3 recall, on tape?

4 A Yes, I did.

5 Q Okay. And I'll get the tape of it, because  
6 that was also audio taped?

7 A I will tell you in just a minute here.

8 Q Okay.

9 A Yes. Serial No. 11 is my report outlining the  
10 interview with Michelle Morrison and it was recorded,  
11 yes.

12 Q Okay. I think later on you also said you were  
13 able to review the CAD notes. Were you able to review  
14 CAD notes?

15 A Agent Craft reviewed the Computer Aided  
16 Dispatch notes, yes.

17 Q Okay. Were you able to interview -- I mean,  
18 review Mr. Morrison's 911 calls also?

19 A Agent Craft did that in the same report,  
20 No. 2.

21 Q Okay. And when you say "No. 2," that's your  
22 report, right?

23 A My report No. 2, yes.

24 Q All right. Okay. And just to clarify it for  
25 the State, because I know you've been by the residence,

1 I've been by the residence, this hot tub that we're  
2 describing is not actually in use, it's just a hot tub?

3 A It didn't appear to be in use, no.

4 MS. ANTHONY: Okay. I have nothing further.  
5 Kevin, you got something over there?

6 MR. SULLIVAN: No, I have no questions.

7 MS. ANTHONY: Read or waive?

8 THE WITNESS: Waive.

9 (Whereupon, the proceedings concluded at  
10 3:41 p.m.)

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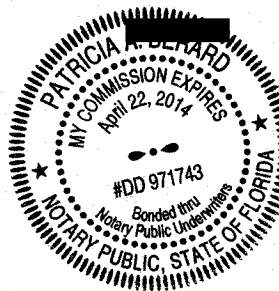
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**CERTIFICATE OF OATH**

STATE OF FLORIDA )  
COUNTY OF VOLUSIA )

I, Patricia A. Berard, RPR, FPR, and Notary Public for the State of Florida, DO HEREBY CERTIFY, that **INV. JOSHUA MEAD** personally appeared before me and took an oath on July 29, 2013.

WITNESS my hand and official seal this 21st day of August, 2013.



*Patricia A. Berard*  
\_\_\_\_\_  
PATRICIA A. BERARD, RPR, FPR  
Notary Public - State of Florida  
My Commission No.: DD 971743  
Expires: April 22, 2014

(This signature is valid only if signed in blue ink.)

Personally Known           ✓            
OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_