

WITNESS STATEMENT

TM – Sgt. Tim Morgan JB – Janice Byrd

The recorders on. This is a witness complaint. This will be a taped interview reference to RQ-08-017. Today's date is May 28, 2008 and the time is 7:40 am. The location of this interview is 1250 Feather in Deltona, Florida. Presently being interviewed is Ms. Judith Byrd. I'm Sgt. Morgan with the Volusia County Sheriff's Internal Affairs unit. Ms. Byrd are you aware that this interview is being recorded?

JB Yes.

TM As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn. Do you swear that the statement you are about to give is the truth, the whole truth and nothing but the truth so help you God?

JB Yes.

TM Ok. Ms. Byrd can you briefly describe the events that occurred on May 5, 2008 involving your neighbor?

JB I went outside probably around 7:30 8:00 in the morning I'm not positive of the time and, to walk my dog, and I saw my neighbor sitting on the front step of her house and I said, "Good morning" and she said, "He's moved back in the house and he's kicking me out" meaning her husband. And I said, "Well call your attorney" She said, "He won't let me use the phone" So I said, "Well keep cool you know be calm you know try to use the phone and call the attorney" I went in the back and walked the dog and I came back out I saw her go in the house. The next thing I know I was in the house in my kitchen and I heard some hollering going on and I saw my neighbor putting her TV in the back of her car in the garage and her husband trying, fighting with her to try to get it back out of the garage, out of the car rather and I stepped out the door because I thought they were going to get into a fight and I said, "Watch out what you're doing over there" and he screamed at me to go back in my house and I didn't know what I was talking about. He paid for everything in the house and he was going to have it. And I said, "Just watch it" and I watched for a few minutes and then I went back in the house and they went back in the house and they were still arguing. And the next thing probably a few minutes later I'm not sure of the timeline my neighbor was at my side door and she opened, I opened the door and she said, and I saw a police officer behind her and she said, "Judy they won't let me use the phone please call my attorney" and she gave me her phone book and I said, "Certainly I will" and I stepped to the phone and the next thing I heard is a holler and I looked out the door and my neighbor was flat on the floor, on the cement driveway her driveway which is about 10-15 feet from my back door flat on her

face with cops standing over her and putting cuffs on her. So I quickly called her attorney and told them what was happening and then I went outside and he had her in the back seat of the car and a few minutes later I called my neighbor and I said I was very upset, as a matter of fact she called me and I was very upset and she came over to be with me because she knew how upset I was and by that time the police officers or not the police officers but there was another police car there by that time and then the ambulance and the fire truck came and she was in the back of the car and then they came and got a um, they got the I'm sorry I'm tired I just woke up.

TM That's ok.

JB And they got the stretcher and they went and got her out of the back of the car and put her on it, put her in the back of the car and at that time she asked the EMT to get my phone number and make sure I called her attorney and I told them I had and I would call him again and they took my phone number and the ambulance driver took my number who was a woman and she took my number and they took her away.

TM Ok. How well do you know your next-door neighbor?

JB Well I know her in passing for a couple of years I'm not sure I think it was 2004 because they moved in just before the three those three hurricanes hit us so it's 2004 I believe they moved in. I didn't know her too well until last year because I was working full time and I just retired and so then I started getting to know them and she also takes care of my animals when I'm on vacation. She has animals and I've watched her animals too while they've been gone. And so she talks to me you know and now that they're getting a divorce she talks to me and you know when you're getting divorced you need somebody to listen to you so.

TM Yes.

JB And I've met her mother and the children I love the children they come over and say hi to Mrs. Byrd. I give them Easter baskets and I've given them Christmas presents and that kind of stuff. And they've invited me knowing I was alone she invited me for Thanksgiving dinner and for Easter dinner she invited me over to be with them and so I now I have known them for you know I've really just started to get to know her this last year.

TM So you pretty much know the family business then?

JB Yes I do.

TM Ok. Were you outside during the arrest the actual arrest?

JB I wasn't outside when he put her on the ground no. I saw it immediately afterwards. As I said he was standing over her she was flat on her face with her hands behind her back he was putting the cuffs on her.

TM Ok.

JB At that point because I says I took the phone book from her went to my phone and started making the phone call when I heard her holler and looked out my window and saw that she was on the ground and I couldn't believe my, I mean she wasn't yelling she wasn't running she was very calm and she started walking away from my house with him behind her because he was standing right behind her when she was talking to me in my, my door.

TM The deputy was?

JB Yeah.

TM Ok. How many deputies were present during the arrest?

JB One.

TM Just one?

JB That I saw. And then I saw, and later when I walked outside I says I went in the house and my neighbor was calling me and I was talking to her on the phone, next thing I saw was I saw the fire trucks coming and then I realized they were still sitting out there the patrol car was still sitting out there and I looked out the door and then there was another patrol car.

TM You're referring to a neighbor that's calling you.

JB The lady next door here.

TM Next door?

JB Uh huh.

TM Do you know her name by chance?

JB Fran.

TM Fran?

JB Uh huh.

TM Ok.

JB She didn't see anything happen she just.

TM Ok.

JB She just called and asked me you know she wanted to go somewhere and I was crying and I was upset and she wanted to know what was wrong so she got dressed to come over just to be with me. We met out in the driveway out here in front of the fire station of the fire trucks.

TM I know we kind of covered this and you didn't see anything that led up to her ending up on the ground?

JB No I didn't see the actual take down.

TM So you did not see her try to pull away or not yelling at the deputy at all?

JB She wasn't yelling she was standing there very calmly talking to me even more calmly than I am talking right now.

TM Ok.

JB And just said Judy please let, call my attorney she showed me his name in the book and she handed me her little book and she said they won't let me back in the house to use the phone and I said, "Of course I will"

TM Ok. Have you and Mrs. What's her last name? Knuedson correct? Knuedson.

JB Yeah. K-n-u-e-d-s-o-n or something like that I'm not positive.

TM Have you discussed the events that happened?

JB Yes, yes.

TM What was discussed between you two since this happened, since this has happened.

JB How it happened.

TM You did talk to her about it?

JB Yes.

TM And what did she tell you?

JB She said she was walking out the door and she said I've got to sit down after she left my door and he was walking beside her and he said, "you can't go back in the house" she said, "I'm not gonna go in the house I'm going in the garage there's a stool I need to sit down" said, "I feel sick" and with that she said he she said the next thing she knew she was on the ground. She broke her nose she just had to have a surgery on her nose. I saw it after you know I didn't see it that day I saw when she came home from the hospital and the stitches. Her teeth she said are cracked. Her arm is so sore she can barely move it. I just can't believe that much force was necessary of a little girl. I mean she wasn't screaming she wasn't throwing things I mean she doesn't have a weapon.

TM Was there anybody else outside that you saw, any other neighbors?

JB Not that I saw no.

TM So it was just the deputy and her?

JB M hm.

TM And Mr. Kneudson he wasn't outside or did he...

JB Not that I saw at that point.

TM He came out afterwards maybe?

JB M hm.

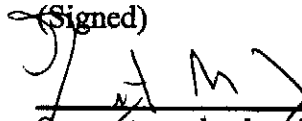
TM Ok. All right is there anything, I'm pretty much done, is there anything that you'd like to add or delete from your statement?

JB Not that I can think of no.

TM Ok the time is 7:50 and this concludes the interview.

I, Sgt. Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Janice Byrd, taken by me on May 28, 2008.

(Signed)



Sworn to and subscribed before me this 14
Day of April, 2008.



Signature of Notary Public, State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known X

Produced identification

Type of Identification Produced

FOR WITNESS OR COMPLAINTS

THIS WILL BE A TAPED INTERVIEW REFERENCE TO LA# ~~RQ-08-010~~ ^{RQ-08-010}. TODAY'S DATE IS MAY 24 04, AND THE TIME IS 7:40 HOURS. THE LOCATION OF THE INTERVIEW IS Feather. PRESENTLY BEING INTERVIEWED IS MRS Bird ^{Judith}. ALSO PRESENT IS _____ WITH THE VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS UNIT. I'M SGT MORGAN WITH THE VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS UNIT. MRS Bird ARE YOU AWARE THAT THIS INTERVIEW IS BEING RECORDED? Yes

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AS A FLORIDA LAW ENFORCEMENT OFFICER AND NOTARY PUBLIC OF THE STATE OF FLORIDA I AM EMPOWERED TO TAKE SWORN STATEMENTS. AT THIS TIME I WOULD ASK THAT YOU RAISE YOUR RIGHT HAND TO BE SWORN.

DO YOU SWEAR THAT THE STATEMENTS YOU ARE ABOUT TO GIVE IS THE TRUTH THE WHOLE TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD? Yes

_____ CAN YOU BRIEFLY DESCRIBE THE EVENTS THAT OCCURRED ON _____

AT THE END OF STATEMENT ASK: DO YOU WISH TO ADD OR DELETE ANYTHING FROM THIS STATEMENT?

THIS NOW CONCLUDES THE INTERVIEW.