

WITNESS STATEMENT

TM – Sgt. Tim Morgan

BG – Lt. Bobby Goggin

KG – Deputy Kory Gaeta

- TM Ok the recorder is on. This will be a taped interview reference to IA case number 11-001. Today's date is January 20th, 2011 and the time is 1251 hours. The location of this interview is District Four located in Deltona. Presently being interviewed is Deputy Kory Gaeta. Also present is Lt. Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. I'm Sgt. Morgan with the Volusia County Sheriff's Office Internal Affairs Unit. Dep. Gaeta are you aware this interview is being recorded?
- KG 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 that you to raise your right hand to be sworn please. 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?
- KG Yes.
- TM And Dep. Gaeta for the record can you spell your first and last name for me please?
- KG First name is K-O-R-Y; last name is G-A-E-T-A.
- TM Ok and Dep. Gaeta we're here today to discuss the events that occurred on January 19th where you were involved in making an arrest of a Ms. [REDACTED] Do you recall that incident?
- KG Yes.
- TM Ok. And can you describe the events that occurred during the arrest of Ms. [REDACTED] at [REDACTED]?
- KG [REDACTED]...
- TM [REDACTED], and how you were involved.
- KG I responded there in reference to a disturbance between her and her father. When I first got on scene she was outside standing, talking to a neighbor who is an Altamonte Springs Police Officer who lives across the street. When I walked up

to her and asked her you know what's going on, what happened first thing she said to me was "I hit everybody in the house just take me to jail".

TM Ok.

KG Just uncooperative with me at that point, she was you know up and down, didn't really seem in the right frame, in the normal state of mind. Once my back up units got on scene I went in, I talked to the other family members they advised me no she hadn't hit anybody but she had grabbed her dad by the shirt and pushed him.

TM Ok.

KG Went back out, talked to her, asked her about that she admitted to it so I took her into custody for battery on a person 65 years or older.

TM Ok and the person she battered was whom?

KG Her father.

TM Ok. And during your encounter with the suspect did you detect any odor of an alcoholic beverage?

KG No.

TM And how would you describe her state of mind?

KG Well she was extremely excited, um, kept, kept insisting that we just take her to jail and be done with it and just put her in the car because that'll teach her family a lesson is what she kept saying.

TM Ok and when you elected to arrest her was she handcuffed?

KG Yes.

TM How was she handcuffed?

KG Behind her back.

TM Was she searched?

KG Yes, uh, as much as we can.

TM Was there any other deputy present when she was searched?

KG Yes.

TM Who might that be?

KG Sgt. MacDowell and Dep. Yackel, C. Yackel.

TM And was there any pictures taken at the scene?

KG No.

TM And is there any reason why not?

KG There was no visible injuries.

TM And after you determined and you arrested her and handcuffed her how was she transported?

KG I put her in the back seat of my car.

TM Uh huh.

KG And that's where she sat for the next 40 some odd minutes or so while I did my paperwork.

TM And when you transported her did you, where did you go from there?

KG To the fairgrounds, Volusia County fairgrounds.

TM Did you give mileage?

KG Yes I gave my starting mileage and my ending mileage.

BG And is that on the, do we have that print out, CAD print out?

KG Yeah it's in the CAD somewhere.

TM Right now for the record I'm looking at the print out of the call, lets see. Are you 1A49 for the record?

KG Yes.

TM Ok. And your mileage at the time was 14?

KG No it should have been 989...

TM Ok.

KG And then 014.

TM Ok so that is actually, you have a new car I take it?

KG Yeah it should have been 6989 and then 7014.

TM Ok so it was six thousand actually you just gave the last three?

KG Yes, yes.

TM Ok.

KG Yeah I normally just give the last three of my mileage.

TM And upon arriving at the fairgrounds what occurred?

KG The prisoner, the transport deputy was already on scene. I pulled up, gave him the paperwork, got a set of cuffs from him. He asked how she's been, I said "she's been fine". He gets her out of the car, puts her in his car shuts the door.

TM And who was the transport deputy?

KG Pete Willard I want to say.

TM And you said that you got her out of the car, you placed her in the car, was she patted down at that point?

KG No.

TM And where at the fairgrounds did you meet?

KG The main entrance when you first pull in is the buildings all the way, I don't know the area.

TM Ok.

KG But, I don't know anything about the fairgrounds but there's the two main buildings that are right there in that little strip in between.

TM Ok.

KG Right there.

TM Ok, on the actual hard top pavement?

KG Yes, yes. Yeah in the parking lot.

TM And was the suspect or defendant still handcuffed behind the back when you placed her in the car?

KG Yes.

TM And you did touch on this but just for the record you didn't take off your handcuffs, you were given another set by prisoner transport?

KG Yes, yes.

TM And what occurred after that?

KG After that I pulled out of there um, and went down made a U-turn there was heavy traffic I had to get gas at Deland Crossings.

TM Ok.

KG So I made a U-turn, went into Deland Crossings to get gas. Just the same time I was pulling in he came straight across and he also went to Deland Crossings for gas.

TM And when you're referring to "he" you're referring to whom?

KG Willard, Dep. Willard.

TM And what occurred while you were at the pumps?

KG We had a conversation about traffic, about the traffic there at the intersection. I got gas and then I left.

TM Ok and did you fill up, did you both fill up at the same time or?

KG I started just prior to him but yeah I filled up my tank and then just as he was getting gas and I used pump 13 he used pump 15.

TM Ok and just for the recording your **talking** Deland Crossings at the fuel pumps and you're referring to 13 and 15 correct?

KG Yes.

TM And for the record I would say that that would be facing east and west running parallel with I-4, is that the way that runs?

KG Yes, no north and south.

TM North and south ok.

KG Yeah.

TM Your vehicle was facing which direction?

KG I'm kind of messed up with direction right there I don't know which way it faces.

TM I understand that. I think to make it clear, was he behind you? Were you next to each other, was he facing one way, you were facing another?

KG We were next to each other. I was facing, I was facing one way he was facing the other way next to me. We were using the same pump just two different nozzles.

TM Ok that's what I was kind of trying to...

BG With the pumps between the two vehicles.

KG Yes.

TM And how long would you say you were at the fuel pumps?

KG Just a couple minutes, just enough for my gas to fill up and then that was it.

TM And while you were at the pumps at any time did he have the suspect exit the vehicle for any reason?

KG No, no.

TM Did you see him speaking to the suspect at all?

KG No. In fact she didn't speak to me the entire time she was in my car when I was doing my paperwork. The only time she spoke to me is when I asked her "where were you born?" she told me "New York" and that was it.

TM And I know we kind of hit on this earlier and we'll go back to it. We mentioned that you did not detect an odor of an alcoholic beverage but you thought she was acting strangely. When you say acting strangely what do you mean by that?

KG She was acting strangely enough to the point where I was going to baker act her before I found out that we actually had charges just based off of her actions, her excited behavior, she was pulling at her shirt and this and that trying to reenact the crime, trying to reenact what happened and she was "I hit everybody just take me I don't want to be here anymore" you know she was excited to such degree that at first just by talking to her I was going to end up baker acting her but then when I talked to the family I found out that more had occurred.

- TM And while you were speaking to the family did they mention any type of narcotics, she may have been taking pills, any type of medications?
- KG No, no they didn't mention anything like that. They did mention that she was a recovering alcoholic and that she had a history of drinking and they suspected that she, the dad accused her of drinking today and that's what had caused the physical altercation.
- TM And when you left the fuel pumps, upon leaving did you ever see the transport deputy behind your vehicle or anything like that?
- KG I wasn't paying attention. I went, he would have went to the direction of I-4 and I went towards the direction of Prevatt back to Deltona.
- TM Came the back way into the city. LT you have any?
- BG Just a few, you covered most of that there. The father and when I say the father the defendants father never said anything that he smelled alcohol on her or that she was taking any type of prescription medications or any type of medications?
- KG No.
- BG Ok. Do you recall what the father, and prior to going on record we talked about some witness statements that myself or Sgt. Morgan don't have in our possession yet. That the father wrote out a witness statement. Do you recall what he put in his statement?
- KG Not off the top of my head no.
- BG Ok.
- KG It, it, basically to the effect said that she never hit anybody that she did push him.
- BG Did you actually go into the residence?
- KG Yes.
- BG And did you notice any damage to the residence that was caused by her?
- KG No.
- BG Ok and does she live there?
- KG Yes.
- BG The whole family shares, they cohabitate in the house together?

KG Yes.

BG Anything, did she talk to you about being up all night, did she ever try to explain to you what set her off that morning?

KG The only thing that she told me was that she had an argument with her daughter the day before and that that morning her daughter came to her and wanted to use some, some kind of hair product and she said "you want to act the way you did last night you're not going to use it" that's when the daughter started screaming, grandpa woke up and that's when defendant and grandpa went at it.

BG Ok and the daughter was there when you were there?

KG Yes.

BG And how old was she about?

KG I think she was 16.

BG Ok and did she provide a statement also?

KG Yes.

BG The Altamonte Springs Police Officer, was he identified in any of your reports?

KG No.

BG Did he provide a statement or anything?

KG No, no the only role that he played was after the incident she went across the street to talk to him and he came out and kept her calm until we got there.

BG Ok so as far as you know he didn't witness any of that?

KG No he didn't witness any of it.

BG And you stated earlier that Sgt. MacDowell was on scene. Did he witness any of her actions?

KG Yes.

BG And do you know if he completed a report or a supplement?

KG I don't believe so.

BG Is it Chris Yackel, Dep. Chris Yackel?

KG Craig.

BG Craig Yackel, again did he witness any of the actions from the female?

KG Yes.

BG Do you know if he completed any type of a supplement?

KG I don't believe so.

BG Ok. You stated earlier that you did handcuff the female, the defendant and when you described to the sergeant how you searched her you used the term, I'm not exactly what (unintelligible), "the best we can search a female" explain that to me.

KG Well she, she was, I, the pants that she was wearing I don't believe had any pockets so clearly right there I could see that she didn't have anything on her that way. I didn't, I didn't really pat her down or frisk her too much because again she didn't have any pockets or anything like that.

BG Did she have rear pockets?

KG I didn't see any.

BG Ok and what kind of shirt did she have on?

KG She had on a black, like a black v-neck type shirt.

BG Ok so when you patted her down explain to me what you did.

KG I basically just ran the back of my hand across where there would be pockets and that was it.

BG And was that in front of the sergeant?

KG Yes.

BG So, and was Dep. Yackel, did they all, did they both witness you?

KG Yes they were standing right in front of me when I did it.

BG Ok.

KG Because when I arrested her I told her to turn around I said "you're under arrest go ahead and turn around and put your hands behind your back" she complied, I put the handcuffs on and at that point that's when I ran my hands along where the pockets would be and noticed that there were no pockets and then I brought her to my car.

BG Placed her in the car no problems?

KG Yep.

BG Drove to the, drove to the fairgrounds?

KG Well I stayed there for about 40 minutes or so while I did all my 707 and then changed my location and went to the fairgrounds.

BG And which route did you take to the fairgrounds?

KG Um...

BG And you don't have to give me, did you go on I-4 to 44?

KG No, no, no

BG Ok.

KG No I went the back way and went up Prevatt.

BG Ok. When you met with the PT were you there before Dep. Willard?

KG No he was there first.

BG He was waiting for you. You, she exited your car you helped her from your car to his car?

KG Yeah, I pulled up I handed him the paperwork....

BG Normal procedures you've done hundreds of times?

KG Yeah, yeah I opened the door he handed me cuffs she got out on her own and then got into his car.

BG Did Dep. Willard search her at that time?

KG I don't believe so.

BG Did he ask you if she had been searched?

KG Yes.

BG And you told him?

KG I told him yes.

BG Ok. Did she have any other property that you had to turn over to Dep. Willard?

KG No

BG When you changed locations did you put yourself 10-8 from the fairgrounds? Did you tell dispatch that you've cleared the call at the fairgrounds?

KG Yes, yes.

BG And you can take a second to look.

KG Yeah if you've got that, I don't remember if I...no I stayed on the call until after I cleared the pumps.

BG Ok so you went to get gas.

KG Yes.

BG Any discussion with Dep. Willard when you left the fairgrounds that you were going to get gas?

KG No.

BG And requests made from you at the fairgrounds by Dep. Willard to follow him to the pumps or?

KG No, no I just happened to go to the pumps and he said, when we got there and that was the conversation that we had there he said, he goes "well I didn't realize that you were coming here too" and I said "yeah we should have just met here" and we joked about that and then he goes "what did you go down and make a U-turn?" and I said "yeah I did that" and he goes "yeah well I guess you're smarter than me because I actually waited for the traffic"

BG Ok.

KG And that was the extent of our conversation.

BG While you're having this discussion with Dep. Willard was there anybody else at the gas pumps?

KG No.

BG Was the defendant, was she saying anything during this time period?

KG No.

BG Ok. No comments by the female to you from the point of arrest to the fairgrounds?

KG Nope the only, like I said the only thing, she sat back there she said something to Sgt. MacDowell when I was getting the paperwork ready before I started typing and then he left, Dep. Yackel left, I stayed there I completed my 707, the only time I spoke to her is where I said "where were you born?" she said "New York City" and I put that in my 707 and that was it.

BG Dep. Willard was still pumping gas when you left the gas pumps?

KG Yes.

BG Did you ever see him in your rear view mirror after that when you went out, you went to 44 you would have turned east.

KG I wasn't paying attention.

BG You didn't pay attention ok. Have you discussed this incident with Dep. Pete Willard...

KG No.

BG ...since the arrest since yesterday afternoon? Was that no?

KG Yeah that's a no, sorry.

BG Ok.

KG Yeah I don't even really know him, I mean I had to look at the call to tell his name.

BG And just, do you remember how much gas you pumped yesterday?

KG Inaudible

BG Ok. What is your property number for your vehicle?

KG 174800. And I think I had a little under a half a tank when I got gas.

BG Ok I don't think I have anything else.

TM I just have a couple more just real quick. How long have you been assigned to Deltona?

KG For over five years now.

TM And during your time with Deltona have you ever dealt with this female before?

KG Never.

TM Have you known any other deputy who may have dealt with this female?

KG Uh, Sgt. MacDowell said that he's dealt with the family before, he was familiar with the family.

TM Did he say in what way?

KG I think just from his experiences in narcotics.

TM That's it. One more thing, and you said that the sergeant and it was Craig Yackel, Dep. Craig Yackel?

KG Yes.

TM They witnessed some of her actions, what did they witness? What part of the actions did they witness?

KG Really the whole thing. They were standing outside the entire time I was, I got on scene and then that's when she initially started "just take me to jail, just take me to jail" After that I said "well you go stand..." and that's when the dad started to open the door, I told her I said, "go stand over there by your car, by the car over there I'll be right with you"

TM Ok.

KG Started to talk to the dad and that's when Dep. Yackel pulled up and then right after that that's when Sgt. MacDowell pulled up.

TM Alright.

BG I don't think I have anything else just I want to remind you at this time this is an ongoing internal affairs investigation, you're ordered at this time not to speak about this investigation to anyone besides myself or Sgt. Morgan.

TM Is there anything you would like to add or delete from the statement you provided here today?

KG No.

TM Alright this concludes our interview, and the time is 1311 hours.

I, Sgt. Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Deputy Kory Gaeta taken by me on January 20, 2011.
(Signed)

Sworn to and subscribed before me this ____
Day of _____, 2011.

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 _____

Produced identification

Type of Identification Produced