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

CASE NO. 2021 303222 CFDB

STATE OF FLORIDA,

-vs-

NICOLE MARIE JACKSON
MALDONADO,

Defendant.

_____ /

DEPOSITION OF DEPUTY DONALD GRAY

DATE: Friday, May 13, 2022

TIME: Commenced: 2:01 p.m.
Concluded: 2:30 p.m.

LOCATION: Office of the Public Defender
251 North Ridgewood Avenue
Daytona Beach, FL 32114

STENOGRAPHICALLY
REPORTED BY: Jane Hagan-O'Brien
CSR-MI, CSR-GA
Registered Diplomate Reporter
Certified Realtime Reporter
Certified Realtime Captioner
Notary Public - State of FL

1 window, and I heard on the radio she's behind the
2 trash can. And I came out a little further. I saw
3 her. She was on her knees and had the gun pointing
4 at us, and that's when we fired.

14:21:15 5 Q So when the male went behind the window --
6 A Yes. You couldn't see him.
7 Q -- you couldn't see him at all.
8 And when the female raised her gun, was
9 there -- what was between you and her at this point?

14:21:32 10 A Just the tree we were standing behind.
11 Q Was there a car parked in the driveway?
12 A Yeah. The car wasn't in our -- it was
13 the -- beside us, if I'm going off memory, was
14 Detective Sawicki, Detective Winhoven, and Deputy
15 Wright. They were to the right of us.

16 Q So they would have been more directly --
17 A In line with the vehicle, yes.
18 Q So when she raised the gun, who at that
19 point -- who did you feel she was raising the gun
14:22:07 20 at?
21 A At me and Sergeant Bello.
22 Q Okay. And in terms of the driveway being
23 lit, the garage being lit, did you all have any
24 light on you at that time?
14:22:23 25 A That, I don't know if we had ambient back

1 light from the moon. I couldn't really tell you.

2 Q Did you have anything that you were using
3 to light yourselves, flashlights, anything like
4 that?

14:22:36 5 A No.

6 Q Okay. So are you aware at this point who
7 takes the first shot?

8 A Sergeant Bello.

9 Q Okay. And when you were shooting, did you
14:23:06 10 have -- did you have a particular focus when you
11 were issuing your shots?

12 A The very first shot was at the female, and
13 then after that my thought was the window was
14 directly in line with the deputies that were to my
14:23:25 15 right.

16 And I knew that my -- the ammunition we
17 used would not penetrate the concrete block wall.
18 My thinking at the time was I wanted -- he had the
19 AK. I didn't want him to start ripping that thing
14:23:42 20 or shooting that, so my thinking at the time when
21 the female was shot, I transitioned to the concrete
22 wall, the edge of it where the garage was. I
23 couldn't see him.

24 A knew a general area where he was at, so
14:23:57 25 I placed -- I couldn't say how many shots, maybe