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85 pages

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48-2004-CF-15201-0

STATE OF FLORIDA,

Plaintiff,

vs.

JOHN DOBBS,

Defendant.

Orlando, Florida

December 22, 2006

9:32 a.m.

Adversary
Preliminary
Hearing

TRANSCRIPT OF PROCEEDINGS

Note:

Cover Page

This "Adversary Preliminary Hearing, Transcript of Proceedings (APH)," Case Number: 48-2004-CF15201-0, Orlando, Florida, December 22, 2006, 9:32 a.m. 85 pagers, was hand delivered to John in jail, along with "The Discovery," and other legal documents by way of PD Catherine Chien, some time after his sentencing.

This APH was not submitted to the Fifth District Court of Appeal (5DCA) and is not part of the courts "Records."

Appeal attorney Kevin Holtz mailed John his legal document, after John dismissed him in 2008.

This is when John discovered there was another Adversary Preliminary Hearing Transcript (APH) that has 65 pagers, case number 48-2006-CF-15201-0, Orlando, Florida, December 22, 2006, 9:32 a.m., both APH'S differ from page to page.

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Preliminary
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TRANSCRIPT OF PROCEEDINGS

A P P E A R A N C E S:

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Orlando, Florida 32801

Appearing on behalf of the Plaintiff.

CATHERINE CHIEN, ATTORNEY AT LAW
Assistant Public Defender
435 North Orange Avenue
Orlando, Florida 34801

Appearing on behalf of the Defendant.

ALSO PRESENT: John Dobbs, Defendant

- - - - -

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1 TRANSCRIPT OF PROCEEDINGS held
2 before the Honorable Stan Strickland,
3 on Friday, December 22, 2006, beginning
4 at 9:32 a.m., at the Orange County
5 Courthouse, 425 North Orange Avenue,
6 Courtroom 6-D, Orlando, Florida.

7 - - - - -
8 MS. CHIEN: Judge, my client is going to be
9 sitting next to me.

10 THE COURT: Yes. That's fine. Let's bring
11 him over.

12 MS. CHIEN: And, Judge, because there's more
13 than one witness, we're going to invoke the rule
14 of witness sequestration.

15 THE COURT: That's fine. All right. Let's
16 go ahead and -- Ms. Laskoff, are you ready?

17 MS. LASKOFF: Yes, your Honor.

18 THE COURT: All right. Let's go ahead and
19 call the case.

20 THE CLERK: 2006-CF-15201, John Dobbs.

21 THE COURT: All right. This is a motion for
22 an adversary preliminary hearing. State, go
23 ahead.

24 MS. LASKOFF: Yes, your Honor. I had spoken
25 with counsel. I would not ordinarily put the

1 Medical Examiner on first, however, she is
2 extremely busy today, so I'm going to go ahead and
3 call Dr. Hansen.

4 THE COURT: That's fine. Let's go ahead and
5 call her. You said the Medical Examiner?

6 MS. LASKOFF: Yes. Dr. Marie Hansen.

7 THE COURT: All right. We just have 30
8 minutes set aside for this. So --

9 MS. LASKOFF: Okay. There's, like, nine
10 folks and there's four victims.

11 THE COURT: Okay. Well, let's just talk --

12 MS. LASKOFF: I will breeze through as fast
13 as I can and not delay on --

14 THE COURT: I'm not going to cut you off.

15 MS. LASKOFF: Yes, sir.

16 THE COURT: Let's just go quickly. All
17 right. Because I've got another matter after
18 this.

19 MS. LASKOFF: Yes, sir.

20 THE COURT: All right.

21 MR. DOBBS: *I believe I said* Excuse me Your Honor but due to the
seriousness of my charges I would like 3 or 4 minutes to speak.
22 speak for just a few minutes.

23 THE COURT: Have you spoken to your lawyer?

24 THE DEFENDANT: Yes. Yes. We have spoken.

25 THE COURT: All right. Go ahead. Let me

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1 have you sworn in. Hold on one second. Let's
2 swear him in.

3 THE CLERK: He's already been sworn in.

4 THE COURT: All right. Tell me your name.

5 THE DEFENDANT: John Dobbs.

6 THE COURT: All right. What is it you want
7 to tell me, sir?

8 MR. DOBBS: Acknowledging ^{the fact} that the burden of
9 ^{I actually} ^{said} ^{proving a crime} proof in trial was committed by the Defendant
10 rests on the State and it's the reason for this
11 hearing. This Court assumes the position of
12 understanding that those people were injured ^{though} and,
13 in fact, does not prove that a crime was committed
14 by the Defendant.

15 And in examining the facts the Court shall
16 find that all actions taken by the Defendant were
17 within his legal rights to defend himself provided
18 and protected by Florida Statute 782.02, Florida
19 Statute 782.03 and Florida Statute 776.013(3). --

20 THE COURT: Okay. Well, let me just stop
21 you. A not guilty plea has been entered for you.
22 You're telling me you're not guilty.

23 We're here for an adversary preliminary
24 hearing. Let's go.

25 THE DEFENDANT: Your Honor --

1 THE COURT: No. We're done. We're done. A
2 not guilty plea has been entered for you. I don't
3 need to hear this. We're here for an adversary
4 preliminary hearing. You don't get to just tell
5 me what you feel like telling me.

6 A not-guilty plea has been entered for you.
7 I take it there's going to be self-defense claim.
8 That's fine. That's not why we're here. Let's
9 go.

10 The witness has been sworn.

11 MS. LASKOFF: Ma'am, can you state your name
12 for the record?

13 Oh. Do you need to swear her in? I'm sorry.

14 THE COURT: Please have a seat. Go ahead.

15 Whereupon,

16 MARIE HANSEN, M.D.,
17 having been first duly sworn by the Clerk of the Court,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. LASKOFF:

21 Q Ma'am, can you state your name for the
22 record?

23 A Dr. Marie H. Hansen, H-a-n-s-e-n.

24 Q And, Dr. Hansen, are you one of the Medical
25 Examiners here in Orange County?

1 A Yes. I am.

2 MS. LASKOFF: I don't know if counsel is
3 going to stipulate to her giving opinion
4 testimony.

5 MS. CHIEN: I'll stipulate.

6 MS. LASKOFF: Okay.

7 THE COURT: Go ahead.

8 BY MS. LASKOFF:

9 Q Did you conduct an autopsy on a William Troy?

10 A Yes. I did.

11 Q Okay. And was that back on October 25th,
12 2006?

13 A Yes.

14 Q Okay. And can you tell the Court what your
15 findings were in regard to the cause of death?

16 A The cause of death is multiple stab wounds.

17 Q Okay. And can you just briefly say to the
18 Court how many stab wounds there were and which
19 specifically were the cause of his death?

20 A Okay. This gentleman had four stab wounds.
21 He had three stab wounds to the torso, one to the left
22 chest that went into his lung and his heart; one in the
23 right chest that went into his lung and is diaphragm
24 and his liver and one in his abdomen that went into his
25 liver.

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9

1 He had the largest amount of blood in the
2 left chest adjacent to the heart wound, a smaller
3 amount in the right chest and a very small amount in
4 the abdomen.

5 He also had a stab wound to the arm that
6 missed any vital organs. So he has multiple stab
7 wounds, the one to the left chest is most immediately
8 lethal, the one to the right chest can be lethal but
9 with a lesser amount of blood, would probably take a
10 longer time just going through the lung rather than
11 going through the heart and the lung.

12 And the one to the abdomen that knicked the
13 liver could be lethal, but at the time we did the
14 autopsy there was only about 20 or 30 cc's of blood in
15 the abdomen. So at the time he got that wound, he
16 didn't have a lot of blood pressure. If he had no
17 other wounds and he had blood pressure, you can bleed
18 to death from a laceration to your liver.

19 MS. LASKOFF: Okay. I have nothing further,
20 your Honor.

21 THE COURT: Thank you. Ms. Chien?

22 CROSS EXAMINATION

23 BY MS. CHIEN:

24 Q Is it Dr. Hansen?

25 A Yes.

1 Q Okay. Can you tell from the multiple stab
2 wounds that the alleged victim -- the victim sustained
3 whether or not they had been inflicted by in self-
4 defense or if the person who inflicted it was the
5 aggressor, can you tell that from the stab wounds
6 itself?

7 A No. We have a stab wound -- I can tell you
8 the angles that are going through the body. There
9 don't appear to be any defensive wounds on the hands or
10 arms except -- I'm sorry. There is a triangular
11 abrasion at the base of the left thumb.

12 Q And what does that mean?

13 A And those might be abrasions that you get
14 when we got a hand up trying to stop or defend against
15 a knife.

16 Q Can you tell that for sure that that is the
17 way that it must have been sustained, the one --

18 A No. No. Those are abrasions that could be
19 done that way.

20 Q Okay. And the actual wounds on his body --

21 A The actual wounds on his body --

22 Q -- can you tell if those were: Was he trying
23 to defend himself or was he being an aggressor; can you
24 tell that --

25 MR. LASKOFF: Your Honor, I'm going to

1 object. This is a probable cause hearing. This
2 isn't a trial where the Defendant is establishing
3 a self-defense. It's simply the State
4 establishing a probable cause for these charges.
5 Therefore, I did not go into all the other
6 information.

7 THE COURT: I agree with you. But I will let
8 her answer that. You can -- if you can answer
9 that, you can.

10 THE WITNESS: Okay. I can tell you the angle
11 of the stab wound, but I can't tell you the intent
12 of the person. Depending upon the relative
13 positions of the assailant and the victim, it
14 could be part of -- it could be part of a fight
15 and -- all I can say is that the wound from the
16 left is going from the upper left down and into
17 the heart.

18 The wound from the right chest is inferior
19 medial to the nipple and it is going down through
20 the lung through the right diaphragm almost
21 straight down and the one to the upper abdomen is
22 going under the rib cage and into the liver.

23 BY MS. CHIEN:

24 Q Okay.

25 A So you have different angles.

1 Q Okay. So basically you're not able to answer
2 that question whether or not the wounds were sustained
3 either in self-defense where the person was an
4 aggressor?

5 A There could be; it could be either.

6 MS. CHIEN: Okay. That's all I have.

7 THE COURT: Thank you. Anything else, State?

8 MS. LASKOFF: No.

9 THE COURT: Thank you for being here. You're
10 free to go.

11 [Witness excused]

12 THE COURT: Next witness.

13 MS. LASKOFF: Andre Blanco.

14 THE COURT DEPUTY: Andre Blanco. Please face
15 the Clerk and raise your right hand to be sworn.

16 THE COURT: Thank you. Go ahead.

17 Whereupon,

18 ANDRE RAMON BLANCO,

19 having been first duly sworn by the Clerk of the Court,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MS. LASKOFF:

23 Q Sir, can you state your name for the record?

24 A Andre Ramon Blanco.

25 Q And, Mr. Blanco, were you at the Doll House

1 in the parking lot on the evening on October 25th,
2 2006?

3 A Yes. I was.

4 Q And where an incident where a fight ensued?

5 A Yes. It was.

6 Q Can you describe to the Court what happened
7 right before the fight happened? Who was out there?

8 A It was me, Anthony, Will and also Frank.
9 We came out -- I came out of the club and went towards
10 my car.

11 Q Okay.

12 A To get it ready so we can go home.

13 Q Okay. And when you walked out to your car
14 were the other guys with you or were they behind you?

15 A They were behind me.

16 Q And when you walked out to your car, did
17 anything happen when you walked out to your car?

18 A No. Not in my view.

19 Q And did you get to your car?

20 A Yes. I did.

21 Q And when you got to your car, what happened?

22 A I started up my car. I'm waiting for the
23 rest of my friends to follow up, to catch up to the
24 car. And then I heard an argument.

25 Q Okay. Did you see who was arguing?

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14

1 A No.

2 Q Okay. And did you hear about what was being
3 argued about?

4 A Not exactly, no.

5 Q All right. And what did you do when you
6 heard an argument?

7 A I just looked towards the direction where the
8 argument was coming and then I glanced at a car. I
9 didn't actually see the whole car, what kind of make
10 and model it was, but I glanced at a car to where -- I
11 think a girl was on the passenger side screaming or
12 something.

13 Q Okay. And so there was a girl on the
14 passenger side of the car screaming; is that the
15 argument you were hearing?

16 A Yeah.

17 Q Okay. And then what happened?

18 A Then the car drove and parked next to the
19 left side of my car, to the left side of my driver
20 door.

21 Q Immediately next to you or some spots down?

22 A Some spots down.

23 Q Okay.

24 A And then from that point I really can't tell
25 you what happened because I got stuck in the face and I

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15

1 went blank from that point on out so I really don't
2 have a good description of what happened.

3 Q Can you tell the Court -- you're in your car.
4 How did you get out of your car?

5 A How did I get out of my car?

6 Q Uh-huh.

7 A I got in my car and just cranked the car up
8 and just walked to the rear of my car.

9 Q Okay. So you got out of your car?

10 A Yes.

11 Q Did you see anything else as you walked to
12 the rear of your car before you got stabbed in the
13 face?

14 A Did I see any -- rephrase it again, please.

15 Q Did you see something when you walked around
16 to the back of your car -- you got out of your car.
17 What happened at that point?

18 A Like I said, it gets kind of blurry.

19 Q Okay.

20 A So I can't really describe what happened
21 exactly when I got to the back of the car.

22 Q Were you attacked?

23 A Yes. I was.

24 Q Okay. And did some kind of a physical fight
25 happen?

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16

1 A Yes. From my recollection, a gentleman came,
2 lunged at me, at my face. I didn't know I got stabbed.
3 I got hit. I fell to the ground. Got back up then I
4 seen the gentleman that actually hit me, went towards
5 him, started hitting him and then I walked away because
6 I guess I was feeling faint from the blood that I was
7 losing not realizing that I was stabbed, but I was
8 feeling faint. So I walked away.

9 And there was a girl in the background
10 saying: You're too slow. You're too slow. They both
11 -- the gentleman and the girl jumped into the car and
12 took off fast.

13 Q Okay. Now, was it the gentleman that was
14 fighting with you or was it the female that you were
15 talking about that was fighting with you?

16 A The gentleman stabbed me, went towards his
17 car and the female was arguing and they both got into
18 the car at the same time.

19 Q Okay. And did you observe any other people
20 fighting in the parking lot?

21 A Yeah. Frank --

22 Q Who's Frank? The full name.

23 A Frank Gotay.

24 Q Okay.

25 A He actually when -- I guess when I got hit,

Note:
He said he
black out
then he said
he went towards
me and started
hitting me and
describes me pulling
off and leaving.
Obviously he didn't
black out and he
remembers himself
hitting me till sometime
right before I left.

1 went to the ground, he -- and after I hit the ground I
2 went towards the guy and Frank was, I guess, he saw the
3 commotion and went over there to help and then from
4 right there, that's where it get hazy again.

5 Q Okay.

6 A Because I really can't tell what everybody
7 else was doing.

8 Q How about -- were you able to see what
9 happened with your friend with Will, William Troy?

10 A I got to see at the last minute when I looked
11 over to the left after the car was taking off. I
12 looked over I saw him on the ground. So I ran over to
13 him, started massaging him on his chest because I seen
14 he had punctured wounds in his stomach and his chest.

15 And I'm trying to, you know, slap him on his
16 face to stay alive because I figured the ambulance was
17 coming and he would be all right, but he didn't make
18 it.

19 Q Now, the injuries you sustained that night,
20 did you have to have medical treatment?

21 A Yes. I did.

22 Q And what treatment was it?

23 A I got stabbed one time in the face -- no.
24 Two times in the face; one right here and one right
25 here. [Indicating] I got stitches for those. I got

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18

1 stabbed right here, one in my chest by my heart and one
2 underneath here.

3 Q And have they left permanent marks on you?

4 A Yes. They have.

5 Q If you could just point them out to the
6 Court, the injuries that were left as a result of you
7 being stabbed.

8 A Right here to the right side of my face, left
9 cheek. Stab wound right here.

10 THE COURT: You don't have to show. You can
11 just point.

12 BY MS. LASKOFF:

13 Q And you have one where else, you can just
14 point. You don't have to --

15 A In my chest right here. [Indicating]

16 THE COURT: Okay.

17 BY MS. LASKOFF:

18 Q Okay.

19 A And one underneath the arm.

20 Q Okay.

21 MS. LASKOFF: I have nothing further, your
22 Honor.

23 THE COURT: Thank you. Ms. Chien?
24
25

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19

CROSS EXAMINATION

BY MS. CHIEN:

Q Mr. Blanco, when -- did you leave with all
your other friends?

A Leave from the club?

Q Uh-huh.

A No. I got escorted by the ambulance out.

Q You got what?

A The ambulance took me to the hospital.

Q Oh, no. When you first -- you were
originally at the Doll House that night; is that
correct?

A Yes.

Q And you were with your other friends?

A Yes. I was.

Q And the friends that you were with were who?

A Frank Gotay, Anthony Riollano and William
Troy.

Q And when you were inside the club, had you
seen any interaction between my client and Mr. Troy?

A No.

Q Okay. Did you see any words exchanged inside
the club between the two of them?

A No.

Q And when you came outside, did you come

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20

1 outside alone?

2 A Yes. I did.

3 Q And you -- your friends they were still
4 inside the club; is that correct?

5 A Yes. On the way out.

6 Q Okay. And you got into the car --

7 A Yes.

8 Q -- and you were driving that night?

9 A Yes.

10 Q And you had been drinking that night as well?

11 A Yes.

12 Q And how many drinks did you have?

13 A A few.

14 Q How many would be a few?

15 A Three to four.

16 Q And how long had you got to the Doll House?

17 A Well --

18 Q What time did you get to the Doll House?

19 A Around -- I'd say between 12:45 and one
20 o'clock.

21 Q Okay. When you were sitting inside your car,
22 you said that you had heard arguing?

23 A I wasn't sitting inside. I was in the rear
24 of my car.

25

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21

1 Q Okay. You had not gotten inside your car?

2 A I got inside the car and cranked the car up
3 and stepped to the rear of the car.

4 Q Okay. And you heard arguing; is that
5 correct?

6 A Yes.

7 Q Can you tell who was actually arguing?

8 A No.

9 Q Could you tell whether or not Mr. Troy
10 started saying words to Mr. Dobbs?

11 A No. I could not tell.

12 Q Okay. And when you -- the first thing that
13 you heard was the commotion; is that correct?

14 A Yes.

15 Q And when did you actually first see the fight
16 begin?

17 A The fight -- when the guy lunged at me. I
18 was the first one to be attacked.

19 Q You were the first one to get attacked?

20 A Yes.

21 Q Had you personally said any words to anybody?

22 A No.

23 Q And so someone just attacked you for no
24 reason?

25 A Yes.

Note: him saying
he was the first one
to be attacked conflicts
with his statement to
the police where he
said he only approached
me to help on of his
friends.
Also why would
someone attack him
first while he was standing
by himself and ~~had~~
had nothing to do with
the so-called argument
that he heard so far
away and couldn't
understand?

Seems to me that
his friends told him
he had better stand
up for what he did
or at least being the
first in the fight.

If the complainants
are adamantly saying
that the fight took
place by their car.
Why does the prosecutor
during her opening and
closing argument
at trial insist on
telling the jury that
it happened at my
car and that I
attacked the 4 gentlemen
at my own car?
Maybe because all
the evidence and as well
as the testimony of
the states impartial
witnesses say that
these guys came
to my car and
I was nowhere near
theirs.

Q And was Mr. Troy also involved in this fight?

A Yes.

Q What did you see him do?

A I didn't see it.

Q And why were you unable to see -- where did
the fight actually take place?

A By my car.

Q Did you see who was around your car?

A Yes. Frank Gotay.

Q Was there anybody else?

A Anthony and William Troy were about ten feet
away from the rear bumper of my car.

Q Okay. And what started the fight?

A I don't know.

Q So when the fight happened, what were your
other three friends doing?

A Just standing there in the parking lot.

Q They didn't help you out?

A I got hit. I spun to the ground and then I
grabbed him from the back. I went towards him and
started hitting him and then, like I said, I drifted
off the fight because I was feeling faint, weak.

Q Okay. So at any point in time was there four
-- all your friends fighting Mr. Dobbs?

A Yeah. But not at one time.

1 Q Okay.

2 A It was in different sections of the fight
3 individually kind of.

4 Q Okay. Why don't you tell me about those
5 sections, how you remember them?

6 A Well, from what I seen -- after I got hit, I
7 went after the guy and I started hitting him. And then
8 Frank approached him and that's when I decided to,
9 like, kind of leave because I wasn't able to actually
10 fight no more. I was already stabbed up, I guess.

11 Q Okay. And what did you see -- what did Frank
12 actually do? Did you see Frank punch Mr. Dobbs?

13 A Yes.

14 Q And how many times?

15 A I really can't tell you.

16 Q Did you see where Mr. Gotay punched Mr.
17 Dobbs?

18 A No. I can't tell you that.

19 Q Okay. And where did you punch Mr. Dobbs?

20 A Probably in the face or around the chest area
21 around there.

22 Q So you hit his head?

23 A Yeah.

24 Q And it was hard?

25 A I'm not sure. I can't tell you.

1 Q It was a punch?

2 A It was a punch.

3 Q Okay. And after Frank -- you saw Frank hit
4 Mr. Dobbs. Did you see Mr. Troy or your other
5 friend --

6 A No.

7 Q So they were never involved in the fight?

8 A They were involved. But I can't tell you
9 exactly what they did.

10 Q Okay. And why is that?

11 A It's a little hazy still and at the same
12 time, like I said, I walked away from the fight. So
13 when I walked away, I can't really tell you what I saw
14 because I didn't see nothing because I turned -- I
15 turned this way and the fight is going this way because
16 I'm feeling the stab wounds on my chest, so I'm, like,
17 basically looking this way.

18 So the commotion is still going on over here,
19 but I can't tell you who hit who or how it went down.

20 Q Okay. So at that time you had turned away.
21 You weren't really paying attention?

22 A Exactly.

23 Q Could you -- but you did hear a commotion; is
24 that correct?

25 A Yes. I did.

1 Q And you did hear a fight going on even though
2 you weren't looking at it?

3 A Yes.

4 Q And you did see -- well, could you hear three
5 people punching on another person?

6 A No.

7 Q You couldn't hear that?

8 A No.

9 Q You mean you couldn't tell that it was three
10 people on one?

11 A No. It never was three people on one.

12 Q Well, how would you know that; you weren't
13 looking?

14 A Yeah. You're right.

15 Q Okay. And isn't it correct that you never
16 saw a knife that night?

17 A Correct.

18 Q And you -- did you do a photo lineup in this
19 case?

20 A Say again?

21 Q Did the police -- the police went and talked
22 to you; is that correct?

23 A Yes.

24 Q And they asked you to identify the person who
25 had punched you or fought with you; is that correct?

Part 9
(54 of 114)

Please Contact
Mrs. Celeste Todd
335 Fremont Ave. E.
Oakland, Ca. 94605
(760) 237-6389

26

1 A Yes.

2 Q And you were unable -- were you able to pick
3 out the photo?

4 A No.

5 Q So you weren't able to identify the person
6 that did that to you?

7 A No.

8 Q And how long did this entire commotion take
9 or fight?

10 A My guesstimation; a minute or two.

11 Q And you're sure that -- do you remember the
12 first time you saw -- did you see an Acura that night?

13 A An Acura?

14 Q Yes.

15 A In the parking lot.

16 Q Okay. And was that the car that you were
17 saying earlier that drove up to your car?

18 A To the left-side of my car.

19 Q And how many spaces in between?

20 A About four.

21 Q Four. And you actually saw someone get into
22 that car and drive up?

23 A Yeah. They came from a different direction
24 from, like, the front of the Doll House and then sped
25 up towards my car and parked right there.

1 Q Okay. And how many spaces between your car
2 and the Acura?

3 A Four.

4 Q And could you see who was actually driving
5 that car?

6 A No.

7 Q Did you hear what you or any of your friends
8 may have said to the person or people who were in that
9 Acura?

10 A No.

11 Q Meaning you don't remember or no words were
12 exchanged?

13 A No. There were words exchanged, but I don't
14 remember what they were saying at the time.

15 MS. CHIEN: I have no other questions.

16 THE COURT: Anything else, State.

17 MS. LASKOFF: Just quickly.

18 REDIRECT EXAMINATION

19 BY MS. LASKOFF:

20 Q Now, did you see the Defendant punch Frank?

21 A Say it again?

22 Q You said -- and counsel is asking you
23 questions that you saw Frank punch the Defendant. Did
24 you see the Defendant punch Frank?

25 A Yes. I did.

Part 9
(56 of 114)

Please Contact
Mrs Celeste Adles
335 Princeton Cir
Oceanside, Ca 92054

28

1 Q Okay. And the same thing for Will. You said
2 you saw Will punching the Defendant. Did you see the
3 Defendant punching Will?

4 A I never actually saw Will get hit.

5 Q Okay. So you never saw them in a
6 confrontation. Did you see anybody with any kind of
7 weapon including yourself?

8 A No.

9 MS. LASKOFF: Nothing further, your Honor.

10 THE COURT: Anything else, Ms. Chien?

11 MS. CHIEN: No, your Honor.

12 THE COURT: Thank you. You're free to go.

13 Don't discuss your testimony with anybody outside.

14 THE WITNESS: Okay.

15 [Witness excused]

16 THE COURT: Next witness.

17 MS. LASKOFF: Frank Gotay.

18 THE COURT DEPUTY: Please face the Clerk and
19 raise your right hand to be sworn.

20 THE COURT: Have a seat. Go ahead, Ms.

21 Laskoff.

22 Whereupon,

23 FRANCISCO MANUEL GOTAY,

24 having been first duly sworn by the Clerk of the Court,
25 testified as follows:

DIRECT EXAMINATION

BY MS. LASKOFF:

Q Sir, can you state your name for the record?

A Francisco Manuel Gotay.

Q And, Mr. Gotay, back on October 25th, 2006,
around 2:00 in the morning, were you at the Doll House?

A Yes. I was.

Q Okay. And what time did you get to the Doll
House?

A About 12:30.

Q 12:30?

A Uh-huh.

Q And who was with you?

A Anthony Riollano, William Troy and Andre
Blanco.

Q And at what point did you leave the Doll
House?

A Right before closing.

Q Okay. And was that about two o'clock?

A Yes.

Q All right. Do you recall who physically left
the building, the Doll House first?

A It was Andre Blanco that left.

Q Okay. So Andre walked out first. And whom
did you walk out with?

1 A I walked out by myself. I was the second
2 person to walk out.

3 Q Okay. So first Andre walks out and then you
4 walk out and then who came out?

5 A Anthony and William.

6 Q And Will? Okay.

7 A Uh-huh.

8 Q Now, when you were inside the club that
9 night, were there any tense moments, arguments with
10 anyone, any problems that you were aware of in the
11 group?

12 A No. We were sitting in VIP and until I left
13 -- I mean, when I was leaving, there was a -- I heard a
14 little commotion going on but I didn't pay it any mind.
15 I was just trying to get home.

16 Q Okay. But when you were in there, nothing --
17 no problem?

18 A No.

19 Q Okay. At what point was there something
20 going on; can you tell the Judge?

21 A As soon as I was leaving, basically I was
22 already walking out the door and I heard some kind of
23 commotion in my background, but I really wasn't paying
24 attention too much to it.

25 Q Was it in the club or out of the club?

Part 7
(59 of 114)

Please contact
Mrs Celeste Spiller
335 Pompano Beach
Oceanside, Ca. 92054
(760)237-6389

31

1 A Inside the club.

2 Q Inside the club. Could you tell us who the
3 commotion was between?

4 A It was between John and William.

5 Q Okay. And was it something that was just
6 verbal, was it physical or could you tell?

7 A No. It was mostly verbal from what I heard.
8 I mean, I really wasn't attention what words were
9 exchanged.

10 Q Okay.

11 A I know it was verbal.

12 Q Okay. And then what happened at that point?

13 A Basically I went out to the car. William and
14 Anthony were walking towards the car and the Defendant
15 was driving by and they were exchanging words.

16 Q Okay. So Will and your group were kind of --
17 everybody was trying to randomly walk out?

18 A Exactly.

19 Q Okay. And is there a point where the
20 Defendant gets in his car?

21 A Uh-huh.

22 Q Okay. And so is he riding by and you all are
23 kind of coming out in groups?

24 A Yes.

25 Q All right. And is there anyone else in the

Note

How is it possible
for him be walking
out the club and
hear a commotion
inside the club and
then see between myself
and William and he
doesn't stop he continues
towards Andre at the
Car and sees me drive
by and park with
my girlfriend.
Wouldn't I have to
run past him with my
girlfriend get to my
Car start it up and
drive pass him again
before he makes it
to his destination?
And then jump out
and fight Andre who
I never had words
with?

1 car with him as he's driving by?

2 A Yes. There was a female with him.

3 Q Okay. And does anything happen as he's
4 driving by between any in your group and the Defendant?

5 A Well, there was kind of an argument between
6 them basically.

7 Q Could you tell what that argument was about?

8 A Not very -- it was more -- it was more of a
9 conversation, which I didn't think anything was going
10 to happen because the guy was in his car. We were
11 walking to our cars, everybody was ready to leave.

12 Q Okay. Did anybody in your group at that
13 point have a weapon?

14 A No.

15 Q Did anybody display a weapon?

16 A No.

17 Q Okay. And so -- well, let me ask you this:
18 What happened to the Defendant -- the gentleman in the
19 car and the girl that drove by?

20 A They parked about four spaces next to ours.

21 Q Okay. And what happened next?

22 A They got out of the car.

23 Q Okay. Both of them; the man and the woman?

24 A Yes.

25 Q All right. And what happened at that point?

Part 9
(610 of 114)

Please contact
The Celeste Solberg
335 Pompano Blvd
Oceanside, Ca 92054
(760) 237-6389

33

1 A Basically they were coming towards us. And
2 Andre went towards them and that's when the Defendant
3 punched Andre and basically that's when the altercation
4 started.

5 Q Okay. So the first -- is it fair to state
6 that the first contact was with Andre?

7 A Yes.

8 Q All right. And then what happened?

9 A Basically I seen Andre take a blow to the
10 face and he was spun around. So I ran over and I
11 basically -- as soon as I ran over, there was --
12 basically we started mixing it up, I guess, whatever
13 you want to call it and basically the girl jumped on my
14 back and I got stabbed in the face and in the chest
15 twice.

16 Q Okay. Now, the person that stabbed you in
17 the chest and was fighting the man that was fighting
18 with your friends as well, do you see him in the
19 courtroom today?

20 A Yes. I do.

21 Q Can you point him out to the Judge and
22 describe him?

23 A It's the gentleman right there with the (brew) ^{Blue jumpsuit}

24 THE COURT: He's described Mr. Dobbs.

25 MS. LASKOFF: Thank you.

1 BY MS. LASKOFF:

2 Q Okay. Let me ask you this: When Andre was
3 approached by the Defendant, did you see Andre with a
4 weapon?

5 A No.

6 Q Did you see anybody with a weapon?

7 A No.

8 Q Okay. And you say Andre spun around, what do
9 you mean by that?

10 A He got hit and he literally spun around.

11 Q Okay. Did he fall to the ground?

12 A Yeah.

13 Q Okay. And what happened after that? Do you
14 remember was there fighting between yourself and the
15 Defendant?

16 A Then I believe I took a swing at him and he
17 took a couple swings I guess at me because I got the
18 scars.

19 Q Okay. Now, do you know what caused those
20 scars?

21 A Yes. I didn't know at the time, but when I
22 seen William laying on the floor that's when I realized
23 that all of us were stabbed.

24 Q Okay. And were you bleeding?

25 A Yes. I was bleeding out of my face and my

Note: he admits
to approaching me
Swinging first to
help his friend
who he says approached
me. In what he
admits started as
a fist fight. Obviously
at this point I'm
being jumped by 2 men.

If this is true
how can I be guilty
of murdering my
3rd or 4th attacker
or guilty of aggravated
battery.

Part 4
(63 of 114)

Mrs Celeste Spiller
335 Pompano Beach
Oceanside, Ca 92054
(760) 237-6389

35

1 upper collarbone and my chest.

2 Q Okay. Do you have any permanent scars as a
3 result of this?

4 A Yes. I do.

5 Q And can you just -- you don't have to disrobe
6 or anything -- point them out to the Court where they
7 are?

8 A Right here, here and in my face. And I had
9 to have a plastic surgeon stitch up my face because it
10 went through my nostril and hit the cartilage in
11 between my nose.

12 Q Okay. Now, did the police have you identify
13 the Defendant at one point?

14 A Yes. At the hospital.

15 Q Okay. And did they present you with a photo
16 lineup?

17 A Yes. They did.

18 Q And were you able to pick out John Dobbs, the
19 Defendant sitting here today?

20 A Yes. I was.

21 Q Okay. Did you see Will with a weapon?

22 A Never.

23 Q Okay. Did you see Will and the Defendant in
24 a fight?

25 A No. During the commotion I couldn't really

Note: This contradicts
his statement to the
police in which he
said he only entered
the fight to help
William Troy

Note:

They both
Keep saying they
were stabbed in
the face but any
one can tell there
were no holes in
there face so they
were not stabbed
they were cut.

They both
describe themselves
as being in the fight
until I got in my
car and left but
conveniently don't
remember hitting
me at the same
time or knowing
what the other friend
were doing to me.

1 make out everything that was going on. I kind of
2 blacked out for a minute once I got stabbed in the
3 face. So I can't really say what happened exactly.

4 Q Okay. Now, did the Defendant stay there?

5 A No. He got in his car and left.

6 Q Okay. And then did the police show up soon
7 after?

8 A A guy I believe in a black truck chased them.

9 MS. LASKOFF: Okay. Okay. I have nothing
10 further, your Honor.

11 THE COURT: Thank you. Ms. Chien?

CROSS EXAMINATION

12 BY MS. CHIEN:

13 Q Mr. Gotay, what had you been doing at the
14 Doll House?

15 A Drinking --

16 Q Drinking.

17 A -- and having a good time.

18 Q Excuse me?

19 A Having a good time.

20 Q And how many drinks did you have that night?

21 A We had bought, like, a bottle or two of
22 champagne in there.

23 Q And how many -- did you buy any additional
24 drinks other than consume -- well, you and your friends
25

Part 9
(65 of 114)

Please Contact
New Orleans
335 Poydras St.
New Orleans, La. 70112
(504) 581-6389

37

1 consumed two bottles of champagne?

2 A I believe we had, like, one round of shots or
3 something like that.

4 Q Okay. And how many glasses of champagne had
5 you had?

6 A About two, three.

7 Q And you had also had a shot of what?

8 A Patrone, I believe.

9 Q When you were inside the club, had you seen
10 my client inside the club as well?

11 A Yes.

12 Q And did see any interaction between my client
13 and Mr. Troy?

14 A When I was leaving the club, I heard them
15 speaking.

16 Q Okay. But when you guys had been inside the
17 club --

18 A No.

19 Q Okay. -- you did not see them interact at
20 all?

21 A Huh-uh.

22 Q When you were walking outside the club, you
23 walked out ahead of your other two friends; is that
24 correct?

25 A That's correct.

Part 7
(66 of 114)

File name
Mrs. Elsie Toblin
335 Fremont St. E.
Orem, Utah 84401

1 Q And did you hear the exact words that Mr.
2 Troy said to my client?

3 A No. I didn't.

4 Q And --

5 A But I knew it was -- the words were
6 derogatory, the words between them.

7 Q Mr. Troy made derogatory remarks?

8 A No. No. It was between both of them. I
9 know they were derogatory because I heard fuck.

10 Excuse my language. I don't know who said it, but I
11 heard that particular word. So I know it wasn't --

12 Q And at that point in time had any fight
13 broken out between Mr. Troy and my client?

14 A No.

15 Q And where was Andre Blanco at this time?

16 A He was already by the car.

17 Q All right. And he had not been involved in
18 any of the conversation between Mr. Dobbs and Mr. Troy?

19 A No.

20 Q Your other friend, was he also with Mr. Troy
21 at the time when the derogatory comments were made?

22 A Yes.

23 Q Okay. What did you -- when you walked out of
24 the club, did you see any additional interaction
25 between Mr. Troy and my client?

Note: What he
heard was William
Troy saying "Because
me and my boys
want to fuck" after
asking me where the
hoes at."

1 A I believe there were words back and forth
2 while he driving by.

3 Q Okay. So who was speaking those words as --

4 *he actually A* The girl -- the girl was screaming out:
she said

5 (Yellow) cracker basically to William Troy.
6 *You're a*

7 Q And what was Mr. Troy's response?

8 A I believe it was derogatory also.

9 Q Okay. Do you remember those words? You
10 remember the girl's words. What was Mr. Troy's words?

11 A Yeah. Because it was repeated several times.
12 It wasn't just once.

13 Q Okay. And what was Mr. Troy's words?

14 A Well --

15 MS. LASKOFF: Your Honor, I'm going to object
16 to the relevance of this.

17 THE COURT: I'll let you answer. If you
18 recall, what were they, if you know?

19 THE WITNESS: I don't really know.

20 THE COURT: All right. He's answered.

21 MS. CHIEN: Okay.

22 BY MS. CHIEN:

23 Q And did you see any motions that Mr. Troy
24 made?

25 A No.

Q Okay. And how did the actual -- what was Mr.

Note: Why would
Deanna call William
Troy a cracker when
first of all we are
from N.Y. and we don't
call white people
crackers and 2) she
describes him to the
police as a black
man with dreads

1 Blanco doing at the time?

2 A Mr. Blanco was seeing about his car.

3 Q Okay. Was he saying anything?

4 A No.

5 Q Okay. How did -- can you tell me how the
6 fight started?

7 A Basically Mr. Dobbs parked his car next to
8 ours and got out of his car and with his girl and
9 basically started walking towards us.

10 Q And did you -- did Mr. Troy walk towards Mr.
11 Dobbs? *Actually this should say*

12 A I don't believe Mr. Blanco that walked first.
13 That got there first when this was said.

14 Q Okay. So Mr. Blanco went up to Mr. Dobbs?

15 A Uh-huh.

16 Q Did you see what -- you know, what his first
17 action was?

18 A Mr. Dobbs punched Andre.

19 Q And what did Andre do?

20 A Andre started swinging back.

21 Q And where did Andre swing at Mr. Dobbs?

22 A I can't tell you exactly because like said
23 when he got hit he spun around --

24 Q Okay.

25 A -- and I ran over there towards him.

Note: at the trial he testifies that he does not know who threw the first punch between Andre and I.
Some where around this point he testified that he saw Andre approach me and start swinging and then he ran over. (It appears to be missing from the transcript)

Part 9
(69 of 114)

Please contact
Mrs. Celeste Dobbs
335 Pennsylvania Ave.
Baltimore, Md. 21201

41

1 Q Okay. And when you ran over, what did you
2 do?

3 A I swang a punch.

4 Q And how many swings and punches did you --

5 A Not many. I think really one because after I
6 got hit in the face, the girl was attacking me and then
7 Mr. Dobbs hit me in the face with the knife.

8 Q The girl, was she on your back or was she in
9 your face?

10 A No. She was on my back.

11 Q Okay. So she was trying to get you off of
12 Mr. Dobbs?

13 A No.

14 Q All right. At that time --

15 A I wasn't on top of Mr. Dobbs. I was walking
16 over there. She walked around me. And that's when she
17 jumped on my back and then Mr. Dobbs -- I remember
18 swinging, but he caught me in the face with the knife
19 and I dropped to the floor.

20 Q Okay. What was your other friend doing?

21 A Who's that?

22 Q Mr. Riollano.

23 A Mr. Riollano. He wasn't doing anything at
24 the time. I don't remember seeing him.

25 Q Did you see -- do you remember or do you not

1 remember?

2 A I do not remember seeing him do anything.

3 Q Did you see him being involved in -- do you
4 remember at any point in time if it was your friend
5 fighting Mr. Dobbs, all of your friends all at one time
6 fighting Mr. Dobbs?

7 A No.

8 Q So that never happened?

9 A No.

10 Q Okay. So it was always one on one?

11 A Pretty much.

12 Q When you say pretty much, what do you mean?

13 A It was one.

14 Q Okay. So it was just one on one at any given
15 time?

16 A Yes.

17 Q Have you ever -- how well do you know William
18 Troy?

19 A I knew him for two years.

20 Q And have you ever seen him get into fights
21 before?

22 MS. LASKOFF: Objection. Improper
23 impeachment.

24 THE COURT: Sustained.

25

Part 9.
(71 of 114)

Please Contact
Mrs Celeste Salda
335 Inman Cir.
Orrville, Pa. 16054
(760)237-6389
43

1 BY MS. CHIEN:

2 Q Did you have any words between yourself and
3 Mr. Dobbs?

4 A No.

5 Q And what about Mr. Riollano?

6 A No. Not that I know of.

7 Q And so the only words exchanged had been
8 between Mr. Troy and Mr. Dobbs?

9 A That's correct.

10 MS. CHIEN: [Pause] I have no other
11 questions.

12 THE COURT: Anything else, Ms. Laskoff?

13 REDIRECT EXAMINATION

14 BY MS. LASKOFF:

15 Q Now, had you been drinking that night as
16 counsel indicated?

17 A Uh-huh.

18 Q Did it affect your memory?

19 A Not really. It was mostly the punch and the
20 stab to my face that pretty much blacked me out.

21 MS. LASKOFF: Nothing further, your Honor.

22 THE COURT: Anything else, Ms. Chien?

23 MS. CHIEN: No, your Honor.

24 THE COURT: Thank you, sir. You're free to
25 go. Don't discuss your testimony with anybody

Note: He
Still admits
it started as a
fist fight
And nobody
has yet described
a murder

7209

(72 of 114)

Mr. Robert L. L. L.
335 Piquette Ave.
Oceanside, Ca 92054
(760) 237-6389

44

1 outside.

2 Next witness.

3 [Witness excused]

4 MS. LASKOFF: Campbell Holiday.

5 THE COURT: Also, Ms. Chien, reputation
6 testimony may be something you can talk about
7 later, but for purposes of this hearing, it won't
8 be an issue.

9 MS. CHIEN: Okay.

10 [Pause in the proceedings]

11 THE COURT DEPUTY: Campbell Holiday.

12 [Witness Holiday not available]

13 MS. LASKOFF: Philip Westfall.

14 THE COURT DEPUTY: Philip Westfall.

15 Please face the Clerk and raise your right
16 hand to be sworn.

17 THE COURT: Thank you. Have a seat. Go
18 ahead, State.

19 Whereupon,

20 PHILIP WESTFALL,

21 having been first duly sworn by the Clerk of the Court,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MS. LASKOFF:

25 Q Sir, can you state your name for the record?

1 A Philip Westfall.

2 Q And, Mr. Westfall, on October 25th, 2006,
3 were you working at the Doll House?

4 A Yes.

5 Q Okay. And around closing, at 2:00 in the
6 morning, did you see a fight break out?

7 A Yes.

8 Q And can you describe to the Court, the Judge,
9 what you first saw that there was problem happening?

10 A I was actually getting into a vehicle. It
11 was cold that morning. I was warming up the girls'
12 cars. I'm a valet attendant. As I was getting into a
13 car, I heard a girl screaming. Do you want me to say
14 what I heard?

15 Q Yeah.

16 THE COURT: Yeah.

17 BY MS. LASKOFF:

18 Q Yeah. You can say that.

19 A As I was getting in, the door was open and I
20 was putting the key in and I heard a girl go: Fuck
21 you, nigger. Fuck you. Fuck you.

22 Q Okay.

23 A And I --

24 Q Did you see who she was talking to?

25 A I was sitting in the vehicle.

1 Q Okay.

2 A No, ma'am. I got out of the vehicle
3 instantly because I didn't know if it was one of our
4 employees and went to the back of the parking lot.
5 There was a couple standing next to their vehicle.
6 Actually, there was a female at the passenger door and
7 a male at the driver's door.

8 There were four gentlemen at another vehicle
9 probably 25 or 30 feet away. One of those gentlemen
10 started walking towards the other vehicle. The
11 gentleman from the couple's car came around the back of
12 the car. They met. He hit that guy. He went down.
13 The second guy came over --

14 Q Let's break it down real quick. The two that
15 were coming at each other, were words being exchanged
16 between them as they were kind of coming --

17 A She was --

18 Q -- towards each other?

19 A She was still talking. I don't -- I don't
20 know. She was still screaming. It was illegible.

21 Q Okay. Were both of the cars parked at this
22 point?

23 A Yes.

24 Q Okay.

25 A Nobody had started either vehicle yet.

Note! At the
trial he also
testified that he
did not know who
threw the first
punch between
me and the first
guy that came
towards me

1 Q Okay. Had you seen the cars before that,
2 where they had been? Had they -- the whole time that
3 you saw the cars, were they in the parking spots, I
4 should say?

5 A Yes.

6 Q Okay. And then what happened at that point?
7 When the two gentlemen approached each other, could you
8 tell what started one to hit the other first?

9 A They were just coming at each other and the
10 gentleman from the couple's car hit the other guy and
11 he went down.

12 Q Okay. The gentleman from the couple's car,
13 can you describe to the Court what he looked like?

14 A Tall, slender, black male.

15 Q And the guy that he hit and went down, what's
16 his description?

17 A Medium build, Hispanic male.

18 Q Okay. And did you see the black male that
19 hit the Hispanic male with anything in his hand?

20 A No, ma'am.

21 Q Okay. And what happened when -- at that
22 point, I should say?

23 A The gentleman went to the ground, caught
24 himself [sic] with his hands.

25 Q Which one?

Note: He
Seems to be
describing me
protecting my
girlfriend from
a stranger approaching

1 A The guy that got hit was falling to the
2 ground, caught himself with his hands, didn't go all
3 the way down and stood back up. The girl started
4 screaming: You got knocked the fuck out. You got
5 knocked the fuck out.

6 As she's screaming at him, a second gentleman
7 came over to fight the guy, the black male. A second
8 Hispanic gentleman came over to fight the black male --

9 Q Um-hum.

10 A -- and swung at the black male twice and
11 missed. The black male hit him and kind of spun him
12 off. A third gentleman was coming over and the girl
13 attacked him. And I went to break that fight up
14 instantly. I had mace in my hand and I said: I have
15 mace. Go -- get back. Break it up. Go to your
16 vehicles now; screaming as loud as I could at them.

17 That broke up. As I turned around, there
18 were two gentlemen --

19 Q Different ones or part of that group?

20 A The first part of the group.

21 Q Okay.

22 A Two gentlemen over by the black guy. The
23 black guy hit the one guy twice in the chest and then
24 he spun off to the left and was behind me so I was --

25 Q And the Hispanic gentleman got hit in the

1 chest himself as well?

2 A Yes.

3 Q Okay.

4 A He was behind me so I was kind of watching
5 him. I was in the middle of six people fighting and
6 was just, you know, defending myself basically as well
7 as trying to break everything up.

8 The guy that -- the Hispanic gentleman who
9 was on the outside of the black guy came after him
10 again and he hit him in the face once. He spun off the
11 other direction.

12 The female, I believe, that was up by the
13 door, she was screaming. There were people yelling.
14 And then I looked at the one -- I looked at the
15 gentleman who was -- who was still in front of me and
16 there were --

17 Q Was he one of the Hispanic --

18 A The Hispanic gentleman, yes.

19 Q Just so the Court is clear.

20 A Yes.

21 Q Okay.

22 A It was one of the Hispanic gentlemen in front
23 of me. And he was just bleeding from the face down --
24 from the face down onto his shirt but, like, not on his
25 neck and everything like that. And I was looking at it

Note: He is
still describing
the fight taking
place by my
car

1 and I was thinking to myself, there's a lot of blood on
2 him.

3 And I looked at the other guy who was behind
4 me and he was walking towards the car and he had blood
5 from his chest down. And I looked at his face to see
6 if I could see on his face there may have been some,
7 but I'm not positive. And as I was looking at him, he
8 took about five steps and just totally collapsed
9 backwards like a tree. His head was the first thing to
10 hit the ground. It even bounced.

11 I ran over to him, put my hands under his
12 head and looked and his eyes rolled back in his head.
13 His eyes rolled to the left. His head fell to the left
14 and then as I was looking at him, I saw two puncture
15 wounds in his chest, one to the bottom of his right
16 nipple and the other one inside of it, like, almost
17 directly above his heart.

18 Q Okay.

19 A And I screamed: That mother fucker stabbed
20 this guy.

21 And let him go. Turned around to run to the
22 car and there was another gentleman beating the guy --
23 beating the black -- there was another big Hispanic
24 gentleman hitting the black guy and I broke that up, or
25 went over there towards that. The guy ran to his car

1 and --

2 || Q Which one?

3 A The black male ran to the driver's side of
4 the car. The female went into the passenger side of
5 the car. I ran around to -- I was going to mace the
6 gentleman so he couldn't leave but his windows were up.
7 So I went to the back of the car to get the tag number,
8 grabbed my pen and a valet ticket and was going to
9 write that down and there was no tag.

10. Q What kind of car was it?

11 A So the next thing I did was I looked at the
12 make and model of the vehicle. It was a gray Acura TL.
13 On the left-hand side it said Acura. On the right-hand
14 side it said TL. And I witnessed right in front of the
15 bumper, during the fight there was somebody had got
16 slung into the car and there was a dent right in front
17 of the right passenger side brake light --

18 Q Um-hum.

19 A -- or turn signal lights back there.

20 O Um-hum.

21 A And I noted that in my mind and dialed 9-1-1.

22 Q Was there anyone besides this black male that
23 was punching on these individuals that could have cut
24 them?

25 A The female was trying to kick and fight. I

1 basically kind of tried to corner her off so that she
2 wouldn't get hurt. I just thought it was a fistfight
3 going on and just wanted it broken up and out of my
4 lot.

5 Q Okay. And what made you think that the
6 Defendant had a knife or some sharp thing that he was
7 cutting --

8 A Until the gentleman fell, there was -- I
9 witnessed two slits on his chest. That's when I -- I
10 screamed he stabbed him. And as I was running towards
11 the vehicle, I heard from behind me: Oh, he stabbed me
12 in the face.

13 And then another guy said: Oh, he got me,
14 too.

15 So nobody even realized they were stabbed
16 until I screamed from the gentleman on the ground
17 because I was a foot away from his chest on my knees
18 with his head in my hand.

19 MS. LASKOFF: Okay. I have nothing further,
20 your Honor.

21 THE COURT: Ms. Chien.

22 CROSS EXAMINATION

23 BY MS. CHIEN:

24 Q Mr. Westfall, had you ever seen any of the
25 Hispanic males before?

Note: Nobody
Seemed to care
that I was
being cut and
hit with a gun
Nobody called the
police and nobody
I was even
angry about me
being attacked
by my car. Until
they noticed one
of the other guys
were stabbed.
Probably because
I was the only
black man.

1 A I had seen their vehicle but I hadn't --
2 hadn't spoken individually to any of them.

3 Q Okay. What I mean to say is have you ever
4 seen them at the Doll House before other than that
5 night?

6 A I've seen the vehicle but I can't recognize
7 any of their -- I wouldn't -- I had not -- couldn't
8 recognize them from a previous night. I recognized
9 their vehicle.

10 Q Um-hum.

11 A But not any of their faces.

12 Q So how often have you seen the vehicle at the
13 Doll House?

14 A I'd seen it once before.

15 Q And you are the valet at the Doll House?

16 A Yes, ma'am.

17 Q And did you see when these vehicles first
18 came in, the ones holding the Hispanic males, did you
19 see where it had originally parked?

20 A Yes.

21 Q And was that the same spot that you later saw
22 it parked when the fight broke out?

23 A Yes, ma'am.

24 Q And had you seen the Acura when it first got
25 there?

Note: The
doll house
manager attempted
to testify at the
trial that the 4
men were regulars
at the club and
that Andre Blanco
came back 2 or 3
day after the
incident and apologized
But his statement was
dismissed as hearsay
and was not allowed
in front of the jury

1 A No, ma'am.

2 Q Okay. So you don't know where it had been
3 originally parked.

4 A No, ma'am.

5 Q Were you ever at any point on that night
6 inside the Doll House to observe the behavior of either
7 the Hispanic males or the black male?

8 A No, ma'am.

9 Q And can you tell me when the fight -- how the
10 fight first broke out? Did you hear words?

11 A Yes, ma'am.

12 Q And who -- other than the female, did you
13 hear any words between the two -- any of the males?

14 A No, ma'am.

15 Q Did you ever hear any words that the Hispanic
16 male, Mr. Tirado [ph], I don't know if you know him,
17 but did you ever hear him say anything?

18 A No, ma'am.

19 Q Did you ever hear Mr. Dobbs say anything, the
20 black male?

21 A No, ma'am. If anything, it was: Come on.
22 Come on, come on, everybody.

23 You know, it was just a fight and no
24 sentences, no anything like that.

25 Q Okay. So when you walked in, I mean, when

Please! →

1 you walked into the -- I guess the scene, had the fight
2 already begun?

3 A I was probably -- [pause]. I would say it's
4 about 30 feet to the door. I was probably 40 feet away
5 as the two gentlemen were coming together.

6 Q Okay. And did you see -- so you saw the
7 Hispanic male walk over to the black male as well?

8 A Yes, ma'am.

9 Q How many feet would you say they were apart?

10 A The -- from where the cars were parked, can I
11 -- do you want me to describe to you -- I -- I --
12 probably -- [pause]. The cars were probably 40 feet
13 apart.

14 Q Okay. And how many feet would you say that
15 the Hispanic male walked towards the black male?

16 A Probably 30 to 10. The Hispanic male walked
17 30. The black male probably walked 10.

18 Q Okay. So the Hispanic male walked more feet
19 towards the black male.

20 A Yes, ma'am.

21 Q Did the Hispanic male run towards the black
22 male?

23 A No, ma'am.

24 Q And when he -- when the Hispanic male walked
25 those 30 feet to the black male, what did you hear --

Note: He consistently describes me as throwing the first punch while he was 40 feet away and then at the trial he says he did not know who threw the first punch.

1 or what did you first see happen?

2 A As he was approaching him, it was looking
3 like they were going to fight and then the black male
4 swung and hit him and instantly he spun, caught himself
5 from the -- caught himself on the ground with his
6 hands. He didn't hit the ground and fall. He almost
7 did but he caught himself with his hands and got back
8 up.

9 Q And you said that it looked like they were
10 about to fight. What actions of the Hispanic male made
11 you think that they were about to fight?

12 A They were approaching each other huffy, you
13 know.

14 Q Okay.

15 A No hands up, no fists up or anything like
16 that. They were just approaching each other.

17 Q And during this time, what were the Hispanic
18 males three friends doing?

19 A They were -- basically they hadn't left the
20 car yet.

21 Q Were they just watching it?

22 A Yes.

23 Q Okay. Were they saying any words to any of
24 the two people?

25 A Nothing legible or audible that I heard.

Part 9
(84 of 114)

Please contact
Mrs. Celeste Solis
335 Pomarion-Cor
Occidente, Ca. 92034
(760) 237-6229
57

1 Q But did you hear them say -- scream or yell
2 anything?

3 A No, ma'am.

4 Q Okay. After the Hispanic male got -- was
5 hit, did the three -- what did the other friends do?

6 A The second one approached.

7 Q Okay. And --

8 A Singly.

9 Q He did what?

10 A The second one approached singly.

11 Q Okay. And what did he do?

12 A He swung at the black male twice, missed and
13 then the black male hit him.

14 Q So the second Hispanic male, could you see
15 how hard the punches were or attempts?

16 A The attempts there? Drunken roundhouses.

17 Q Okay. And, but he had -- he had been trying
18 to punch him twice before the other person --

19 A Before he got hit.

20 Q Okay. And then what was the female doing at
21 this time?

22 A Screaming and as the third guy approached,
23 she attacked him.

24 Q Okay. Because -- was the second male, the
25 second Hispanic male and the black male, they were

Note: If the
first guy got
back up and
I am fighting a
second guy aren't
I fighting 2 people

1 still involved in a fight at that time?

2 A Yes.

3 Q Okay. So the female was trying to ward off
4 the third person coming up?

5 A Yes.

6 Q Okay. Because presumably this third person
7 was trying to help out his friend.

8 A Presumably.

9 Q Okay. And where -- where was the fourth
10 Hispanic male?

11 A He was still standing by the vehicle. He was
12 still standing there. He hasn't approached anything
13 yet.

14 Q Okay. And tell me what happened after the
15 female and the third Hispanic male were at it. Can you
16 describe how she was -- how they were fighting?

17 A She was trying to kick and hit him.

18 Q And what was he doing in response?

19 A He went to grab her and I instantly went
20 there and told him: I will mace you both and blind
21 you. You go to your car. You go to your car.

22 Q Okay. And did they follow your directions?

23 A They split up. Yes, ma'am.

24 Q Okay. And what -- when they split up, what
25 did the Hispanic male do? Did he go back to his

1 friend?

2 A No, ma'am. I believe he went to -- after the
3 black male.

4 Q Okay. So he went to help out the -- his
5 other friend.

6 A Correct.

7 Q Okay. And what did he do?

8 A I don't know, to be honest. It was so much
9 going on at that time right there, I'm not exactly
10 positive.

11 Q Okay.

12 A I don't -- I think I focused back on the --
13 the black male fighting the first -- first gentleman.
14 He would -- he was fighting very well and he -- the
15 guys that approach him, he'd knock them back real
16 quick.

17 Q Okay.

18 A Then another guy would come at him. He'd
19 knock him back real quick.

20 Q And, but these guys kept coming; right?

21 A Yes, ma'am.

22 Q I'm talking about the Hispanic males.

23 A Yes, ma'am.

24 Q They kept approaching the black male.

25 A Yes, ma'am.

Note: He's
not drunk or
even injured
and he is having
a memory laps.
What else is going
on besides the
fight?
Obviously he
didn't threaten
to mase any of
my attacker while
I was being jumped
because it was
entertaining.

They were
relentless →

1 Q And they kept trying to fight him as well.

2 A Yes, ma'am.

3 Q And they were trying to swing, punch -- punch
4 the black male; right?

5 A Yes, ma'am.

6 Q Did you see where they were swinging at?
7 Like, was it towards the black male's head or just
8 anywhere?

9 A It was very difficult for them to get close
10 to him. This gentleman could fight very well.

11 Q Okay. Did you ever see them, the Hispanic
12 males, get in some punches?

13 A Not until the end. The fourth Hispanic male
14 definitely got him.

15 Q Okay. How did he get him?

16 A I did not see the beginning of it, but I had
17 my back turned. When I turned around, the fourth
18 Hispanic male had the gentleman by the back of the
19 shirt behind his left shoulder, was behind him punching
20 him in the right side of the face from the side and
21 behind.

22 Q How many times and how hard?

23 A I probably saw three punches.

24 Q Three punches.

25 A And then I ran to that and broke that up

Note: Obviously
I am fighting
4 men at this
point.

He says he didn't
see when the
4 male grabbed
me by my shirt.

Could it be because
doesn't want to
admit to seeing
me getting hit with
a gun cut and hit
by every body. Because
these are VIP
members and regulars
at the club.

So he describes me
as Superman.

Part 9
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Please Contact
Mrs Celeste Hobbs
335 Huntington Cir,
Oceanside, Ca 92054

61

Now here he
comes to the rescue!
It could be that
one of the drunk
guys lost the gun
they were hitting me
with and I got it
now.

instantly.

Q Okay.

A When I was talking earlier, when I broke that
up is actually when I saw or started to think about the
blood and the -- that's just a second later is when the
gentleman collapsed.

Q Okay. The person who had a lot of blood, do
you remember the exact fight between him and the black
gentleman?

A I believe I saw that punch thrown; yes,
ma'am.

Q So he had punched -- so the -- did the
Hispanic male punch the black gentleman?

A You're confusing me. You asked if I saw the
-- did you ask if I saw the punch that was thrown where
the blood came from?

Q No. I just want to know any type of
interaction between the guy who eventually died and the
black gentleman. Did you see them fight at all?

A Yes. He was coming after the black gentleman
and, to be honest, I do believe I saw the two punches
in his chest that made the wounds. He hit him twice in
the chest and then he spun off that way off to the left
and went behind me.

The other gentleman right instantly came from

Part 9
(89 of 114)

Please Contact
Mr. Celeste Salas
335 Pompano Ave.
Oceanside, Ca 9205
(760) 237-6389

62

1 kind of the passenger door where the female was after
2 him. He hit him with a right hook, what looked to me
3 as a right hook in the face and he spun off back the
4 other direction. And then that's when I started seeing
5 all the blood.

6 Q Okay. Well, what you just said earlier was
7 that you saw the black gentleman hit the guy who
8 eventually died. What actions of that Hispanic male
9 did you see?

10 A Him going towards the black male.

11 Q Okay. And did you --

12 A From behind the car. The black male was,
13 like, at the back corner of the car. He was coming at
14 him this way [indicating], turned and hit him twice.
15 And then the other guy instantly was coming from the
16 front of the car or towards -- from the passenger door
17 of the car and then he turned and hit him once.

18 Q Okay.

19 A He spun one guy one direction and the other
20 guy in the other.

21 Q Okay. So there was someone else coming,
22 another friend to help out the Hispanic male; is that
23 correct? He was coming up to join the fight?

24 MS. LASKOFF: Asked and answered.

25 THE COURT: Sustained.

Note:
Obviously they
had been after
my girlfriend
if they are coming
from the passenger
door of my car
after coming from
their car 40 feet
away

Part 9
(90 of 114)

Please Contact
Mrs. Celeste Soler
335 Pommeroy Cir.
Oceanside, Ca 92054
(760) 232-6389

63

1 BY MS. CHIEN:

2 Q Okay. Going --

3 THE COURT: There's no question.

4 BY MS. CHIEN:

5 Q Going to the last part of what you had said
6 earlier which was you did see the fourth guy get in
7 some punches; is that correct?

8 A Yes. He would have --

9 Q And by that time what were the other three
10 gentlemen doing? Why was this fourth person able to
11 get in so many punches?

12 MS. LASKOFF: Objection. Speculation.

13 THE COURT: Why was he able to get in so many
14 punches?

15 BY MS. CHIEN:

16 Q Did you see the -- where the black gentleman
17 was in relation to the body position? Was he already
18 on -- was the black gentleman already on the floor?

19 A I did not see the connection of the last
20 gentleman fighting who did get the lick -- punches in.
21 I did not see them connect. I was facing this
22 direction [indicating]. I was facing away from that at
23 that point.

24 When I turned around, the Hispanic gentleman
25 had him by the shirt punching him at -- I saw at least

Part 9
(91 of 114)

5 years contact
New Atlanta Dobson
335 Pommeroyan Cir.
Oceanside, Ca. 92054
(760)237-6389

64

1 three punches in the face.

2 Q Okay. And was the black gentleman on the
3 floor, though?

4 A He was going down but he wasn't letting him
5 go.

6 MS. CHIEN: Okay. I have no other questions.

7 THE COURT: Anything else, Ms. Laskoff?

8 MS. LASKOFF: No, sir.

9 THE COURT: No, sir. All right. Thank you,
10 sir. You're free to go. Just don't discuss your
11 testimony with anybody outside.

12 THE WITNESS: Yes, sir.

13 [Witness excused]

14 THE COURT: All right. Mr. Zouzulous//,
15 obviously we're running long. We've got more
16 witnesses to go. Can you all hang in there?

17 MR. ZOUZULOUS: Yes, sir.

18 THE COURT: All right. Thank you. Next
19 witness.

20 MS. LASKOFF: Thomas Hutchins.

21 [Pause in the proceedings]

22 THE COURT DEPUTY: Please face the Clerk and
23 raise your right hand to be sworn.

24 Whereupon,

25 THOMAS HUTCHINS,

Part 9
(9206114)

Please Contact
Mr. Gilbert Doherty
335 Pompano Cir.
Oceanside, Ca. 92054
(760) 237-6389

65

1 having been first duly sworn by the Clerk of the Court,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MS. LASKOFF:

5 Q Sir, can you state your name for the record?

6 A Deputy Sheriff Thomas Hutchins.

7 Q And Deputy Hutchins, on the night of October
8 25th, 2006, around 2:30 in the morning were you on
9 duty?

10 A Yes, ma'am.

11 Q And did you respond to a call?

12 A Yes, ma'am.

13 Q And what happened?

14 A I responded to a call at the Doll House,
15 which is located -- look at the address.

16 Q Okay. And --

17 A I was northbound on Orange Blossom Trail.
18 Over the radio came out a suspect description of a
19 silver Acura, newer model and I saw the same vehicle
20 coming southbound on the Trail --

21 Q Did you see a vehicle that matched the
22 description that you received over the radio?

23 A Yes.

24 Q Did you make a stop of that vehicle?

25 A Yes.

1 Q Okay. And when you made a stop of that
2 vehicle, what happened?

3 A I waited for the deputies. We did a stop.
4 Deputy stopped the deputy in front, stopped it from
5 moving, stopped it from the rear.

6 Q Um-hum. And when you stopped the vehicle --

7 A Called the people out --

8 Q I'm sorry. When you called the vehicle out
9 -- people out, how many people were in the car?

10 A Two people.

11 Q And can you give a brief description of them?

12 A One was a black male and one was a black
13 female.

14 Q Do you see the black male that came out of
15 the vehicle in the courtroom today?

16 A Yes.

17 Q And can you point him out to the Court?

18 Okay.

19 THE COURT: Well, all right.

20 BY MS. CHIEN:

21 Q Can you describe what --

22 THE COURT: Well, he's wearing a blue
23 jumpsuit?

24 THE WITNESS: Yes, sir.

25 THE COURT: Thank you. Mr. Dobbs has been

Part 9
(94-114)

Please Contact
Mrs. Celeste Sollier
335 Pompano Cir.,
Pompano Beach, Fla. 33064
(407) 937-6387

67

1 described. Thank you.

2 BY MS. CHIEN:

3 Q And when you stopped the vehicle and pulled
4 him out of the vehicle, what happened? Did he say
5 something?

6 A When he exited the vehicle, he and the other
7 passenger were speaking about -- before even asking him
8 anything about other than please exit the vehicle, they
9 were telling us that: They jumped us. We had to do
10 it. That they turned the -- the exact words is in the
11 report but something to the effect of that: They
12 jumped us. We had to do it. And that they -- I took
13 the gun from them and then I used it on them.

14 Q Okay. What did they look like, their
15 clothing? Did they look like they'd been in a fight?

16 A Yes. The male had some blood and looked like
17 some cuts and things like that on him.

18 MS. CHIEN: Okay. I have nothing further.

19 THE COURT: Thank you. Ms. Chien.

20 CROSS EXAMINATION

21 BY MS. CHIEN:

22 Q Deputy Hutchins, how did you first -- well,
23 what was the basis for the stop?

24 A The basis for the stop was the description of
25 the vehicle that I received over the radio.

Part 9
(95 of 114)

Please Contact
Mr. White Toller
335 P. M. M. Co.
Oceanside, Ca. 92054
(960) 337 6289

68

1 Q What was that exact description that you
2 received?

3 A Of a silver newer model Acura.

4 Q How long had you -- between the time that you
5 stopped the car till the time that you received that
6 information, how long was that?

7 A I received the information before I stopped
8 the car.

9 Q Okay. How much time beforehand?

10 A A few minutes. When the call came out, I was
11 outside my vehicle, out of my vehicle. I started
12 driving northbound from the south end of --

13 Q And how did you stop the car?

14 A I used normal procedures for a traffic stop.

15 MS. LASKOFF: I would object to relevance.

16 THE COURT: Sustained.

17 BY MS. CHIEN:

18 Q When -- did you use your lights to stop the
19 car?

20 MS. LASKOFF: Objection. Relevance, your
21 Honor.

22 THE COURT: Why is that relevant?

23 MS. CHIEN: I was about to get into it
24 whether the car sped up or if it slowed down,
25 whether this person tried to resist or --

Page 4
(97 of 114)

Please Contact
Mrs. Celeste Dolbe
335 Pomarum Ave.
Oceanside, Ca 92054
(619) 237-6387

1 THE COURT: Thank you for being here, sir.

2 The Rule's been invoked so don't discuss your
3 testimony with anybody outside; okay?

4 THE WITNESS: Yes, sir.

5 [Witness excused]

6 THE COURT: Thank you. Next witness.

7 MS. LASKOFF: Herman Mercado.

8 [Pause in the proceedings]

9 THE COURT DEPUTY: Please face the Clerk and
10 raise your right hand to be sworn.

11 Whereupon,

12 HERBERT MERCADO,
13 having been first duly sworn by the Clerk of the Court,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. LASKOFF:

17 Q Can you introduce yourself for the jury,
18 please, or to the Court, please?

19 A I'm Deputy Herbert Mercado.

20 Q And Deputy Mercado --

21 THE COURT: I apologize. I'm sorry. I
22 missed his name.

23 MS. LASKOFF: I'm sorry.

24 THE WITNESS: Herbert Mercado.

25 BY MS. LASKOFF:

Part 9
(98 of 114)

Y. Leroy, Contact
The Sheriff's Office
335 Pomonio Ave.
Pomona, Ca. 92667
(760)237-6389

71

1 Q And where do you work?

2 A Orange County Sheriff's Office.

3 Q On October 25th, 2006, at approximately 2:30
4 were you involved in a traffic stop at 5570 South
5 Orange Blossom Trail?

6 A Yes. I was.

7 Q Okay. And can -- were you involved in
8 stopping a silver Acura?

9 A Yes. I was.

10 Q Okay. Can you briefly tell the Court your
11 involvement with that stop?

12 A I was the second car involved that approached
13 the victim's vehicle in front of it to -- basically to
14 stop the vehicle. Me and Deputy Hutchins were the two
15 arresting officers.

16 Q Okay. Were you involved in pulling the
17 defendants out of the vehicle?

18 A Yes. I was.

19 Q And can you describe to the Court what
20 happened when the individuals were taken out of the
21 car?

22 A The individuals were searched and secured at
23 the time and we were -- I asked the victim, or the
24 suspect if he had any weapons on him. He advised
25 specifically: Yeah. I have a gun and a knife --

1 Q Okay.

2 A -- in the vehicle.

3 I asked him if I had permission to search.

4 He told me: Yeah.

5 The knife was in the center console and the
6 gun was in the rear passenger seat.

7 Q And were the knife and the blood [sic]
8 covered in blood?

9 A Yes. They were both covered in blood.

10 MS. LASKOFF: Okay. I have nothing further,
11 your Honor.

12 THE COURT: Ms. Chien.

13 CROSS EXAMINATION

14 BY MS. CHIEN:

15 Q Deputy Mercado, who took the gun and the
16 knife?

17 A I did.

18 Q You did? And who did -- did you hand it off
19 to somebody?

20 A To Deputy Hutchins.

21 Q And were any tests performed on the gun or on
22 my client regarding gun powder residue?

23 A No. Not at the scene.

24 Q Do you know if it -- had it ever been done?

25 A Not that I know of.

1 MS. CHIEN: Okay. I have no other questions.

2 THE COURT: Thank you. Anything else, Ms.

3 Laskoff?

4 MS. LASKOFF: No, sir.

5 THE COURT: Thank you for being here, sir.

6 The Rule's been invoked. Don't discuss your
7 testimony with anybody outside; okay?

8 THE WITNESS: Okay.

9 THE COURT: Thank you. Next witness.

10 MS. LASKOFF: Deputy Phelan.

11 [Pause in the proceedings]

12 THE COURT DEPUTY: Please face the Clerk and
13 raise your right hand to be sworn.

14 Whereupon,

15 DAVID A. PHELAN,

16 having been first duly sworn by the Clerk of the Court,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MS. LASKOFF:

20 Q Sir, can you state your name for the record?

21 A David A. Phelan.

22 Q And where do you work?

23 A Orange County Sheriff's Office.

24 Q And what is your assignment?

25 A Homicide detective.

Part 9
(101 of 114)

P. Leam contact
Mrs. Claire Hobbs
335 Pomunim Cir.
Oceanside, Ca. 92054
(760) 237-6389

74

1 Q Okay. And did you become involved in a case
2 involving a victim named William Troy?

3 A Yes. I did.

4 Q And can you tell the Court, was there a
5 suspect developed?

6 A Yes. There was.

7 Q And who was that suspect?

8 A Later determined to be John Dobbs.

9 Q Okay. Now, John Dobbs, did you speak with
10 him at one point?

11 A Yes.

12 Q And can you tell the Court when and where it
13 is that you spoke with him?

14 A I spoke with him at the sheriff's office
15 criminal investigation division in an interview room.

16 Q Okay. And in regard to the incident
17 happening on October 25th, 2006, when was he
18 interviewed?

19 A He was interviewed that same morning.

20 Q The same morning?

21 A Yes.

22 Q Okay. And before you interviewed him, did
23 you Mirandize him?

24 A Yes. I did.

25 Q And you read him all of his rights?

I was
interviewed 5 hours
after the incident
I asked if they
arrested any one
of my attackers
Constantly and
was told they were
looking into it.

1 A Yes. I did.

2 Q Did he waive his rights?

3 A Yes. He did.

4 Q And he agreed to speak with you?

5 A Yes. He did.

6 Q Okay. When you spoke with him, did he tell
7 you whether or not he stabbed anybody that night?

8 A He said that he was swinging the knife. He's
9 not sure whether he hit him or not. He was trying to
10 keep him off of him.

11 Q Okay. Did he tell you where he got the
12 knife?

13 A Out of his pocket.

14 Q Okay. So he said he got it out of his
15 pocket?

16 A Yes.

17 Q Okay. Did he indicate whether the other
18 individuals had any weapons?

19 A He said he -- one of them had a knife. He
20 think they cut him.

21 Q Was another knife located on the scene?

22 A No.

23 Q Did he indicate what instigated the fight?

24 A The best I can recall, he said it was just --
25 he don't know what started it.

Note I also
told him that
I got the gun
from them.

And he never
searched them
or the 4th guy
only the scene.

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press contact
Mrs. Celeste Sobel
335 Pompano Beach Cir.
Pompano Beach, Fla. 33064
(760) 237-6389

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1 Q Did he say whether it started inside or
2 outside the club?

3 A He had words with one individual who he
4 described as being Mr. Tory inside the club but it was
5 nothing to be a fight over. Then outside the club a
6 second individual said something to the effect the
7 security guards had to walk them out of the club and he
8 was addressing that when he went to the back of the
9 car.

10 Q Okay. And once outside the club, what did he
11 say started?

12 A He said as he was walking to the back of the
13 car to address what they were talking about, he was
14 ruled by one of the subjects and was punched and
15 that's when the fight started.

16 MS. LASKOFF: Your Honor, I have nothing
17 further.

18 THE COURT: Thank you. Ms. Chien.

19 MS. LASKOFF: Actually, I'm sorry. I do have
20 -- sorry about that.

21 BY MS. LASKOFF:

22 Q Did you talk to him about the shooting
23 incident?

24 A Yes. I did.

25 Q And what did he say about the shooting

1 incident?

2 A Mr. Dobbs said that he don't know where the
3 gun came from. It was probably one of the people that
4 he had been fighting with. He don't recall how he got
5 it. It was in his lap when he recognized he had it.
6 He remembered putting it up to the window to try and
7 unload it but he did not shoot it.

8 Q Okay. So he admits pointing it at the other
9 individual in the car?

10 A He said at about the same time the truck was
11 pulling up beside his car. He remembered --

12 Q Okay.

13 A -- holding the gun up, trying to unload it.

14 Q Okay. And he denied shooting it, though?

15 A Yes, sir -- ma'am.

16 MS. LASKOFF: Nothing further, your Honor.

17 THE COURT: All right. Thank you. Ms.

18 Chien?

19 CROSS EXAMINATION

20 BY MS. CHIEN:

21 Q Deputy Phelan, did you ask Mr. Dobbs to
22 consent to a gun powder residue examination?

23 A Yes. I did.

24 Q And what were the results?

25 A We'll be waiting on those for a while.

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Please Contact
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Oceanside, Ca. 92054

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1 Q How long?

2 A I have no idea. We sent them to FDLE and
3 they get to them as soon as they can.

4 Q Did you -- is there a way to tell if a gun
5 had been recently fired?

6 A You can always try and smell it or, you know,
7 stuff of that nature, but still there's no sure --

8 Q Okay.

9 A -- fire way.

10 Q Did anyone -- any police officer smell the
11 gun to see if it had been recently fired?

12 A I didn't. I did not.

13 Q Okay. Do you know if any other police
14 officer did?

15 A No.

16 Q Mr. Dobbs did tell you that he was trying to
17 keep the other people off of him; is that correct?

18 A Yes.

19 Q And would you describe the appearance of Mr.
20 Dobbs by the time that you had seen him? Did he -- in
21 other words, did he have any other injuries?

22 A Yes. He -- he had the appearance that he had
23 been in a good fight.

24 Q Okay. Can you describe those injuries that
25 you saw on my client?

1 A I remember a scratch or a cut on the forehead
2 like. He had a cut on one of his arms. But he -- you
3 could tell he had been bleeding. He'd been scratched
4 up. He had been in a fight.

5 Q When you say the cut on his arm --

6 A Um-hum.

7 Q -- was that something that required stitches?

8 A I don't think so. At that point I know it
9 did not require stitches because medical attention had
10 looked at him at the scene and they wrapped it up.
11 They didn't think he needed to go to the hospital for
12 it.

13 Q Okay. And could you tell how deep the cut
14 was or it had already been wrapped up by that time?

15 A It was already wrapped up by the time I got
16 there.

17 Q And what -- other than the cut on his
18 forehead, arm and he'd been bleeding, did you see any
19 other additional injuries on Mr. Dobbs?

20 A Again, I don't -- I don't recall. I -- I
21 can't recall all of his injuries. I know he had -- he
22 had abrasions and scratches on his body.

23 Q Did you take pictures of him?

24 A No. The only picture I had was his mugshot.

25 Q Did anybody take pictures of him?

Note: During
the 2 hour
video recording
you clearly see
the Detective
examining my
cuts and removing
the bandage

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Please contact
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335 Pennumans Cir
Oceanside, Ca 92054

80

1 A Yes.

2 Q Okay.

3 A Quite a few pictures were taken of him and
4 his injuries.

5 Q Could you ever verify by other people who
6 were around if a gunshot had been heard?

7 A Nobody was around.

8 MS. CHIEN: Okay. I have no other questions.

9 THE COURT: Anything else, State?

10 MS. LASKOFF: No, sir.

11 THE COURT: Your last name one more time?

12 THE WITNESS: Phelan, P-h.

13 THE COURT: All right. Thank you, sir.

14 You're free to go. Just don't discuss your
15 testimony with anybody outside.

16 [Witness excused]

17 THE COURT: Next witness.

18 MS. LASKOFF: Your Honor, the State's done.

19 THE COURT: Thank you. Will there be any
20 witnesses for you, Ms. Chien?

21 MS. CHIEN: No, your Honor.

22 THE COURT: Argument.

23 MS. LASKOFF: Oh, did you just call me, your
24 Honor? I'm sorry, your Honor.

25 THE COURT: Oh, that's all right.

1 MS. LASKOFF: I didn't hear you in the
2 shuffle.

3 CLOSING ARGUMENT

4 MS. LASKOFF: Your Honor, the State would
5 argue, even though it's not my motion and the
6 defense would be arguing first, that clearly the
7 probable cause establishes the offenses. There
8 was testimony regarding the second-degree murder
9 case that the victim, William Troy, was stabbed
10 multiple times about his body.

11 Though there was a physical altercation, it's
12 been the testimony of several witnesses that it
13 was a verbal altercation within the bar. Then
14 something happens. At one point the Defendant and
15 his girlfriend are in a vehicle actually and then
16 they park their car and then the Defendant gets
17 out of his car and then the fight starts.

18 And all of the victims, specifically it's
19 clear that the Defendant had a knife rather than
20 just his fist and the multiplicity of the injuries
21 on the victim showed that his acts are eminently
22 dangerous and obviously so to William Troy and
23 evidence of a depraved mind regardless of human
24 life.

25 And in that act, as the medical examiner

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Please Contact
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Oceanside, Ca. 92054

1 testified, the victim's injuries were caused by a
2 sharp object. The officers indicate also the
3 Defendant was found with a knife, sharp object, in
4 his vehicle which he admitted having and utilizing
5 during this fight.

6 The State would also in regard to the other
7 counts, the aggravated battery with a deadly
8 weapon causing great bodily harm to Mr. Gotay and
9 Mr. Blanco. Both of the victims came in and
10 indicated that the Defendant stabbed both of them.
11 Both of them have visible scarring, required
12 multiple stitches for their injuries as a result
13 of the Defendant's actions. None of them had
14 weapons.

15 There's also the aggravated assault with a
16 firearm and shooting from a vehicle charge. The
17 Defendants made admissions to showing a gun,
18 though he claims that it apparently was just there
19 and he was cleaning it, I think is what Deputy --
20 Detective Phelan indicated when the victim of that
21 case was driving up on the vehicle.

22 There is probable cause that the State has
23 established for all the counts.

24 THE COURT: Thank you. Ms. Chien.
25

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Please Contact
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CLOSING ARGUMENT

MS. CHIEN: Yes, your Honor. Even with the testimony that was provided to the Court that was heard today, the evidence does show that there was more than -- it was almost four against one or four against two and the actions, if any, that Mr. Dobbs took were in self-defense and it would be a issue for the trier of fact, which I did concede on that issue.

I have nothing else.

THE COURT: Okay. Thank you. Having listened to the evidence, the motion is filed under 3.133, an adversary preliminary hearing and the Defendant's charged with second-degree murder, three counts of aggravated -- actually, I'm sorry, two counts of aggravated battery with a deadly weapon or causing great bodily harm, one count of ag assault with a firearm and one count of shooting from a vehicle.

Having listened to the evidence, I find that there is probable cause for each of those charges and there is a -- I've heard information that leads me to believe the Defendant is the one involved. I think that's my only charge here at this hearing.

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1 Admittedly, there is certainly an argument as
2 to Counts IV and V because I didn't hear too much
3 else about the firearm, but I still think there's
4 probable cause, which is a fairly low standard to
5 hold him to answer for those charges.

6 So bottom line is, probable cause has been
7 established that these crimes were committed and
8 that the Defendant committed them. And that's it
9 for today. Thank you.

10 The self-defense is still available and
11 nothing's been waived and that'll be it.

12 [Whereupon, the foregoing proceedings were
13 concluded at 10:54 a.m.]
14 - - - - -
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25

Part 9
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Mrs Celeste Solis
335 Pompano Beach
Oceanside, FL 33457

CERTIFICATE OF TRANSCRIPTIONIST

STATE OF FLORIDA:

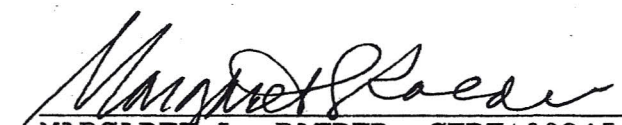
COUNTY OF SEMINOLE:

I, Margaret L. Raeder, Certified Electronic Reporter and Transcriber, Notary Public, State of Florida at Large, do hereby certify that I transcribed the foregoing proceedings as provided to my by CD.

I further certify that the foregoing pages numbered 3 through 83, inclusive, prepared under my direction and supervision, constitute a true, complete and accurate transcript of said witness to the best of my skill and ability.

I further certify that I am not of counsel for, nor related to any party herein or attorney involved herein, nor am I financially interested in the outcome of this action.

WITNESS MY HAND AND OFFICIAL SEAL this 23rd day of February 2007.


MARGARET L. RAEDER, CERT*00245,
Certified Electronic Reporter and
Transcriber, Notary Public, State
of Florida at Large.



MARGARET L. RAEDER
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EXPIRES: January 19, 2008
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