ORANGE COUNTY SHERIFF OFFICE
Charging Affidavit

06-100229
SUPP

Arrested? Y At Large JRA? Document #: Division #:

Date: 10/25/2006 Court Case #: 06CF15201-C

Location of Defendant's Vehicle: 250	1. Colonial Drive	Date-Time Booked: 10-25-06-1148	Agency Case Number: 06-100229
ORI: FL0480000	Agency: ORANGE COUNTY SHERIFF'S OFFICE	FCIC/NCIC Check: Y	Date-Time of Arrest: 10/25/2006 04:15:00
Address of Arrest: S.OBT/SR 417 ORG			Total Bond Set At: NONE

DEFENDANT	Adult: X	Juvenile:	Name Key:	Jacket Number:	Inmate Number: 06048638	Language:

NAME (L,F,M): DOBBS, JOHN W	A.K.A:	Race: B	Sex: M	DOB: 09/18/1974	Age: 32	
Height: 5'11"	Weight: 165	Hair: BLK	Eyes: BROWN	POB City: UNK	State: NY	State/Country: NEW YORK
RES Street#: 1955 BELLS FERRY ROAD						Citizenship:
City: MARIETTA	State: GA	ZIP: 30066	Home Phone:	Other Phone:		
Scars/Tattoos:				Ethnicity:		
Driver's License/State ID No:	State:	Year Expires:	SSN: 347-86-5915			

Next of Kin Name:	Address:	Phone:
Business and Occupation:		
BUS Street #:		
City:	State:	ZIP:	Bus Phone:

AGGRAVATORS	Firearm	Weapon: Knife	Mask	Vest	Convicted Sex Offender: N	Hate Crime: N	Special Victim: N	Domestic Violence?: N

CHARGES Felony: Y Misd.: ORD: Traffic: Court Location: Circuit

	GOC	Description	Cts	FSS/ORD	FDLE #	Drug Name	Citation
1		SECOND DEGREE MURDER (WITH A WEA	1	782.04(2)-1			
2		AGGRAVATED BATTERY WITH A WEAPON	2	784.045(1)(A)(2)-11			
3							
4							
5							
6							
7							

CO-DEFENDANTS

#	NAME (L,F,M):	Arrs? Juv Fel. Misd. ORD. Traff NTA	Race:	Sex:	Age:	DOB:
1						
2						
3						
4						

DCF Notified?	By Whom?	On Probation?	Miranda Warning?	By Whom?	Invoked?
		N	Y	PHELAN, DAVID	N

Sworn to and subscribed before me,
this 25th day of Oct year 2006

Notary Public Law Enforcement or Corrections Officer
Personally Known Produced Identification

Type of identification:

Signature: Cpl. Duana Pelta 1366

I swear or affirm the above statements are correct and true

Officer's Signature

407 254-7000
Officer's Bus. Phone No

Phelan, David, 0493
Officer's Printed Name (L,F) / EID

Booking/Receiving Signature

Report Officer
0493/PHELAN, DAVID

Printed At
10/25/2006 10:50

COURT COPY RECORD COPY STATE ATTORNEY COPY DOCKET COPY AGENCY/REPORT REVIEW COPY DEFENDANT COPY

Narrative

The undersigned has probable cause to believe the above-named defendant, on the 0 day of , 0, at approximately [X]a.m. []p.m. at 5570 S ORANGE BLOSSOM TL (Zone 43) in Orange County did

On October 25, 2006 at approximately 0215 hours, the defendant (John W. Dobbs)did cause the death of the victim (William J. Troy) by stabbing him with a deadly weapon likely to produce death or great bodily harm (knife) in his chest.

John W. Dobbs did commit the offense of aggravated battery by stabbing victim (Francisco Gotay) in his chest with a deadly weapon likely to produce death or great bodily harm (knife).

John W. Dobbs did commit the offense of aggravated battery when he stabbed victim (Andre Ramon Blanco) in his chest with a deadly weapon likely to produce death or great bodily harm.

Based on witness and victim testimony; the defendant exited the bar (Doll House) along with a female. They went to their vehicle in the parking lot where a verbal confrontation occurred between the defendant and one of the victims. The defendant left his vehicle and met one of the victims just to the passenger's side of his vehicle. A struggle began and at some point all three victims were involved in a physical fight with the defendant and his girlfriend. The defendant produced a knife, stabbed all three defendants then fled in his vehicle along with his girlfriend. Orange County Rescue responded to the scene and all three victims were transported to Orlando Regional Medical Center. Witness (Hanzel Holiday) followed the suspect vehicle out of the parking lot, onto South Orange Blossom Trail and south to the area of Oakridge Road. Mr. Hanzel Holiday said he pulled up beside the vehicle and the black male driver pointed a handgun at him, he put on the brakes and that's when he believe he heard a gunshot. Orange County Sheriff's Deputies responding to the area located the suspect vehicle and effected a stop at South Orange Blossom Trail and S.R.417. Deputies observed the defendant covered in blood and the black female with him also had blood on her clothing. Both were detained, a handgun and bloody knife was recovered from the vehicle. Witness Anthony Riollano was driven to the location of the traffic stop where he positively identified the defendant ant the black female as being involved in the fight. Witness Riollano identified John Dobbs as the person who stabbed his three friends. I advised the defendant of his Miranda warnings and took a recorded statement. During the interview John W. Dobbs said he became involved in the fight with three to four Hispanic males and he pulled out his knife and began to swing at them, trying to keep them off of him. John Dobbs said he did not remember cutting the victims but he noticed one of them being supported by the others prior to him driving away. William John Troy had two stab wounds, to his left and right chest and was pronounced deceased by Doctor Chatham at 0327 hours. Francisco Gotay was found to have a serious cut across his upper lip, and a stab wound to his left chest and is being treated at Orlando Regional Medical Center for the injuries. Andre Ramon Blanco received a cut to his chin, a defensive wound to his right forearm, a cut under his left biceps and a stab wound to his left chest. Andre Ramon Blanco was being treated at Orlando Regional Medical Center for the injuries.

Sworn to and subscribed before me,
this 25th day of Oct year 2006

Notary Public Personally Known
Law Enforcement or Corrections Officer Produced Identification

Type of identification:

Signature: Cpl Duane Pelt 1366

I swear or affirm the above statements are correct and true

Officer's Signature

Phelan David, 0493
Officer's Printed Name (L,F) / EID

407 254-7000
Officer's Bus. Phone No

Booking/Receiving Signature

Report Officer
0493/PHELAN,DAVID

Printed At
10/25/2006 10:50

COURT COPY RECORD COPY STATE ATTORNEY COPY DOCKET COPY AGENCY/REPORT REVIEW COPY DEFENDANT COPY

VICTIM*: TROY,WILLIAM JOHN

Invl No	Type	MNI	Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
1	Individual	1776865	BLACK	MALE	07/03/1982	24	No	6'00"	175#	BLACK	BLUE

Means of Attack	Dom Violence	Relationship to Offender
KNIFE-CUTTING/EDGED WEAPON*	NO	NONE

Business and Occupation:

BUS Street #:

City:	State:	ZIP:	Bus Phone:

Type	ID No
Social Security Number	

VICTIM*: BLANCO,ANDRE RAMON

Invl No	Type	MNI	Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
2	Individual	1852507	WHITE	MALE	11/11/1975	30	No	5'05"	140#	BROWN	GREEN

Means of Attack	Dom Violence	Relationship to Offender
KNIFE-CUTTING/EDGED WEAPON*	NO	NONE

Business and Occupation:

BUS Street #:

City:	State:	ZIP:	Bus Phone:

Type	ID No
Social Security Number	

VICTIM*: GOTAY,FRANCISCO

Invl No	Type	MNI	Race	Sex	DOB	Age	Juvenile?	Means of Attack	Dom Violence
3	Individual	1837119	WHITE	MALE	06/30/1977	29	No	KNIFE-CUTTING/EDGED WEAPON*	NO

Relationship to Offender
NONE

Business and Occupation:

BUS Street #:

City:	State:	ZIP:	Bus Phone:

Type	ID No
Social Security Number	

WITNESS: RIOLLANO,ANTHONY

Invl No	Type	MNI	Race	Sex	DOB	Age	Juvenile?
2	Individual	1852512	WHITE	MALE	06/23/1979	27	No

Type	Address	City	ZIP Code
HOME ADDRESS	3121 MARSH HARBOR PL	ORLANDO	32827

Business and Occupation:

BUS Street #:

City:	State:	ZIP:	Bus Phone:

Type	ID No
Social Security Number	

WITNESS: HOLIDAY,HANZEL

Invl No	Type	MNI	Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
3	Individual	696811	BLACK	MALE	09/16/1952	54	No	6'00"	150#	BALD	BROWN

Type	Address	City	ZIP Code
HOME ADDRESS	5581 S ORANGE BLOSSOM TL	ORLANDO	32839

Business and Occupation:

BUS Street #:

City:	State:	ZIP:	Bus Phone:

Type	ID No
Social Security Number	

PRISONER TRANSPORT JURAT

ORANGE COUNTY SHERIFF'S OFFICE

Check appropriate box for type of arrest:

☑ **Charging Affidavit** ☐ **Warrant Arrest** ☐ **Notice to Appear**

Arrest Information

Date: 10/25/2006 Case #: 06-100229

Defendant: Dobbs, John W. ☒ Adult ☐ Juvenile

Charge(s): Second Degree Murder / Aggravated Battery

Instructions

A SEPARATE JURAT MUST BE COMPLETED FOR EACH AFFIDAVIT. This form is only to be used when an arrestee is being transported by a deputy other than the arresting officer. It will allow the arresting officer to electronically submit his arrest affidavit to the BRC and then this Jurat will be attached to the "unsigned" affidavit.

You can use this form for a PC Charging Affidavit, NTA or Warrant Arrest Affidavit. Please make sure you check the appropriate box at the top of this form.

For an NTA be sure to include a print of the arrestee in the box provided to the right.

Notice to Appear
Right Index Finger

2006 OCT 25 PM 1:57
CLERK OF THE CIRCUIT COURT
ORANGE CO., FL

Jurat

I, David Phelan (*Law Enforcement Officer*) swear and affirm that I have established Probable Cause to believe that the Defendant listed above did commit the offense as detailed on the attached charging affidavit.

I swear/affirm my attached
☑ Charging Affidavit ☐ NTA
☐ Warrant Arrest Affidavit

dated October 25 is true & correct.

Date: 10/25/06 Officer EID: 0493

Signature of Affiant

Sworn to and subscribed before me, the undersigned authority this 25 day of OCTOBER, 20 06

Signature of Law Enforcement/Notary
☒ Personally Known ☐ Produced ID
ID Presented:

Transporting Officer (Print Name):

EID:

10-1786 (8/06) ☐ White - Clerk of the Court ☐ Yellow - State Attorney ☐ Pink - Records ☐ Gold - Report Review

IN THE CIRCUIT/COUNTY COURT OF ORANGE COUNTY, FLORIDA

DEFENDANT: DOBBS, JOHN W. DIVISION #

AKA's: _____

CASE NO. 2006-CF-15201-O

[redacted]

ACTION _X_ The above defendant is committed to the custody of the Sheriff of Orange County, Florida, (F.R.C.P. 3.120) upon the charges made in the Complaint.

CHARGE(S):	ORIGINAL BOND	STAYED	SET AT	RAISED TO	REDUCED TO
2ND DEGREE MURDER W/A WPN	NONE	X			
AGG BATT W/A WEAPON					

yft

ORDER PROBABLE CAUSE DETERMINATON

ACTION _X_ _____ (F.R.C.P.3.131(a))

_X_ A probable cause determination is hereby made that the defendant committed the crimes charged in the Complaint.

____ Probable cause is not found to believe the defendant committed the crimes charged in the Complaint.

____ The Office of the State Attorney has ____ hours to submit a supplement Arrest Affidavit in support of Probable Cause.

SPECIAL CONDITIONS OF ANY RELEASE OR PLEA

OTHER _____ NO CONTACT DIRECTLY OR INDIRECTLY WITH VICTIM.

_____ NO HOSTILE OR VIOLENT CONTACT WITH THE VICTIM.

_____ MAINTAIN SEPARATE RESIDENCE.

_____ DO NOT RETURN TO THE SCENCE OF OFFENSE.

_____ MAY RETURN WITH LAW ENFORCEMENT TO GET PERSONAL BELONGINGS.

_____ DO NOT POSSESS/CONSUME ANY ALCOHOL/ILLEGAL DRUGS

_____ DO NOT POSSESS OR OWN ANY WEAPONS OR FIREARMS

_____ SURRENDER FIREARMS/WEAPONS WITHIN _____

WAIVED RIGHT TO COUNSEL (FRCP 3.160(E) _____ WITH COUNSEL _____

PLEA:

PLED GUILTY _____ PLED NOLO CONTENDERE _____

ADJUDUICATION WITHHELD _____ ADJUDGED GUILTY _____

SENTENCED TO:

ORANGE COUNTY JAIL FOR A TERM OF _____ WITH CREDIT FOR _____ SERVED

FINE _____ SC _____ CC _____ $ _____ PER MONTH BEGINNING _____

____ COMPLY WITH CONDITIONS OF COLLECTIONS COURT ORDER FILED. NO PERSONAL CHECKS WILL BE ACCECPTED.

OTHER:

_____

I certify that the Defendant was advised in compliance with F.R.C.P. 3.130(b)(2).

BY: K.PADILLA

DONE, ORDERED AND FILED IN OPEN COURT, THIS 26TH DAY OF OCTOBER, 20 06

JUDGE PRESIDING _____

_X_ P.D. CONFLICT ATTORNEY APPOINTED _X_ $40 DERP DUE WITHIN _____

_____ **RELEASE DEFENDANT AS TO THIS CASE ONLY.**

IN THE CIRCUIT COURT OF ORANGE COUNTY, FLORIDA

DEFENDANT Dobbs John B/m CASE NO. 06-4835F
06CF15201-0

ADVICE TO DEFENDANT, FIRST APPEARANCE F.R.C.P. 3.130 (b) (2)

1. I have been advised by the Judge:
   - ☐ a. Of the Charge(s), and the bond, if any, which may secure my release.
   - ☐ b. That I am not required to say anything and that anything I may say may be used against me.
   - ☐ c. That if I am not represented by a lawyer, I have a right to counsel and if I am financially unable to afford counsel, that counsel will be appointed, forthwith.
   - ☐ d. That I have a right to communicate with my counsel, my family or my friends, and that, if necessary, reasonable means will be provided to enable me to do so.
   - ☐ e. That any waiver of counsel is limited to first appearance only, and shall in no way be construed to be a waiver of counsel for subsequent proceedings.
2. ☐ a. I am financially able to afford a lawyer. His/her name is _____
   - ☐ b. WAIVE MY RIGHT TO REPRESENTATION BY COUNSEL. (F.R.C.P. 3.160 (e))
   - ☐ c. I am financially unable to afford a lawyer and I want one appointed for me.

I HEREBY STATE THAT I MAY BE NOTIFIED AT THE FOLLOWING ADDRESS:

_____

_____

and understand I must notify the Clerk of the Circuit Court, Orange County, Orlando, Florida, 32801, in writing of an address change, that if I fail to appear at any future proceedings, the Court will issue a capias for my arrest.

I HAVE RECEIVED A COPY OF THIS FIRST APPEARANCE SHEET.

DEFENDANT'S SIGNATURE X _____

_____ WITNESS

COPY TO OSCO
32-42 A (Rev. 9/00)

IN CIRCUIT/COUNTY COURT OF THE _____ SIAL CIRCUIT
IN AND FOR _____ COUNTY, FLOR.

STATE OF FLORIDA vs.
DOBBS, JOHN W.
Defendant/Minor Child

C. NO. 06CF15201-0

APPLICATION FOR CRIMINAL INDIGENT STATUS

____ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER
OR
____ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a $40.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. **I have _____dependents.** *(Do not include children not living at home and do not include a working spouse or yourself.)*

2. **I have a take home income of $**_____ paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly ( ) yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, ***minus*** *deductions required by law and other court ordered support payments)*

3. **I have other income** paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly ( ) yearly: *(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")*

Social Security benefits	Yes $_____	No	Veterans' benefit	Yes $_____	No
Unemployment compensation	Yes $_____	No	Child support or other regular support from family members/spouse	Yes $_____	No
Union Funds	Yes $_____	No	Rental income	Yes $_____	No
Workers compensation	Yes $_____	No	Dividends or interest	Yes $_____	No
Retirement/pensions	Yes $_____	No	Other kinds of income not on the list	Yes $_____	No
Trusts or gifts	Yes $_____	No			

4. **I have other assets:** *(Circle "yes" and fill in the value of the property, otherwise circle "No")*

Cash	Yes $_____	No	Savings	Yes $_____	No
Bank account(s)	Yes $_____	No	Stocks/bonds	Yes $_____	No
Certificates of deposit or money market accounts	Yes $_____	No	*Equity in Real estate (excluding homestead)	Yes $_____	No
*Equity in Motor vehicles/Boats/ Other tangible property	Yes $_____	No	*include expectancy of an interest in such property		

5. **I have a total amount of liabilities and debts in the amount of $**_____.

6. **I receive:** *(Circle "Yes" or "No")*

Temporary Assistance for Needy Families-Cash Assistance	Yes	No
Poverty- related veterans' benefits	Yes	No
Supplemental Security Income (SSI)	Yes	No

7. **I have been released on bail in the amount of $**_____ **Cash** ____ **Surety** ____ **Posted by** Self ____ Family ____ Other ____

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. **I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.**

Signed this 25 day of October, 2006.

X _____
Signature of Applicant for Indigent Status

9-18-74
Date of Birth

Print Full Name John W. Dobbs

_____
Drivers License or ID Number

_____
Address, P.O. Address, Street, City, State, Zip Code
Phone number: _____

NOTICE: If the applicant is determined by the clerk to be Not Indigent, you may seek judicial review at your next scheduled court appearance.

CLERK'S DETERMINATION

_____ Based on the information in this Application, I have determined the applicant to be ( ) **Indigent** ( ) **Not Indigent** pursuant to s. 27.52, F.S.

_____ The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this _____ day of _____, 20 ____.

Clerk of the Circuit Court

FILED IN OPEN COURT
THIS 26 DAY OF Oct, 2006
Lydia Gardner, Clerk
BY _____ D.C.

This form was completed with the assistance of

_____ Clerk/Deputy Clerk/Other authorized person.

IN THE CIRCUIT, NINTH JUDICIAL CIRCUIT, CRIMINAL JUSTICE DIVISION IN OR FOR ORANGE COUNTY, FLORIDA

CASE NO. 48-2006-CF-015201-O

DIVISION 16

STATE OF FLORIDA,

Plaintiff

-vs-

JOHN W. DOBBS,

Defendant.

_____/

Docketed by: E. MARTINS

WRITTEN PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT

COMES NOW the Accused, by and through the undersigned attorney, pursuant to Florida Rules of Criminal Procedure 3.160(a), and hereby enters a written plea of not guilty and waiver of arraignment to the charges contained in the above-styled cause.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand to the Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida, this 6 day of November, 2006.

ROBERT WESLEY
PUBLIC DEFENDER

By: _____

Catherine Chien
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Ave., Suite 400
Orlando, Florida 32801
(407) 836-4800

IN THE CIRCUIT COURT OF ORANGE COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

VS.

JOHN W. DOBBS

INFORMATION # 48-2006-CF-015201-O

DIVISION - 16

1. SECOND DEGREE MURDER (With A Weapon) (LIFE-L10)
2. AGGRAVATED BATTERY WITH A DEADLY WEAPON OR CAUSING GREAT BODILY HARM (F2-L7)
3. AGGRAVATED BATTERY WITH A DEADLY WEAPON OR CAUSING GREAT BODILY HARM (F2-L7)
4. AGGRAVATED ASSAULT WITH A FIREARM (20 Year Minimum Mandatory) (F3-L6)
5. SHOOTING FROM A VEHICLE (F2-L4)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that JOHN W. DOBBS, on the 25th day of October, 2006, in said County and State, did, in violation of Florida Statutes 782.04(2) and 775.087(1), by an act imminently dangerous to another, and evincing a depraved mind regardless of human life, kill WILLIAM TROY, and in the course of committing said offense, JOHN W. DOBBS did carry, display, use, threaten to use, or attempt to use a weapon.

Docketed By: Colleen

2006 NOV 20 PM 4:37

COPY SENT TO S.A.O.

COUNT TWO

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that JOHN W. DOBBS, on the 25th day of October, 2006, in said County and State, did, in violation of Florida Statutes 784.045(1)(a)(1) and 784.045(1)(a)(2), knowingly commit a battery upon FRANCISCO GOTAY, and in furtherance thereof, did actually and intentionally touch or strike FRANCISCO GOTAY against the will of FRANCISCO GOTAY and in the commission of said battery, JOHN W. DOBBS did use a knife, a deadly weapon, or did intentionally or knowingly cause great bodily harm, permanent disability or permanent disfigurement to FRANCISCO GOTAY.

COUNT THREE

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that JOHN W. DOBBS, on the 25th day of October, 2006, in said County and State, did, in violation of Florida Statutes 784.045(1)(a)(1) and 784.045(1)(a)(2), knowingly commit a battery upon ANDRE BLANCO, and in furtherance thereof, did actually and intentionally touch or strike ANDRE BLANCO against the will of ANDRE BLANCO and in the commission of said battery, JOHN W. DOBBS did use a knife, a deadly weapon, or did intentionally or knowingly cause great bodily harm, permanent disability or permanent disfigurement to ANDRE BLANCO.

COUNT FOUR

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that JOHN W. DOBBS, on the 25th day of October, 2006, in said County and State, did, in violation of Florida Statutes 784.021(1)(a) and 775.087(2), make an assault upon HANZEL HOLIDAY, with a firearm, a deadly weapon, and in furtherance of said assault JOHN W. DOBBS did intentionally threaten to do violence to HANZEL HOLIDAY with said firearm, thus creating a well founded fear in HANZEL HOLIDAY that such violence was imminent, and in the course of committing said offense JOHN W. DOBBS did actually possess, discharge, and carry, display, use, threaten to use, or attempt to use a firearm.

COUNT FIVE

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that JOHN W. DOBBS, on the 25th day of October, 2006, in said County and State, did, in violation of Florida Statute 790.15(2), while an occupant of a vehicle, knowingly and willfully discharge a firearm from said vehicle within 1,000 feet of a person.

SAMANTHA A. GARCIA
Notary Public, State of Florida
My comm. expires July 29, 2009
No. DD552745
Bonded thru Ashton Agency, Inc. (800)451-4854

STATE OF FLORIDA
COUNTY OF ORANGE

Personally appeared before me Amos Adkran Assistant State Attorney of the Ninth Judicial Circuit of Florida, who being first duly sworn, says that he/she has received testimony under oath from the material witness or witnesses, which if true, would constitute the offense herein, and that he/she institutes this prosecution in good faith.
The foregoing instrument was acknowledged before me this 30 day of November, 2006 by the aforementioned Assistant State Attorney who is personally known to me and who did take said oath.

This information encompasses the transaction and all charges listed on Complaint Number 48-2006-CF-015201-0 and the bond thereon is hereby superseded. The Orange County Sheriff's Office and the Orange County Corrections Department shall substitute the charge(s) and bond indicated on the information for those on the above cited complaint.

LAWSON LAMAR, State Attorney
Ninth Judicial Circuit of Florida

By
Designated Assistant State Attorney
906557

RW/orjal

IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, CRIMINAL JUSTICE DIVISION, IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2006-CF-015201-O
DIVISION 16

vs.

JOHN DOBBS,
Defendant.

_____/

FILED
2006 NOV 20 PM 3:53
ORANGE COUNTY

MOTION FOR AN ADVERSARY PRELIMINARY HEARING

COMES NOW the Defendant, JOHN DOBBS, by and through the undersigned attorney, pursuant to Florida Rule of Criminal Procedure 3.133 (b), should find that there is insufficient evidence to support a finding of probable cause and the Defendant should be released on his own recognizance:

1. The Defendant was arrested for a crime on October 25, 2006 and held in the Orange County Jail.

2. The State Attorney's Office has not filed an Information within 21 days from the date of the Defendant's arrest. See Florida Rules of Criminal Procedure 3.133 (b)(1)(2006).

3. The Defendant shall have the right to an Adversary Preliminary Hearing on any felony charge then pending against the Defendant. See Florida Rules of Criminal Procedure 3.133 (b)(1)(2006).

4. The subsequent filing of an information or indictment shall not eliminate a Defendant's entitlement to this proceeding. See Florida Rules of Criminal Procedure 3.133 (b)(1) (2006).

5. The Defendant is entitled to a hearing and if the court determines from the evidence that there is not sufficient probable cause, the Defendant shall be released on his own recognizance until the next court proceeding. See Florida Rules of Criminal Procedure 3.133 (b)(5) (2006).

6. Hearsay statements at an adversary preliminary hearing which would be inadmissible at trial is insufficient by itself to establish probable cause to justify continued pretrial incarceration of defendant against who charges had not yet been filed. See Evans v. Seagraves, 922 So. 2d 318 (Fla. App. 1 Dist. 2006).

WHEREFORE, the Defendant prays this Honorable Court will grant this Motion for an Adversary Preliminary Hearing.

CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida; by mail/hand delivery on the 30 day of November, 2006.

ROBERT WESLEY
PUBLIC DEFENDER

By: _____

Catherine Chien
Assistant Public Defender
Florida Bar No. 05663271
435 North Orange Ave., Ste. 400
Orlando, Florida 32801

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

CASE NUMBER: 48- 06-CF- 15201-O / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,

vs.

JOHN W DOBBS,
Defendant.
_____/

Docketed By:
DMCCLELLAN

Order (Arraignment WRITTEN PLEA NOT GUILTY)

Court opened on 12/7/2006, with the following officers present:
Honorable Stan Strickland, Judge Presiding.
Asst. State Atty.: 16 Court Reporter: Electronic
Court Deputy: Sharon Shayowitz

This case came on this day for Arraignment WRITTEN PLEA NOT GUILTY. The Defendant was not present. Counsel's Name: C. CHIEN - PD OFFICE.

[illegible]
Assault 790.15(2)

Plea

The Defendant was not present, a Written Plea of Not Guilty having been entered.

Set / Reset

Set for Pre-Trial Conference on 01/17/2007 at 09:00 AM ; Set for Jury Trial on 01/29/2007 at 09:30 AM , in Room #6-D at the Orange County Courthouse 425 N. Orange Avenue, Orlando, FL 32801

Filed in Open Court this 7th day of December, 2006.

Lydia Gardner
Clerk of the Circuit and County Courts

By: M. Felton/W. Ohara,
Deputy Clerk in Attendance

Done and Ordered at Orange County, Florida this 7th day of December, 2006.

Honorable Stan Strickland, Judge Presiding

12-12

____ ACS	____ Dockets	X Defendant	____ Booking	____ Court Security
____ CFSC	____ Court Deputy	____ P&P/Com Cont	____ Surety	____ S.O. on _____
X Other:				_____

I certify that a copy hereof has been furnished to _____ by (mail) (delivery) this ____day of _____, 20 ___.

By: _____
Deputy Clerk

IN THE CIRCUIT COURT, IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

JOHN W. DOBBS

Defendant.

_____/

CASE NO: 48-2006-CF-015201-O

DIVISION: 16

AGENCY: OCSO, 06-100229

2006 DEC 28 PM 3:38
CLERK CIRCUIT COURT
ORANGE CO., FL
Docketed By: Daniels

STATE WITNESS LIST

COMES NOW the State of Florida, pursuant to Florida Rules of Criminal Procedure 3.220(b), and in response to the Defendant's Notice for Discovery discloses the following names and addresses of all persons known to the prosecutor to have information which may be relevant to any offense charged, or any defense, thereto, or to any similar fact evidence to be presented at trial under Section 90.404(2), Florida Statutes:

CATEGORY "A"
Yaliya Bartseua, 5962 Windhover Drive, #G, Orlando, FL 32819

Adrien Bezinski

Andre Ramon Blanco, 400 Santa Maria Drive, #106, Kissimmee, FL 34741

Leonard Bolanos, 180 Hanging Moss Drive, Oviedo, FL 32765

Haidi Bruce, 7738 Doe Run, Orlando, FL 32810

Connie Burtegess, 2901 N. Chickasaw Trail, Orlando, FL 32817

Dr. Cassidy, Orlando Regional Medical Cntr., 1414 Kuhl Avenue, Orlando, FL 32806

Dr. Chatham, Orlando Regional Medical Cntr., 1414 Kuhl Avenue, Orlando, FL 32806

Carol Crosby, Dist. 9-Medical Examiners Off., 1401 Lucerne Terrace, Orlando, FL 32806

Katerina Erkers

Francisco Gotay, 3121 Marshfield Preserve Way, Kissimmee, FL 34743

Camila Gree, 14938 Arrena Road, Orlando, FL 34787

Kari Grubbs, 5701 Bent Pine Drive, Orlando, FL 32822

Marie Hansen, Dist. 9-Medical Examiners Off., 1401 Lucerne Terrace, Orlando, FL 32806

Milton Harris, 202 Live Oak Court, Lk. Mary, FL 32746

Hanzel Holiday, 1420 Idaho Avenue, Orlando, FL 32809

Thomas Hudgins, Orange Cou Sheriff's Office, 2500 West Colonial ıve, Orlando, FL 32804

Justin Idle, 1232 Henry Bolch Drive, Orlando, FL 32810

Robert Lees, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Kara Malacarne

Darrell C McCaskill, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Susan Mears (Gattis), Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Liana Mendez, 4900 Winwood Way, Orlando, FL 32819

Herbert Mercado, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Ruth Milcriz, 840 Canovia Avenue, Orlando, FL 32804

Scarlett Napolitonas, 225 Arboa Park Lane, Lk Mary, FL 32748

Naomi Oshea, 2568 S. Conway Road, Orlando, FL 32812

Duwana K Pelton, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

David A. Phelan, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Anthony Riollano, 3121 Marshfield Preserve Way, Kissimmee, FL 34746

Danette Rohan, 1410 Madison Ivy Circle, Apopka, FL 32712

Jason R Sams, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Gricelly Santiago, 134 Keswick Avenue, Davenport, FL 33897

Deanna Southerland, 78 W. Esther Street, Orlando, FL 32806

Benjamin Sam Talton, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Deanna Washington, 1955 Bells Ferry Road, #2134, Marietta, GA 30066-7001

Phillip Westfall, 4613 Kempston Drive, Orlando, FL 32812

Allison Wright, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

CATEGORY "B" - None

CATEGORY "C" - None

Pursuant to Florida Rules of Criminal Procedure 3.220(h) please contact the undersigned's office to coordinate the date, time and location of any depositions to be scheduled.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Catherine Chien, 435 N. Orange Avenue, Suite 400, Orlando, FL 32801 on this 11 day of December, 2006.

LAWSON L. LAMAR
State Attorney

By: Kimberly Laskoff

Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Suite 400
Orlando, FL 32802
(407)836-2416

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

CASE NUMBER: 48- 06-CF- 15201-O / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,

vs.

JOHN W DOBBS,
Defendant.

_____/

Docketed by: C. MORRIS

Order (Hearing Defense Motion for an [illegible]

Court opened on 12/22/2006, with the following officers present:
Honorable Stan Strickland, Judge Presiding.
Asst. State Atty.: 16 Court Reporter: Electronic
Court Deputy: Nilsa Colman

This case came on this day for Hearing Defense Motion for an Adversary Preliminary Hearing. The Defendant was present with counsel. Counsel's Name: C.Chien.

[illegible](1); Ct. 001) 782.04(2); Ct. 002) 784.045(1)(A)(1); Ct. 003) [illegible] Assault [illegible]

STATE WITNESSES SWORN AND TESTIFIED:
1. Marie Hansen 2) Andre Blanco 3) Francisco Gotage 4) Phillip Westfall 5) Thomas Hudgins 6) Deputy Mercado 7) David Field

Misc. Orders / Events

- Court envokes Rule Of Sequestration.
- Court find probable cause of all charges as to the defendant.

Filed in Open Court this 22nd day of December, 2006.

Lydia Gardner
Clerk of the Circuit and County Courts

By: Whitney O Hara,
Deputy Clerk in Attendance

Done and Ordered at Orange County, Florida this 22nd day of December, 2006.

_____
Honorable Stan Strickland, Judge Presiding

_____ ACS
_____ CFSC

_____ Dockets
_____ Court Deputy

_____ Defendant
_____ P&P/Com Cont

_____ Booking
_____ Surety

_____ Court Security
_____ S.O. on _____
_____

_____ Other: _____

I certify that a copy hereof has been furnished to _____ by (mail) (delivery) this ____day of _____, 20 ___.

By: _____
Deputy Clerk

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

STATE OF FLORIDA

Plaintiff,

vs.

JOHN W. DOBBS

Defendant.

_____/

CASE NO: 48-2006-CF-015201-O

DIVISION: 16

2007 JAN 11 AM 11:32

NOTICE OF PROVISION OF SUPPLEMENTAL DISCOVERY

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney and hereby makes the following information available to the defense and states as follows:

COPY OF PAGE 8 OF STATEMENT OF DEANNA WASHINGTON

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Catherine Chien, 435 N. Orange Avenue, Suite 400, Orlando, FL 32801 on this 10 day ~~of December~~ January, ~~2006~~ 2007.

Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Suite 400
Orlando, FL 32802
(407)836-2416

Scanned by: E. MARTINS

C

IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, CRIMINAL JUSTICE DIVISION, IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2006-CF-015201-O
DIVISION 16

vs.

JOHN W. DOBBS,
Defendant

_____/

FILED IN CRIMINAL
2007 JAN 19 PM 3:24
CLERK OF CIRCUIT COURT ORANGE COUNTY

DEFENSE WITNESS LIST

COMES NOW the Accused, John W. Dobbs, by and through the undersigned attorney and hereby furnishes to the prosecuting attorney a list of all witnesses whom the accused expects to call as defense witnesses at trial.

Docketed By:
R. Daniels

Phillip Westfall
4613 Kempton Drive
Orlando, FL 32812

Deanna Washington
1955 Bells Ferry Road, #2134
Marietta, GA 30066

OR

Deanna Washington
Riley's Show Bar
4425 Fulton International Bv. SW
Atlanta, GA 30336

Any and all state witnesses.

CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, by mail/hand delivery on the 19th day of January, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: _____

Catherine Chien
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Ave., Ste. 400
Orlando, Florida 32801

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

STATE OF FLORIDA

Plaintiff,

vs.

JOHN W. DOBBS

Defendant.

_____/

CASE NO: 48-2006-CF-015201-O

DIVISION: 16

NOTICE OF PROVISION OF SUPPLEMENTAL DISCOVERY

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney and hereby makes the following information available to the defense and states as follows:

ME PHOTOS ARE AVAILABLE FOR REVIEW

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Catherine Chien, 435 N. Orange Avenue, Suite 400, Orlando, FL 32801 on this 24 day of January, 2007.

Kimberly Laskoff

Docketed BY:
R. Daniels

Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Suite 400
Orlando, FL 32802
(407)836-2416

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

STATE OF FLORIDA

Plaintiff,

vs.

JOHN W. DOBBS

Defendant.

_____/

CASE NO: 48-2006-CF-015201-O

DIVISION: 16

NOTICE OF PROVISION OF SUPPLEMENTAL DISCOVERY

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney and hereby makes the following information available to the defense and states as follows:

1. AUDIO OF DEFENDANT'S INTERVIEW.
2. PHOTO OF KNIFE.
3. MIAMI P.D. INCIDENT REPORT DATED 3/22/06.
4. SUSAN MEARS' FORENSIC REPORT AND PROPERTY FORMS.
5. ALLISON WRIGHTS' FORENSIC REPORT AND PROPERTY FORMS.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Catherine Chien, 435 N. Orange Avenue, Suite 400, Orlando, FL 32801 on this 24 day of January, 2007.

Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Suite 400
Orlando, FL 32802
(407)836-2416

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

STATE OF FLORIDA
Plaintiff,

vs.

JOHN W. DOBBS
Defendant.
_____/

CASE NO: 48-2006-CF-015201-O

DIVISION: 16

SUPPLEMENTAL
STATE WITNESS LIST

COMES NOW the State of Florida, pursuant to Florida Rules of Criminal Procedure 3.220(b), and in response to the Defendant's Notice for Discovery discloses the following names and addresses of all persons known to the prosecutor to have information which may be relevant to any offense charged, or any defense, thereto, or to any similar fact evidence to be presented at trial under Section 90.404(2), Florida Statutes:

CATEGORY "A"
Tom Hemphil, Dist. 9-Medical Examiners Off., 1401 Lucerne Terrace, Orlando, FL 32806

Jimmy L Sisk, Orange County Sheriff's Office, 2500 West Colonial Drive, Orlando, FL 32804

Discovered by:
R. Daniels

CATEGORY "B" - None

CATEGORY "C" - None

Pursuant to Florida Rules of Criminal Procedure 3.220(h) please contact the undersigned's office to coordinate the date, time and location of any depositions to be scheduled.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Catherine Chien, 435 N. Orange Avenue, Suite 400, Orlando, FL 32801 on this 24 day of January, 2007.

LAWSON L. LAMAR
State Attorney

By: Kimberly Laskoff
Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Suite 400
Orlando, FL 32802
(407)836-2416

FILED IN OPEN COURT
THIS 26 DAY OF Jan, 2007
Lydia Gardner, Clerk
BY _____ D.C.

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

STATE OF FLORIDA,

Plaintiff,

CASE NO. 48-2006-CF-015201-O
DIVISION 16

vs.

JOHN DOBBS,

Defendant.

_____/

MOTION TO SUPPRESS STATEMENTS

COMES NOW the Defendant, JOHN DOBBS, by and through the undersigned attorney and pursuant to Rule 3.190(h), Florida Rules of Criminal Procedure would move this Honorable Court to suppress any and all statements resulting from an incident on October 25, 2006, in the above-styled case. As grounds in support of this Motion, the Defendant would show unto the Court the following:

FACTS

On October 25, 2006, a fight occurred outside of The Dollhouse. William Troy died shortly after the fight and John Dobbs was arrested for the Murder of Mr. Troy as well as for other charges stemming from that evening. Mr. Dobbs was taken to Central Operations for the Orange County Sheriff's Office for questioning by Homicide Detectives. During the questioning of Mr. Dobbs, the detectives made it clear that Mr. Dobbs was under arrest and that they needed to read him Miranda Warnings. The detective's conversation with Mr. Dobbs regarding the Miranda Warnings was as follows:

Q: Okay, first before we (inaudible), I have to read you your rights, okay, because this is a crime. And you do have rights.

A: (Inaudible)

Q: Our whole intention is to get your side, so we have both sides. I don't just arrest. I don't just arrest a person to be arresting because somebody said this happened. I look at both sides.

A: (Inaudible) even arrested.

Q: Okay, we have the right, well you haven't been until you go (Inaudible): you see what I'm saying.

A: (Inaudible)

Q: Okay you have the right to remain silent. Do you understand that?

A: Yes

Q: (Inaudible) anything you say is used against you in court. Do you understand that?

A: Yes

Q: You have the right to talk, talk to a lawyer before and during questioning. Do you understand that?

A: Yeah

Q: Okay, okay. Now as I was saying, my whole intentions is to get your, to get your girlfriends side, to get your side. I got their side of what happened. I don't know what started this, they, they, they were pretty vague on what started this.

A: (Inaudible)

Q: Okay, so why we're here is to get the whole story.

A: Un huh (Affirmative)

Q: Okay and with that in mind do you want to tell us what happened?

A: (Inaudible)

Q: Yall were inside the, yall met inside the club?

See Transcript of Statement by John Dobbs page 3 and 4.

LAW

Miranda Warnings are required before a defendant may be subjected to custodial interrogation. Miranda v. Arizona, 384 U.S. 478. An accused is in custody for Miranda purposes when a reasonable person in the suspect's position would have believed his freedom of movement was restrained to the degree associated with formal arrest. California v. Behler, 463 103 S. Ct. 3517; Caso v. State, 524 So.2d 422 (Fla). In decided whether a subject is in custody, Florida Courts consider: the manner in which police summon the suspect for questioning, the place where the suspect is questioned, and the extent to which the suspect is confronted with their guilt and whether the suspect is informed that he is free to leave. Ramirez

v. State, 739 So.2d 568.

In this case. Mr. Dobbs was clearly in custody. He was handcuffed and placed in the back of a police car and taken to an interrogation room at the Sheriff's office. He was confronted by the police with specifically that he had blood all over him and him being involved in a fight. Mr. Dobbs was not informed that he was free to leave. With Mr. Dobbs being in custody, that triggers the necessity for Miranda Warnings. The issue now becomes whether the Miranda Warnings given by the detectives were adequate under the law.

"In order to comply with the dictates of Miranda, the accused must be advised before custodial interrogation commences that: 1. the accused has the right to remain silent, 2. that anything the accused says may be used in court, 3. that the accused has the right to have an attorney present during questioning, and 4. that an attorney will be appointed for the accused before questioning if he or she cannot afford one." Maxwell v. State, 917 So.2d 101 (5th DCA 2006), citing, Dickerson v. United States, 530 U.S. 428, 435, 120 S.Ct. 2326, 147 L.Ed.2d 405(2000); Miranda v. Arizona, 384 U.S. 436, 479. 86 S. Ct. 1602, 16 L.Ed.2d 694 (1966); Everett, 893 So.2d at 1284; Ramirez v. State, 739 So.2d 568, 573 (Fla. 1999). In this case, the detectives did not give the warning that an attorney will be appointed before questioning if he cannot afford one. "The requirement to adequately warn an accused of these rights is more than a procedural nicety or legal technicality; the courts require full compliance in order for the warnings to be valid and any resulting confession to be admissible." Maxwell, citing Ramirez. In Thompson v. State, the Supreme Court of Florida said that "while the accused need not be told in the exact language of Miranda that 'if he cannot afford and attorney one will be appointed for him prior to any questioning if he so desires,' the police must somehow communicate to the accused the basic idea of the right to consult a free attorney before being questioned." Thompson v. State, 595 So. 2d 16 (Fla. 1992). The Miranda warnings here were inadequate and Mr. Dobbs' statements should be suppressed. Based on the totality of the circumstances, the statements made by Mr. Dobbs were not voluntarily given nor did he knowingly and intelligently waive his rights.

WHEREFORE, the Defendant requests this Honorable Court to enter its Order suppressing the statements made by Mr. Dobbs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, this the 2nd day of January, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: _____ FOR

Catherine Chien
Fla. Bar No. 0663271
Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4816

1 TRANSCRIPT OF TAPED INTERVIEW OF JOHN DOBBS

2 CONDUCTED BY DETECTIVE PHELAN

3 CASE NUMBER 06-100229

4

5 (Movement heard)

6 **(DETECTIVE PHELAN)**

7 Q (Inaudible), your first and last name one more time.

8 A John Dobbs.

9 Q John Dobbs.

10 A (Inaudible)

11 Q John, (inaudible), I'm Detective Phelan with the Orange County Sheriff's Office

12 Homicide Unit, okay. This is Detective Talton.

13 A Homicide Unit?

14 Q Yeah. We investigate all kinds of uh, this type of uh (inaudible)

15 A (Inaudible)

16 Q (Inaudible) cutting people, stuff of that nature.

17 A (Inaudible)

18 Q Assaults and batteries and all that good stuff.

19 A (Inaudible)

20 Q Okay John, this is what we got, I'm just gon' lay it out for you, okay.

21 A (Inaudible)

22 Q Right now, we got

23 (Phone beeping)

24 (inaudible) several people saying you guys, you and your girlfriend at the uh, the

25 uh, Doll House.

1 A Uh huh (Affirmative)

2 Q With you being involved in a fight, give me one second.

3 (Nextel conversation, door opened and closed)

4 **(DETECTIVE TALTON)**

5 Q [illegible] he was saying (inaudible) fight that took place in the parking lot.

6 [illegible] (Affirmative)

7 Q Okay and we already know all that, okay.

8 A [illegible] (Affirmative)

9 Q And [illegible], (inaudible) just want your side of the story of what happened.

10 A (Inaudible)

11 Q That's the only thing we want, you know.

12 A Uh huh (Affirmative)

13 Q There's a couple of guys we know that got stabbed, okay. So we just want your

14 side of the story of what happened, all right. Cause there's always two sides to

15 every story.

16 A Uh huh (Affirmative)

17 Q You know what I mean. And uh, we just want you to tell us what (inaudible).

18 (Door opened and closed)

19 Q (Inaudible)

20 **(DETECTIVE PHELAN)**

21 Q I know he was explaining, but basically this is what, how it goes. Uh, (inaudible)

22 got blood all over you, we know you're involved in (inaudible). We all know how

23 it started; we got one side of it. We got their side of what happened, okay.

24 A (Inaudible) do you have surveillance cameras for the parking lot?

25

1 Q Yes they do. But unfortunately for you, the surveillance cameras only covered
2 the front half of the parking lot. The area where you were, you know, (inaudible).
3 But the area where the fight occurred, you know.
4 A (Sigh)
5 Q So yeah, (inaudible), we have the people working there.
6 A (Inaudible)
7 Q Huh?
8

Q [illegible], we'll get to that, okay, but all this, you know, I'm just laying this out for you.
10 We got those, those (inaudible), we got your girlfriend, we're gonna talk to her.
11

12 Q Yeah, she's here. And uh, we (inaudible) side of what happened. I mean this;
13 it's not that, it's not that difficult to (inaudible)
14 A (Inaudible)
15 Q Okay, first before we (inaudible), I have to read you your rights, okay, because
16 this is a crime. And you do have rights, okay.
17 A (Inaudible)
18 Q (Inaudible). Our whole intentions, uh, to get your side, so we have both sides. I
19 don't just arrest, I don't arrest a person just to be arresting because somebody
20 said this happened. I look at both sides.
21 A (Inaudible) even arrested.
22 Q Okay. We have the right, well you haven't been until you go (inaudible); you see
23 what I'm saying.
24 A (Inaudible)
25 Q Okay you have the right to remain silent. Do you understand that?

1 A Yes.

2 Q (Inaudible) anything you say is used against you in court. Do you understand

3 that?

4 A Yes.

5 Q You have the right to talk, talk to a lawyer before and during questioning. Do you

6 understand that?

7 A Yeah.

8 Q Okay. Okay. Now as I was saying, my whole intentions is to get your, to get

9 your girlfriends side, to get your side. I got their side of what happened. I don't

10 know what started this, they, they, they were pretty vague on what started this.

11 A (Inaudible)

12 Q Okay, so uh, why we're here is to get the whole story.

13 A Uh huh (Affirmative)

14 Q Okay and with that in mind do you want to tell us what happened?

15 A . (Inaudible)

16 Q Yall were inside the, yall met inside the club?

17 A (Inaudible)

18 Q (Inaudible)

19 A (Inaudible)

20 **(DETECTIVE TALTON)**

21 Q What about his hair, did he have long hair, short hair?

22 A It looked like some kind of braided, dread thing.

23 Q Like braids coming to the side (inaudible).

24 A No they were more going up (inaudible). It was like (inaudible) out the door.

25 Q Okay.

1 A (Inaudible)

2 **(DETECTIVE PHELAN)**

3 Q (Inaudible)

4 A (Inaudible)

5 Q (Inaudible)

6 A (Inaudible)

7 Q And what transpired then?

8 A (Inaudible) questioning me about (inaudible) playing around talking to the dancer

9 (inaudible) he was like, "Oh you got whores" and I was like, "Why you think that

10 because somebody call me daddy that I got whores". And the he, he (inaudible)

11 leaving so. I went outside and I guess (inaudible).

12 Q Okay when you say they, how many?

13 A I mean I seen at least 3 or 4 other guys.

14 Q Okay and were they all outside the club when you got out or were they...

15 A Well I was getting in my car and they was getting in the car, you know,

16 (inaudible).

17 Q What kind of car? What kind of car did he have?

18 A I wasn't watching all that, I just heard them say something like, "Oh you see he

19 got the security around him and he grabbed his girl and he left". You know, and

20 he called me a player before so I figured it was just gonna be a conversation, you

21 know. So, I mean, basically he said that and I was like kinda thrown off like. You

22 know and they was kinda laughing so I was like you know, (inaudible). So

23 (inaudible) to get in the car. I went to the back of my car but one of the guys

24 started walking towards me fast then I caught the vibe. Hold up, this guy looks

25 like he wants to fight.

1 Q Is this the same one you were talking to inside?

2 A This is a different one, a big heavy set one, right.

3 Q (Inaudible)

4 A (Inaudible) I know that much.

5 Q A white tank top?

6 A Yeah, I think was like a shirt over it, (inaudible) at the top. (Inaudible) or

7 something like that.

8 Q Okay and as he approached you what happened?

9 A As he approached me he looked like he was getting ready to right. And that's

10 when I say, "Hold up". I said, "We're not gon' fight".

11 Q Where are you at at this time?

12 A Standing at the trunk of my car.

13 Q So you, you were (inaudible).

14 A Yeah, you know, (inaudible) was gon' come over there.

15 Q So were actually in, like in conversation or...?

16 A Well you know, I heard what he said and I was getting ready to say, "Hey yo

17 man", you know what I'm saying, "There's plenty of girls available, I (inaudible).

18 You know, but then I seen his boy rushing towards me like, you know, like I said,

19 boom. So then (inaudible) started swinging and man I'm telling them, boy yo,

20 ain't gon' be no fighting or none of that shit, right, you know, my girl already

21 sitting in the car cause I unlocked the door for her. And um, all of a sudden he hit

22 me, boom. Let he came up to me and he just hit me, boom, and I'm like, where

23 the hell is this coming from. You know, so I tried to back him up a little bit and I...

24 **(DETECTIVE TALTON)**

25 Q When this guy hit you did he hit you in the face?

1 A Yeah he hit in the face kinda but I kinda like moved a little bit. And he still hit me
2 in the face though, you know, he still hit me in the face. Anyway, boom, you
3 know but I was dizzy after that.
4 **(DETECTIVE PHELAN)**
5 Q Did you have anything to drink?
6 A Me I had, I had a drink.
7 Q How many different drinks?
8 A Like 1 or 2. (Inaudible) matter of fact I had one
9 Q What, what was it?
10 A Heineken.
11 Q Heineken beer?
12 A Uh huh (Affirmative)
13 Q Had you had anything to smoke anything, any drugs that would alter your...?
14 A (Inaudible) no drugs.
15 Q So your recollection is clear of what happened?
16 A Up until the point where the, I mean, the, the, the kid was banging me around like
17 a rag doll and (inaudible)
18 Q (Inaudible)
19 A Huh?
20 Q This is the one that's stout, the first one?
21 A Yeah, but all of them was bigger than me.
22 Q Okay.
23 A I mean, you know.
24 Q So he hit you.
25 A He hit me (inaudible)

1 Q You got in his face?

2 A Well, you know, was it was was like he hit me and it was automatically a fight.

3 And you know (inaudible) then I was thinking like you know, I'm gonna have to hit

4 this guy in his head.

5 Q Uh huh (Affirmative)

6 A So I tried to hit him and then, you know, I seen the other guys coming, you know,

7 and that's when I, I had a pocket knife, so I pulled it out you know what I'm

8 saying.

9 Q Where was it at?

10 A Where was the pocket knife?

11 Q In your front pocket?

12 A It was in my back pocket. I had originally told them that it wasn't mine but it was.

13 Then after that I couldn't remember nothing because the guy is on my shirt and

14 one of the big guys they was on my shirt. Cause one guy came up, I remember

15 that, and I was like, I looked at him, he didn't move.

16 Q Uh huh (Affirmative)

17 A So I said this guy is gonna faint and I said it out loud.

18 Q Uh huh (Affirmative)

19 A So then I just, you know, boom, turned left and I remember, matter of fact, then

20 my girl got out the car because they jumping on me.

21 Q Uh huh (Affirmative)

22 A And she tried to push them, get off of him, get off of him, you know. And ...

23 Q Did you see any of the workers or the bouncers or anything (inaudible)?

24

25

1 A I couldn't see nobody, actually I couldn't see nobody I was blacked out. I mean
2 during the whole process I was trying to grab, I was getting hit so many times I
3 was trying to grab, focus, but I was still swinging with the knife.
4 Q Okay.
5 A And that was it, that's all I can remember. That's, that's all I can remember
6 except for...
7 **(DETECTIVE TALTON)**
8 Q Let me ask you this, how'd you (inaudible) those guys hit you (inaudible)
9 A (Pause) I don't know, it was different people hitting me at different times because
10 it was one guy (inaudible), he really had me by my shirt, he musta hit me.
11 (Inaudible), I can't remember, I can't remember. But I know it was...
12 Q Was he the first one that came (inaudible) at you?
13 A Huh?
14 Q The one that had you by your shirt, was he the first one that came at you or one
15 of the others?
16 A I think he was the other guy. Yeah he was another guy cause he was the one, I
17 think he was the one who I said is not fighting and I turned around, turned my
18 back on him.
19 Q Uh huh (Affirmative)
20 A And then he was like, (Inaudible).
21 Q Do you know why we was (inaudible)
22 A He had (inaudible) too. But actually I don't remember much, you know, all I
23 remember is that I couldn't see, I couldn't even see nothing and they laid off me
24 for a second.
25 Q Uh huh (Affirmative)

1 A And it was a point that...

2 Q (Inaudible)

3 A I was grabbing at some of they stuff, trying to grab it, you know, like you know

4 cause I know they had the knife. They had a knife trying to cut me; you know

5 what I'm saying.

6 Q You know which one had the knife?

7 A I don't know.

8 Q Did they ever cut you?

9 A Yeah they cut my arm.

10 Q The left arm?

11 A Yeah the left arm, they cut it. (Inaudible). Matter of fact that's actually, you know,

12 going on at the same time that I pull out mine because you know, I always

13 consider myself with a (inaudible) But I don't remember a lot of stuff because it

14 was like, I was surprised that I didn't get knocked out.

15 Q Uh huh (Affirmative)

16 A Like every second I was like, "Oh shit, I got knocked out", you know what I'm

17 saying, that's what I was thinking.

18 Q Have you ever been in a fight before?

19 A I've been in plenty of fights.

20 Q Right, so you knew, you know that surprise is like a guy in his first fight, you know

21 that you can take a lick pretty good.

22 A Yeah I know I can take, (inaudible) years old but I don't still fight.

23 Q So you've been fights before, you know, real fist knuckle down fights.

24 A Yeah when I was a kid coming up.

25

1 Q (Inaudible) like me, you know, I've been like, (inaudible) like I say, I've been in a
2 few fights (inaudible).
3 A (Inaudible) so even in the (inaudible)
4 Q What I'm saying is you know, you were fighting the whole time, you were trying to
5 keep them off of you the whole time?
6 A Basically.
7 Q I'm saying...
8 A (Inaudible) left me alone when they seen me with the knife.
9 Q Right, they didn't get you down.
10 A No they didn't get me down.
11 Q Okay.
12 A I don't think so, yes I did, yes they did cause that's why my knee hurts. They did
13 let me down. See my pants like that, they got me down that's why the knee,
14 that's where...(Pause) Yeah they did knock me down, they knocked me down
15 and my knee is swollen. I can't remember a lot of stuff because it, because the
16 way it was, you know, I was taking a beating, you know; you know what I'm
17 saying. And the only thing I could do was like get away from me, get away from
18 me.
19 Q Uh, (inaudible) when did you get the knife? When did you put the knife from your
20 pocket?
21 A When did I put it back?
22 Q When did you put it in your pocket? When, did you go in the club, did you have it
23 when you went in the club?
24 A The knife?
25 Q Yeah.

1 A Yeah, it's a um, it's a knife I use to use (inaudible) construction.

2 Q Uh huh (Affirmative)

3 A And I use to hang my jack hammer up when I worked construction for years, so,

4 you know, but I use to (inaudible) sometimes you got to cut the ropes...

5 Q But I'm saying you had it when you went in the club?

6 A Yeah I had that, I had that, I kept it on me.

7 Q They didn't search you when you went in the club?

8 A Nall.

9 **(DETECTIVE TALTON)**

10 Q Is that something you always do is keep your knife on you, be honest, (inaudible)

11 you know, you might have some trouble or something like that?

12 A Basically.

13 Q Okay.

14 A You know because (inaudible) you know, I got, you know, the police told me it

15 was all right as long as it wasn't (inaudible).

16 Q Was that the blade that locks when you open it does it locks on it own?

17 A Yeah it locks.

18 Q Okay.

19 **(DETECTIVE TALTON)**

20 Q Uh, but after it was over with, you got in the car.

21 A After it, after it was over with, actually I didn't even look, all I remember is trying

22 to stay focused.

23 Q Uh huh (Affirmative)

24 A That's the main thing that I remember, just trying to stay focused, so, cause you

25 know, it, when the, when the police took me out the car.

1 Q Uh huh (Affirmative)

2 A You know, and I was standing up, I just went blank, you know I was about to
3 pass out. I knew that I would pass out; I passed out before, so I knew if I stayed
4 up, I'm a pass out. So I laid on the car.

5 Q Uh huh (Affirmative)

6 A I told them, I'm getting ready to pass out, can we sit down. But now that, you
7 know, I got my wind and stuff, I'm all right, so boom, okay, then, anyway.

8 Q Do you recall firing a gun?

9 A (Inaudible) I didn't fire a gun. I didn't fire the gun, it's not my gun. This is the
10 point, the point is I didn't realize I had the gun until I was already in the car and it
11 was on my lap and I was like I musta grabbed this from one of them. And I was
12 (inaudible) you know, like I grabbed it off of somebody's waist or I grabbed it off
13 the ground.

14 **(DETECTIVE TALTON)**

15 Q Okay, so now, you're say that the gun that you had is not your gun.

16 A It is not my gun.

17 Q Do you know who that gun got into your car?

18 A (Inaudible) I might have brought it to the car, but I'm just saying, I don't know how
19 I got it in my hands.

20 Q So you're saying that gun then belongs to someone else...

21 A Yeah,

22 Q That you were fighting with, is that what you're saying?

23 A Yeah that's what I'm saying, I'm thinking they probably (inaudible). What I did
24 was scared them up and that's probably why they stopped fighting. (Inaudible), I
25 don't know why they stopped fighting me.

1 Q Uh huh (Affirmative)

2 A You know what I'm saying, so basically I figured it was that cause then, matter of

3 fact, I think it was when I hit the floor but after that, what, what I did was go to the

4 car and I had it in my lap.

5 Q Uh huh (Affirmative)

6 A And I didn't know what to do with it. So I was just like, let me see if it's loaded

7 and so I unloaded it, like you know, unloaded it, like you know, just (inaudible)

8 Q Is this when you were sitting still in the parking lot or had you already started to

9 leave and you were trying to fool with the gun?

10 A (Inaudible)

11 Q When you got like the pistol when you told me that you had the pistol.

12 A Uh huh (Affirmative)

13 Q Were you checking the pistol while you were still in the parking lot?

14 **(DETECTIVE PHELAN)**

15 Q Are while you were driving down the road?

16 A I don't know. I don't know if I was still sitting when I was doing that. I know

17 basically I made sure that it was nothing in it, in the chamber.

18 Q Uh huh (Affirmative)

19 A And I took the clip out but then I had it sitting on my lap and I was doing like, you

20 know, wipe, wiping my handprints off of it.

21 Q Okay.

22 A And then I was (inaudible) then I thought about giving it to my girl, I was like nall;

23 I don't want her to touch it. So then what I did was reach over to the back and try

24 to put it some, I was gon' put it somewhere I said let me try to squeeze it in

25

1 between the seat in the back. (Inaudible) when I was, when I got even further
2 down the road, the police stopped me.
3 **(DETECTIVE TALTON)**
4 Q So they stopped you at that point.
5 **(DETECTIVE PEHLAN)**
6 Q Do you recall…
7 A They stopped me like, you know, they stopped me a while, I, I drove with it on my
8 lap for a while.
9 Q Uh huh (Affirmative)
10 A And then I didn't know if I was gon' throw it out the window or the car, matter of
11 fact it was a car that came up to me and the car, you know, mater of fact, and I
12 had it sitting on my lap and I was taking the clip out and the seen me taking the
13 clip out and the just (shrieking sound make) like tried to make a U turn. It was a
14 truck, it was a burgundy truck.
15 Q Uh huh (Affirmative)
16 A Matter of fact.
17 Q (Inaudible) following you.
18 A He was following me (inaudible)
19 Q And he say you shoot at him.
20 A I didn't shoot at nobody (inaudible), I didn't shoot at nobody, nobody shot at me.
21 And …
22 Q So uh, you ain't gon' have no gun shot residue on your hand from shooting the
23 gun?
24 A No.
25

1 Q Okay, so you don't mind if we take a test that check and see if you fired a gun
2 tonight.
3 A Of course not.
4 **(DETECTIVE TALTON)**
5 Q Hey uh John, let me ask you, at the point where you go pulled your knife out,
6 okay, you thought the guys (inaudible).
7 A Uh huh (Affirmative)
8 Q Beat you half to death, okay; at that point do you recall when you pulled your
9 knife out? You know, at the point you pulled your knife out, do you know if you
10 stabbed someone then or you tired to cut someone then, can, can you kind of
11 explain that to me?
12 A Um, first I wanted to make sure that he seen it so he would have backed up, I
13 know that much.
14 (Inaudible, more than one person speaking)
15 Q Is that how you did? Just, you just popped the knife open like this.
16 A Yeah and then I tried to like, you know, I went up to hit him but I, he was hitting
17 me on this side as a matter of fact. I remember the beginning, he was hitting me
18 on this side so I was blocking with my left and I wanted to hit him with my right.
19 Q Okay.
20 A And it came to the point where I couldn't hit him no, I had the knife in my hand
21 but I was trying to hit him with my hand actually.
22 Q Okay.
23 A You know what I'm saying, at the same time I wanted him to back up but he just,
24 he just wouldn't back up. So I guess I might have said, fuck it, like tried to
25 scream at him like cut him, you know what I'm saying, so...

1 Q So at that point when you went to swing at him you actually hit him but the knife
2 cut him, is that what you're saying?
3 A Well actually I was trying but, like you know, (inaudible)
4 Q Yeah.
5 A Like I know I wasn't gon' get a good hit cause my, the way my hand was
6 positioned.
7 Q Uh huh (Affirmative)
8 A It was just (inaudible) I, I didn't think the whole thing was gon' be that serious. It
9 just jumped off crazy.
10 Q So after you, so, so the first one that was there, he was trying to punch you from
11 the left and you, and you had your knife here in your right, so when you came
12 around and you swung at him like that, right?
13 A Yeah, I think I swung at him like that...
14 Q (Inaudible)
15 A Then I said, after I kept getting hit I just was swinging.
16 Q Okay, so you just started swinging the knife back and forth?
17 A Basically.
18 Q Now did you ever like when you had the knife, I understand cause I been in a
19 couple of fights before when if there's more than a couple of guys that jumping
20 on you, I would be trying my best to try and get, get these guys off of me. So you
21 don't recall when you made like a slashing motion and then you stabbed
22 someone?
23 A (Inaudible)
24 Q Okay, you know, let me explain to you cause this guy had been stabbed in the
25 chest, had a puncture wound in the chest like where you were stabbing like that,

1 instead of a cut, okay. I mean (inaudible) but what I'm saying is is he stabbed.
2 To tell you the truth, all 3 of them was stabbed in the chest, okay. And what
3 those guys are saying is that you stabbed them, okay.
4 (Inaudible, more than one person speaking)
5 A I'm standing by my car, he comes all the way over there, I, I'm getting hit, I don't
6 know what I...
7 (Inaudible, more than one person speaking)
8 A I never stabbed nobody before, you understand, I just keep swinging the knife,
9 you understand.
10 Q Okay, let me ask you this, how many...
11 A I didn't even know if I hit (inaudible). I thought, I thought maybe I was missing.
12 Q Yeah, I understand. John but you know if you had to say, how many times do
13 you think you stabbed those guys?
14 A Oh my God, (inaudible). I don't know what the hell was going on man.
15 Q Okay.
16 A I don't know, I would was barely able to stand.
17 Q Okay.
18 A The only reason I was really trying to stand cause the guy was holding my shirt.
19 Q Okay, I've been in some fights before, okay, and I know (inaudible).
20 A (Inaudible) I told you everything man. (Inaudible)
21 Q What's it to you, I mean, you couldn't, you couldn't explain it to us if you want to
22 or I mean, but I'm here to try to help you, that's all I'm trying to do. But, but these
23 guys are...
24 A (Inaudible) the whole thing was self defense. You know it was somebody else, if
25 somebody else could be saying self defense or whatever, (inaudible)

1 Q John, John, okay, okay, okay let me ask you this last thing, now when you went
2 to your car did you go and sit inside of your car or were you standing out on the
3 side of your car the entire time?
4 A (Inaudible)
5 Q Yeah.
6 A (Inaudible)
7 Q Yeah, when you first came outta the club.
8 A Uh huh (Affirmative)
9 Q Did you go to your car?
10 A I think I was getting ready to sit down.
11 Q Okay.
12 A And then, you know, they was talking, I didn't understand exactly what they said,
13 so I got out and I stood up, like you know, I think I went half way down. I think I
14 just unlocked the door for my girl and went half way down. And then I was trying
15 to understand what they said to her, you know, and you know, and then I was like
16 (inaudible). But I think he had went half way down and then I, you know, stood
17 up and you know, entertained the conversation, whatever, went to the back. I
18 said (inaudible).
19 Q So you went to sit down in your car and then these guys start talking some shit to
20 you...
21 A Well they came, they came up to me.
22 Q Okay.
23 A You understand. They came up to me; I didn't come up to them.
24 Q Uh huh (Affirmative), okay.
25

1 A They came up to me, I say it's not gon' be no fighting, (inaudible) fight or
2 whatever. And you know, the guy (inaudible), and then he swung on me.
3 **(DETECTIVE PHELAN)**
4 Q Did, out of all those 4 guys, had you ever seen any of them before tonight?
5 A I never seen, I've only been here, I only came down here to see my kids. I only
6 been here for 2 days.
7 Q (Inaudible)
8 A (Inaudible). I'm staying in a hotel.
9 Q And uh, you've only been here 2 days.
10 A I've only been here 2 days, I haven't seen my kids in about a year and you know,
11 I was having a hard time, you know, seeing them, so I went to go see them. You
12 know, I went to go see them and I spent the day with them after school yesterday
13 and I did that today. And I was getting ready to leave in a couple of hours and
14 my girl said, "Yo, lets go to the strip club", and I said I don't know where there's
15 one up here and I went over to the strip club.
16 Q So you didn't have nothing planned on going there, it's just something that came
17 up, yall just (inaudible).
18 A It just came up cause we wasn't even there for about, we was only there, we got
19 there about 1:30 something.
20 Q So it would be fair to say you've never seen these guys before.
21 A Oh never seen them, don't know them, I mean the whole thing just, you know, it
22 as crazy to me.
23 Q What stopped you from getting in the car and leaving?
24 A When?
25

1 Q When, as, as, I mean, when they, when you were at the car and they started
2 running his mouth, what stopped you from getting in the car and leaving?
3 A (Inaudible) I was surprised the club was closing at 2:00.
4 Q Uh huh (Affirmative)
5 A And you know, I thought they, you know, we was just gon' talk shit, you know.
6 (Inaudible) introduce myself.
7 Q Uh huh (Affirmative)
8 A To more people, that's it. I figured I was gon' be sociable, you know, I figure I
9 was gon be like you know, (inaudible) saying something smart, you know, I didn't
10 figure we was gon' get, you know, serious, I mean we grown men, what the hell
11 we gon' do something like that (inaudible).
12 Q Your girlfriend, did anybody say anything out the way to her or anything, you
13 know.
14 A Nobody said nothing to her except for when, when they was jumping me, she
15 was pushing, they was like, get her, matter of fact, that's when I, I started swing
16 the knife.
17 Q Uh huh (Affirmative)
18 A That's when, cause they was saying get her and I was like what, you know, I tried
19 to get somebody (inaudible), get somebody away from her.
20 Q And what's her name again?
21 A Deanna.
22 Q Deanna, okay.
23 A Cause I already, I already had the knife in my pocket and I already, you know,
24 was like you know curious but I've been in situations like that before and nothing
25 ever happened, you know. I didn't think nothing was gonna happen.

1 Q All right, okay, let me go talk to her right quick and I'll get back with you. You
2 need any water or anything?
3 A Yeah, I appreciate some water.
4 Q You want some water.
5 (Door opened and closed)
6 A Let me ask you something, how long you think I'm a be in here?
7 Q A while, a while, we got, we got to interview all them and all that sort of stuff. We
8 are talking to the people out there at the club. (Inaudible).
9 A I know (inaudible). I just left because I didn't want nothing else to happen
10 (inaudible) you know. That's the only reason I drove off.
11 Q Yeah, we can understand that, I mean, you know, believe me I'm just saying, you
12 know.
13 A You know...
14 Q At the beginning, get in your car and...
15 A Yeah, yeah, yeah, yeah, but you know (inaudible).
16 **(DETECTIVE TALTON)**
17 Q Here you go bro (inaudible)
18 **(DETECTIVE PHELAN)**
19 Q So you want to get out and talk shit, shoot the shit?
20 A (Inaudible) people been doing since I came down to the south for like most of the
21 time.
22 Q Okay. (Inaudible)
23 A (Inaudible)I meant the whole thing was just, (snapping sound) it just jumped off
24 crazy (inaudible) you know what I'm saying, like, you know what I'm saying. I
25 don't supposed to be here, you know what I'm saying, I ain't supposed to be in

1 handcuffs right now, (inaudible) you know what I'm saying. I mean you know the
2 whole thing is that I didn't call you guys, you know what I'm saying, that's the only
3 thing.
4 Q All right lets go see what (inaudible)
5 A Cause if I, you know if I'd had call you guys (inaudible)
6 Q Hold on a second, you had a weapon, they didn't, that's what, you didn't fire a
7 weapon.
8 A They didn't have a weapon.
9 Q (Inaudible)
10 A Then how the hell did they cut me?
11 Q (Inaudible)
12 A I mean I seen the weapon, I seen it, all I did was see it real quick but I seen it.
13 Q Uh huh (Affirmative)
14 A You know what I'm saying, I kept, that's why I kept like really kinda like kept
15 focusing away from the guy that was punching me in my head so hard.
16 Q Uh huh (Affirmative)
17 A I didn't even mess with him (inaudible), you know what I'm saying, really even
18 pay attention to him.
19 **(DETECTIVE TALTON)**
20 Q Hey John, you got a cell phone (inaudible)?
21 A I got 2 cell phones somewhere, they probably in my property that yall got.
22 Q So can you tell me why you didn't call the Sheriff's Office when all this
23 happened?
24 A Man I was just like, let me get the hell outta here man. Then I was driving real
25 slow just, (inaudible) and thinking.

224

1 Q All right.

2 A You know, and then I, like I said, I was mostly thinking about that gun, like, you
3 know, what I'm a do with this; you know what I'm saying. And then I was like...

4 Q So you was thinking of, you know, as far as the gun, you were thinking what you
5 could do with the gun instead of calling the Sheriff's Office.

6 A I was thinking about what I was gon' do with it if I'm a keep it, throw it away,
7 whatever; you know what I'm saying. I was like you know, I was like man let me
8 just go and I was thinking about my blood that was dripping down my face. I had
9 a lot of blood dripping down my face at the moment. And I was asking my girl if I
10 need stitches and stuff like that and she was like, well you might need stitches,
11 lets go to the hospital then you can call the police. And I was like, you know, I
12 said let me go to the hotel and look in the mirror first.

13 Q See that's the other thing there see, because you had a cell phone with you I was
14 wondering why you didn't call the Sheriff's Office. I mean if I had just been in a
15 fight, I mean, as a practical person and you appear to me to be a practical, you
16 know (inaudible).

17 A I'm a practical person but I, I'm not gonna lie, I've never called the police.

18 Q Sure I understand that but (inaudible). I mean I can understand if you were just
19 in a fist fight, but you, you know, there's some guys that's getting stabbed.

20 A Yeah, I didn't even realize I was poking them. I, I didn't even realize that I was
21 actually getting to them.

22 Q Okay.

23 A You understand. I (inaudible) I realized it at the last second.

24 Q Now did you ever see any of those guys all to the ground?

25

1 A No I didn't see nobody fall to the ground except for at the end I seen somebody
2 holding somebody.
3 Q Okay.
4 A I seen somebody holding somebody and I was like, you know (blowing sound),
5 so I keep, as long as they not messing with me right now, that's when I, you
6 know, I think that's when I got the gun and I think that's when I decided, you
7 know, as long as they back up off of me, I'm not in it. And uh, on the way out I
8 almost hit one of those valet guys and I was like, you know (blowing sound).
9 Q Okay, let me ask you a question now, when you saw the guy on the ground and
10 and the guy...
11 A I didn't see anybody on the ground.
12 Q Okay, when you saw the guy holding the guy.
13 A Uh huh (Affirmative)
14 Q What crossed through your mind then?
15 A What crossed through my mind?
16 Q Yeah.
17 A Yo...
18 Q Like I say I'm just trying to set things up, you know, as to how you felt...
19 A I think, I think like finally, finally it wasn't on me.
20 Q So did you think this guy may be hurt or something?
21 A Yeah, I, yeah I was pretty sure that, you know, he was hurt.
22 Q Uh huh (Affirmative)
23 A But I was just like finally they ain't on me, you know, let me get outta there. I
24 don't know what the hell just happened.
25 Q Okay, all right. All right John (inaudible)

1 (Door opened and closed)

2 Q (Inaudible)

3 A (Inaudible) I got to use the bathroom.

4 Q Yeah, just one second and I'll have someone carry you over there okay, bro. I'll

5 be right back John.

6 (Door opened and closed)

7 (Inaudible)

8 (Pause)

9 (Door opened)

10 **(UNKNOWN MALE)**

11 Q You need to go to the bathroom?

12 A Uh huh (Affirmative). (Inaudible)

13 Q (Inaudible).

14 A (Inaudible)

15 Q I always ask, so people (inaudible)

16 A (Inaudible)

17 Q (Inaudible)

18 A (Inaudible)

19 (Inaudible talking)

20 (Door opened)

21 Q (Inaudible talking)

22 A It was cold when we got up. I was like dang.

23 (Inaudible talking)

24 (Pause)

25 (Door opened)

1 **(UNKNOWN MALE)**

2 Q All right go ahead and have a seat.

3 (Door closed)

4 (Pause)

5 (Inaudible talking)

6 (Door opened)

7 **(DETECTIVE PHELAN)**

8 Q (Inaudible)

9 A (Inaudible) music.

10 Q Music, okay, DJ (Inaudible)

11 A (Inaudible) some of them are on cd's.

12 Q Is that a rental car?

13 A Nall that was a loaner from uh, the company that my cousin (inaudible)

14 Q Okay, a loaner.

15 (Door closed)

16 (Pause)

17 A (Inaudible)

18 (Pause)

19 A (Inaudible)

20 (Pause)

21 A (Inaudible). This is crazy man. Crazy (inaudible)

22 (Pause)

23 (Knocking sound)

24 A Hey what's up? What's up? Excuse me.

25 (Door opened)

1 A Yes, how you doing, um, I was saying, is it possible that (inaudible) take my
2 property to my brother.
3 Q (Inaudible)
4 A Are yall gonna keep me?
5 Q Yeah, you gon' be charged.
6 A Gon' be charged with what?
7 Q Aggravated battery, aggravated battery.
8 A I mean it's not obvious self defense. I mean were this aggravated battery come
9 in with getting jumped by 3 or 4 guys, I mean (inaudible)...
10 Q (Inaudible) you were at your car...
11 A I had an opportunity to run, leave. To leave but I didn't know I had a problem yet.
12 Do you understand that?
13 Q I'm, I'm trying to understand that.
14 A Okay I didn't know I had a problem. We didn't have words of conflict at any point
15 and time. You understand?
16 Q Yeah.
17 A We had no words of conflict. I did not know I had a problem, why would I leave?
18 Q Uh huh (Affirmative)
19 A You understand? (Inaudible) and then I didn't go towards them. I was at my car.
20 Q Uh huh (Affirmative)
21 A Do you understand? I don't have a, I don't have the right to stand by my car? I
22 mean this is gonna ruin my life. It's gonna ruin my girls life and everything and,
23 and, and I know that you guys gotta know that basically there's, there's no,
24 there's no way that I, I was um, I initiated anything.
25 Q You're in a parking lot, you guys get involved in a fight, you bring out a knife.

1 A Hold, hold, hold up. I'm in a parking lot; I'm standing by my car, these guys start
2 running at me. One of them starts walking to me fast; he swings on me, then the
3 other one start running at me. I, I (inaudible), I thought it was 4 or 5 guys.
4 Q Uh huh (Affirmative)
5 A You understand.
6 Q Uh huh (Affirmative)
7 A And I'm getting hit so hard I can't see what's going on. I'm just grabbing for what
8 I can. You understand? And I was...
9 Q I understand what you're saying...
10 A Well what, what, what is the law about me, you know, cause I, I been locked up
11 before for something I never did.
12 Q Uh huh (Affirmative)
13 A You understand? And I was locked up for 8 months for that before I even made
14 bail (inaudible)
15 Q Uh huh (Affirmative)
16 A You understand? Now this is crazy man, cause, you know, I got my kids. I just
17 seen them for the first time, came up here to see them and I mean, you know, it's
18 been a while where I could see them and I just got my relationship back with
19 them. You understand?
20 Q Uh huh (Affirmative)
21 A My rent is due, I'm gon' loose my apartment. My girl doesn't have, you know,
22 she doesn't know her way around here. She's, she's totally dependant on me
23 right now, you understand?
24 Q I hear you.
25

1 A Now, now, basically, you know, you guys are allowing, I mean, I don't know what,
2 I don't understand how it's aggravated, what'd you say?
3 Q Battery.
4 A Battery, because I'm getting the hell beat outta me and I'm just barely awake
5 during the whole thing.
6 Q Uh huh (Affirmative)
7 A You understand
8 Q Uh huh (Affirmative)
9 A I mean, where, where does it, what sense does that make. I mean (inaudible).
10 How do you, how do you judge that as aggravated battery? I mean that wasn't
11 even aggravated, it was all self defense and the moment that they stopped hitting
12 on me is the moment that I got in my car and left.
13 Q Uh huh (Affirmative), yeah but John based on all the facts of the case.
14 A What facts?
15 Q The facts (inaudible)
16 A Yeah, did they say...
17 Q Based on what you told me and based on what they told me, there was
18 opportunity enough for you to leave. You said (inaudible).
19 A Hold up, hold up, hold up I told you they was holding me.
20 Q Uh huh (Affirmative)
21 A I told you that they was holding me and that's probably the reason why...
22 Q You started swinging too.
23 A No I was swinging (inaudible). With one hand.
24 Q Uh huh (Affirmative)
25

1 A I wasn't free swinging, I (inaudible). I couldn't even see where the hell I was
2 going.
3 Q Uh huh (Affirmative)
4 A Half the time I'm bouncing off of my (inaudible). I was not in any position to leave
5 at any moment before that or else I would have ran. Come on now man, come
6 on now man, look at my face man. You think I'm gonna sit here, I'm (inaudible)
7 Q Right. Hey I...
8 A I mean (inaudible), you know what I'm saying. The only thing I know is
9 (inaudible) they, they, they backed up or whatever so, you know and I just ran
10 straight to my car. At the moment I got a chance to leave, I went straight to my
11 car, the moment. I didn't wait a second, I didn't discuss anything with anybody, I
12 was not free to leave at any point between, before then.
13 Q All right, well I need to tell you, one of them died. The one in critical died.
14 A (Inaudible)
15 Q I'm serious.
16 A (Inaudible). Listen man, yo listen man, I have no (inaudible). I had no point that I
17 could leave man. I had no point that I could leave man. The moment that I had a
18 chance to leave, I left. If I was fighting with a gun, believe me, I would have, I felt
19 that scared that I would (inaudible) at that point.
20 Q Uh huh (Affirmative)
21 A And none of that happened. None of that happened, you know, listen man, listen
22 man, I mean, listen man, I'm gonna loose everything I got. I'm a come out with
23 nothing and I don't really have anything right now, you understand?
24 Q Uh huh (Affirmative)
25

1 A I got a couple of things that supposed to be coming on TV for me rapping, that's
2 it. I don't have any money from it, anything, my kids I just keep making promises
3 and stuff that I was gon' do. Man listen, this was, (inaudible), I musta been about
4 two minutes, not even two minutes, you understand?
5 Q Uh huh (Affirmative)
6 A (Inaudible), it was, it was crazy at that moment. And I had no way to leave man.
7 I had no way to leave and the only time that I could a left was before I started to
8 conversate with them.
9 Q Uh huh (Affirmative)
10 A But I didn't go over there thinking I was gon' fight those dudes, big ass dudes.
11 Come on man, come man (inaudible) if you are the one who's gonna say, you
12 know, whether or not this case is aggravated battery, I mean, (inaudible), you
13 know. I mean if you the one that make, you gotta, you gotta know that man. I
14 mean, I mean, just listening to what they say, I know that they provided people
15 who would say I had a chance to leave during the fight. During the conflict, once
16 it started I know they didn't say I had a chance to leave. Cause they, first of all,
17 the only chance that I might have been able to run was the time my girl was
18 pushing one of them off me and I was trying to get then not to hit her.
19 Q Uh huh (Affirmative)
20 A That was the only chance that I had to, an opportunity where I was free with both
21 hands.
22 Q See the thing is you introduced a weapon into a fist fight.
23 A A fist fight, man, I'm cut, I'm cut. I...
24 Q (Inaudible) no weapon. None of them left.
25 A How, how, how hard is that to, to, to leave (inaudible)

1 Q Uh huh (Affirmative)

2 A I mean how hard is that? I mean, I mean...

3 Q I mean (inaudible) witnesses; they said no weapons other than yours.

4 A No weapons other than mine.

5 Q Uh huh (Affirmative)

6 A So, so what am I doing now, what am I doing. I'm standing outside my car

7 (inaudible).

8 Q (Inaudible). You get in front of the four guys; they (inaudible) and you swing your

9 knife and go to work.

10 A I mean, listen, their car was at least 20, 15 feet away from me. They came to

11 me. They came at me. You know, I'm standing there and I don't know what's

12 going on.

13 Q Let me tell you what she's gon' do, she gon' document all your injuries, uh, she

14 gon' photograph you as you are so it will all be on, on record.

15 A Man, listen man, you're ruining my life man. My credit, I just got the car

16 (inaudible) put a new transmission in it. That's why I got the loaner, the only,

17 that's why I came down here to see my kids. I say, you I got a decent car to do

18 some traveling with, let me take advantage of this moment, you understand.

19 Now, right now, you know what I'm saying, I mean, this is not the life I'm living

20 man. And, and, you know what I'm saying, not throwing me back in there, you

21 know, I mean, but I don't even know. I think that the guys that was there, this

22 deputy was there and the valet parking people (inaudible) something man. I

23 don't know, (inaudible), but I think that, cause I know all those people calling, not

24 everybody, I don't know their name or nothing but I knew that they (inaudible),

25

1 you know what I'm saying. When I was leaving the club. But I didn't think it was
2 gon' be no problem like that, you understand. And ...
3 Q I, I understand that...
4 A (Inaudible) I think they seen me and my girl, I didn't think he was gonna come
5 and try to jump me. I mean, who does that? Who does that as grown men?
6 Q (Inaudible) I don't think you went there; went there with any intention or came out
7 with any intention of hurting anybody, but the situation itself...
8 A It was self defense.
9 Q That's your, that's what you (inaudible)
10 A I mean, I mean, I mean...
11 Q (Inaudible)
12 A (Inaudible)
13 Q The charges are right now aggravated battery, aggravated battery, and homicide.
14 A Now how can you charge me with that? What do you do to, when a victim, I
15 mean what do you do? I mean how do you (inaudible).
16 Q How can I not charge you?
17 A (Inaudible)
18 Q How can I not charge you?
19 A How can you not charge me, I mean, you, you look at the evidence, you say, yo,
20 I (inaudible).
21 Q I know that you cut, I know that you cut 2 of them, I know you stabbed one too.
22 So what else can I do?
23 A Look man.
24 Q Huh, I can let you walk.
25 A You could recognize that I couldn't even see what I was doing.

1 (Phone ringing)

2 A You can recognize that I could not even see what I was doing. Every time a kid

3 hit me...

4 Q Go ahead.

5 A One of the kids hit me; the other kid would hit me at the same time. Every time

6 the kid hit me, the other kid would hit me at the same time. I couldn't even see,

7 do you understand getting knocked (inaudible)

8 Q (Inaudible). We got your, we got that on (inaudible) I mean, I got that, I got that

9 what you told me and I, I, hey, trust me, I'm writing that down, but I, with what

10 happened (inaudible), I gotta write it up as a agg. battery, agg battery, homicide.

11 It's no way around it. That's, that's the truth.

12 A There's no way around it.

13 Q No way around it.

14 A No matter what nobody's story is about how much it is self defense, there's no

15 way for you...

16 Q (Inaudible) your defense.

17 A (Inaudible) my defense.

18 Q That's what you're claiming; your defense is that they were beating you to the

19 point that you had to do what you did. (Inaudible)

20 A I mean, I mean, I'm not gonna say that, you know, I wanted to, to hurt the guy

21 like that, you know what I'm saying, (inaudible), you know.

22 Q I can't, I can't ....

23 (Inaudible, more than one person speaking)

24 A What I wanted to do was get them, to get away from me, you know what I'm

25 saying?

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1 Q Uh huh (Affirmative) Okay, she's gon', we gotta go ahead and get this done; I
2 know I gotta do, a lot of writing to do. (Inaudible).
3 A Oh my God man, this is crazy, this is crazy man, this is so crazy man.
4 Q That's what I'm saying, usually in a situation like this uh, just a little, (inaudible)
5 And all of a sudden you whole life has changed. I mean...
6 (Inaudible, more than one person speaking)
7 A (Inaudible)
8 Q (Inaudible)
9 A I can't afford...
10 Q (Inaudible)
11 A (Inaudible), you know what, I need to (inaudible) a list of things for my girl to do.
12 Is that possible?
13 Q (Inaudible)
14 A Because she has to go and get her life together man. She don't, (inaudible).
15 She been with me for 2 and a half, 3 years now.
16 Q Let me tell you what, as soon as she get through and we get through with her
17 here, I'll bring her in here and let you talk to her.
18 A You would?
19 Q Yeah.
20 A I appreciate that man.
21 Q All right.
22 (Door opened and closed)
23 **(UNKNOWN FEMALE)**
24 Q Do you actually have a cut right here on your lower...
25 A (Inaudible) I think it's cut, I don't think it's just blood cause it hurts when I touch it.

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1 Q Okay.

2 A I can't believe that kid died man.

3 Q All right, I'm gonna need you to stand up so I can take n overall picture and then

4 I'm gonna move in and document all your injuries, all right.

5 A (Inaudible) I don't know (inaudible).

6 Q Okay.

7 A You look like a girl off of TV.

8 Q (Inaudible)

9 A (Inaudible) Are you (inaudible)?

10 Q Uh huh (Affirmative)

11 A I mean right now I still see spots.

12 Q (inaudible) and I'm gonna put something (inaudible) all right. I'll try not to hurt

13 you too much.

14 (Pause)

15 Q (Inaudible)

16 A Is it true what he was telling me about that kid? (Inaudible)

17 Q (Inaudible) Did you get cut (inaudible)

18 A (Inaudible) I don't know if I got banged in my head.

19 Q Okay.

20 A And cut on my arm.

21 Q Yeah, I'll be back in a minute.

22 A That's all I know (inaudible)

23 Q All right let me turn you around. Do you know if there's any way to (inaudible)

24 A My shirt?

25 Q Yeah.

1 A Oh no, I (inaudible)

2 Q (Inaudible) What about putting his hand (inaudible)

3 A (Inaudible)

4 Q Um, I don't know if it'll fit you.

5 A (Inaudible)

6 Q Okay.

7 A (Inaudible)

8 Q Huh?

9 A Have you ever heard of anything like this?

10 Q Self defense, yeah.

11 A (Inaudible) I'm being attacked. All these guys are bigger than me and all these

12 guys are hitting me. My head is going every direction and I'm just thinking to

13 myself, wow another hit, I didn't go down. I mean, I mean, not that I didn't go

14 down but I'm not knocked out because it feel like I was getting ready to be

15 knocked out.

16 Q (Inaudible)

17 A And then I feel like I'm (inaudible). Oh my God I can't believe this man, I can not

18 believe this, this is crazy, this is crazy man.

19 (Inaudible talking)

20 Q He's gonna put your handcuffs in the front.

21 A (Inaudible) I was just talking to my kid's mom. I think she told them about my

22 temper and stuff, but I'm like, you know, I don't get down like that now, you know.

23 She talking about something I did when I was 15, when she was 15. (Inaudible)

24 a thing in there.

25 **(UNKNOWN MALE)**

1 Q Yeah, I know that. (Inaudible)

2 A Is that thing coming off of my face?

3 **(UNKNOWN FEMALE)**

4 Q Yeah, it's already (inaudible).

5 A That's crazy. (Inaudible). Man this shit just makes (inaudible)

6 Q (Inaudible)

7 A (Inaudible) That kid didn't really (inaudible) What the hell (inaudible).

8 **(UNKNOWN MALE)**

9 Q All right, turn around.

10 A (Inaudible)

11 Q Turn around again, please.

12 A This is crazy man (inaudible)

13 **(UNKNOWN FEMALE)**

14 Q All right, (inaudible)

15 (Pause)

16 (Clicking sound)

17 A (Inaudible) back in the back again.

18 Q Just like that, all right.

19 (Pause)

20 A (Inaudible)

21 Q (Inaudible)

22 A I didn't even know what I was doing; I know I was punching him.

23 Q (Inaudible) there you go, hold it just like, just, towards me.

24 A (Inaudible)

25 Q Okay, can you hold it like that?

1 A (Inaudible)

2 (Pause)

3 Q (Inaudible)

4 (Pause)

5 (Inaudible talking)

6 Q You can close the door.

7 A You see, I told you they was cutting me man.

8 Q (Inaudible) there you go.

9 (Pause)

10 Q (Inaudible) this way, there.

11 (Pause)

12 Q All right (inaudible)

13 A You wanna see my leg, my knee or something?

14 Q Yeah, do you have anything on your knees, do you know?

15 A I believe so, I feel like it. (Inaudible)

16 Q Okay, good.

17 (Pause)

18 Q (Inaudible)

19 (Pause)

20 Q All right, anything on your other knee?

21 A I don't think so (inaudible).

22 Q All right.

23 A (Inaudible). Are you gon' take this off to check it or no?

24 Q Um, I don't know, can you get Dave.

25 A (Inaudible)

1 Q Yeah I know, I just don't know if we'll be able to put it back on and (inaudible)
2 A (Inaudible) because I, they sitting there like this guy ain't got no weapon on me
3 and then, and, and, you know, like they was fighting a justified fight so, whatever.
4 (Pause)
5 A (Inaudible) oh my God.
6 Q (Inaudible)
7 A Have they arrested anybody else?
8 Q (Inaudible)
9 A Arrested.
10 Q Oh arrested, I don't know.
11 A (Inaudible), this is crazy man. So it was just a little (inaudible)
12 (Pause)
13 Q (Inaudible)
14 A (Inaudible) you know today is the first day that my kids ever spoke to their
15 grandfather. My father's a lawyer and he lives in Detroit right, and I called him up
16 and let them talk to him. He was all happy, everybody's happy (inaudible).
17 (Pause)
18 A (Inaudible)
19 **(UNKNOWN FEMALE #2)**
20 Q Here they are.
21 **(UNKNOWN FEMALE)**
22 Q Thank you.
23 **(UNKNOWN FEMALE #2)**
24 Q Uh huh (Affirmative)
25 A (Inaudible) aggravated assault (inaudible). I wasn't assaulting nobody man.

1 (Inaudible talking in background)

2 A I wasn't assaulting anybody.

3 **(UNKNOWN FEMALE)**

4 Q Um, his wounds, do I need to take the bandages off and if so what are we doing

5 with them?

6 A God man this is so fucked up man, this is so fucked up man. So fucked up man.

7 Any time I come to Florida it's some crazy shit man.

8 (Pause)

9 A I mean what the hell is my girl gon' do. Are yall gonna give her my car?

10 Q (No audible response)

11 A Do you know?

12 Q (No audible response)

13 A Please man, please give her the car and some directions man. Don't put her out

14 there on the street man.

15 (Pause)

16 A Fucked up, what's wrong with these kids. I bet you they was high on all kinds of

17 drugs man, I bet you.

18 (Pause)

19 Q Okay, I'm gonna go ahead and do your bical swabs, if we need to, we'll

20 photograph (inaudible)

21 A If we need to do what?

22 Q These are cheek swabs (inaudible)

23 A (Inaudible) what's that for?

24 Q Uh, DNA.

25 A DNA.

1 Q Uh huh (Affirmative)

2 (Pause)

3 A I mean, I know point and time cause I done turned away. Every time I look one

4 direction I would get punched in the other. There's no way for me to go. No

5 where for me to go. I didn't have a chance to look the way I wanted to look. I

6 ain't had a chance to see the faces of the guys (inaudible). I didn't have a chance

7 to speak. Talking bout I had a chance, I had a chance for nothing.

8 (Pause)

9 A The guy that was talking to me, that I thought I was gonna be talking to, is not

10 even the guy that walked up to me and hit me.

11 (Pause)

12 A That I thought that I was gonna be, you know, starting shit with, he's not even the

13 guy that walked up to me and hit me. It was 2 of them other guys that I didn't

14 know, I didn't have a word with (inaudible).

15 Q (Inaudible)

16 A (Inaudible)

17 Q Huh?

18 A (Inaudible)

19 Q I have to do all this first.

20 (Pause)

21 Q Okay I need you to give me you initials, half on the tape, half on the um,

22 envelope just like I did.

23 A What, what it say evidence for? What's in there just the swabs?

24 Q This is for the swabs, yeah.

25 A That's it.

1 Q Yeah.

2 (Pause)

3 Q And what's your name.

4 A John Dobbs.

5 Q I'm sorry.

6 A (Inaudible) Dobbs.

7 Q John Dobbs. D O B B S?

8 A Uh huh (Affirmative)

9 Q What's your date of birth?

10 A 9/18/74.

11 Q And what's your current address?

12 A 1855 (Inaudible) Road.

13 Q Elsberry?

14 A Elsberry, (inaudible)

15 Q And where's that?

16 A Marietta Georgia.

17 (Pause)

18 A (Inaudible)

19 Q Okay, I need you to sign right here, (inaudible). Can you sign? (Inaudible).

20 (Pause)

21 Q (Inaudible)

22 A Oh my God man this is ridiculous (inaudible).

23 Q Okay, this is a GSR kit.

24 A What's that for?

25

1 Q This is for gun shot residue; it will tell us if you fired a weapon this evening or this
2 morning.
3 A (Inaudible)
4 Q (Inaudible)
5 A (Inaudible)
6 Q (Inaudible)
7 A (Inaudible) I take her to school and everything (inaudible).
8 (Pause)
9 A So how do you tell?
10 Q It's a uh...
11 A It goes into the (inaudible).
12 Q Yeah, it goes into (inaudible).
13 (Pause)
14 A (Inaudible)
15 Q Today, okay, (inaudible)
16 (Pause)
17 A (Inaudible)
18 (Pause)
19 A (Inaudible) me to jail. (Inaudible) I ain't seen my kids in a year and a half.
20 Q Are you right or left handed?
21 A Right.
22 (Pause)
23 Q Do you have an occupation? Do you work?
24 A (Inaudible)
25 Q Do you have any hobbies?

1 A (Inaudible)

2 Q Okay.

3 A Oh my God.

4 Q (Inaudible)

5 A (Inaudible). This is crazy. This is crazy man, this is crazy man. (Inaudible).

6 (Inaudible) everything I'm saying, right. (Inaudible). This ain't no fucking game

7 this is fucking real. Is it possible (inaudible) get my girl (inaudible).

8 (Inaudible talking)

9 **(DETECTIVE PHELAN)**

10 Q They don't need your clothes.

11 A (Inaudible)

12 Q Yeah, I'm a take care of that. Uh, you need to change into that and she's gon'

13 need those clothes.

14 A For what?

15 Q It's all evidence.

16 **(UNKNOWN FEMALE)**

17 Q Pants.

18 **(DETECTIVE PHELAN)**

19 Q You got your blood on it, their blood on it.

20 **(UNKNOWN FEMALE)**

21 Q His uh wound I couldn't get to because their all covered up and I don't have

22 anything and I don't know what you wan to do about…

23 (Inaudible, more than one person speaking)

24 A (Inaudible) in the spots where I was cut. This is where I blocked the cut

25 (inaudible) cut me, so (inaudible).

1 Q (Inaudible)

2 **(DETECTIVE PHELAN)**

3 Q Uh huh (Affirmative)

4 A (Inaudible) you need to let them know that they did have a weapon.

5 Q (Inaudible)

6 A Yeah.

7 Q Go ahead.

8 A (Inaudible)

9 Q Yeah.

10 A (Inaudible)

11 **(UNKNOWN FEMALE)**

12 Q (Laughter) (Inaudible)

13 A Hey you got anything I can bandage it back with.

14 **(DETECTIVE PHELAN)**

15 Q I don't have any. I can check, I'll check around and see if got any tape. I know

16 we got a first aid kit somewhere.

17 **(UNKNOWN FEMALE)**

18 Q I need to un-bandage (inaudible) take those off of his fingers too.

19 A (Inaudible)

20 Q So hot pink (inaudible).

21 **(DETECTIVE PHELAN)**

22 Q Yes shoes. Shoes, uh jeans, shirt.

23 A (Inaudible)

24 **(UNKNOWN FEMALE)**

25 Q (Inaudible)

1 A (Inaudible)

2 **(DETECTIVE PHELAN)**

3 Q I ran out of boxers, I'm wearing these stringy ass briefs that my girl told me too

4 wear. She bought it for me I told her nall (inaudible). And this is what (inaudible)

5 **(UNKNOWN FEMALE)**

6 Q I'm gonna give you this to wear.

7 A (Inaudible). (Inaudible). I was thinking I was watching Whoopi Goldberg

8 yesterday, she was saying something bout how, (inaudible) mother use to say,

9 (inaudible) cause you never know what's gon' happen to you. (Inaudible)

10 Q Yeah it's gonna sting a little bit because it's stuck on there.

11 A (Inaudible)

12 Q (Inaudible) can you scoop back just a little bit more?

13 A (Inaudible)

14 Q All right

15 A (Inaudible) I told me I don't need stitches, I need stitches don't I? (Inaudible) Try

16 to throw me around. You know he was doing worse the police. (Inaudible)

17 Q Okay I'm gonna have to take these off too so I can get the ones on your fingers.

18 (Inaudible)

19 A See, I knew it, that's what I'm trying to say, I was blocking (inaudible) that knife. I

20 was blocking that knife (inaudible). I can't even remember everything man cause

21 I, everything was a reflex. They was cutting me up man. (Inaudible)

22 Q This one.

23 A I wasn't trying to stab them; I was trying to punch them. If you look at my hand

24 you can tell, I was trying to punch them. Cause I knew that's what I was trying to

25 do. I wasn't trying to kill nobody. But it came to a point where, you know; I was

1 getting hit up (inaudible) I was just like yo, you know, come on man. (Inaudible), I
2 ain't try to come up and kill somebody. This is ruining my life though, I ain't gon
3 have sh, nothing after this. Nothing, no place to live, no nothing. No credibility
4 with my friends and family, nothing. And the whole thing is I got locked up
5 before. For something I never did, for something I never knew about. Somebody
6 pointed me out in a mug shot and brought me in to the judge and I was facing a
7 whole lot of time, you know. This is, in two thousand and, you know, 1994.
8 Q All right, um...
9 A The police came to my house.
10 Q Do you wanna un-cuff him and I need you to take all of your clothes off except for
11 your underwear.
12 A Don't laugh at me (inaudible)
13 Q This is a one piece suit, and you just zip up the front. (Inaudible)
14 (Inaudible talking)
15 (Clicking sound)
16 Q (Inaudible)
17 A (Inaudible) get infected. (Inaudible) I'm getting fucking killed by them man. I'm
18 getting killed. (Inaudible). They don't know me. (Inaudible) I didn't say nothing to
19 them. I didn't even curse at them dudes. (Inaudible)
20 Q Uh huh (Affirmative)
21 A You do need this one.
22 Q Uh huh (Affirmative). Cause it's torn. I need everything except for your (inaudible)
23 A That's gonna be cold. (Inaudible)
24 Q I need your shoes too.
25 A (Inaudible)

THIS TRANSCRIPT HAS BEEN REVIEWED FOR ACCURANCY

Signed this 15 day of November, 2006.

DETECTIVE PHELAN, OCSO DEPUTY SHERIFF