

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE CIRCUIT COURT OF THE  
EIGHTH JUDICIAL CIRCUIT, IN  
AND FOR BAKER COUNTY, FLORIDA

CASE NO. 02-2019-CF-382--A

STATE OF FLORIDA

vs.

BRIAN LOUIS ROBINSON,

Defendant.

---

Proceedings: JURY TRIAL (EXCERPTS - WITNESS  
TESTIMONY)

Before: THE HONORABLE PHILLIP PENA  
Circuit Judge

Date: February 13, 2024

Place: Baker County Courthouse  
Macclenny, Florida

Reporter: Angela Reichenbach  
Eighth Judicial Circuit

APPEARANCES:

THE HONORABLE BRIAN S. KRAMER, STATE ATTORNEY  
Eighth Judicial Circuit of Florida  
RALPH YAZDIYA and RYAN KING  
ASSISTANT STATE ATTORNEYS  
339 East Macclenny Avenue, Suite 126  
Macclenny, Florida 32063  
Attorneys for the State of Florida

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES:

THE LAW OFFICE OF NAH-DEH SIMMONS  
NAH-DEH SIMMONS  
P.O. BOX 41083  
Jacksonville, Florida 32203

- A N D -

THE LAW OFFICE OF ANTHONY K. BARNEY, P.A.  
ANTHONY BARNEY  
The Jacksonville Urban League Bldg  
903 Union St W Ste 101  
Jacksonville, FL 32204  
Attorneys for the Defendant

P R O C E E D I N G S

(February 13, 2024)

\* \* \* \* \*

- - -

**LIEUTENANT DAVID MANCINI,**

having been produced and first duly sworn as a witness,  
and having responded "I do" to the oath, testified as  
follows:

THE COURT: Thank you. Please be seated.

MR. YAZDIYA: May I proceed, Your Honor?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. YAZDIYA:

Q If you could please state your name for the  
record.

A David Mancini.

Q What is your current occupation?

A I am a lieutenant over the detective division  
at the Baker County Sheriff's Office.

Q How long have you been employed with the Baker  
County Sheriff's Office?

A Approximately nine years.

Q What are your current responsibilities and  
duties?

A I oversee the detective division which

1 consists of six detectives, a crime scene investigator,  
2 a crime analyst, and I also oversee all the criminal  
3 investigations that go on in the Baker County Detention  
4 Center.

5 Q What other law enforcement experience do you  
6 have?

7 A One year as a patrol officer at the Pinellas  
8 County Sheriff's Office.

9 Q How many different positions have you had at  
10 the Baker County Sheriff's Office in the last nine years  
11 until your current position?

12 A I worked as a patrol deputy on the road, a  
13 detective, and a detective supervisor.

14 Q Can you explain to the jury what type of  
15 training you have.

16 A Yes. So I attended the basic law enforcement  
17 academy in 2011 at St. Johns River State College in St.  
18 Augustine. Since then I've attended advanced training  
19 in death, homicide, suicide investigations, interviews  
20 and interrogations, child abuse, and neglect training  
21 and narcotics investigation training.

22 Q And what type of cases have you handled in the  
23 last nine years?

24 A Probably thousands, ranging from simple thefts  
25 to homicides.

1 Q Do you have military experience?

2 A I do.

3 Q And what type and for how long?

4 A I served five years in the United States  
5 Marine Corps.

6 Q Let me draw your attention to this current  
7 case. Let me take you back to June of 2019. In June of  
8 2019 were you working at the Baker County Sheriff's  
9 Office?

10 A Yes, sir.

11 Q And what was your position at that time?

12 A I wasn't<sup>34:34P2</sup> a detective supervisor. I was  
13 a sergeant at the time.

14 Q And what were your duties and responsibilities  
15 at that time in 2019?

16 A The same that they are now. Overseeing the  
17 detective division, supervising the other detectives.

18 Q Did you know a Brian Robinson?

19 A I did.

20 Q How did you know him?

21 A He was an employee in the Baker County  
22 Detention Center at that time.

23 Q Do you see him in the courtroom today?

24 A I do.

25 Q Can you please point to him and identify him

1 by an article of clothing.

2 A He's the gentleman in the black suit with the  
3 pink salmon-colored tie.

4 MR. YAZDIYA: Your Honor, for the record he's  
5 identified Mr. Robinson.

6 THE COURT: So reflected.

7 BY MR. YAZDIYA:

8 Q Can you explain how you got involved in this  
9 case in June of 2019.

10 A Yes. So I was contacted by the jail  
11 administrators at that time who informed me that a  
12 female inmate/detainee had made allegations against the  
13 defendant that were -- that she had been sexually  
14 battered.

15 Q Do you mean the name of this individual who  
16 had made this complaint?

17 A Yes.

18 Q And what was --

19 A [REDACTED] [REDACTED]. I believe I'm saying her  
20 last name correct.

21 Q Okay. And you said the complaint was in  
22 regards to --

23 A Yes. She had made a complaint that she had  
24 been -- that there was an inappropriate relationship  
25 between her and the defendant, that she had been

1 sexually battered and some advances had been made  
2 towards her.

3 Q And the defendant once again was Mr. Robinson?

4 A That's correct.

5 Q Did you begin to conduct an investigation once  
6 you received this complaint?

7 A Yes. At that time I assigned Detective Morgan  
8 McDuffie. As lead detective I supervised and  
9 participated in the investigation with her as well as  
10 with the Department of Homeland Security. The inmate  
11 was a detainee, a federal detainee in ICE custody, so  
12 they participated in the investigation as well.

13 Q Can you explain what you mean by an "ICE"  
14 inmate. What does that mean and why is someone like  
15 that housed at the Sheriff's Office?

16 A So the Baker County Sheriff's Office contracts  
17 with federal law enforcement officer agencies, the U.S.  
18 Marshals, and Immigrations Customs Enforcement. So we  
19 house detainees and for whatever reason they may be a  
20 detainee, whether it's immigration status or if it's a  
21 criminal offense that they're in our facility. So we  
22 also house county inmates as well. But she was a  
23 detainee in ICE custody at that time.

24 Q Do you recall from your investigation when  
25 these incidents that she had reported were to -- alleged

1 to have occurred approximately?

2 A From March 2019 to May 2019.

3 Q At that time was Mr. Robinson, the defendant,  
4 was he employed with the Baker County Sheriff's Office  
5 at that time?

6 A Yes, sir.

7 Q Did you happen to know his date of birth?

8 A I do. If I can refer to my report.

9 Q Absolutely.

10 A I believe it's -- I believe it's January 7th,  
11 1993. And that's accurate. At the time of the  
12 investigation he would have been 26 years old.

13 Q 26 years old?

14 A Yes.

15 Q And the -- [REDACTED], do you happen to  
16 know what her date of birth was?

17 A If I can refer to the report --

18 Q Absolutely.

19 A -- [REDACTED]  
20 [REDACTED].

21 Q Okay. At the time -- I know this may sound  
22 redundant, but at the time was Mr. Robinson a law  
23 enforcement officer or a correctional officer with the  
24 Baker County Sheriff's Office?

25 A He was. He was a correctional officer.



1 Q And at the time [REDACTED] [REDACTED] was obviously  
2 an inmate or a detainee during that time period as well?

3 A That's correct.

4 Q Do you happen to recall what Mr. Robinson, the  
5 defendant's, responsibilities were during that time  
6 period of March 2019 through May 2019?

7 A So he was a detention deputy assigned to the  
8 jail. His responsibilities would have been to ensure  
9 the safety and security of the facility and the inmates  
10 therein.

11 Q Can you explain what you did during the course  
12 of your investigation.

13 A Yes. So numerous interviews were conducted  
14 and certain items of evidence were collected throughout  
15 this investigation by not only the Baker County  
16 Sheriff's Office but Homeland Security.

17 Q You said you assigned this case to Morgan  
18 McDuffie?

19 A That's correct.

20 Q At the time she was employed at the Baker  
21 County Sheriff's Office?

22 A Yes.

23 Q She still employed there?

24 A No, sir.

25 Q And do you recall where she's employed at now?

1           A     She's a special agent at the Florida  
2 Department of Law Enforcement.

3           Q     During the course of the investigation were  
4 you involved in the collection or receiving of any  
5 evidence?

6           A     Yes, sir.

7           Q     And do you recall what type of evidence that  
8 would have been?

9           A     I received a package that was mailed or  
10 hand-delivered by Homeland Security that would have  
11 contained the victim's saliva, swabs of her saliva. I  
12 collected the defendant's saliva with cotton swabs from  
13 the inside of his cheek.

14          Q     And what did you do with these swabs of the --  
15 saliva swabs of the defendant and also of  
16 ████████████████████ saliva swabs that you had received?

17          A     These items were placed into evidence at the  
18 Sheriff's Office and were later submitted to the Florida  
19 Department of Law Enforcement for further analysis.

20          Q     And how would they have been submitted to the  
21 Florida Department of Law Enforcement?

22          A     They would have been transported by our  
23 evidence custodian.

24          Q     And do you recall who that was at the time?

25          A     Yes. Jodi Altman.

1 Q Jodi Altman. Okay. During the course of your  
2 investigation did you determine that these offenses,  
3 these crimes occurred here in Baker County?

4 A Yes, sir.

5 MR. YAZDIYA: One moment, Your Honor. Your  
6 Honor, I tender the witness at this point. Thank  
7 you.

8 THE COURT: Defense, any questions.

9 MR. SIMMONS: Yes, Your Honor.

10 THE WITNESS: I'm sorry. You do.

11 MR. SIMMONS: May it please the Court?

12 THE COURT: You may proceed.

13 CROSS-EXAMINATION

14 BY MR. SIMMONS:

15 Q Good morning, Detective.

16 A Good morning.

17 Q You are a detective at the Baker County  
18 Sheriff's Office, correct?

19 A Yes, sir.

20 Q And because you're a detective there are  
21 certain professional training you had to go through?

22 A That's correct, yes, sir.

23 Q And as a professional you have learned how to  
24 write reports?

25 A Yes, sir.

1 Q And you've learned to write reports a certain  
2 way because these reports are important, correct?

3 A Yes, sir.

4 Q They must be detailed?

5 A That's correct. Yes, sir.

6 Q They must be accurate?

7 A Yes, sir.

8 Q They must be truthful?

9 A Yes, sir.

10 Q And in this case you did a couple of reports,  
11 correct?

12 A Yes, sir.

13 Q And with our understanding, reports are very  
14 important because sometimes we have to rely on them,  
15 correct?

16 A Yes, sir.

17 Q And sometimes we rely on them without even  
18 speaking to you?

19 A I'm sorry. What is the question?

20 Q Sometimes we rely on those reports without  
21 even speaking to you, correct?

22 A Yes, sir.

23 Q Prosecutors rely on them?

24 A That's correct.

25 Q Judges rely on them. So now you've stated

1 that you were the lead detective in this case.

2 A No, I didn't. Detective McDuffie was the lead  
3 detective.

4 Q Okay. Detective McDuffie was the lead  
5 detective. You -- you stated that at some point you got  
6 a call over from the jail about a sexual assault that  
7 took place, correct?

8 A Yes, about the complaint.

9 Q And you never interviewed the victim?

10 A I did not, no.

11 Q Did you have an opportunity to speak to the  
12 lieutenant at the jail, Mr. Messer?

13 A Yes.

14 Q Now, there was a -- there is some sort of a  
15 software program that they have at the jail, an RFID  
16 system where it monitors all the information of  
17 everything that happens at the jail, correct?

18 A Yes, but I have limited knowledge on how that  
19 works, though.

20 Q Did you inquire or look into that with Officer  
21 Messer?

22 A No, I did not.

23 Q Okay. Did you -- now, you were aware that  
24 there was a couple of incidents or alleged incidents  
25 between Mr. Robinson and the alleged victim, correct?

1 A Yes.

2 Q One of those incidents was alleged to have  
3 happened the night of April the 22nd going into the 23rd  
4 of 2019?

5 A I'd have to refer to my report as far as  
6 specific dates.

7 Q Okay. Please feel -- feel free to refer --

8 A What was the date?

9 Q One of the alleged incidents happened to occur  
10 between April 22nd and April 23rd of 2019.

11 A Just for the record, that's not indicated in  
12 one of my reports. I'm going to have to refer to  
13 Detective McDuffie's report.

14 Q Go ahead.

15 A Can you -- can you say the dates one more  
16 time.

17 Q One of the alleged incidents occurred between  
18 April 22nd to April 23rd of 2019.

19 A So I'm seeing March 23rd --

20 Q Got you.

21 A -- March 24th, May 25th.

22 Q Okay. So in -- in her report she has  
23 March 23rd and March 24th and --

24 MR. YAZDIYA: Your Honor, the State objects.

25 This is beyond the scope of what the State has

1           asked.

2           THE COURT:  Come forward for a moment.

3           (Sidebar conference.)

4                           \*   \*   \*   \*   \*

5  BY MR. SIMMONS:

6           Q     Okay.  Now, as it relates to this  
7  investigation you actually had an opportunity to  
8  interview Mr. Robinson, correct?

9           A     Yes, sir.

10          Q     And you had interviewed him on -- I guess that  
11  would have been June the 22nd of 2019?

12          A     I believe that's correct, yes.

13          Q     Okay.  And you also collected evidence in this  
14  matter, correct?

15          A     Yes.

16          Q     And you stated that you collected DNA samples  
17  taken from █████ █████ █████, correct?

18          A     I collected samples of saliva from his [sic]  
19  cheek, yes.

20          Q     And when you collect those samples there's a  
21  certain property evidence form that you fill out for the  
22  chain of custody that you submit when you have collected  
23  this evidence, correct?

24          A     Yes.  There's an evidence form that we submit  
25  into our evidence with the -- with those items, yes.

1 MR. SIMMONS: May I approach, Your Honor?

2 THE COURT: You may.

3 BY MR. SIMMONS:

4 Q I'm showing you what's been marked for  
5 purposes as Defense Exhibit 1. It's just two of the  
6 same documents. Does that look like the form that you  
7 filled out with your signature for the collection sample  
8 of [REDACTED] sample?

9 A Yes. This is an evidence sheet that shows  
10 that I collected and submitted evidence that was taken  
11 from the victim by a Special Agent Casiota.

12 Q Correct. When you got -- that -- that was the  
13 form that you filled out prior to submitting it,  
14 correct?

15 A Yes, that's correct. I submitted it with the  
16 evidence.

17 Q Okay. And the time that you have on there  
18 that you submitted it, what time would that be?

19 A 1336, so 1:36 p.m.

20 Q So that's military time for 1:36 p.m.,  
21 correct?

22 A Yes, sir.

23 MR. SIMMONS: I'd like to move this in as  
24 Defense 1, Your Honor.

25 MR. YAZDIYA: Your Honor, the State objects.



1           If we could approach.

2                   THE COURT:   You may approach.

3                                   \*   \*   \*   \*   \*

4   BY MR. SIMMONS:

5           Q       So at 1:36 p.m. was when you received it or  
6       would have entered it into the system at some point?

7           A       Uh-huh.  That's when I would have submitted it  
8       to the locker.  I don't have any control over the system  
9       time stamps on our electronic monitoring of our  
10       evidence.  That's just the time that I wrote when I put  
11       it in the locker.

12          Q       Got you.  So at 1:36 was -- you took it from  
13       the mail or where you got it and you placed it in the  
14       locker room?

15          A       Yes.

16          Q       Now, at some point you also had an opportunity  
17       to again interview Mr. Robinson, correct?

18          A       Yes, sir.

19          Q       And during that interview you had an  
20       opportunity to collect DNA samples, correct?

21          A       No, sir.

22          Q       You don't?

23          A       I collected DNA samples on the first  
24       interview.

25          Q       Correct.  On --

1           A     And you asked me if the second interview -- I  
2 didn't collect any- --

3           Q     No.  June 26th, the day after the incident,  
4 you had an opportunity to interview Mr. Robinson,  
5 correct?

6           A     Yes, sir.

7           Q     And during that interview on June 26th of 2019  
8 you collected DNA samples, correct?

9           A     I collected saliva samples from his cheek,  
10 yes.

11                   MR. SIMMONS:  Okay.  Your Honor, for purposes  
12 of this may we approach briefly?  For purposes of  
13 this question, may we approach briefly?

14                   THE COURT:  You may.

15                                 (Sidebar conference.)

16   \*   \*   \*   \*   \*

17   (The jury not present.)

18   PROFFER

19 BY MR. SIMMONS:

20           Q     Detective Mancini, back on the 26th of June,  
21 again, you interviewed Mr. Robinson?

22           A     That's correct.

23           Q     And you collected a saliva sample?

24           A     Yes, sir.

25           Q     And you left with his saliva sample out of the

1 interview, correct?

2 A Yes.

3 Q And you left out with his saliva sample as  
4 well as an open unused sample, correct?

5 A As well as a -- what was that last part?

6 Q As well as an open unused saliva sample.

7 A I don't recall that.

8 Q And you never documented your collection or  
9 submission of this saliva sample, correct?

10 A I can refer to my -- for one, I don't know if  
11 I submitted it or if Detective McDuffie submitted it.  
12 She was present with me during the collection.

13 Q So you don't recall if you filled out  
14 documentation regarding the collection of the sample?

15 A I can't recall if I did or if Detective  
16 McDuffie did.

17 Q Okay.

18 A I can refer to my report to see who -- who did  
19 that if it's in there.

20 Q And you don't recall whether or not you exited  
21 the room with his sample and an open unused sample?

22 A I believe we may have had an unused sample,  
23 but I -- again, I can't recall without watching the  
24 interview.

25 (Proffer concluded.)

1                                   \*   \*   \*   \*   \*

2                                   (Jury present.)

3 BY MR. SIMMONS:

4           Q     Detective Mancini, again, back on June the  
5 26th of 2019 you had an opportunity to interview  
6 Mr. Robinson, correct?

7           A     Yes, sir.

8           Q     And during that interview you collected saliva  
9 samples from Mr. --

10          A     Yes, sir.

11          Q     And there was one open and unused saliva  
12 sample that was not used, correct?

13          A     That's correct.

14          Q     And after taking his saliva sample you exited  
15 the interview room with the saliva sample?

16          A     That's correct.

17          Q     And after you came back into the room you did  
18 not have the sample in your possession?

19          A     Yes.

20          Q     And Officer McDuffie was in the room the  
21 entire time during the collection of the sample and also  
22 after you exited the room, correct?

23          A     Yes, sir.

24          Q     And you never filled out any evidence receipt  
25 as it relates to the collection or the I guess

1 submission of that saliva sample, did you?

2 A Not in the interview room, no, I did not.

3 Q Did you ever -- did you ever sign one?

4 A I don't know if myself or Detective McDuffie  
5 filled out the evidence form.

6 Q So you don't know when that form was filled  
7 out?

8 A It would have been filled out after the  
9 interview by myself or Detective McDuffie. I'm not  
10 sure.

11 Q And you -- so you don't know what time it was  
12 filled out?

13 A No, sir.

14 Q And after that evidence exited that room up  
15 until the time that was filled out and submitted, we  
16 don't have any account for it?

17 A It would have been secured in my office in the  
18 detective division right outside the interview room  
19 where numerous other detectives were waiting.

20 Q Got you. So it was supposed to have been in  
21 your office at that time?

22 A Yes.

23 Q Okay. Now, as it relates to this  
24 investigation you never inquired as to whether  
25 Mr. Robinson was at work or not during the time of these

1 alleged incidents, did you?

2 A I did not, no.

3 Q And you never reviewed any surveillance  
4 evidence?

5 A There was none available.

6 Q You never reviewed any RFID evidence?

7 A No, sir, I did not.

8 MR. YAZDIYA: Your Honor, this is outside the  
9 scope. The State objects.

10 THE COURT: Overruled.

11 BY MR. SIMMONS:

12 Q You never listened to any jail calls of the  
13 alleged victim?

14 A I monitored some, but I primarily left that up  
15 to Detective McDuffie to do.

16 Q So you monitored some of the jail calls?

17 A Yes.

18 Q Did you find any calls that was disturbing to  
19 you as it relates to the portion you monitored?

20 A No, sir, I did not.

21 Q What information would you have gathered from  
22 the calls?

23 MR. YAZDIYA: Your Honor, if counsel could  
24 repeat that question. I wasn't sure exactly what  
25 he said.

1 BY MR. SIMMONS:

2 Q From the calls you monitored what information  
3 were you able to gather from the calls?

4 A Nothing that was of value to  
5 the investigation.

6 Q Now, based upon your investigation it was  
7 suggested that you further investigate and speak to the  
8 alleged victim and to Mr. Robinson, correct?

9 A No. I never spoke to the alleged victim.

10 Q It was suggested that you speak to  
11 Mr. Robinson and the alleged victim at some point during  
12 your investigation, correct?

13 A I don't understand. It was suggested by whom?

14 Q By the state attorney, by those involved when  
15 you were investigating.

16 A No. It was never suggested that I speak to  
17 the victim in this case.

18 Q Can you review -- can you review your report?

19 A I can.

20 Q Okay.

21 A Is there a specific portion of the report --  
22 report you want me to review?

23 Q September the 4th, 2019.

24 A Is that the date of --

25 MR. YAZDIYA: Your Honor --

1           A     -- the report?

2           MR. YAZDIYA:  -- I object.

3           THE COURT:  Hold on.

4           MR. YAZDIYA:  I object.  This is improper.

5           THE COURT:  Sustained.

6  BY MR. SIMMONS:

7           Q     During your investigation did you have an  
8 opportunity to contact Mr. Yazdiya?

9           A     Yes.

10          Q     And were you advised that interviews of both  
11 parties should take place during the -- during the  
12 investigation at that point?

13          MR. YAZDIYA:  Once again, Your Honor, the  
14 State objects.  This is improper.  It's hearsay as  
15 well.

16          THE COURT:  Sustained.

17  BY MR. SIMMONS:

18          Q     You were in contact with the federal  
19 investigators, correct?

20          A     Yes.

21          Q     And during the time frame of your  
22 investigation, the federal officers were also conducting  
23 an investigation?

24          A     They were assisting in our investigation, yes.

25          Q     Okay.  And at some point the federal officers



1 were going to make a determination of whether or not  
2 they potentially were going to prosecute this case,  
3 correct?

4 MR. YAZDIYA: Objection, Your Honor. This is  
5 speculative as to what the federal investigators  
6 were doing.

7 THE COURT: All right. If y'all could  
8 approach.

9 (Sidebar conference.)

10 \* \* \* \* \*

11 BY MR. SIMMONS:

12 Q Now, Detective Mancini, you never saw the  
13 cloth evidence in this case?

14 A I'm sorry. Say that one more --

15 Q You never saw the cloth evidence in this case?

16 A No, sir.

17 Q Now, when you interviewed Mr. Robinson back on  
18 the 26th of 2019, June, he was on administrative leave,  
19 correct?

20 A Yes.

21 Q And after June the 26th of 2019 Mr. Robinson  
22 never returned back in an official capacity to work? He  
23 never came back to the building, correct?

24 A To my knowledge, yes, that was's correct.

25 Q And he never came back to the building until a

1 year later? I guess that would be June or July of 2020,  
2 correct?

3 MR. YAZDIYA: Objection. Relevance.

4 THE COURT: Overruled at that time. You can  
5 ask those questions.

6 BY MR. SIMMONS:

7 Q And he never came back to the building again  
8 until a year later sometime in June or July of 2020,  
9 correct?

10 A I can't tell you if he came in the building.  
11 I can tell you the next time I saw Mr. Robinson was  
12 July 20th, I believe, of 2020.

13 Q But you were aware he was on administrative  
14 leave and never worked again from that day?

15 A Yes, that's correct.

16 Q Now, you did meet with Detective McDuffie  
17 regarding this investigation, correct?

18 A Yes. I supervised her.

19 Q Okay. So all of her reports were reports that  
20 you were aware of?

21 A That's correct.

22 Q Some of the information that she was able to  
23 gather you were aware of as well?

24 A Yes, sir.

25 Q Now, this cloth that came from New York, you

1 didn't have any interaction with that, correct?

2 A I didn't have any what?

3 Q Any interaction with that cloth that came from  
4 New York.

5 A I did not, no, sir.

6 Q And you never investigated or checked to see,  
7 again, whether or not the dates of this alleged incident  
8 Mr. Robinson was actually in the building?

9 A I'm sorry. Say that again.

10 Q The dates that these incidents were alleged to  
11 have occurred you never checked to see whether or not he  
12 was in the building or working, did you?

13 A If he was in the -- I mean, he was employed by  
14 the Baker County Sheriff's Office during that time,  
15 so --

16 Q Correct. You never checked to see whether he  
17 was on the work schedule, whether that was his shift,  
18 whether he was working, whether he was there or not  
19 there, you never --

20 A I did not, no, sir.

21 MR. SIMMONS: Okay. I don't have anything --  
22 nothing further. Subject to recall, Your Honor.

23 THE COURT: Thank you, sir. Any redirect?

24 MR. YAZDIYA: Yes, Your Honor. If I can have  
25 just a moment.

1 THE COURT: You may.

2 (Pause in the proceedings.)

3 MR. YAZDIYA: If I can just have a minute,

4 Your Honor.

5 (Pause in the proceedings.)

6 (Recess taken.)

7 \* \* \* \* \*

8 REDIRECT EXAMINATION

9 BY MR. YAZDIYA:

10 Q Lieutenant Mancini, can you describe to the  
11 jury the process you go through when you collect saliva  
12 samples from an individual.

13 A Yes. So you take cotton swabs essentially is  
14 what they are. We call them buccal swabs. And you  
15 usually use two. That's the preferred method. You swab  
16 the inside of the cheek of the person that you're  
17 collecting the sample from numerous times on each cheek.  
18 Then you put the swabs back into the paper sealing bag  
19 that they come in. And seal them in a brown paper bag.  
20 You do all this of course while wearing gloves. And we  
21 seal the bag containing the swabs with evidence tape in  
22 front of the person that we're swabbing and then we  
23 initial the tape. And then we submit it into evidence.  
24 It is later taken to the Florida Department of Law  
25 Enforcement or a private lab in some situations for

1 analysis. That is done by the evidence custodian.

2 Q And when you take these saliva samples what  
3 type of kit is used?

4 A I'm sorry?

5 Q What type of kit is used to take the saliva  
6 sample? Is this something issued by the Sheriff's  
7 Office?

8 A Yes. This is a Sheriff's Office issued  
9 evidence kit. It's standard buccal swabs. It's used by  
10 many law enforcement agencies.

11 MR. YAZDIYA: Your Honor, may the record  
12 reflect I'm showing defense counsel State's Exhibit  
13 A for identification purposes. May I approach the  
14 witness, Your Honor?

15 THE COURT: You may.

16 BY MR. YAZDIYA:

17 Q Lieutenant, do you recognize that?

18 A Yes.

19 Q And what is that?

20 A These are two buccal swabs containing the  
21 defendant's DNA or saliva.

22 Q Is your signature on that package?

23 A Yes.

24 Q And is it dated?

25 A It is. June 26th, 2019.

1 Q And is that the day that you took the buccal  
2 swab of the defendant when you interviewed him?

3 A Yes.

4 Q Who else was with you at the time you did  
5 that?

6 A Detective Morgan McDuffie.

7 MR. YAZDIYA: Your Honor, can I have just one  
8 moment?

9 THE COURT: You may.

10 MR. YAZDIYA: Your Honor, I'd like to open  
11 this if I may.

12 A You want me to open it?

13 Q Yeah.

14 MR. YAZDIYA: Oh. Thank you.

15 BY MR. YAZDIYA:

16 Q Lieutenant, do you need some gloves?

17 A Yeah. You want me to remove it?

18 Q Well, just -- can you look at it clearly? Can  
19 you see it?

20 A Yes.

21 Q Okay. Do the items in there seem to be in the  
22 same condition as when you put them in the package?

23 A Yes.

24 Q And the package, does it seem to have been  
25 tampered -- other than you just opening it now, does it

1 seem to have been tampered, changed, or anything?

2 A No. I see where it was opened probably by the  
3 Florida Department of Law Enforcement, the crime lab. I  
4 see that their tape is on there sealing it. That would  
5 have been done after we submitted it for analysis.

6 Q So this would have been the package that would  
7 have been sent to FDLE. And would it be correct to say  
8 they would have opened to remove the items, then they  
9 put it back in when they're done with their analysis,  
10 and they seal it again?

11 A Correct.

12 Q Other than that does the package seem to be in  
13 the same condition?

14 A Yes, sir.

15 Q And it contains what you put in there  
16 originally?

17 A That's correct.

18 Q The buccal swabs of the defendant?

19 A Yes.

20 MR. YAZDIYA: Your Honor, for the record, I'm  
21 showing defense State's Exhibit B for  
22 identification purposes. Your Honor, may I  
23 approach?

24 THE COURT: You may. You may.

25 MR. YAZDIYA: Thank you, Your Honor.

1 BY MR. YAZDIYA:

2 Q Lieutenant, this is State's Exhibit B for  
3 identification purposes. Do you recognize that as well?

4 A Yes.

5 Q And what is that?

6 A This was a saliva sample taken from Josh Powe.  
7 This was taken by Special Agent Jay Combs with Homeland  
8 Security.

9 Q So you did not take this one?

10 A I did not. I just submitted it.

11 Q Okay. And do you recognize -- well, is your  
12 signature on there?

13 A Yes.

14 Q What is the date of that?

15 A October 10th, 2019.

16 Q And why is your name and your signature on it  
17 if you're not the one who actually took those buccal  
18 swabs of Mr. -- of Josh Powe?

19 A Because I'm the one that's going to submit  
20 them into evidence with the Sheriff's Office.

21 Q And once you received it did you package it?

22 A I packaged it in this paper bag, yes.

23 Q If you could just open that as well. Thank  
24 you. Maybe a little more. Just look at it and --

25 A It's another paper bag within the paper bag.



1 Q Okay. And is that what you had received?

2 A Yes.

3 Q Okay. And that one you did not open?

4 A I did not.

5 Q So you received this package. And where did  
6 it come from?

7 A It came from Special Agent Jay Combs with  
8 Homeland Security investigations.

9 Q So you received this package and then you  
10 packaged it -- you packaged it here in Baker County?

11 A Yes.

12 Q And then you signed it and you initialed it?

13 A That's correct.

14 Q And that was sent to FDLE as well?

15 A Yes.

16 Q And do you see the FDLE label and all that on  
17 there as well?

18 A Yes.

19 Q Okay. Thank you.

20 MR. YAZDIYA: Thank you, Madam Clerk. Your  
21 Honor, for the record, I'm showing defense counsel  
22 State's Exhibit C for identification purposes.

23 Mr. Simmons. May I approach, Your Honor?

24 THE COURT: You may.

25

1 BY MR. YAZDIYA:

2 Q Lieutenant Mancini, I'm showing you State's  
3 Exhibit C for identification purposes. Do you recognize  
4 that package?

5 A I do.

6 Q How do you recognize it?

7 A I submitted this into evidence on November 6th  
8 2019. It was a package containing saliva samples from  
9 the victim. This was collected by Homeland Security  
10 Special Agent Joseph Casiotta.

11 Q And what is her name again on the package? Is  
12 it listed?

13 A Yes. It's samples taken from [REDACTED]  
14 [REDACTED].

15 Q Are you able to spell that for the record,  
16 please.

17 A First name is [REDACTED]. Last name  
18 [REDACTED].

19 MR. YAZDIYA: I thought you might want that.

20 BY MR. YAZDIYA:

21 Q If you could please open that. Thank you. If  
22 you can tell, what are those items?

23 A So this was the envelope that was given to me.  
24 It's addressed to me, Sergeant Mancini. This is what  
25 contained these contents (indicating). On the back of

1 this envelope I wrote, "This package was opened by  
2 D. Mancini on 11/6/19 to inspect the contents, resealed  
3 by D. Mancini."

4 Q Those items in those two white envelopes?

5 A Yes.

6 Q Those are what?

7 A These are the standards, the saliva samples  
8 from the victim.

9 Q From the victim, [REDACTED] [REDACTED]?

10 A That's correct.

11 Q So once you received that -- where was it  
12 mailed from? Do you recall?

13 A It was hand-delivered from Special Agent  
14 Casiotta to our detention center. It was handed over to  
15 Sergeant Gainey at the time who handed it over to me  
16 that morning.

17 Q Once you received those items what did you do  
18 with them?

19 A I opened and inspected to see what these were.  
20 I did not open these (indicating).

21 Q Right.

22 A I resubmitted them into our evidence bags,  
23 placed them in evidence and had them sent later to the  
24 Florida Department of Law Enforcement.

25 Q Once again, do you see the labels from FDLE on

1 there as well?

2 A I do.

3 Q So they received it?

4 A That's correct.

5 Q Okay. If you could please put that back in  
6 the package, I would appreciate it. Thank you.

7 MR. YAZDIYA: Madam Clerk.

8 THE CLERK: Yes, sir.

9 MR. YAZDIYA: Thank you. One moment, Your  
10 Honor.

11 (Pause in the proceedings.)

12 \* \* \* \* \*

13 RE-CROSS-EXAMINATION

14 BY MR. SIMMONS:

15 Q Detective Mancini, you just testified that you  
16 submitted into evidence the saliva sample of  
17 Mr. Robinson, correct?

18 A That's correct.

19 Q And you submitted into evidence the saliva  
20 sample of [REDACTED] if I'm pronouncing that  
21 correctly?

22 A The victim, yes.

23 Q Okay. And you submitted into evidence the  
24 sample from Mr. Josh Powe?

25 A That's correct.

1 Q As it relates to [REDACTED] [REDACTED], I approached  
2 you previously where you filled out a property -- an  
3 evidence receipt, correct?

4 A Yes.

5 Q And you submitted that at 1:36, 1336 would be  
6 1:36 p.m. -- on that date of November the 6th, correct?

7 A I believe so, yes.

8 Q As it relates to [REDACTED] [REDACTED]. As it  
9 relates to Mr. Robinson you never submitted property --  
10 evidence and what time it was submitted, correct?

11 A I don't have the sheet, so I don't know. I  
12 haven't seen that evidence sheet.

13 Q You never seen the evidence sheet of all of  
14 the evidence you submitted in this case, this sheet  
15 (indicating)?

16 A So I submitted evidence on different dates, so  
17 you only showed me one from November 6th with  
18 [REDACTED] [REDACTED].

19 Q Correct.

20 A If you have the one, I haven't got a chance to  
21 see it. So if you have that, I would like to be able to  
22 review it before I say anything else.

23 Q I do not have one from you for Mr. Robinson.

24 A Okay.

25 Q As it relates to Mr. Josh Powe as well, I do

1 not have one for you. Did you submit an evidence sheet  
2 as it relates to that as well?

3 A I should have submitted one with every piece  
4 of evidence.

5 Q You also submitted the interview of  
6 Mr. Robinson, correct?

7 A I don't know if I submitted that, if it was  
8 myself or Detective McDuffie. I'd have to -- once  
9 again, I'd have to see the evidence bag or the list.

10 MR. SIMMONS: May I -- may I approach, Your  
11 Honor?

12 THE COURT: You may.

13 BY MR. SIMMONS:

14 Q I'm just showing you for identification  
15 purposes for the Defense 2, and do you recognize that  
16 submission of that evidence? That's your signature,  
17 correct?

18 A Yes, sir.

19 Q And you submitted that and you signed, put the  
20 time, 9:15 a.m., and your signature of when you put it  
21 into the system and you signed down there as well,  
22 correct?

23 A That's correct.

24 Q Okay. And each evidence that's submitted  
25 comes with a receipt form of when it's submitted and to

1 whom it's submitted, correct?

2 A Yes, it should.

3 Q And as it relates to Mr. Robinson and as it  
4 relates to Mr. Powe, you state -- you're stating that  
5 you submitted this form as well with those, correct?

6 A I'm saying I should have. I don't have a copy  
7 of it now. So there should be one in evidence. I don't  
8 maintain those, though.

9 Q Got you.

10 MR. SIMMONS: May I approach, Your Honor?

11 THE COURT: You may.

12 MR. YAZDIYA: If you could identify which one  
13 it is. That's all.

14 MR. SIMMONS: It's State's 1.

15 MR. YAZDIYA: Okay. Thank you.

16 BY MR. SIMMONS:

17 Q Now, as it relates to the sample from  
18 Mr. Robinson, you filled that out, correct?

19 A Yes.

20 Q And it says "from" and you have your name,  
21 Mancini?

22 A Yes, sir.

23 Q And it should say "to" and should have been  
24 where the evidence was, but you put the date there,  
25 correct?

1           A     I put the date in evidence.

2           Q     In evidence. Okay. Now, this is the -- I  
3 guess the chain of custody of that evidence. And it has  
4 the different dates of when it's supposed to be filled  
5 out and when it's taken to and fro, correct?

6           A     Yes.

7           Q     And on this particular piece of evidence  
8 besides that one date there is no other date of when it  
9 was taken to and fro, correct?

10          A     Not on the bag itself that I see. If I can --  
11 so there's writing on the bag that I'm not -- that I  
12 didn't write, so I'm not familiar, but, no, as far as  
13 the chain of custody for BCSO I don't see any other --  
14 any other chain of custody notes.

15                 MR. SIMMONS: Thank you. I don't have  
16 anything further.

17                         \* \* \* \* \*

18                         - - -

19                         **JOSHUA POWE,**

20 having been produced and first duly sworn as a witness,  
21 and having responded "I do" to the oath, testified as  
22 follows:

23                 THE COURT: Thank you, sir. Please be seated.

24                 MR. YAZDIYA: May I proceed, Your Honor?

25                 THE COURT: You may.



1 MR. YAZDIYA: Thank you.

2 DIRECT EXAMINATION

3 BY MR. YAZDIYA:

4 Q If you can please state your name for the  
5 record.

6 A It's Joshua Douglas Powe.

7 Q Mr. Powe, what is your occupation?

8 A I'm an entrepreneur and investor. Recently I  
9 founded a company -- well, not so recently. About 15  
10 years ago I should say I founded a company in the data  
11 analytics and technology space, a company that was  
12 dedicated to school education, so working with schools  
13 around the country. And recently I did transition from  
14 my role as CEO of that company to an executive chairman  
15 role. And I still act as a board member for the  
16 company.

17 Q And what state do you live in?

18 A I live in New York State.

19 Q And how long have you lived in New York?

20 A I've lived in New York -- well, I -- I  
21 essentially grew up in New York, but I did live -- I've  
22 lived in New York for approximately -- I would say since  
23 around 2007 or so. Prior to that I lived in Miami,  
24 Florida.

25 Q Okay. So you've been there quite a while in

1 New York?

2 A Yes.

3 Q Can you please tell the jury your education.

4 A Absolutely. I am a graduate of Harvard  
5 University, the undergraduate program, history of  
6 science department, so to say I have a bachelor's degree  
7 in the history of science from Harvard. I don't have a  
8 graduate degree.

9 Q And how long ago did you found this company  
10 you said that you're the CEO of?

11 A Yeah. The company was -- went through various  
12 iterations, but we traced the founding date to about  
13 2010 when it was formally incorporated. I really got  
14 started working on the idea around 2004. So quite a bit  
15 before that. It was sort of in an R and D phase before  
16 it sort of formally came together.

17 Q Thank you so much, Mr. Powe.

18 A Sure.

19 Q Do you -- do you know a [REDACTED]  
20 [REDACTED]?

21 A Tough to pronounce, but yes.

22 Q Yes. And I probably mispronounced it. I  
23 apologize if I did. How long have you known her?

24 A I'm sorry. Can you repeat the question.

25 Q Yes, sir. How long have you known her?

1           A     I've known [REDACTED] [REDACTED] since approximately  
2 2003 or 2004 probably when we met.

3           Q     And where did you meet her?

4           A     [REDACTED] [REDACTED] [REDACTED].

5           Q     And approximately when -- when did you say  
6 that was, 2003?

7           A     Approximately.

8           Q     And how did you know her?

9           A     I -- I met her probably just -- I don't  
10 remember the exact venue, but -- but it was in a social  
11 setting that -- that we met probably at a restaurant,  
12 but I did meet her initially. And then there was a time  
13 when she became my -- my roommate due to a variety of  
14 circumstances somewhat unexpected, but we did live  
15 together as platonic roommates for some time, probably  
16 six months or maybe a bit longer.

17          Q     And that was in [REDACTED]?

18          A     Yes, [REDACTED] [REDACTED]

19          Q     So would it be fair to say you've known  
20 [REDACTED] [REDACTED] for approximately 20 years?

21          A     That's about right, yes.

22          Q     Do you still keep in touch with her?

23          A     I do on occasion, yes.

24          Q     And is she someone that you consider a friend  
25 or an acquaintance?

1           A     Yeah.  No.  I would definitely consider her a  
2 friend, a good friend.  I think we know each other quite  
3 well despite the fact that we haven't seen each other in  
4 actually quite some time face-to-face I mean.

5           Q     And is she someone that would call you from  
6 time to time or you would call her from time to time to  
7 talk about different things?

8           A     Yes.

9           Q     Were you aware that at some point she became a  
10 detainee here at the Baker County Jail?

11          A     I was made aware of that, yes.

12          Q     While she was a detainee at the jail did you  
13 receive phone calls from her?

14          A     I did.

15          Q     At some point did you receive a package in the  
16 mail from [REDACTED] [REDACTED]?

17          A     Yes, I did.

18          Q     Did you receive a phone call from  
19 [REDACTED] [REDACTED] before receiving this package?

20          A     Yes.

21          Q     So were you aware you would be getting  
22 something in the mail?

23          A     I was aware, yes.

24          Q     Can you describe what this package looked like  
25 when you received it.

1           A     Yeah. The package was sort of a large  
2 envelope. It was I would say kind of a manila envelope,  
3 tan in color from what I recall. It had a number of  
4 documents inside the package. So it was a thick  
5 envelope kind of like this (indicating).

6           Q     Do you remember who the envelope was addressed  
7 to?

8           A     Yeah. My recollection it was addressed to  
9 Attorney Joshua Powe.

10          Q     Are you an attorney?

11          A     No, I am not.

12          Q     So did it come across as if it were addressed  
13 as legal mail?

14          A     Yes.

15          Q     You said it had papers in it?

16          A     Yes.

17          Q     When you first received it -- when you first  
18 received it did you even open it?

19          A     I don't recall opening it when I first  
20 received it, no.

21          Q     And when you received this package was it at  
22 your home, at your office, where did you receive it?

23          A     It was received at my office in New York City,  
24 yeah.

25          Q     In New York City?

1 A Uh-huh.

2 Q And where is that in New York City at the  
3 time? I know --

4 A Yeah. At the time it was on -- that office  
5 was located on 5th Avenue around 14th Street.

6 Q Okay.

7 A The address was 85th Avenue at the time.

8 Q And when you received it what did you do with  
9 this package?

10 A I took the package home in my briefcase and  
11 stored it in what was in my mind a secure location.

12 Q So would it be fair to say it was always in  
13 your care and custody?

14 A Yes.

15 Q It was always in a safe place?

16 A Yes.

17 Q Did you eventually get contacted by law  
18 enforcement?

19 A I did, yeah.

20 Q And do you recall why you were contacted by  
21 law enforcement?

22 A Yes, I do. Essentially they wanted to take  
23 possession of the package that I had received.

24 Q Did you eventually meet with law enforcement?

25 A I did.

1 Q Do you recall how many agents or law  
2 enforcement agents --

3 A I believe --

4 Q -- arrived?

5 A Yeah. I believe there were two. This was  
6 quite some time ago.

7 Q I know.

8 A But if memory serves, I -- I think there were  
9 two law enforcement officers that visited my apartment  
10 in Brooklyn at the time to take possession of the  
11 package.

12 Q I know it's been some time. Do you recall  
13 approximately when that may have taken place roughly?

14 A I -- I really don't, but it was probably a  
15 couple of months after I received the package.

16 Q Okay. Okay. And how long ago was that? I  
17 mean, like what year would you say that was in if  
18 you remember --

19 A I mean, it was probably around five years ago  
20 or so, so quite --

21 Q Okay.

22 A -- quite awhile.

23 Q When the agents arrived did they take  
24 possession of this package?

25 A Yes.

1 Q Did you later get contacted again by law  
2 enforcement at a later date?

3 A I did, yes.

4 Q And do you remember -- we have law enforcement  
5 coming to get the package. When did you get contacted  
6 again by law enforcement? How much time had elapsed  
7 would you say roughly?

8 A It probably was a couple months after --  
9 not -- or maybe -- maybe weeks, but it wasn't -- it  
10 wasn't immediately after from my -- my recollection,  
11 but, again, a little bit -- I don't have a concrete  
12 recollection of the exact timeline there.

13 Q But a few weeks later would be fair to say?

14 A I -- something along those lines, yes.

15 Q And what was the purpose for law enforcement  
16 contacting you the second time?

17 A From my -- what I recall it -- they explained  
18 that they needed to take a DNA sample from me in order  
19 to -- I think the phrase they -- they used was rule out  
20 my DNA from being on the sample. I do recall that  
21 they -- that they said at the time that there was DNA  
22 found at the sample or on the sample in question.

23 Q So let me ask --

24 A So they -- yeah.

25 Q -- you this, how did they take the sample from



1 you?

2 A I -- from my -- my memory I think it was a  
3 cheek swab sample maybe with like a Q-tip. Something  
4 along --

5 Q Okay.

6 A -- those lines.

7 Q And when they arrived to do that did you  
8 comply with that?

9 A Yes.

10 MR. YAZDIYA: One moment, Your Honor.

11 (Pause in the proceedings.)

12 MR. YAZDIYA: Your Honor, I'm going to show --  
13 I'm showing the defense State's Exhibit D for  
14 identification purposes. Mr. Simmons and  
15 Mr. Barney -- if I can have one moment, Your Honor.  
16 One moment, Judge.

17 (Pause in the proceedings.)

18 MR. YAZDIYA: Your Honor, if I may approach  
19 the witness.

20 THE COURT: You may.

21 MR. YAZDIYA: For the record, I'm showing  
22 State's Exhibit D for identification purposes.

23 BY MR. YAZDIYA:

24 Q Mr. Powe, am I pronouncing that correctly?

25 A Yeah.

1 Q Okay.

2 A That's right.

3 Q If you can just hold this and tell me do you  
4 recognize this.

5 A Yeah. That looks like the envelope that I  
6 referred to earlier.

7 Q And whose name is that envelope addressed to?

8 A Attorney Josh Powe.

9 Q Once again, you're not an attorney?

10 A No.

11 Q But it was sent to you?

12 A It was.

13 Q And who is this sent to you from? Actually --  
14 it actually has the name up there if you can read that  
15 name.

16 A It's a little bit cut off, but it looks like  
17 [REDACTED], [REDACTED], and then it has a  
18 number.

19 Q Is [REDACTED] her nickname?

20 A Yes.

21 Q You would call her or people would call her?

22 A Yes.

23 Q And the address on there, what city is that  
24 that it came from?

25 A It looks like it says CBD, but it's Macclenny,

1 Florida.

2 Q And this one, if you could -- the suite that  
3 it was sent to and the city for you.

4 A Yeah. That's LinkIt!, that's the name of my  
5 company, 85th Avenue, Suite 1101. That would have been  
6 our address at the time.

7 Q When you received this package did it look  
8 like this other than the tape on the side, but does it  
9 look like it's been altered or anything?

10 A No. I mean, it's obviously very wrinkled at  
11 this point. I don't recall that, but other than that it  
12 looks like the package that I remember.

13 Q Is this the package that you gave to the --  
14 two agents when you arrived in, I believe, your office  
15 or your home?

16 A That would have been at my home. I -- yeah.  
17 I -- I certainly believe that it is.

18 MR. YAZDIYA: One moment, Your Honor. Madam  
19 Clerk, thank you for that.

20 BY MR. YAZDIYA:

21 Q Mr. Powe, you had mentioned that you had  
22 received a phone call from [REDACTED]. I  
23 know Ms. -- she has -- her name's a little bit difficult  
24 to pronounce. When you received this package and you  
25 gave it to law enforcement, why did you do all this?

1           A     Well, I mean, first of all, I -- I -- I had  
2 every interest in complying with law enforcement, but I  
3 think --

4           Q     Of course.

5           A     -- more -- more broadly I -- I did consider  
6 Sandra a friend. And I kind of -- well, in my mind I --  
7 I credit a lot of my success to a willingness to ask for  
8 help when I needed it. I've been in a position where I  
9 needed help before. And I think in this case she -- she  
10 needed help. And I felt that I was in a position to --  
11 to help her. I would want someone to help me if I were  
12 in that position, so it just seemed like the right thing  
13 to do.

14                   MR. YAZDIYA: Thank you. I don't -- I don't  
15 have any further questions at this point. I tender  
16 the witness, Your Honor.

17                                 \* \* \* \* \*

18                   THE COURT: Mr. Simmons, sir, you can proceed.

19                                 CROSS-EXAMINATION

20 BY MR. SIMMONS:

21           Q     Good afternoon, Mr. Powe.

22           A     Good afternoon.

23           Q     Again, I know you said you're from the New  
24 York, New Jersey area?

25           A     (Nods head.)

1 Q You grew up in Patterson, New Jersey, I think?

2 A Born in Patterson, New Jersey. Left there  
3 when I was about two years old, so really probably grew  
4 up in New York more than Patterson, but, yes, you're  
5 right.

6 Q Yeah. I'm from Jersey as well. Now, you  
7 stated that you were in New York I guess the later part  
8 of 2010 on or '12 on I believe?

9 A Yeah. Probably the later part of 2000- --  
10 yeah, 2008 on I was in New York most of the time. Still  
11 had some ties to Florida, so I was traveling back here  
12 and there.

13 Q Got you. And there was a ten-year gap where  
14 you hadn't heard anything from [REDACTED], correct?

15 A Approximately.

16 Q And at some point you got a phone call from  
17 her from the jail --

18 A Uh-huh.

19 Q -- is that correct?

20 A Yes.

21 Q And she insisted your help because she made  
22 you aware she was facing deportation?

23 A That's right.

24 Q Okay. And during the time that she was in  
25 jail there was about 30 to 60 calls from the jail

1 between --

2 MR. YAZDIYA: Your Honor, objection.

3 Q -- yourself and her, correct?

4 MR. YAZDIYA: Facts not in evidence and  
5 there's no relevance to this.

6 THE COURT: Overruled. I'll allow this  
7 question. We'll see where you want to --

8 BY MR. SIMMONS:

9 Q During the time that she was in jail up until  
10 her release there was between 30 to 60 jail calls that  
11 you two communicated, correct?

12 A Well, I can't speak to the number of calls,  
13 but we spoke on a number of occasions, I'll -- I'll say  
14 that. I certainly wasn't counting at the time, but that  
15 doesn't seem implausible.

16 Q And you assisted her by helping her get an  
17 attorney as well, correct?

18 A Yes.

19 Q Now, at some point during this time frame you  
20 also received evidence from an attorney from Florida,  
21 correct?

22 A I don't recall that specifically.

23 MR. YAZDIYA: Objection, Your Honor.

24 Relevance.

25 THE COURT: Overruled. The question's been

1           posed and the answer's been provided at this point.

2 BY MR. SIMMONS:

3           Q     Okay. You said you don't recall that? You --

4           A     I don't specifically recall that, no.

5           Q     During your -- I guess during her --

6 communication with her you assisted I guess her son to

7 come down to her proceedings, correct?

8           MR. YAZDIYA: Your Honor, once again,

9 relevance.

10           THE COURT: Do you want to be heard on that,

11 Mr. Simmons, up at the bench or no?

12           MR. SIMMONS: I guess --

13           THE COURT: At the bench, do you want to be

14 heard or no?

15           MR. SIMMONS: No, I don't want to be heard.

16           THE COURT: Okay. Sustained.

17 BY MR. SIMMONS:

18           Q     After she I guess got released you two still

19 have been in contact throughout, correct?

20           A     Yes.

21           Q     And you -- you still assisted her after her

22 release as well?

23           A     I mean, I think as a -- as a friend, yes. I

24 mean, I -- I'm not sure what you mean by "assisting"

25 her, but --

1           Q     I mean, people need help. Like you said, you  
2 were in that position. You'd help them out financially  
3 if you can, like help them do things?

4           A     Yeah, I suppose so.

5           Q     Okay. And just going back, the first time you  
6 ever spoke to her from the jail that was when she made  
7 you aware of her status of facing deportation and  
8 needing your assistance and that's how she got back in  
9 contact with you?

10          A     Yes, as far as I recall.

11               MR. SIMMONS: I don't have nothing more for  
12 him, Your Honor. Subject to recall.

13                       \* \* \* \* \*

14                       - - -

15                       **SPECIAL AGENT JEROME COMBS, JR.,**

16 having been produced and first duly sworn as a witness,  
17 and having responded "I do" to the oath, testified as  
18 follows:

19               THE COURT: Thank you, sir. Please be seated.

20               THE WITNESS: Thank you.

21               THE COURT: Thank you.

22               MR. YAZDIYA: May I proceed, Your Honor?

23               THE COURT: You may.

24                       DIRECT EXAMINATION

25



1 BY MR. YAZDIYA:

2 Q If you could please state your name.

3 A Sure. Jerome Combs, Jr.

4 Q And what is your current occupation?

5 A I'm a special agent with the U.S. Department  
6 of Homeland Security, Office of Inspector General.

7 Q How long have you been in that position?

8 A I have been with the DHS OIG -- that's the  
9 acronym we use for our -- our agency -- since  
10 approximately June of 2018.

11 Q And what state do you work in?

12 A Our office is located in New Jersey.

13 Q Can you explain to the jury what are your  
14 current duties and responsibilities.

15 A So we are generally an internal affairs group  
16 for all of the agencies that fall under the umbrella of  
17 Homeland Security. In addition to that we also do FEMA  
18 cases because they don't have their own outside  
19 investigators, so all those cases get sent to us. So  
20 generally we do anything -- anything that involves the  
21 Homeland Security nexus is what we could potentially be  
22 involved in.

23 Q Can you tell the jury your education.

24 A I have a bachelor's in science in criminal  
25 justice from St. Joseph's University in Philadelphia,

1 Pennsylvania.

2 Q And can you also tell the jury your work  
3 experience before your -- your current position.

4 A Sure. After graduating from college in 2005,  
5 I was hired by U.S. Secret Service as a uniformed  
6 officer where I worked in Washington, D.C. I was there  
7 for approximately -- in that position for approximately  
8 three and a half years. I became a special agent with  
9 the U.S. Secret Service. And I was then transferred to  
10 Brooklyn, New York, and worked there until approximately  
11 April of 2016 where I left the U.S. Secret Service and  
12 went to work for the U.S. Department of Education,  
13 Office of Inspector General.

14 Q And then in June of 2018 until the present  
15 you've been with Department of Homeland Security?

16 A Correct.

17 Q Thank you, Agent. Can you explain to the jury  
18 what type of training you had in your career.

19 A Sure. So I've gone through the federal law  
20 enforcement training center which is in Glynco, Georgia.  
21 I went through both the uniform police training program  
22 and also the criminal investigative training program.  
23 Once I transitioned over to the -- my job with the U.S.  
24 Department of Education, Office of Inspector General, I  
25 went through what's called a transitional training

1 program where it's basically -- when you transfer from a  
2 larger agency like the U.S. Secret Service to a smaller  
3 Office of Inspector General, it's more of a training  
4 program geared towards an OIG-type of position.

5 Q Agent Combs, what does OIG stand for?

6 A That stands for the Office of Inspector  
7 General.

8 Q And are you also involved in training other  
9 individuals?

10 A So I -- we'll -- sometimes we'll assist other  
11 agents in my office. I'm not a supervisory agent, but I  
12 will assist other agents with support or assistance as  
13 needed.

14 Q Thank you. Let me take you, Agent Combs, to  
15 July 12th of 2019?

16 A Okay.

17 Q Almost five years ago. Can you tell the jury  
18 how you got involved in this case.

19 A Sure. I was contacted that morning by my  
20 supervisor at the time, Mr. Bryan McCarthy. He was my  
21 supervisor at the time. And he called me to say that we  
22 had been asked by the Orlando office to coordinate and  
23 pick up some potential evidence and potentially mail it  
24 back down or ship it back down to the Orlando office.

25 Q Once you received that call what did you do

1 next?

2 A That -- I spoke with another agent at my  
3 office who is now retired, Mr. Thomas Adams. He and I  
4 spoke about what eventually would end up being --  
5 coordinating with Mr. -- another person in the case,  
6 Mr. Joshua Powe, meet up with him, and obtain potential  
7 evidence that we had been asked to -- to ascertain.

8 Q Did you also confer with agent Edgardo Rosado?

9 A We did. We also -- that morning we spoke  
10 with -- I don't recall if it was me specifically or if  
11 it was Mr. Thomas Adams, but we reached out to  
12 Mr. Rosado to find out, okay, please walk us through  
13 what you specifically would like us to do here.

14 Q And what was it your understanding that you  
15 were directed to do?

16 A It was my understanding that we were going to  
17 go and coordinate with Mr. Joshua Powe, pick up an item  
18 from him, and then at that point we would -- it would be  
19 shipped to either Mr. Rosado in Florida or it was going  
20 to be shipped to the Florida Department of Law  
21 Enforcement, FDLE.

22 Q Did you eventually meet with Mr. Josh Powe?

23 A We did.

24 Q And when you went to meet with Mr. Powe was  
25 anyone with you?

1           A     Mr. Adams was with me, Thomas Adams, the other  
2 agent from my office.

3           Q     The other agent?

4           A     Yes, sir.

5           Q     Okay. And it was your understanding Mr. Powe  
6 was in possession of an item?

7           A     Yes.

8           Q     When you met with Mr. Powe do you recall where  
9 you went?

10          A     I believe we were just outside of his  
11 residence. I believe we sat down just outside of --  
12 there may have been a table just outside of his  
13 residence but we sat down briefly. I identified myself  
14 as a law enforcement officer and explained the reason  
15 why we were there today. And that's where eventually  
16 Mr. Powe provided us with this manila envelope that had  
17 an unknown white item within it that we picked up from  
18 him and we subsequently later on that day shipped down  
19 to Mr. Rosado down in Orlando.

20          Q     When you met with Mr. Powe what city and state  
21 was that in?

22          A     I believe it was -- I believe it was Brooklyn,  
23 New York.

24          Q     And you described this as a manila envelope?

25          A     Yes.

1 Q Did you actually look in the envelope or open  
2 the envelope?

3 A So the envelope -- we opened the envelope.  
4 Inside of it was a -- what appeared to be a plastic bag  
5 or a plastic pouch. And inside that pouch was an  
6 unknown white item. I don't know if it was fabric. I  
7 did not open that plastic pouch that was inside of the  
8 manila envelope.

9 MR. YAZDIYA: If I may have just a moment,  
10 Your Honor.

11 THE COURT: You may. Gentlemen. Gentlemen,  
12 the mic will pick up your -- there's buttons there.

13 MR. YAZDIYA: If I could approach the witness  
14 and I'll be approaching with State's Exhibit D for  
15 identification purposes.

16 THE COURT: You may.

17 BY MR. YAZDIYA:

18 Q Agent Combs, do you recognize this item?

19 A Yes.

20 Q And what is this item? How do you recognize  
21 it?

22 A This is the manila envelope that we had  
23 received from Josh Powe.

24 Q Okay. Does it look to be -- I know it's  
25 several years old, but does it look to be in the same

1 condition?

2 A About.

3 Q And it is addressed to who?

4 A It says what appears to be Attorney Josh Powe.

5 Q And are you able to make out who the envelope  
6 is from, who sent it?

7 A I'll do my best to --

8 Q Go for it.

9 A With the pronunciation.

10 Q Go for it.

11 A [REDACTED]

12 and it says "ICE."

13 Q ICE. Okay. And this item, you said you  
14 actually opened this when you retrieved it from  
15 Mr. Powe?

16 A So I don't recall -- I mean, I looked inside  
17 of it. I don't know -- I don't recall if it was  
18 actually sealed or if -- if it was already opened. I  
19 don't -- I don't recall.

20 Q But you were able to see the items inside?

21 A Yes. Correct.

22 Q Do you recognize this item?

23 A That appears to be the unknown white item --  
24 white item that was inside the manila envelope.

25 Q Does this seem to be in the same condition it

1 was when you retrieved it from Mr. Powe way back in  
2 2019?

3 A It appears, yes, sir.

4 Q And what did you do with this item you said  
5 again when you received it?

6 A So we -- we took the item from Mr. Powe. At  
7 that point I placed it into a -- in a bag that I had. I  
8 was carrying some other files that day. And then I  
9 went -- from there I went to a meeting with the New York  
10 Police Department for a separate case.

11 Q Okay.

12 A Had a meeting, went from there to lunch with  
13 Thomas Adams. And then we went to -- after lunch we  
14 went to the UPS store and shipped it down to Mr. --  
15 Agent Rosado, I believe, in Orlando.

16 Q Was the item in your care and custody, your  
17 control, until you shipped it from the UPS store to  
18 Agent Rosado.

19 A It was. It was either with myself or with  
20 Mr. Thomas Adams. Between the two of us it was in our  
21 control.

22 Q And did you mail it through UPS the same day  
23 you had received it from Mr. Powe?

24 A We did.

25 MR. YAZDIYA: Thank you, Madam Clerk. Your



1 Honor, for the record I'm showing State's Exhibit F  
2 for identification purposes.

3 THE CLERK: It's E.

4 MR. YAZDIYA: No objection from the defense.

5 THE CLERK: It should be E.

6 MR. YAZDIYA: Oh. Is it E? I thought the  
7 last one was D. I could be wrong.

8 THE CLERK: The last one was D.

9 MR. YAZDIYA: The last one was D. So this  
10 would be E. You're right. This will be E. Thank  
11 you, Madam Clerk.

12 THE CLERK: Uh-huh.

13 THE COURT: So State's E for identification is  
14 the one that the defense saw or has seen?

15 MR. SIMMONS: Correct, Your Honor.

16 THE COURT: Okay. Thank you.

17 MR. YAZDIYA: Yes, Your Honor. If I may  
18 approach?

19 THE COURT: Yes.

20 BY MR. YAZDIYA:

21 Q Agent Combs, you do you recognize this item?

22 A Yes, sir.

23 Q You can take it. And what is that?

24 A This is a copy of UPS shipping receipt that  
25 was used to transfer or to ship -- I believe this was

1 the -- I believe it was the unknown white item I  
2 believe.

3 Q And is your name on that item?

4 A Yes, it is.

5 Q On the -- on the UPS receipt?

6 A It is.

7 Q Who is it addressed to?

8 A It's addressed to Ed Rosado who was an agent  
9 with our agency in Orlando, Florida.

10 Q So you mailed it to -- through UPS to Agent  
11 Rosado in Florida?

12 A Yes.

13 Q Does that UPS receipt seem to be in the same  
14 condition, same markings and everything as when you sent  
15 it on that day?

16 A Yes.

17 MR. YAZDIYA: Your Honor, I'd ask that this be  
18 moved into evidence.

19 MR. SIMMONS: No objection, Your Honor.

20 THE COURT: Without objection State's E for  
21 identification will be moved in --

22 THE CLERK: Number one.

23 THE COURT: That's fine. -- as State's  
24 Number 1.

25

1           (State's Exhibit No. 1 was received in  
2 evidence.)

3           MR. YAZDIYA: If I can publish this to the  
4 jury as well, Your Honor.

5           THE COURT: You may.

6           MR. YAZDIYA: Thank you, Your Honor.

7           (Pause in the proceedings.)

8           MR. YAZDIYA: Thank you. One moment, Your  
9 Honor.

10 BY MR. YAZDIYA:

11           Q     Agent Combs, if I could also direct you to  
12 October 8th, of 2019. Did you also have another  
13 interaction with Mr. Josh Powe?

14           A     We did.

15           Q     What was the purpose of that?

16           A     The purpose was to obtain -- obtain a DNA  
17 sample for Mr. Powe and then the same thing, once we had  
18 a DNA sample to transfer it down to the Orl- -- to the  
19 Orlando office.

20           Q     Was Mr. Powe contacted about this?

21           A     Yes.

22           Q     And did you meet with Mr. Powe?

23           A     We did. We met at a coffee shop in Manhattan  
24 if I recall correctly.

25           Q     Do you remember who the agent or if another

1 agent went with you?

2 A Yes, Agent Steven Sang.

3 Q And you met him you said at a coffee shop.

4 Where at? What city?

5 A I believe it was in Manhattan, sir.

6 Q Manhattan?

7 A Yes, New York City.

8 Q And did you also collect a cheek swab from him  
9 as well?

10 A We did.

11 Q Can you explain to the jury the process that  
12 you use when you do that. How do you obtain that from  
13 someone?

14 A Sure. Well -- well, the first thing we did  
15 was after identifying ourselves again to -- to Mr. Powe,  
16 we obtained consent. We asked him if he'd be willing to  
17 provide us with a DNA sample, which he did. He did sign  
18 the consent form. And then at that point we have what's  
19 referred to as a DNA kit, which is essentially -- it's a  
20 kit that has a few items in it. It has the actual DNA  
21 kit, which is a cheek swab that goes inside of a  
22 person's mouth and then that gets placed into an  
23 envelope. And then that envelope is what we ultimately  
24 shipped down to Mr. Ed Rosado -- I believe it was Ed  
25 Rosado in Orlando.

1 Q When you met with Mr. Powe did you have one of  
2 these DNA kits to use?

3 A We did.

4 Q And did you go through the procedures that you  
5 just outlined to the jury?

6 A We did.

7 MR. YAZDIYA: Your Honor, I'd like to approach  
8 with State's Exhibit B for identification purposes.  
9 Mr. Simmons.

10 (Pause in the proceedings.)

11 MR. YAZDIYA: Your Honor, if I may approach  
12 the witness again.

13 THE COURT: You may.

14 BY MR. YAZDIYA:

15 Q Agent Combs, I'm showing you State's Exhibit  
16 B. First of all, this package -- do you recognize this  
17 package?

18 A Yes. This -- may I touch the envelope?

19 Q Yes, you may.

20 A This is an evidence bag that was used to -- to  
21 ship, I believe, it was the DNA kit down to Ed Rosado.

22 Q And is your signature and name on it?

23 A Yes, it is.

24 Q And what is the date?

25 A Date and time of recovery is listed as

1 October 8th, 2019.

2 Q So does that package look like it's in the  
3 same substantial condition as it was when you sealed it?

4 A It does.

5 Q If I can see it for just a moment. And you  
6 said this was sent to Agent Rosado in Florida, correct?

7 A Yes, sir.

8 Q And do you recognize this -- if you like I can  
9 pull it for you. Do you recognize this item?

10 A Yes.

11 Q And what is this item?

12 A That is the white envelope that the DNA kit  
13 was used to -- it was placed into there and then shipped  
14 to Agent Rosado.

15 Q And this would have been placed -- the DNA kit  
16 would have been placed in this white envelope by you?

17 A Yes.

18 Q Does the envelope seem to be in the same  
19 condition as when you sealed everything in there?

20 A It does.

21 Q And then you put this envelope in the envelope  
22 that you marked and sent to Agent Rosado in Florida?

23 A Yes.

24 MR. YAZDIYA: One moment. Madam Clerk, thank  
25 you.

1 BY MR. YAZDIYA:

2 Q Was Mr. Powe cooperative when you collected  
3 his cheek swab?

4 A Yes. Yes, sir.

5 Q Once you collected the saliva sample and cheek  
6 swab of Mr. Powe, was that always in your care and  
7 custody as well?

8 A Yes.

9 Q And you -- do you recall, where did you go  
10 after you collected this?

11 A From there we went if I recall back to my  
12 office in Jersey City, New Jersey.

13 Q And can you explain to the jury how did you  
14 prepare the item to be shipped to Agent Rosado?

15 A So at that point I went back to my office in  
16 Jersey City, New Jersey. And at that point we placed  
17 the item in the -- I believe it was the brown evidence  
18 bag that was previously shown. At that point we shipped  
19 it off via UPS to Mr. Rosado.

20 MR. YAZDIYA: One moment, Your Honor.

21 (Pause in the proceedings.)

22 BY MR. YAZDIYA:

23 Q Agent Combs, other than those two incidents of  
24 one collecting from Mr. Powe the item he had received  
25 and shipping it to Rosado and then also collecting the

1 saliva sample from Mr. Powe and once again shipping it  
2 to Agent Rosado, did you have any other involvement in  
3 this case?

4 A No, sir.

5 MR. YAZDIYA: Your Honor, I do tender the  
6 witness. Thank you, Agent Combs. I appreciate it.

7 THE WITNESS: Thank you.

8 THE COURT: Thank you. Mr. Simmons.

9 MR. SIMMONS: Thank you, Your Honor.

10 (Pause in the proceedings.)

11 MR. SIMMONS: May it please the Court?

12 THE COURT: You may.

13 CROSS-EXAMINATION

14 BY MR. SIMMONS:

15 Q Good afternoon, Agent Combs.

16 A Good afternoon, sir.

17 Q As it relates to this investigation you  
18 received an envelope from Mr. Josh Powe, correct?

19 A I'm sorry?

20 Q You received an envelope from Mr. Josh Powe?

21 A Yes.

22 Q And that envelope was not thick. It was very  
23 thin, correct?

24 A Yes, sir.

25 Q And there was no documents, there was nothing



1 in it but just that piece of the plastic?

2 A Yes.

3 Q And you didn't know what else came in the  
4 envelope when it came -- when it got to him?

5 A Correct.

6 Q And it was already opened because he opened  
7 and showed you what was in the envelope?

8 A I believe so. I don't recall exactly, but I  
9 believe that was the case.

10 Q Now, when you received the envelope you  
11 originally wanted to send it to FDLE, correct?

12 A Yes.

13 Q And you attempted to contact FDLE, but you  
14 were unable to get ahold of anyone?

15 A That's correct.

16 Q And then you had -- subsequently had to send  
17 it back down to Baker County Sheriff's Office?

18 A I was -- I'm sorry, sir?

19 Q You had to then send it to the Baker County  
20 Sheriff's Office?

21 A Well, I -- I believe we sent it to --

22 Q Rosado?

23 A -- Rosado, yes, sir.

24 Q Okay. Now, once the evidence left you, your  
25 control, you don't know what happened to it?

1           A     That's correct.

2                   MR. SIMMONS:   May I approach, Your Honor?

3                   THE COURT:    You may.

4   BY MR. SIMMONS:

5           Q     I'm showing you the envelope that was  
6   previously marked that you filled out as it relates  
7   to -- that says Combs.  That's you, correct?

8           A     Yes.

9           Q     And that's the envelope that you filled out?

10          A     Yes, sir.

11          Q     And there's a section on that bag that says  
12   chain of custody.  Tell me what's the first line on it.

13          A     It says -- it says, from DHS OIG NYC, that's  
14   my office, we're the New York office.

15          Q     Okay.

16          A     To DHS OIG ORL.  That's the --

17          Q     Orlando.  And that was when you sent it down  
18   to Rosado --

19          A     Yes.

20          Q     -- because you were unable to get ahold of  
21   FDLE?

22          A     Correct.

23          Q     And that would have been on October the 8th,  
24   right?

25          A     Yes.

1 Q And then after that, what's the next  
2 indentation?

3 A It says "DHS OIG ORL," which is -- my  
4 understanding that's the DHS OIG Orlando office.

5 Q Okay.

6 A And then next to that it says "BCSO."

7 Q And that's when Orlando sent it to the Baker  
8 County Sheriff's Office?

9 A That's my understanding.

10 Q So it has a chain of custody chart to be  
11 filled out in regards to each person that comes in  
12 contact with it?

13 A I believe so, yes, sir.

14 Q And the two people were yourself and then the  
15 Orlando office, correct?

16 MR. SIMMONS: I don't have anything further,  
17 Your Honor.

18 THE COURT: Any redirect?

19 MR. YAZDIYA: No, Your Honor.

20 \* \* \* \* \*

21 - - -

22 **SPECIAL AGENT EDGARDO ROSADO,**

23 having been produced and first duly sworn as a witness,  
24 and having responded "I do swear" to the oath, testified  
25 as follows:

1 THE COURT: Thank you, sir. Please be seated.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: And if you would, just adjust the  
4 mic in the way that best works for you. State,  
5 when you're ready.

6 MR. YAZDIYA: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. YAZDIYA:

9 Q If you could please state your name.

10 A Yes. Good afternoon. My full name is  
11 Edgardo, E-d-g-a-r-d-o, and my last name is Rosado,  
12 R-o-s-a-d-o.

13 Q And what is your current occupation?

14 A I am currently a senior special agent with the  
15 Department of Homeland Security, Office of Inspector  
16 General. My current title is the national technical  
17 operations program manager, which basically means that  
18 I'm in charge of everything that has to do with covert  
19 recordings of audio and video for our nationwide  
20 program.

21 Q How many years have you been in this position?

22 A In my current role or --

23 Q In your current role.

24 A -- employed? My current role -- I've been in  
25 my current role for three years. Before that I worked

1 for the agency for about 18 years as a field agent. I  
2 started my career in San Juan, Puerto Rico, then moved  
3 to Orlando, Florida. And since 2021 I've been in  
4 headquarters in Washington, D.C.

5 Q In Washington, D.C. Can you explain to the  
6 jury what your duties and responsibilities have been in  
7 your career as an agent and now as well.

8 A Okay. So before my current role I was a field  
9 agent, which basically means that I investigate all the  
10 allegations that arrive to us. The Office of Inspector  
11 General is a different kind of law enforcement agency.  
12 For Homeland Security we investigate allegations of  
13 fraud, waste, and abuse for all DHS programs and  
14 operations.

15 In this case we were involved in this case  
16 because the Baker County Sheriff's Office has a contract  
17 with immigration and customs enforcement, which is part  
18 of DHS. So anything that's considered wrongdoing within  
19 that contract falls within our jurisdiction. And this  
20 is why we investigate this case.

21 Q Can you tell the jury your education, please.

22 A Yes. I have a bachelor's degree in criminal  
23 justice.

24 Q And what type of training have you had in your  
25 career, sir? I know.

1           A       That's a long one. I did my basic training in  
2 2003. That's about nine weeks of basic law enforcement  
3 training and criminal investigative work. That is done  
4 in Glynn County, Georgia. After that I've had repeated  
5 trainings regarding technical operations. I've had  
6 trainings regarding interviews and legal updates,  
7 investigative techniques, you name it. We have to go  
8 through intensive training roughly about 40 to 60 hours  
9 a year just to maintain our jobs. If you have a  
10 specialty, that requires an additional 40 to 60 hours'  
11 worth of training.

12                   Our training guidelines are basically  
13 established by the U.S. Department of Justice. They --  
14 the Inspectors General because we're a different type of  
15 law enforcement agency -- we're not the FBI, we're not  
16 ICE -- the Attorney General prescribes that we have to  
17 meet certain training guidelines of training hours  
18 including legal updates. You have to have -- on legal  
19 updates alone, for example, you have to have between 40  
20 and 60 hours of training every three years minimum. The  
21 agency can set a higher standard and we do meet those.  
22 That's just for legal updates. If we specialize in an  
23 area, we have to maintain those training standards as  
24 well.

25                   And then different investigative techniques

1 that we employ either, for example,  
2 advanced interviewing techniques where once you start  
3 that track you have to maintain those training hours.  
4 So throughout my 26-year law enforcement career for the  
5 last 21 in Homeland Security, every year you have to  
6 meet those training standards.

7 Q And where are you currently stationed at in  
8 your position?

9 A I am actually part of headquarters operations.  
10 I'm part of the headquarters operations division which  
11 is basically the people that run all the nationwide  
12 programs. There are two divisions, field operations,  
13 which is basically the people that oversee the  
14 operations of all the field offices, Miami being our  
15 closest one. And headquarters operations basically is  
16 the policy group, the planning folks, the acquisition  
17 folks. And I currently belong to that group, the  
18 headquarters operations division.

19 Q In 2019 where were you?

20 A In 2019 I was a field agent out of our Orlando  
21 sub office. It is a -- Miami is our field office, which  
22 is where are our regional supervisor, we call it SAC,  
23 special agent in charge, where they sit. But the  
24 Orlando office had at the time a three-man office. It  
25 was called a sub office. And I was working there

1 between 2012 through 2021 when I left to go to D.C.  
2 The duties that I accomplished while I was there was  
3 basically all investigations that came to us regarding  
4 our fraud, waste, and abuse mandate.

5 Q Can you explain to the jury how did you get  
6 involved in this case.

7 A Yes. We received an allegation through a  
8 system what we call the hotline. We have a centralized  
9 system where we receive complaints from the public or  
10 from other components of DHS or other government  
11 agencies. In this case we received that complaint that  
12 an immigration detainee with the last name [REDACTED]  
13 claimed that she had been sexually abused or sex- --  
14 that she had had what we considered to be unlawful  
15 sexual contact with a prison guard. It falls under our  
16 purview because of the contract where ICE is now housing  
17 detainees, immigration, at the Baker County Jail. So it  
18 fell -- fell under our jurisdiction and we immediately  
19 started the investigation.

20 Q So once you received that information what did  
21 you do next?

22 A As soon as we received the allegation of the  
23 rape we proceeded to coordinate to have [REDACTED]  
24 moved to the Immigration and Customs Enforcement office  
25 in Jacksonville for us to interview her. We wanted to



1     conduct the interview there because the allegation of  
2     course said that she had been -- the incident had taken  
3     place within the Baker County Sheriff's Office, so we  
4     wanted to remove her from the area so she can speak  
5     freely.

6           Q     So when you interviewed her where did that  
7     take place at?

8           A     Yeah. The interview took place at the  
9     Jacksonville office of Immigration and Customs  
10    Enforcement.

11          Q     When you interv- -- you did interview her?

12          A     I did.

13          Q     Was anyone with you when you interviewed her?

14          A     Yes. At the time my coworker was Scott  
15    Burnett. He's since retired.

16          Q     And how long would you approximate the  
17    interview took?

18          A     The interview -- interview was about two and a  
19    half hours roughly. I'm going to say less than three,  
20    more than two. We did record the interview. We  
21    typically don't record all interviews, but in this case  
22    because she was a foreign national, we weren't  
23    100 percent sure that she was going to be in the country  
24    when we did the interview as the information and the  
25    investigation continued. So if we needed to get her

1 back in the country, we wanted to make sure that we had  
2 evidence to support an agreement with the host country  
3 to let her come back and to be able to negotiate with  
4 immigration authorities to give her some kind of  
5 permission to come into the country to testify or help  
6 with the investigation, so that's why we recorded it.

7 Q Agent Rosado, do you happen to recall what  
8 country she was from?

9 A I do not. I am sorry. I don't remember that  
10 information.

11 Q That's okay. Do you recall her demeanor  
12 during the interview?

13 A Oh, God, yes. I don't -- in my 26-year career  
14 honestly I have only worked three or four sexual abuse  
15 cases and they stick with you. She was visibly shaken.  
16 If I tell you that she ran the gamut of all emotions --  
17 she was angry. She was sometimes visibly shaking. She  
18 was crying at times. She was withdrawn at times. She  
19 really had the full gamut of feelings as she was  
20 explaining what had happened to her.

21 Q After you concluded your interview of  
22 [REDACTED], what did you do next?

23 A Well, the first thing we did was reach out to  
24 our agents in New York. I didn't know if it's been  
25 covered already, but during the interview she mentioned

1 that she had sent some items to a friend of hers in New  
2 York. She claimed that these items -- it was a piece of  
3 clothing she claimed had DNA. We immediately asked our  
4 agents in -- in New York to start reaching out to her  
5 friend who she identified as Josh Powe. So our first  
6 call as we were leaving the ICE facility was to reach  
7 out to our agents to make sure that they were able to  
8 secure that evidence because we knew it was going to be  
9 pivotal. We met with FDLE of course, asked them --  
10 since they have primary jurisdiction over law  
11 enforcement officers' misconduct, we reached out to them  
12 to see if they wanted to join the case and they did not.  
13 And other than that we basically reached out to our  
14 supervisor to brief them of the seriousness of the  
15 allegation.

16 Q And did you speak to Mr. Josh Powe who was in  
17 New York at the time?

18 A I did speak to him briefly over the phone. I  
19 basically wanted to make sure, confirm that there was in  
20 fact a parcel that she had -- that [REDACTED] [REDACTED] had  
21 sent out. And I told him that at some point federal  
22 agents from my agency would be reaching out to him to  
23 collect the item.

24 Q So you told him to keep the item?

25 A Of course.

1 Q Yeah.

2 A Yeah. We understood the importance of the  
3 item.

4 Q Did you make arrangements for Homeland  
5 Security and other agents to go pick up this package  
6 from Mr. Powe in New York?

7 A Yes. Yes. I basically made sure that  
8 everybody knew each other's phone and that we can agree  
9 to pick up the item at certain time and certain date.  
10 We understood Mr. Josh Powe had a job, so we didn't want  
11 to interrupt his schedule, but we also knew the  
12 importance of obtaining the package. So at the end of  
13 the day we had two agents that were able to go to him,  
14 pick it up. I think it may have taken a day or two to  
15 coordinate that. And no less than a week after we did  
16 the initial interview did we have a package here in  
17 Florida.

18 Q Do you remember who the agents were that met  
19 with Mr. Powe to retrieve the package?

20 A Yes. It was Steve Sang and -- God. He was  
21 just outside. I'm sorry. I'm drawing a blank. He'll  
22 kill me. He actually gave me a ride this morning.

23 Q That's all right. It's been a long day. But  
24 two agents met with Mr. Powe --

25 A Yes.

1 Q -- and got the item?

2 A Yes.

3 Q Did you ever receive this package?

4 A Who?

5 Q Did you ever receive this package?

6 A Yes. It came to my office in Orlando and we  
7 immediately repackaged it. We didn't open it. We  
8 basically took the package as it came up. I put it in  
9 another UPS envelope and I sent it to Detective  
10 McDuffie, I believe, at the Baker County Sheriff's  
11 Office.

12 MR. YAZDIYA: One moment, Your Honor. Your  
13 Honor, I'm showing the defense State's Exhibit F  
14 for identification purposes. Mr. Simmons. Your  
15 Honor, if I may approach?

16 THE COURT: You may.

17 BY MR. YAZDIYA:

18 Q Agent Rosado, this is State's Exhibit F for  
19 identification purposes. You can take it. Do you  
20 recognize that item?

21 A I do.

22 Q And what is that?

23 A This is the printout from UPS when I actually  
24 prepared the envelope to send to Detective McDuffie.

25 Q And what would have been put in the envelope?

1           A     The envelope -- it's basically the tracking  
2 number and the receipt of the item that we collected  
3 from Mr. Powe that came from New York.

4           Q     And is your name on that?

5           A     It is in the e-mail because it's actually what  
6 we received. When we create the package we actually ask  
7 UPS to give us a confirmation and this is that  
8 confirmation.

9           Q     So that's the confirmation when you send it to  
10 Morgan McDuffie?

11          A     Yes, sir.

12          Q     Who at the time was with the Baker County  
13 Sheriff's Office?

14          A     Yes. She was, I believe, the detective that  
15 was assigned initially to this case.

16          Q     Does that seem to be in the same condition  
17 when you look at the document, have the same  
18 information? Has it been altered in any way?

19          A     No, sir. This is almost -- this is identical  
20 to what was -- what was given to me as an e-mail from  
21 UPS. It's actually part of our case file.

22          Q     Thank you.

23                 MR. YAZDIYA: Your Honor, I'd like to  
24 introduce this into evidence.

25                 MR. SIMMONS: No objection.

1           THE COURT: Without objection State's F for  
2           identification will be moved in as State's  
3           Number 2.

4           (State's Exhibit No. 2 was received in  
5           evidence.)

6           MR. YAZDIYA: And I'd like to publish it to  
7           the jury as well, Your Honor.

8           THE COURT: You may.

9           MR. YAZDIYA: Thank you, Madam Clerk.

10          A     I did recall the agent's name in New York.  
11          Jerome Combs.

12          Q     Yes. I actually figured you would after a  
13          while. Thank you for sharing that.

14          A     Of course.

15          Q     So it was Agent Jerome Combs?

16          A     Yes.

17          Q     Thank you, Agent Rosado. Once again, when you  
18          received the package, you never opened it?

19          A     No. No. I understood if it was DNA I could  
20          not run the risk of contaminating it. So as it arrived  
21          I basically put it in another envelope outside of it and  
22          sent it right to Detective McDuffie.

23          Q     McDuffie. Okay. Agent Rosado, did you ever  
24          receive another UPS package at a later date?

25          A     For this case, yes.

1 Q And do you recall who you received that one  
2 from?

3 A I believe we received a package from the same  
4 agents who had actually collected DNA from Mr. Josh  
5 Powe.

6 Q Okay.

7 A If I rem- -- if I can explain.

8 Q Yes, sir. Please do.

9 A If my memory is correct, the DNA that was  
10 studied from that initial piece of clothing, it came  
11 back with three --

12 MR. SIMMONS: Objection, Your Honor.

13 THE COURT: Sustained at this point.

14 MR. YAZDIYA: Yes.

15 BY MR. YAZDIYA:

16 Q At this point you can explain, but don't go  
17 into what the fabric was.

18 A Okay.

19 Q Just -- just explain -- did you receive  
20 another package?

21 A I did.

22 Q And who was that from?

23 A It was from Mr. -- it was sent by the Agents  
24 Jerome and -- I believe that second agent would have  
25 been Adams that I think is retired by now. But it --



1 again, it claimed -- it was supposed to be DNA from  
2 Mr. Josh Powe.

3 Q And did you open that package when you  
4 received it?

5 A I did not. Again, it's DNA, so we enclosed --  
6 whatever I received I put in another envelope and  
7 created another UPS sticker and sent it to -- in this  
8 case it was to Detective Sergeant Mancini.

9 Q To David Mancini?

10 A Yes, sir.

11 Q With the Sheriff -- Baker County Sheriff's  
12 Office?

13 A Yeah. Baker County Sheriff's Office.

14 MR. YAZDIYA: One moment, Your Honor. Your  
15 Honor, I do not have any more questions at this  
16 time. I tender the witness. Thank you.

17 THE COURT: Thank you. Mr. Simmons, when  
18 you're ready.

19 MR. SIMMONS: Yes, Your Honor.

20 (Pause in the proceedings.)

21 MR. SIMMONS: May it please the Court?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. SIMMONS:

25 Q Good afternoon, Agent Rosado.

1           A     Good afternoon, sir.

2           Q     You stated back in July of 2019 you had an  
3 opportunity to interview the alleged victim, correct?

4           A     Correct.

5           Q     And you interviewed her for over two-plus  
6 hours?

7           A     If my memory serves, yes. It was about two  
8 and a half hours roughly.

9           Q     And that interview was in fact recorded?

10          A     Yes, it was.

11          Q     And she was very detailed in describing the  
12 dates and the incidents of what occurred, right?

13          A     That is my recollection, yes.

14          Q     And she was very detailed in describing  
15 everything that occurred at the detention facility,  
16 correct?

17          A     Yes.

18          Q     And she gave you a brief history of -- some --  
19 some introduction, the history, and then she got into  
20 her description of what happened, correct?

21               MR. YAZDIYA: Your Honor, I'm going to object.

22               These are facts not in evidence. She has not  
23 testified yet. All he testified to is that he  
24 actually interviewed her.

25               THE COURT: All right. You can -- that

1           general last question, you can answer that  
2           particular question.

3           A     So, yes, she -- she explained what had  
4           happened to her.

5           Q     And as it relates to the information that she  
6           gave, you never verified that, correct?

7           A     Verified what? Can we -- can you be more  
8           specific, sir?

9           Q     Did you investigate to verify whether or not  
10          Mr. Robinson was at the jail during this time of these  
11          incidents?

12                   MR. YAZDIYA: Your Honor, outside the scope of  
13          direct. I don't think it's relevant at this point.

14                   THE COURT: Sustained at this point.

15          BY MR. SIMMONS:

16          Q     During your interview you said you were with  
17          Agent Burnett, right?

18          A     That's correct, sir.

19          Q     And during the interview she told you she  
20          saved the cloth and mailed it to New York, correct?

21          A     Yes.

22          Q     And you don't recall if she said she saved  
23          anything else along with the cloth, do you?

24          A     If she saved anything else?

25          Q     Anything else along with the cloth that was

1 sent to New York.

2 A I don't think she sent anything else to New  
3 York, if my memory's correct.

4 Q Did you recall how many pieces of cloth that  
5 she said she saved?

6 A No. It was just a piece of cloth.

7 Q Now, you stated that you were in Orlando  
8 and -- at the time, correct?

9 A That's correct, sir.

10 Q And there's an attempt to get ahold of FDLE?

11 A Yes.

12 Q And because FDLE was not available at the  
13 time, that evidence was sent back to Baker County  
14 Sheriff's Office?

15 A I don't think that's exactly how it happened.  
16 We reached out to the FDLE, again, because as I  
17 understood it -- I'm not from Florida. As I understood  
18 it the FDLE has overall primary responsibility to  
19 investigate state and local law enforcement for  
20 misconduct and that's why we reached out to them.

21 Q Okay. And there were no cooperation?

22 A No.

23 Q When you received the package, the package was  
24 just labeled. You didn't have a chance to look at the  
25 package to see what it was?

1 A No. I literally sent it as it came to me.

2 Q So you don't know what was in there?

3 A I do not.

4 Q And when you received, again, a second  
5 package, that would have been in October some time,  
6 again, you didn't know what was in there. Whatever you  
7 received you just placed it in another package and put  
8 it in the mail?

9 A Exactly.

10 Q And on those forms that you received there is  
11 a log for the chain of custody, correct?

12 A Correct.

13 Q And on that form that you received from agent  
14 Jerome Combs back in July there was a second line where  
15 you marked when you received it and when you sent it  
16 off, correct?

17 A Yeah. That's standard procedure in my agency,  
18 yes.

19 Q And in October again when you received did you  
20 mark where you received it and where you sent it off?

21 A I'm not sure if we did or did not. I'm trying  
22 to recall because at this point I think initially they  
23 tried to send it directly to the FDLE. They couldn't  
24 find anybody to accept it. It's -- it's been a while,  
25 but I know that I received it, documented it, and sent

1 it forward to Sergeant Mancini.

2 Q Got you. And the first -- back in July that  
3 office you were in contact with, your point of contact  
4 at that time was Detective McDuffie, correct?

5 A McDuffie, yes.

6 Q And prior to coming today you didn't get a  
7 chance to review that interview video of the alleged  
8 victim.

9 A Interview video? There's no video. It's --

10 Q The recorded --

11 A -- an audio.

12 Q I'm sorry. Not the video, the recording. The  
13 recording, you didn't get a chance to review that  
14 recorded interview?

15 A No.

16 Q Understood.

17 A I figured I could testify about it, so --

18 MR. SIMMONS: Got you. Thank you. Nothing  
19 further, Your Honor. Subject to recall.

20 MR. YAZDIYA: No questions from the State,  
21 Your Honor.

22 \* \* \* \* \*

23 - - -

24 **SPECIAL AGENT JAMES DEPALMA,**

25 having been produced and first duly sworn as a witness,

1 and having responded "Yes, I do" to the oath, testified  
2 as follows:

3 THE COURT: Thank you, sir. Please be seated.  
4 Mr. Yazdiya, when you're ready.

5 MR. YAZDIYA: Yes, Your Honor. Thank you.  
6 One moment, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. YAZDIYA:

9 Q If you could please state your name for the  
10 record.

11 A My name is James DePalma.

12 Q And what is your current occupation?

13 A I'm a special agent with the Department of  
14 Homeland Security, Office of Inspector General.

15 Q And how long have you been working there?

16 A I've been working there since March of 2003 to  
17 the present.

18 Q Can you tell the jury what are your current  
19 duties and responsibilities.

20 A Yes. What we do is we investigate allegations  
21 of fraud, waste, and abuse committed against the  
22 Department of Homeland Security. And we additionally  
23 investigate allegations of any sort of corruption of DHS  
24 employees and DHS contractors.

25 Q What different positions have you held since

1 2003 until now?

2 A Well, I've been a special agent, senior  
3 special agent, a resident agent in charge, an assistant  
4 special agent, and also a special agent in charge with  
5 the Department of Homeland Security. I'm now a special  
6 agent again because I retired and was rehired under a  
7 contract.

8 Q Can you tell the jury your education, please.

9 A Yes. Well, my professional education is I  
10 have a BS degree in criminology from Florida State  
11 University. I have an assortment of training from the  
12 military, not law enforcement related. And relat- --  
13 and specifically related to law enforcement I'm a  
14 graduate of the Federal Law Enforcement Training  
15 Center's criminal investigator training program, the  
16 Office of Inspector Ge- -- Office of Inspector General  
17 training program at the Federal Law Enforcement Training  
18 Center, and just numerous in-service trainings with the  
19 fe- -- with the DHS in reference to our mission.

20 Q And what is your work experience from 2005  
21 until the present?

22 A 2005 or 2003?

23 Q 2003. I'm sorry. To the present.

24 A To the present -- what, my work experience?

25 Q Yes.



1           A     Well, my work experience is predominantly  
2 fraud investigations and public corruption where we  
3 investigate DHS employees and contractors who commit any  
4 sort of -- when we say "employee misconduct," that's  
5 criminal or administrative in nature. With the Office  
6 of Inspector General we try to focus on investigations  
7 that are higher violations of the United States Code in  
8 relation to bribery, kickbacks, money laundering, child  
9 pornography, and to an extent any sort of -- if I didn't  
10 say narcotics. Unfortunately that happens with DHS  
11 employees, those crimes.

12           Q     And if you could just explain what type of  
13 training you've had.

14           A     The type training of I had?

15           Q     Yes.

16           A     The most valuable type of training we have in  
17 DHS I would consider is our in-service training where we  
18 have training that's actually conducted from our office  
19 or from people from Washington, D.C. regarding agents  
20 and instructors who actually have been case agents in  
21 investigations. They create formal training regarding  
22 the case that they had, whether it was successful or not  
23 successful, and they teach us to go over and investigate  
24 a plan from A to Z to help us find out the absolute  
25 truth. Because that's really what our goal is, to find

1 out the truth, not to find out -- we're not just  
2 investigating on the side of the United States  
3 government, to help us find out the whole story. And  
4 that's the -- I would say the most productive training  
5 that I've participated as a student and as a teacher on.

6 Q Let me take you to November 5th, I believe, of  
7 2019. How did you get involved in this case?

8 A I got involved through Special Agent Rosado,  
9 who's our case agent with the Department of Homeland  
10 Security Office of Inspector General and he requested  
11 for me to go to Jacksonville. I was already in  
12 Jacksonville, Florida, to meet with the victim, [REDACTED]  
13 [REDACTED], to retrieve her DNA sample from her.

14 Q Did you meet with her?

15 A Yes, I did.

16 Q Did you go alone?

17 A No.

18 Q Who -- who did you go with?

19 A DHS OIG Special Agent Dominic Casiotta and  
20 myself met with her.

21 Q Do you recall where the two of you met her?

22 A Yes.

23 Q Where was that at?

24 A We met her in Jacksonville, Florida. There's  
25 a Barnes & Noble at 10280 Midtown Parkway in

1 Jacksonville, Florida. If you look at the Barnes &  
2 Noble, it's to the right and there's a little park with  
3 a fountain there. We met her on the metal chairs there  
4 next to the park.

5 Q Have you collected DNA before?

6 A Yes, sir.

7 Q Can you explain to the jury the process you go  
8 through to collect DNA saliva samples and what do you  
9 use to do this.

10 A Yes. So at around 2008 the Department of  
11 Justice mandated all federal agents have to collect DNA  
12 from people that we arrest. So we obviously then had to  
13 go through training. They provided us kits. And then  
14 the first thing we watched is a video on how to do it,  
15 specifically in reference to our training. So I watched  
16 a training a few times, but you really just learn how to  
17 do it by opening the packet up and following the  
18 instructions of the step by step of what to do. And I  
19 probably have collected DNA on my cases and other  
20 people's cases at least 100 times in the last 17 years.  
21 And what was your last question? You want me to go  
22 through the steps on how to do it or what I did?

23 Q The steps -- yeah. The steps of what you do  
24 when you collect DNA.

25 A Okay. So what you do is -- if you could just

1 visualize, it's a -- it's a sealed paper -- thick paper  
2 envelope. And then you open up this envelope and what's  
3 inside of it, step one, the very first thing you do is  
4 you want a make sure your DNA is not going to  
5 contaminate anything, so you put rubber gloves on.

6           So you put your rubber gloves on and then you  
7 open up another packet that has what looks likes a flat  
8 toothbrush, but it's -- it's like a plastic handle  
9 that's real thin. And instead of the toothbrush it  
10 would be a square or rectangular thick cloth -- or  
11 excuse me, thin cloth that doesn't -- that's not  
12 flexible. And so at that point you just explain to the  
13 person that you're going to get the DNA from, I need you  
14 to open your mouth and I'm going to swab the inside of  
15 your mouth, left, right, left, right, just for a few  
16 seconds. And then I'm going to put it into a container  
17 and then another container and then a third container  
18 and seal it from there.

19           I -- I -- those were the exact steps I did  
20 with this one, but since this -- this lady's a victim  
21 and not somebody I arrested, I gave her the opportunity  
22 for her to swab herself instead of me sticking the thing  
23 in her mouth. I let her do it instead of me doing it  
24 and we did it twice.

25           Q       Was she cooperative when you met with her?

1           A       Was she cooperative? Yeah. She -- she wanted  
2 to talk to her lawyer and I let her talk to her lawyer.  
3 And she did, yes.

4           MR. YAZDIYA: One moment, Your Honor.

5                   (Pause in the proceedings.)

6           MR. YAZDIYA: Your Honor, if I may approach, I  
7 have State's Exhibit C for identification purposes.  
8 May I approach the witness, Your Honor?

9           THE COURT: You may.

10 BY MR. YAZDIYA:

11           Q       Agent DePalma, do you recognize -- sorry. Do  
12 you recognize these items?

13           A       Yes.

14           Q       Okay. And what are these items?

15           A       These two are the items that are -- that  
16 contain the -- the -- that I sealed that have obviously  
17 been resealed, but that holds the applicator. That was  
18 inside of her mouth.

19           Q       Other than them being resealed, do they seem  
20 to be in the same condition as when you sealed them?

21           A       Yes.

22           Q       Are these the items that Agent Casiotta, who  
23 was with you at the time, that you mailed to or -- the  
24 Baker County Sheriff's Office?

25           A       Yes. I -- I believe he gave them. I don't

1 know how he gave them to them.

2 Q That's all right.

3 A I believe we did hand to hand.

4 Q But they were sealed by you?

5 A Yes. They were sealed by me, yes.

6 Q Thank you.

7 MR. YAZDIYA: Madam Clerk, thank you. One  
8 moment, Your Honor.

9 (Pause in the proceedings.)

10 MR. YAZDIYA: Your Honor, I think that is all  
11 the questions I have at this time. I tender the  
12 witness. Thank you, Agent DePalma.

13 THE COURT: All right. Thank you, sir.  
14 Mr. Simmons, sir, when you're ready.

15 MR. SIMMONS: Yes, Your Honor. May it please  
16 the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. SIMMONS:

20 Q Good afternoon, Agent DePalma.

21 A Good afternoon, sir.

22 Q Now, I understand that you had an opportunity  
23 to simply collect the sample for ██████████,  
24 correct?

25 A That is correct, yes.

1 Q And that was yourself and Agent Casiota?

2 A That's correct, yes.

3 Q Besides collecting the sample did you partake  
4 in any other part of the investigation?

5 A Yes, I did. And -- yes, I did.

6 Q Okay. Did you conduct any interviews?

7 A No. I -- I want to make sure I'm not getting  
8 the cases confused. I believe on that interview -- I  
9 was with Agent Rosado when he conducted an interview.

10 Q So you were present when Agent Rosado -- when  
11 he conducted an additional interview?

12 A Yes.

13 Q Now, as it relates to collecting and  
14 documenting the DNA sample, you collected it and you  
15 sealed it?

16 A That's correct, yeah.

17 Q And you labeled on the bag where in fact it  
18 was going?

19 A I labeled on the external bag?

20 Q Correct.

21 A The -- okay. So the external bag, the way we  
22 do it with a defendant, it has a self-addressed env- --  
23 address on there.

24 Q Okay.

25 A So we don't put the address on there. I just

1 got the bag and just handed it to over to Special Agent  
2 Casiota. It didn't go to our labs -- it definitively  
3 did not go to the Department of Justice lab. I don't  
4 know where the Baker County Sheriff's Office -- what lab  
5 it went to.

6 Q So -- and your collection of this sample was  
7 in essence sending it right back to the Baker County  
8 Sheriff's Office?

9 A I -- yes, sir. That would be correct, yeah.

10 Q And outside of the instance of the  
11 investigation and also collecting that DNA, you had no  
12 other parts in this investigation as it relates to this  
13 matter, correct?

14 A No. I just think -- I apologize. I might be  
15 getting another case confused. I know we did a lot  
16 of -- I believe I was present on one interview where  
17 Special Agent Rosado did the interview.

18 MR. SIMMONS: Got you. I don't have anything  
19 further, Your Honor.

20 \* \* \* \* \*

21 - - -

22 **SPECIAL AGENT DOMINIC CASIOTTA, JR.,**  
23 having been produced and first duly sworn as a witness,  
24 and having responded "Yes, ma'am, Yes, Your Honor" to  
25 the oath, testified as follows:



1 THE COURT: Thank you, sir. Please be seated.  
2 And, Mr. Yazdiya, when you're ready.

3 MR. YAZDIYA: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. YAZDIYA:

6 Q Can you please state your name for the record.

7 A My name's Dominic Joseph Casiotta, Jr.

8 Q Can you please state your occupation.

9 A I'm a retired special agent for the Department  
10 of Homeland Security.

11 Q And how long did you work for the Department  
12 of Homeland Security?

13 A I worked there from '09 till 2023, 14 years.

14 Q Can you tell the jury what was your duties and  
15 responsibilities.

16 A I was a criminal investigator investigating  
17 crimes against the government and by government  
18 employees while I was working for the Office of  
19 Inspector General.

20 Q And where -- when you were working with them  
21 where was your office located?

22 A Miramar. It was the Miami field office, but  
23 it's in Miramar, Florida.

24 Q And can you tell the jury your education,  
25 please.

1           A       I have a bachelor's in business from SUNY and  
2 I have a master's from Regis University.

3           Q       And can you tell the jury your work experience  
4 with Department of Homeland Security. What type of  
5 things did you do?

6           A       Investigated -- I was a criminal investigator.  
7 We investigated crimes against the government and by  
8 government employees. I did mostly FEMA fraud cases the  
9 last couple years working there. Prior to working  
10 Homeland Security I was a U.S. Postal inspection -- I  
11 worked at the U.S. Postal inspection service. I worked  
12 narcotics and child exploitation and prior to that I was  
13 a police officer.

14          Q       And can you also tell the jury your training  
15 that you've had.

16          A       I graduated from Henrico County basic police  
17 academy in Virginia, the Postal Inspection Service basic  
18 academy, the Homeland Security special agent training  
19 program in Georgia.

20          Q       How did you get involved in this case?

21          A       I was in Jacksonville on a FEMA fraud case.  
22 And I was asked by the assistant special agent in  
23 charge, DePalma, who was part of this case to -- while I  
24 was up here to come witness something he was doing with  
25 this case.

1           Q     And what exactly did you do in relation to  
2 this case?

3           A     I met ASAC DePalma in Jacksonville. He was  
4 obtaining a DNA sample. I was not familiar with the  
5 case as I am not really even now. I was just there as a  
6 witness. And he obtained the DNA and put it into an  
7 envelope. And he said, hey, would you do me a favor, I  
8 have something to do tomorrow, can you drive it -- on  
9 your way back to Ft. Lauderdale can you make a stop  
10 to -- and drop it off here in Baker County, so that's  
11 what I did.

12          Q     Do you recall what it looked like when you got  
13 this from Agent DePalma, the package?

14          A     I'm sorry?

15          Q     Do you recall what the package looked like  
16 that you got from Agent DePalma?

17          A     I know what those packages look like, but I  
18 can't recall specifically. I know it was an envelope.

19          Q     An envelope?

20          A     Yeah.

21          Q     What did you do with this envelope when it was  
22 handed to you by Agent DePalma?

23          A     I most likely would have brought it back to my  
24 hotel room. I mean I had to. That's where I went. And  
25 then the next morning I drove from Jacksonville Town

1 Center to here, to Baker County.

2 Q To Baker County. And do you remember giving  
3 the -- the package to someone at the Sheriff's Office  
4 here in Baker County?

5 A It was a uniformed deputy that I handed it to.

6 Q You handed it to him. Would it be fair to say  
7 that once you were given possession of this it was  
8 pretty much in your care and custody until you gave it  
9 over to the Baker County Sheriff's Office?

10 A That's correct.

11 MR. YAZDIYA: One moment, Your Honor.

12 (Pause in the proceedings.)

13 BY MR. YAZDIYA:

14 Q Agent Casiota, when you met with this  
15 individual you said at the Town Center in Duval County,  
16 Jacksonville?

17 A With Agent DePalma?

18 Q With Agent DePalma.

19 A Yes.

20 Q Was it just you, Agent DePalma, and the  
21 individual that you were meeting with?

22 A Yes. There were other people around, but --

23 Q Was it a male or a female you --

24 A It was a female.

25 Q A female?

1 A Yes.

2 Q And were you present when the DNA sample  
3 was -- the cheek swab, excuse me, was actually taken?

4 A Yes, I was.

5 MR. YAZDIYA: I think that's all the questions  
6 I have, Your Honor. I tender the witness. Thank  
7 you.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Okay. Mr. Simmons.

10 MR. SIMMONS: Very brief, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SIMMONS:

13 Q Agent Casiotta, how you doing today?

14 A Great, sir. Thank you.

15 Q As it relates to whom you met, you can't  
16 identify the individual?

17 A I couldn't identify her now at this point, no.

18 Q And you were just there just to view that  
19 procedure taking place?

20 A I was just there at the request of DePalma,  
21 Agent DePalma, to be a witness for him.

22 Q And once it was sealed it was in your care  
23 until you dropped it off here at the Baker County  
24 Sheriff's Office?

25 A Yes.

1 Q And once it was dropped off you don't know  
2 what happened to it?

3 A I do not.

4 Q And you don't know what was done with it?

5 A No, I didn't.

6 MR. SIMMONS: I don't have anything further,  
7 Your Honor.

8 THE COURT: All right. Is this -- any  
9 redirect?

10 MR. YAZDIYA: No, Your Honor.

11 \* \* \* \* \*

12 - - -

13 **CHRISTINA FAIRCLOTH,**

14 having been produced and first duly sworn as a witness,  
15 and having responded "Yes" to the oath, testified as  
16 follows:

17 THE COURT: All right. Thank you.

18 MR. KING: May it please the Court?

19 THE COURT: You may.

20 DIRECT EXAMINATION

21 BY MR. KING:

22 Q Good afternoon.

23 A Hello.

24 Q Now that you're under oath, please introduce  
25 yourself to the jury.

1 A My name is Christina Faircloth.

2 Q And where do you work, ma'am?

3 A Baker County Sheriff's Office.

4 Q How long have you been with the Sheriff's  
5 Office?

6 A A little over 20 years.

7 Q What is your current job title?

8 A Records custodian.

9 Q Can you briefly describe your position and the  
10 duties that are associated with that role.

11 A Care and keeping of agency records, daily  
12 operations of the records department.

13 Q Will you describe generically just the type of  
14 records that you would handle on an average day-to-day.

15 A Average day-to-day basis, officer reports,  
16 booking records, background checks, witness statements,  
17 other documents that pertain to police reports.

18 Q And do your record-keeping include shift  
19 schedules and things of that nature?

20 A On a daily basis?

21 Q Yes.

22 A We store those schedules.

23 Q Now, do you have a record-keeping system at  
24 the Baker County Sheriff's Office?

25 A Yes.

1 Q What is that system?

2 A We use -- the record management system is  
3 called SmartCOP.

4 Q Can you describe that briefly to the jury.

5 A It is a computer program basically based -- it  
6 has several modules and platforms to assist the agency  
7 from the corrections side of law enforcement and  
8 computer-aided dispatch.

9 Q Now, turning to why we're all here --

10 MR. KING: May I approach, Your Honor?

11 THE COURT: You may.

12 MR. KING: Your Honor, I'm approaching with  
13 what's been marked as State's Exhibit -- Composite  
14 Exhibit G1 through 29.

15 BY MR. KING:

16 Q Will you take a look at that for me. Do you  
17 recognize what those are?

18 A Yes.

19 Q And what do you recognize those to be?

20 A These are shift schedules.

21 Q And are those records that you deal with as  
22 part of the Sheriff's Office custodian?

23 A Yes.

24 Q Are these business records that are kept in  
25 the regular course of business at the Baker County



1 Sheriff's Office?

2 A Yes, they are.

3 Q Is it the Baker County Sheriff's Office  
4 regular practice to make and keep these business records  
5 in the course of their operations?

6 A Yes.

7 Q Is that a business record that to your  
8 knowledge is made at or near the time of the event that  
9 it's reporting to be?

10 A Yes.

11 Q And from your information and knowledge were  
12 these records made by somebody with knowledge and  
13 information as to what they represent?

14 A Yes, they were.

15 MR. KING: Okay. One moment, Your Honor.

16 (Pause in the proceedings.)

17 MR. KING: No other questions, Your Honor. I  
18 can take that back. Thank you. Tender the  
19 witness.

20 THE COURT: Thank you. Questions from the  
21 defense?

22 MR. SIMMONS: Yes, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. SIMMONS:

25 Q Good afternoon, Ms. Faircloth.

1 A Good afternoon.

2 Q I assume as it relates to your job working in  
3 records you say you've been in that capacity for 20  
4 years?

5 A In records, no, not for 20 years.

6 Q Oh. You've been employed with the Sheriff's  
7 Office for 20 years?

8 A Yes.

9 Q In different capacities?

10 A Yes.

11 Q And how long have you been in the records  
12 department?

13 A Since 2017.

14 Q Now, as it relates to these records the shifts  
15 are already predetermined, correct?

16 MR. KING: Objection. Lack of predicate,  
17 knowledge.

18 THE COURT: If y'all can approach briefly.

19 (Sidebar conference.)

20 \* \* \* \* \*

21 BY MR. SIMMONS:

22 Q Ms. Faircloth, aside from your duties as the  
23 records custodian are you familiar with the shifts at  
24 the Baker County Jail?

25 A Will you repeat the question, please.

1           Q     Aside from your duties as the records  
2 custodian are you familiar with the work schedule or the  
3 shifts at the Baker County Jail?

4           A     No, I do not make those.

5           Q     And you literally just maintain these records,  
6 correct?

7           A     Correct.

8           Q     And as it relates to attendance or anything  
9 along those lines, you don't maintain those as well, do  
10 you?

11          A     How do you mean?

12          Q     As it relates to the records if an -- if an  
13 individual did not show up or showed up, there was no  
14 way to reflect that in the record? You don't maintain  
15 that, do you?

16          A     I'm not understanding the question as you're  
17 asking it.

18          Q     The records that you maintain shows what the  
19 work schedule is?

20          A     Yes.

21          Q     If an individual was to call out of work, it  
22 would not be reflected in this record because this  
23 record is just what the work schedule is, correct?

24          A     I can't answer that question.

25          Q     Okay. So aside from keeping the records you

1 have no other knowledge, you just keep the records and  
2 that's it?

3 A We store the records, yes.

4 MR. SIMMONS: That's it. Nothing further.

5 THE COURT: Any redirect?

6 MR. KING: No redirect, Your Honor.

7 (State's Composite Exhibit No. 3 was received  
8 in evidence.)

9 \* \* \* \* \*

10 - - -

11 **SERGEANT JAMES MESSER,**

12 having been produced and first duly sworn as a witness,  
13 and having responded "I do" to the oath, testified as  
14 follows:

15 THE COURT: Thank you, sir. Please be seated.

16 And, Mr. King, you may proceed.

17 MR. KING: Thank you, sir.

18 DIRECT EXAMINATION

19 BY MR. KING:

20 Q Good afternoon.

21 A Good afternoon, sir.

22 Q Now that you're sworn in, will you please  
23 introduce yourself to the jury.

24 A My name is James Edward Messer, Sr. I'm 55  
25 years old. And I currently work for the Clay County

1 Sheriff's Office.

2 Q All right. Will you please tell me -- or tell  
3 the jury, rather, a little bit about your background and  
4 training.

5 A So I've been working in corrections, detention  
6 for 35 years. I started off in 1987 at one of the  
7 prisons and went to the Clay County Sheriff's Office for  
8 19 and a half years. I took a little break, was at the  
9 Baker County Sheriff's Office for 19 and a half years.  
10 While I was at the Clay County Sheriff's Office I rose  
11 through the ranks up to a captain position. When I was  
12 at Baker I was a sergeant and a lieutenant. And in  
13 19-- 2017 Sheriff Rhoden promoted me to a lieutenant  
14 and put me in charge of jail operations. I left Baker  
15 in 2019, went to work at DCF, then I went to work at  
16 Bradford, and I came back to my home agency in 2021.

17 Q And going back a little bit to March of 2019,  
18 were you working at the Baker County Sheriff's Office at  
19 that time?

20 A I was.

21 Q Can you please tell the jury a little bit  
22 about the jail in 2019 as far as the shifts and how it  
23 was run.

24 A Yes, sir. So in 2019 as it had been for  
25 several years prior to that, as long as I can remember,

1 we had four security shifts inside the jail. All those  
2 shifts were 12-hour shifts. And we worked 6 a.m. to  
3 6 p.m. So we had two day shifts and two overnight night  
4 shifts. So all the staffing on the shifts -- after 2017  
5 we tried to get our staffing up to around 14 bodies per  
6 shift so that we could have plenty of coverage for days  
7 off and leave and, you know, stuff like that. So we had  
8 people assigned to booking. We had people assigned to  
9 medical. We had people assigned to housing and the  
10 control rooms. And so those staff members rotated  
11 around somewhat and kind of would -- would at times work  
12 different positions on different days.

13 Q And are you familiar with a Brian Robinson as  
14 a correctional officer that used to work at the Baker  
15 County Detention Center?

16 A I am.

17 Q Do you recognize him here in the courtroom  
18 today?

19 A Yes, sir. He's sitting right there between --  
20 in the middle with the black suit on.

21 MR. KING: May the record reflect he  
22 identified the defendant, Your Honor.

23 THE COURT: It will so reflect.

24 MR. KING: And may I approach?

25 THE COURT: You may.

1           MR. KING: I'm approaching with what's been  
2           previously marked as State's Exhibit 3. This is a  
3           composite exhibit, 29 pages.

4 BY MR. KING:

5           Q     Will you take a look at that.

6           A     Yes, sir.

7           Q     Do you recognize what those are?

8           A     I do. These are shift rosters.

9           MR. KING: Your Honor, permission to publish?

10          THE COURT: You may.

11 BY MR. KING:

12          Q     Sir, I'm going to put the TV on behind you  
13          here.

14          A     Okay.

15          Q     And what you have in your hand is the same  
16          thing that's up there on the screen, so it might be a  
17          little --

18          A     Yes, sir.

19          Q     -- easier for you. And what I'd like you to  
20          do is take a look at this first page and tell the jury  
21          the information that you're able to ascertain off of  
22          this log as to the date and who was working.

23          A     Okay. So this is our shift roster for  
24          March 1st, 2019, the day shift, 0600 to 1800, 6 a.m. to  
25          6:00 p.m. Lieutenant Gordon was the shift supervisor,

1 the watch commander, and then on the left-hand side  
2 column it shows all the post assignments or the -- the  
3 posts. And then the middle column shows the officers  
4 assigned to those posts including the top two would be  
5 supervisors on down. And then it's got some statistical  
6 numbers towards the bottom. And then this particular  
7 roll call was signed by, it looks like, Sergeant  
8 Roberts. It gives a breakdown of our count. And so  
9 this is a daily thing that we compiled and it was our --  
10 basically like our shift assignment schedule for every  
11 day.

12 Q Okay. And specifically on this first page are  
13 you able to ascertain whether or not the defendant,  
14 Mr. Robinson, was working on March 1st based on this  
15 document?

16 A According to this document from March 1st  
17 the -- Mr. Robinson was assigned as the booking officer  
18 on that day during the day shift.

19 Q All right. And if I can get you to go to the  
20 next page, I believe, March 2nd.

21 A Yes, sir.

22 Q Same -- same question. Are you able to  
23 ascertain if Mr. Robinson was working on this date?

24 A Yes, sir. He was assigned to the medical  
25 area.



1 Q All right. And this, I believe, next page  
2 should be March 3rd?

3 A Yes, sir. He was also assigned to the medical  
4 area that day.

5 Q All right. And this next one, I believe, is  
6 March 6th?

7 A Yes, sir.

8 Q And was Mr. Robinson working on March 6th?

9 A Yes, sir. He was assigned to the medical  
10 area.

11 Q And next being March 7th.

12 A Yes, sir. He was assigned to the -- as the  
13 officer in charge of the housing area that day.

14 Q And this one's a little bit -- it says  
15 March 11th. It's a little hazy there.

16 A It does look like March 11th.

17 Q And was Mr. Robinson working that day?

18 A Yes. He was assigned as the OIC for the  
19 housing area that day.

20 Q And then March 12th, same question.

21 A Yes, sir. He was assigned as the booking  
22 officer that day.

23 Q And March 15th?

24 A He was assigned as the A pod officer that day.

25 Q And March 16th?

1 A He was assigned as the A pod that day.

2 Q March 17th?

3 A He was assigned as the A pod officer that day.

4 Q And March 20th?

5 A He was assigned as the medical officer that  
6 day.

7 Q March 21st?

8 A He was assigned to the confinement that day.

9 Q All right. Next, I believe, is March 25th.

10 A Yes, sir. He was assigned to A pod that day.

11 Q March 26th?

12 A He was assigned as the A pod officer that day.

13 Q March 29th?

14 A He was assigned as the rover that day.

15 Q And March 31st?

16 A He was assigned as the medical officer that  
17 day.

18 Q Just a few more. Thank you for going through  
19 these with me. April 3rd?

20 A He was assigned to the hospital supervising an  
21 inmate that was in the hospital at Shands Jacksonville.

22 Q Next one being April 4th.

23 A He was assigned as the medical officer that  
24 day.

25 Q Next was April 8th.

1 A He was assigned as the A pod officer that day.

2 Q April 12th next.

3 A A pod officer.

4 Q April 13th?

5 A He was assigned to confinement.

6 Q April 14th?

7 A A pod officer.

8 Q April 17th?

9 A B pod officer.

10 Q April 18th?

11 A Confinement.

12 Q April 22nd?

13 A A pod officer.

14 Q April 23rd?

15 A A pod officer.

16 Q And then we've got -- I believe May 24th is  
17 next?

18 A B pod officer.

19 Q May 25th?

20 A A pod officer.

21 Q And last but not least, May 26th?

22 A A pod officer.

23 Q So on all those days that we've just gone  
24 through Mr. Robinson was working at the Baker County  
25 Detention Center per those records. Is that a fair

1 statement?

2 A Yes, sir.

3 Q All right. Just give me one moment. Now, I  
4 want to ask a little bit about the surveillance system  
5 at the jail. Can you please describe for the jury the  
6 surveillance system that was in the jail in 2019.

7 A Okay. So throughout the facility there are a  
8 number of cameras. There's -- I'm not sure the total  
9 number of cameras, but there's a lot of cameras. And so  
10 that system is on a DVR system that allows that system  
11 to record the activities that those cameras cover inside  
12 the jail.

13 And so that is backed up to a set of servers.  
14 And I'm not an IT guy, so this is basic what I know.  
15 And so when the activities are recorded if there's an  
16 incident, we can go and pull that video for a certain  
17 number of time. So the servers are storage, right, so  
18 if a certain amount of time elapses, then -- and  
19 somebody asks us for a video of an incident, we may not  
20 have that video because of the time lapse because we  
21 don't have unlimited storage. It would be  
22 astronomically expensive to have storage enough to save  
23 it forever, right.

24 So when the storage is full it overwrites  
25 that. So when the time has gone, whatever that is, and

1 at the time maybe my recollection was -- is in the area  
2 of 30 days -- so if it -- an incident happened in those  
3 30 days and it started overwriting, then it would be  
4 gone. And we could not get that video to look at it.

5 MR. KING: I have no other questions. And I  
6 tender the witness. Thank you, Mr. Messer.

7 THE COURT: All right. Defense.

8

9 CROSS-EXAMINATION

10 BY MR. SIMMONS:

11 Q Good afternoon, Officer Messer.

12 A Good afternoon.

13 Q Now, back in 2019 you were the lieutenant at  
14 the jail?

15 A I was.

16 Q And you were -- you was in charge of all of  
17 the officers that actually worked at the jail?

18 A I was a jail administrator. I was in charge  
19 of the daily operations of the facility.

20 Q And you -- as the administrator you kind of  
21 interviewed and you dealt with discipline and new hires  
22 as well?

23 A Yes, sir. I was responsible for everything.

24 Q Now, as it relates to the schedules, there  
25 were four different schedules, correct?

1           A     There were four different shifts, yes, sir.

2           Q     And each of those shifts are already  
3 predetermined, correct?

4           A     In what way are you talking about?

5           Q     There's an A, B, C, and D, which means --

6           A     Yes, sir. Yes, sir.

7           Q     -- that within a month's time somebody would  
8 know their schedule because of the two days on, three  
9 off, or however it works out?

10          A     Yeah. So the way that the schedule works is  
11 that -- I'm not sure if there's an official term for the  
12 schedule, but just take a week starting on Monday, so a  
13 12-hour shift on Monday and Tuesday, that one shift  
14 would work that day, the opposite shift would work  
15 Wednesday and Thursday, and then, say, Alpha shift will  
16 work Monday and Tuesday, they'd work Friday, Saturday,  
17 and Sunday. And then the following week it would be  
18 opposite of that. Alpha shift would be off Monday and  
19 Tuesday, they'd work Wednesday, Thursday. So that  
20 was -- it -- it never changed. The officers always knew  
21 when they were supposed to work. They knew the set  
22 schedule. And the only thing would be when -- where  
23 they were assigned that particular shift.

24          Q     And those records that you just reviewed were  
25 the shifts and who was scheduled to work, correct?

1           A     I would assume from those records that that is  
2 correct, but I can more accurately state that those were  
3 the people that were actually there.

4           Q     So in essence somebody may call out of work  
5 because the shifts are already in place. And sometimes  
6 situations happen with family and people may call out of  
7 work, but the shift is made up and people know their  
8 schedule, so somebody may sometimes call out?

9           A     Yes.

10          Q     Now, so those -- those records or those  
11 shifts, they're put in place because it's predetermined  
12 because of the Alpha, Bravo, Charlie, and Delta?

13          A     Yes, sir.

14          Q     Okay. Now, you stated that there were  
15 different surveillance systems and other systems at the  
16 jail that addressed surveillance as well as security  
17 checks, correct?

18          A     The what?

19          Q     There were systems at the jail in place as it  
20 relates to surveillance as well as systems in place that  
21 dealt with security checks, correct?

22          A     Yes.

23          Q     Okay. Now, you talked about the surveillance  
24 system at the jail as it relates to cameras, correct?

25          A     Yes, sir.

1           Q     And while you were at the jail as the  
2 administrator, you also helped implement a security  
3 check system, correct?

4           A     The Guardian RFID.

5           Q     Yes. Tell -- tell us about that.

6           MR. KING: Your Honor, I'm going to object.

7           May we approach?

8           THE COURT: You may.

9           (Sidebar conference.)

10                           \*   \*   \*   \*   \*

11 BY MR. SIMMONS:

12           Q     Please tell us about that system that you  
13 assisted to put in place as it relates to security.

14           A     So Guardian RFID is a system that we can -- we  
15 that we were using at the facility in order to make sure  
16 that certain security functions that we did were  
17 documented and that we could recover that data later if  
18 we needed to and we could prove that we had been doing  
19 certain security tasks. For instance, overnight  
20 security checks in the housing areas. So every jail  
21 that I'm aware of is required to make security checks at  
22 certain times. And certainly one of the times is  
23 when -- the overnight hours when it's sleeping time. So  
24 we need to make sure that those inmates are safe. We  
25 need to make sure that they're alive. We need to make



1 sure that things are as they're supposed to -- to be.

2           And so as with anything that involves a human,  
3 errors can be made, things forgotten. So my intention  
4 was to purchase this system that would allow us to make  
5 sure that we were doing the things that we were supposed  
6 to be doing, right. And so there had been some  
7 equipment bought at some time prior to my tenure as the  
8 jail administrator. We had been hearing about this for  
9 a long time. So when I got promoted to that position I  
10 made it a mission of mine to find this equipment, to see  
11 if it was something that could benefit our facility.

12           And so through a lot of research and education  
13 on my part we figured out what we need to do, upgraded  
14 the system, and then we ultimately implemented that  
15 system and that product inside of our facility for our  
16 staff to use for those accountability checks as well as  
17 making sure that the inmates are accounted for wherever  
18 they may be inside of the facility. So that we could  
19 have an almost real-time idea of where they were at if  
20 something were to happen, right.

21           Q     And if used correctly, that system had the  
22 potential to track everyone in the facility, correct?

23           A     So I wouldn't use the word "track." I  
24 would -- I would use the word "identify" because it  
25 would tell us the location where the inmate was at or

1 their last location, okay. So if -- say, for instance,  
2 if an inmate was assigned to a housing -- certain  
3 housing location, the system when -- would show that  
4 they're there. So the system was interfaced with our  
5 jail management system, so they shared information about  
6 every two minutes.

7           And -- so once the -- the inmate information  
8 was entered into our jail management system it would  
9 interface with the RFID and share that information so  
10 that when the housing assignment was made, that would be  
11 uploaded to the RFID. So the little handheld device  
12 that was about a size of an iPhone maybe, when it was  
13 used if we scanned the inmate ID card or armband, there  
14 was an RFID chip inside of that and it would tell us who  
15 that person was, put up a picture on there, tell the  
16 housing location, or where they were.

17           Okay. So if we saw an inmate walking down the  
18 hallway and we weren't sure that they were supposed to  
19 be there, if we scanned them with the handheld, it would  
20 tell us who that inmate was, show us a picture so we  
21 could make sure that we had that right person and then  
22 tell us where they belonged, right. So if they went  
23 from the housing area to medical, they would get  
24 scanned. If they went from medical back to their  
25 housing area, they would get scanned and show them back

1 to their housing area or show them to medical or show  
2 them to a work assignment or whatever it was. There was  
3 numerous locations that we could scan them and show them  
4 that if they were moved to. So it gave us the ability  
5 to know where those inmates were all the time if the  
6 data was put in properly.

7 Q And each individual deputy or -- they would  
8 have either their name or some sign in number when they  
9 get on the shift to kind of sign into the system,  
10 correct?

11 A So each of the handheld devices -- we had  
12 enough handheld devices for all the staff members that  
13 needed one on a daily basis to have one assigned to them  
14 on their shift. And so each of the staff members was  
15 assigned an individual login so that we would know who  
16 was using that device, so that when we went to pull  
17 records later we could tell that Officer A was using  
18 this device on this date in this time for this function.  
19 And so when the next staff member came in if the  
20 battery's low, they could swap the battery. They could  
21 log in and they can go about their shift doing the same  
22 exact thing.

23 Q Okay. And as it relates to reports, a report  
24 could be generated from that system as it relates to an  
25 individual deputy or as well as a detainee or an inmate,

1 correct?

2 A Absolutely. We could go in -- there's  
3 numerous reports that we could print from the system.  
4 We could -- we could get that data off of the company  
5 server that was stored for us for, you know, however  
6 long. Excuse me. I have a cold. And so if some  
7 incident came up and they needed information on either n  
8 inmate or a detainee or a staff member, we could search  
9 that system and print the -- the data information that  
10 they were looking for.

11 Q And during the time back in 2000- -- it was  
12 put in place about late 2018, correct, somewhere in '18?

13 A I'm not sure 100 percent of the timeline. The  
14 middle of 2018 sounds about right. It's been a while  
15 now, so there was a lot of moving parts to that. It was  
16 a lot of work, so --

17 Q Okay. But in 2019 during the months of  
18 February to July of 2019, the system was in place?

19 A Absolutely.

20 Q Now, as it relates to Mr. Robinson you did  
21 supervise him at the detention facility, correct?

22 A I did.

23 Q And as of June of 2000- -- June 26th of 2019  
24 he was placed on administrative leave?

25 A I don't know the date, but I know that at some

1 point he was placed on administrative leave.

2 Q And after being placed on administrative leave  
3 he never came back to work for the facility, correct?

4 A Not that I'm aware of.

5 MR. SIMMONS: Nothing further at this point,  
6 Your Honor, subject to recall.

7 THE COURT: Okay. State.

8 MR. KING: Very, very brief, Your Honor.

9 THE COURT: Yes.

10 REDIRECT EXAMINATION

11 BY MR. KING:

12 Q All right, sir. With the RFID system if an  
13 officer did not input information, what would the system  
14 tell you?

15 A Nothing.

16 MR. KING: No other questions.

17 \* \* \* \* \*

18 - - -

19 **OFFICER THOMAS DYAL, JR.,**

20 having been produced and first duly sworn as a witness,  
21 and having responded "I do" to the oath, testified as  
22 follows:

23 THE COURT: Thank you, sir. Please be seated.

24 And, Mr. King, when you're ready.

25 MR. KING: Thank you, Your Honor.

## 1 DIRECT EXAMINATION

2 BY MR. KING:

3 Q Good afternoon.

4 A Good afternoon.

5 Q Please introduce yourself to the jury.

6 A My name is Thomas E. Dyal, Jr.

7 Q And where do you work, sir?

8 A Baker County Sheriff's Office.

9 Q How long have you been with the Sheriff's  
10 Office?

11 A 18 years.

12 Q What are the positions you've held in your  
13 tenure?14 A I've held correctional officer until 2012. I  
15 got moved up to correctional sergeant. And in 2016 I  
16 moved to the detention lieutenant. And in 2019 I moved  
17 to detention inspector. 2020 I went out to deputy  
18 sheriff on patrol. And most recently this past October  
19 I moved into director of ICE operations back in the  
20 jail.21 Q And I want to take you to specifically the  
22 March to July of 2019 time frame. What were your duties  
23 at that point?

24 A I was the detention inspector.

25 Q And describe for the jury what that means.

1           A     You investigate various processes in the jail,  
2 any kind of crime that's been committed. Also any kind  
3 of conflict you have between staff and inmates or  
4 inmates and inmate- -- inmates, whichever one.

5           Q     And are you familiar with the surveillance  
6 system and the recording system within the jail?

7           A     Yes, sir.

8           Q     Can you please explain to the jury how the  
9 recordings are saved and the process that the system  
10 goes through for recording and saving those videos.

11          A     If we have an incident we -- or the system  
12 then was on a DVR system, so basically it would record  
13 for so many days. And then after that period of time  
14 which then was approximately 21 days, it would overlap  
15 itself, so to speak. If you wanted a specific incident,  
16 you had to go in and record that specific one off of the  
17 whatever camera system you need -- or whatever camera  
18 you needed for that time and date.

19          Q     So in that 2019 range of March to July 2019  
20 area, did I hear you say it was about 21 days was the  
21 time that the videos would be kept?

22          A     Yes, sir.

23          Q     Okay. So hypothetically let's say an incident  
24 happened 40 days, just picking a random number, was  
25 there any way to obtain that video?

1           A     No, sir.

2                   MR. KING:  No other questions.  I tender the  
3     witness.

4                   MR. SIMMONS:  No questions, Your Honor.

5                                 \*   \*   \*   \*   \*

6                                 (Proceedings concluded at 3:56 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

STATE OF FLORIDA    )  
COUNTY OF BAKER    )

I do hereby certify that I was authorized to  
and did stenographically report the foregoing excerpt of  
proceedings, pages numbered 1 through 135, and that the  
transcript is a true and correct record of my  
stenographic notes.

Dated this 4th of March, 2024.

Angela Reichenbach  
Angela Reichenbach  
Court Reporter

INDEX

PAGE

**WITNESSES**

1		
2		
3		
4	LIEUTENANT DAVID MANCINI	
	Direct Examination by Mr. Yazdiya	3
5	Cross-Examination by Mr. Simmons	11
	Proffer by Mr. Simmons	18
6	Redirect Examination by Mr. Yazdiya	28
	Recross-Examination by Mr. Simmons	36
7		
8	JOSHUA POWE	
	Direct Examination by Mr. Yazdiya	40
	Cross-Examination by Mr. Simmons	52
9		
10	SPECIAL AGENT JEROME COMBS, JR.	
	Direct Examination by Mr. Yazdiya	56
	Cross-Examination by Mr. Simmons	72
11		
12	SPECIAL AGENT EDGARDO ROSADO	
	Direct Examination by Mr. Yazdiya	76
	Cross-Examination by Mr. Simmons	89
13		
14	SPECIAL AGENT JAMES DEPALMA	
	Direct Examination by Mr. Yazdiya	95
	Cross-Examination by Mr. Simmons	102
15		
16	SPECIAL AGENT DOMINIC CASIOTTA	
	Direct Examination by Mr. Yazdiya	104
	Cross-Examination by Mr. Simmons	109
17		
18	CHRISTINA FAIRCLOTH	
	Direct Examination by Mr. King	110
	Cross-Examination by Mr. Simmons	113
19		
20	SERGEANT JAMES MESSER	
	Direct Examination by Mr. King	116
	Cross-Examination by Mr. Simmons	125
21	Redirect Examination by Mr. King	133
22	OFFICER THOMAS DYAL, JR.	
	Direct Examination by Mr. King	134
23		
24		
25		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX CONT'D

PAGE

**EXHIBITS**

STATE'S:	RECEIVED IN EVIDENCE:	
NO. 1	UPS shipping receipt	67
NO. 2	UPS shipping confirmation	87
COMP. NO. 3	Shift schedules	116