

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2018CF1592

STATE OF FLORIDA

VS.

DENISE WILLIAMS,

Defendant.

_____ /

Volume II

Pages 117-261

PROCEEDINGS:	JURY TRIAL
BEFORE:	THE HONORABLE JAMES C. HANKINSON
DATE:	December 11, 2018
TIME:	Commencing at 12:55 p.m. Concluding at 4:52 p.m.
LOCATION:	Leon County Courthouse Tallahassee, Florida
REPORTED BY:	Johana M. Kesterson, Official Reporter Notary Public in and for the State of Florida at Large

JOHANA M. KESTERSON
Official Court Reporter
Leon County Courthouse, Room 341
Tallahassee, FL 32301

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1 PROCEEDINGS

2 THE COURT: We ready for a jury?

3 MR. FUCHS: Mr. Rogers went out to get our witness,
4 Your Honor.

5 THE COURT: All right. Let's have the jury, please.

6 MR. FUCHS: Okay. We're good.

7 (Jury enters.)

8 THE COURT: All right. If you'd face the clerk and
9 be sworn, please.

10 whereupon,

11 ALTON RENEW,

12 was called as a witness, having been first duly sworn, was
13 examined and testified as follows:

14 THE COURT: Okay. Have a seat. Slide up to the
15 microphone, please, sir. You may proceed.

16 MR. FUCHS: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. FUCHS:

19 Q Good morning -- or afternoon, sir.

20 A Afternoon.

21 Q Could you please introduce yourself to the jurors?

22 A I'm Alton Renew. I'm from Sneads, Florida.

23 Q And, Mr. Renew, are you currently employed?

24 A No, sir. I'm retired.

25 Q What are you retired from?

1 A The Florida Fish and wildlife.

2 Q Okay. And what did you do for Florida Fish and
3 wildlife?

4 A Sir?

5 Q What did you do for Florida Fish and wildlife?

6 A Oh. I was a wildlife officer that patrolled the
7 waters and the lands of the state of Florida. Mainly Jackson
8 County was my assignment.

9 Q Okay. And how long were you employed in that
10 capacity?

11 A Thirty-one years.

12 Q Okay. By my calculations -- when did you retire?

13 A May 12, 2012.

14 Q Okay.

15 A Correction -- correction. I'm sorry, that was May
16 31, 2012.

17 Q Okay. So back in December of 2000 you were
18 employed?

19 A Yes.

20 Q Okay. In your capacity there at FWC, Florida
21 wildlife Commission, did you become involved in the search for
22 Mike Williams?

23 A Yes.

24 Q How is it that you became involved in that?

25 A I was contacted by my supervisor that we had a

1 search going on in Lake Seminole. And to come to work on the
2 Sunday morning of December 17th, I believe it was.

3 Q Okay. It's my understanding the initial call out
4 was -- you weren't part of the initial response, correct?

5 A No, sir, I was off duty that day.

6 Q Okay. And so you became involved on December 17,
7 2000?

8 A Yes.

9 Q Okay. And what was your role in all that?

10 A We had to take a boat and go out and just search the
11 waters for the missing person.

12 Q Okay. Did you assume any kind of, like, lead role
13 in that or anything like that?

14 A I wasn't lead. I was, basically -- I was there
15 every day and had the boat and the operating of the boat. And
16 there were several boats and other officers out there as well.

17 Q Okay.

18 A The lieutenant was the lead officer.

19 Q All right. I know sometimes lieutenants are leads
20 but you're the one that's taking charge and doing all the
21 work; is that fair to say?

22 A Yes, sir. Basically, yes, sir.

23 Q Okay. All right. Now, you talked about a boat. So
24 you had your own boat?

25 A We started out with our kicker boat, which has the

1 motor on the back of it and it hangs down in the water. And
2 there's so many stumps in this area that we had to go and
3 borrow what is called a Go Devil Boat that has a long shaft
4 prop that would kick up out of the water. And it was kind of
5 like a lawn mower motor on the boat but it has a long shaft.
6 So we had to use that because it would maneuver between the
7 stumps.

8 Q Okay. Now, I think you said you were out there
9 every single -- every day?

10 A Basically, every day of the search.

11 Q Okay. And were you the only person out there or
12 were there more people?

13 A Oh, there was quite a few people.

14 Q Were they all law enforcement?

15 A No, sir. Not all of them.

16 Q Okay. Were they all -- were there other law
17 enforcement officers there?

18 A There was several other law enforcement out there as
19 well.

20 Q Were they all FWC or were they from other agencies?

21 A Most was FWC. There was some Jackson County
22 Sheriff's deputies there as well.

23 Q At some point were there any kind of dive teams that
24 were utilized?

25 A We had a couple of divers that had done some diving

1 for us, yes.

2 Q Okay. At some point did the -- whenever you first
3 arrived on the 17th, how would you classify the search? Was
4 it for recovery purposes? Were you looking for somebody?
5 what was going on?

6 A It was to -- it was looking for a missing duck
7 hunter at that time that just was missing. And that's all we
8 knew.

9 Q Okay. At some point did it -- how long were you out
10 there doing that search?

11 A The period of time was about 44 days on the primary
12 search. And then it started breaking down. And due to the
13 fact that I live right there by the lake and patrol that area
14 every day, I was assigned to -- when I went on the water, to
15 go to that area and see if I could find anything or, you know,
16 if there was anything developed.

17 Q Okay. Were there any kind aerial platforms,
18 helicopters? I don't think they had drones back then. But
19 anything like that being used?

20 A Yes. The county helicopter, our FWC helicopter,
21 several fixed-wing aircraft flying.

22 Q Okay. What is a fixed-wing aircraft? What does
23 that mean?

24 A Airplane. Like a Cessna.

25 Q Okay. Regular old airplane?

1 A Yes.

2 Q Okay. Did you do any kind of documentation that
3 talked about --

4 Let me back up a little bit. When you say you did a
5 search, is it just kind of, go out, every man for themselves
6 and just look or how do you organize that kind of search?

7 A No. Actually, we did grid searches. We would go
8 across the body of water -- say, like this courtroom, we would
9 go across to that wall, back to that wall. And only move over
10 four to six foot at a time in the beginning. And then we'd
11 come back and isolate that to a certain area. And we actually
12 put ropes out from one stump to another. And pole with poles
13 the first couple of days.

14 And then after -- I think after the first night we
15 had a camera come in and put on the poles with a monitor that
16 we would monitor the bottom as the guy would work the pole on
17 the bottom. And we used that camera.

18 And I think it was maybe the second or third day we
19 had two cameras. So there was two boats with two individual
20 cameras working grid lines for search.

21 Q And you said that initially you're looking for a
22 missing person. Did that -- I assume that initially you were
23 hoping to find somebody alive?

24 A We were. That's our goal, is to find them alive.
25 Trying to locate them. Maybe -- we just didn't know what was

1 going on. Maybe we could find them in an island. A boat
2 might have turned over on a stump and we might find them
3 standing on the island going, hey, I'm over here, you know.
4 But it just didn't happen.

5 Q Never found anything. At some point did the search
6 turn into a recovery operation?

7 A well, we just -- it never did have a recovery. We
8 just searched the area, you know, intensively until we
9 couldn't find anything, so... I say couldn't find anything,
10 we found some articles but --

11 Q And we'll get to those in just a minute.

12 A Okay.

13 Q You talked earlier about the polling. What is that
14 about?

15 A well, I went to the hardware store and I purchased
16 some PVC pipe, inch-and-a-half PVC pipe, 14 to 16-foot long.
17 And we would pole along down on the bottom, touching the
18 bottom and moving. Every few feet we'd pole. And we would
19 hit stumps and logs and stuff.

20 Q But what is the purpose of doing this poling?

21 A well, in my experience if you -- if you're looking
22 for a body that might have fallen out of a boat and it's on
23 the bottom, it's kind of like a pillow when you -- when you
24 punch it. It won't spring back on you but it will kind of --
25 it's spongy. The bottom will be mucky and it will go through

1 -- you know, you can tell the difference once you've done it
2 several times.

3 If you hit a limb, and the limb will spring back on
4 you so you can tell the difference. At one time we did think
5 that we had something. I think a gentleman said, I've got
6 something over here. But we tried it ourselves, law
7 enforcement tried it. And I was thinking, well, it's a log
8 but we'll put a diver down. And the diver found that it was a
9 tree top.

10 Q Okay. That particular spot you're talking about
11 there, did y'all take any efforts to mark those with bamboo
12 sticks or something along those lines?

13 A Yes. We marked it with one of those poles.

14 Q Okay. During the course of this search, did you
15 make any notes about search patterns and things that were
16 found?

17 A Yes, sir, I did.

18 MR. FUCHS: Your Honor, may I approach?

19 THE COURT: You may.

20 BY MR. FUCHS:

21 Q Showing you what's been previously marked as State's
22 Exhibit No. 2 for identification purposes. Without showing
23 this to the jury I ask you to take a look at it, please.

24 A That seems to be my drawing of the search pattern
25 with the K-9.

1 MR. FUCHS: Okay. And, Your Honor, at this time I
2 would move State's Exhibit No. 2 into evidence.

3 THE COURT: Any objection?

4 MR. WAY: No objection, Your Honor.

5 THE COURT: State's Exhibit 2 will be admitted
6 without objection.

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

8 MR. FUCHS: Permission to publish?

9 THE COURT: You may.

10 BY MR. FUCHS:

11 Q All right. A whole lot of arrows, it looks like,
12 that are drawn around these. What do those indicate?

13 A That is the pattern that we took with the dogs
14 and -- can you scroll that down to the top where I can review
15 the -- what I -- my notes there?

16 Q Okay.

17 A The dotted line is the route that we're taking. The
18 half arrow represents the first loop. The full arrow is the
19 second loop. And the solid line, the arrow represents the
20 third loop. Okay. Good.

21 Q When you talk about loops, what do you mean?

22 A What happens when you have a K-9 dog -- and I'll say
23 this, I was trained in K-9 while in the game commission.

24 Q Okay.

25 A So I was one of the first ten K-9 officers, to give

1 you a little background. But the dog we had was -- the first
2 dog out there was from the Northwest Florida Search and Rescue
3 Team. And on No. 1 on those half arrows we started on the
4 downwind side. The wind was coming in -- you can see the sign
5 where it says "wind." The wind was coming out of the
6 northeast. So we started on the southwest corner, or,
7 basically, on that shoreline.

8 Q So down here?

9 A Where if there had been a body or anything there,
10 the scent --

11 Q Here you go.

12 A Okay. Thank you. We started from the landing,
13 working around, starting here. And the dogs kind of indicated
14 on those little Xs right here. They indicated something was
15 there.

16 Q Let me stop you right there. You said the dogs
17 indicated something was there. What kind of dogs are we
18 talking about? I mean, there's narcotic dogs, there's cadaver
19 dogs.

20 A They're search and rescue cadaver dogs.

21 Q So they're trained to pick up what?

22 A Human scent.

23 Q Okay. Is it human scent as in live human scent,
24 decaying human scent or all of the above?

25 A These dogs will track you on the ground and they're

1 also trained pretty intensively with cadaver training --

2 Q Okay.

3 A -- as well.

4 Q Let me pause you real quick. We'll get back to the
5 dogs in just a second. Up here at the top it says "landing"
6 with a star. What is that?

7 A That's a small dirt landing area, probably a hundred
8 foot by -- say a hundred by a hundred. And then it's -- and
9 there's grass all out in there. But there's a little slip
10 that you could slide a boat in right there.

11 Q All right. And I know -- I understand from Officer
12 Morris that a Bronco was found. Is that that landing right
13 there where the Bronco was found?

14 A Yes, sir.

15 Q Okay. And I do notice there's another landing down
16 here. What's that?

17 A That is a little road that comes off -- off the
18 highway that goes in there to another small slip. And it's
19 not as good as this one. It's kind of grewed [sic] over.
20 But, you know, people will slip their duck boats in there
21 sometimes and just make a small trail through the grass.

22 Q I think there's some sort of, like, game reporting
23 station or something like that along this road somewhere.
24 Where's that at?

25 A About there. On the west side of the road.

1 Q Okay. So on the other side of the road from that
2 landing?

3 A Right straight across from that landing.

4 Q All right. All right. So let's get back. Let's
5 look at this. It says shallow water here and I notice you
6 have a couple of trees that have been noted on here. What are
7 those for?

8 A Well, it's documenting that this is, you know,
9 anywhere from three- to four-foot water at the time. And then
10 you get on down -- the trees are old oak trees that were
11 flooded in and, you know, all the leaves are dead off of them.
12 And then, you know, those are trees there. And there's a tree
13 there.

14 And this area here is a deeper hole that's created
15 there in that slough. It gets 10, 12, 14-foot sometimes.

16 Q Let me stop you right there. What is a slough?

17 A A slough. That's the backwater coming off the lake.

18 Q Okay.

19 A And it's got weeds and islands and grass around it.
20 And it just feeds through the lake.

21 Q Like, kind of like a murky-water type area of the
22 lake --

23 A Yes.

24 Q -- or something like that?

25 A Yes.

1 Q Okay. All right. And you said that you had all the
2 Xs here, are these -- and what were the significance of these
3 Xs?

4 A Basically where the dogs alerted, gave some kind of
5 alerts. You know, the trainer would know their alert pattern
6 so the dog alerted there. We made a circle. Come back around
7 and try to make another run by it, which is there and the dog
8 alerted again. And then the second run and third run.

9 And you go out of the pattern to let the dog relax.
10 And once you get out of the pattern and he relaxes, you bring
11 him back in. And if the scent pool -- if there's anything
12 there, with the wind it could go this way. And the wind could
13 change. It would move around a little bit, but -- and the dog
14 would alert in that particular area.

15 Q Okay. Now, you mentioned earlier about an area that
16 you marked with a bamboo or whatever it is, where they had the
17 alert. Where was that on this?

18 A This was -- this tree is not there anymore. It's
19 rotted down. But from that tree out to the south of that tree
20 about 25 feet there's a -- still there today is a white PVC
21 pipe marking the area of that deepest hole.

22 Q Okay. And you mentioned it had been marked by
23 bamboo and that brings a point. Did you at some point change
24 the bamboo out for a PVC pipe to mark that location?

25 A The bamboo that was used there basically was put

1 inside the PVC pipes.

2 Q Okay.

3 A To stabilize them. They were so long they were
4 flexible. So we put bamboo, like green cane poles inside and
5 we kept both sides of the PVC.

6 Q All right. And you said there's still PVC pipe
7 there today?

8 A Yes, sir. There's one there.

9 Q During that extensive search that you just talked
10 about was there anything found initially?

11 A I didn't find it. But another officer found the
12 boat with the gear in it. And I wasn't there at that time.

13 Q Okay. Did you have an opportunity to observe the
14 boat?

15 A Not at first. Not when they took it out of the
16 water and all that. I wasn't there.

17 Q Okay. Were you aware where they did find it?

18 A Yes. They pointed it out to me.

19 Q Okay. And, actually, if I can go back to your map
20 here. Is that what we're looking at right here?

21 A Yes. From the landing there's some grass -- a
22 grass -- this little U-shaped thing here represents,
23 basically, grass. And there's the boat right there.

24 And actually off the grass right there, if that had
25 been straightened out a little bit, you know, the boat was

1 between this landing and that landing in that area.

2 Q Okay.

3 A Up against the grass, cattails.

4 Q Were there any other items that were found?

5 A During the first few weeks I found a cooler and a
6 coffee mug in the area near the boat. But it was kind of up
7 in this grass up in here.

8 Q Did that turn out to be a -- another -- not related
9 to this?

10 A It wasn't related to this search. A gentleman came
11 to the landing the third day of the search and said he had
12 turned his boat over out in front of the landing. And he
13 described the cooler and the coffee mug and it was returned to
14 him.

15 Q Okay. And what about a hat or booties or anything
16 like that? Were any of those items -- anything?

17 A Yes, sir. The hat was found on the 10th morning of
18 the search.

19 Q And where was that found?

20 A We put -- we put in here at the landing -- or up at
21 the other landing and come around and started our grid. And
22 before I even got to here, the hat was off of that tree and
23 over in the shallow water near this tree. Between that tree
24 and the grass. It was placed right in there.

25 MR. FUCHS: Your Honor, may I approach, please?

1 THE COURT: You may.

2 BY MR. FUCHS:

3 Q Showing you what's been previously marked as State's
4 Exhibit Composite 3 A, B and C. A couple of maps. Take a
5 look at those items.

6 A Okay.

7 Q Do those maps accurately depict the area that we're
8 talking about? The locations, just from satellite imagery.

9 A Yes, sir.

10 MR. FUCHS: Your Honor, at this time I'd move
11 State's Composite 3A, B and C into evidence.

12 THE COURT: Any objection?

13 MR. WAY: No, Your Honor.

14 THE COURT: They'll be admitted without objection.

15 (State's Exhibit No. 3A, 3B, 3C received in
16 evidence.)

17 BY MR. FUCHS:

18 Q I'm looking at this first map, and I think this just
19 kind of tells us where everything is. Lake Seminole up here.
20 And that's -- approximately how far from Tallahassee
21 drive-wise? How long did it take you to drive over here?

22 A It's about 55, 60 miles.

23 Q Okay.

24 A Somewhere in that range.

25 Q Little bit closer look at the west side of the lake.

1 That would be the landing and where the boat was found in
2 relation to each other?

3 A Yes.

4 Q And then photograph number C. Again, the initial
5 landing where the Bronco was found; where the boat was found;
6 where the trees that we've talked about; as well as that
7 ranger station we've talked about?

8 A Yes.

9 Q Next --

10 MR. FUCHS: If I can approach?

11 BY MR. FUCHS:

12 Q I'm showing you State's Composite Exhibit No. 4-A
13 through M.

14 THE COURT: You may approach.

15 BY MR. FUCHS:

16 Q Take a look at those, please, without showing the
17 jury.

18 Do those photographs accurately depict the search
19 area as well as personnel and other items that were involved?

20 A Yes, sir, it does.

21 MR. FUCHS: Your Honor, permission to --

22 I'd move State's Exhibit -- Composite Exhibit 4-A
23 through M into evidence.

24 THE COURT: Any objection?

25 MR. WAY: No, Your Honor.

1 THE COURT: Be admitted without objection.

2 (State's Exhibit No. 4A-M received in evidence.)

3 MR. FUCHS: Permission to publish?

4 THE COURT: You may.

5 BY MR. FUCHS:

6 Q Mr. Renew, what are we looking at here?

7 A That's basically the landing area that we're talking
8 about. The water is quite low so it's muddy at the landing.
9 And we're looking southeast. And you can see the bigger --
10 the larger tree in the background here. And then a little bit
11 further south of there, kind of the dark spot right here, that
12 was basically where the pole is.

13 Q All right. And this area right here, is this where
14 the same kind of area -- or the same area that the Bronco was
15 found at?

16 A Yes. Just back this side of the landing.

17 Q Okay. What are we looking at there?

18 A Basically, looking at the same area a little bit on
19 the northeast -- a little bit northeast of the search area.

20 Q Okay. And I think that the previous big tree you
21 were pointing out is right here. So we're kind of looking
22 at -- you're looking out towards the left?

23 A Yes, sir. We're looking a little bit -- that's the
24 search -- I say search area, this is all the search area. But
25 the main area that the dogs alerted on was down here. This is

1 just a little bit north of that other photo.

2 Q Okay. And I believe this is a little bit farther to
3 the left?

4 A Yes.

5 Q Same view. Appears to be of a helicopter in this
6 one. That was part of the search?

7 A Yes, sir, it was.

8 Q As well as the boat?

9 A Yes, sir.

10 Q What are we looking at here? Photograph 4-E? It
11 appears to be just some grass area?

12 A I'm thinking that might be the big tree. I'm not
13 real sure. It looks like that photo might have been taken
14 from a vessel or something. But due to the weeds along the
15 roadway it would be hard to get to that point.

16 Q Okay. Photo 4-F appears to be blurry. But are
17 those the PVC pipes we're talking about?

18 A Yes, sir, it is. And that's the large tree there
19 that we -- the larger tree. All these are down now. But I
20 think it's that pipe that's left.

21 Q More photos of the area where the stumps are that
22 we're talking about?

23 A Yes, sir. Looking kind of northward. That's the
24 landing area.

25 Q Is that the boat that was found?

1 A It appears to be the same boat.

2 Q And my understanding is you were not there when it
3 was found. However, you were there afterward and were able to
4 observe it?

5 A Afterwards. I wasn't there when it was in that
6 position.

7 Q Just for clarification, is this the boat that was
8 found?

9 A I believe it is.

10 Q Okay. But it was not on the trailer initially? It
11 was found and then put on the trailer by law enforcement
12 officers?

13 A Yes.

14 Q What is this? Is that the Go Devil you were talking
15 about?

16 A Yes, sir. That's the small like -- small engine
17 with the long shaft and the prop's down here.

18 Q Photograph 4-L, the inside of the boat. And 4-M
19 depicts the way the boat was found and the items inside the
20 boat?

21 A I think so, sir. I didn't -- I wasn't there when it
22 was recovered.

23 Q Okay. So that initial search, I think you described
24 earlier, went on for 44 days, correct?

25 A Yes, sir.

1 Q At that point, did you have any reason to believe
2 that this would be -- turn into a homicide investigation?

3 A No, sir.

4 Q The items that we've talked about, the Bronco, the
5 boat and everything like that, they weren't collected as
6 evidence for that reason, correct?

7 A No, sir.

8 Q Okay. And for -- you never found Mike Williams or
9 the missing boater, correct?

10 A No.

11 Q Later that summer, did you have an occasion to get
12 called back out to that location?

13 A Yes, I did.

14 Q Okay. What happened there?

15 A Friend of mine, a local fisherman as well, he
16 contacted me and said that he had found a set of waders
17 floating in the area that we had been searching.

18 Q Okay. And what did you do with that information?

19 A I contacted the sheriff's office, the investigator,
20 Jeff Johnson. And he came over and he and I went out and
21 retrieved the evidence of the waders at that time.

22 Q All right. Were there any further searches and
23 other pieces of evidence that were found?

24 A A diver came in and dove up a jacket with a flash
25 light.

1 Q Okay. Anything else? Anything found inside the
2 waders or the flash -- or the jacket?

3 A The waders had a fanny pack that was strapped around
4 the waistband with a 15-shot shell, steel-shot shells in them.
5 And a -- I think an Arkansas hunting license.

6 Q And that Arkansas hunting license, did it have a
7 name on it?

8 A It had Mike Williams' name on it.

9 Q And when was that?

10 A That was the first or second day of June of that
11 same year.

12 Q Okay. So about six months later?

13 A Yes. Actually, it was like June of 2001.

14 Q Okay. All right.

15 MR. FUCHS: Your Honor, may I approach?

16 THE COURT: You may.

17 BY MR. FUCHS:

18 Q Showing you what's been previously marked for
19 identification purposes as State's Composite 5-A through E.
20 without showing those to the jury, I'd ask you to take a look
21 at them, please.

22 Do you recognize those items?

23 A Yes.

24 Q What do those items appear to be?

25 A That's the jacket and the hunting license.

1 Q Okay. Are these the items that were found
2 approximately six months after the --

3 A Yes.

4 Q -- after the search that you just described?

5 A Yes, sir.

6 Q Do they fairly and accurately depict those items?

7 A Yes.

8 MR. FUCHS: Your Honor, at this time I'd move
9 State's Composite 5A through E into evidence, please.

10 THE COURT: Any objection?

11 MR. WAY: No objection, Your Honor.

12 THE COURT: Be admitted without objection.

13 MR. FUCHS: Permission to publish?

14 THE COURT: You may.

15 MR. FUCHS: Thank you.

16 BY MR. FUCHS:

17 Q Photograph 5-A, what are we looking at here?

18 A That would be the jacket that was found by the
19 diver.

20 Q 5-B?

21 A That's the same jacket that's turned -- laid on the
22 tailgate there upside down -- or inside out.

23 Q 5-C? Same jacket again?

24 A Inside of the same jacket.

25 Q 5-D?

1 A Is the hunting license.

2 Q And 5-E?

3 A Hunting license folded up.

4 Q These items that we just talked about, were they
5 seized into evidence?

6 A Yes, sir.

7 Q Again, at that time nobody believed it to be a
8 homicide investigation; is that fair to say?

9 A That's correct.

10 Q And, finally, we talked a little bit about the
11 multiple landings that we -- as well as the PVC pipe that can
12 still be seen today.

13 MR. FUCHS: Your Honor, may I approach?

14 THE COURT: You may.

15 BY MR. FUCHS:

16 Q Showing what's been previously marked for
17 identification purposes as State's Exhibit 6-A through C. I
18 ask you to take a look at those items, please, sir.

19 what are these items?

20 A That's photos of the small landing across from the
21 check station. And the search area on the water. And the
22 small landing that we were -- where we staged up the search at
23 and where the Bronco was found.

24 Q And do they fairly and accurately depict those
25 locations?

1 A Yes.

2 MR. FUCHS: Your Honor, at this time I would move
3 State's Composite 6-A through C into evidence, please.

4 THE COURT: Any objection?

5 MR. WAY: No objection, Your Honor.

6 THE COURT: Be admitted without objection.

7 (State's Exhibit No. 6A-C received in evidence.)

8 BY MR. FUCHS:

9 Q Let's look at 6-B first. Which location is that?

10 A That's the area where the Bronco was found in the
11 small boat landing, dirt landing.

12 Q And that photograph 4-A, that's the Bronco at that
13 landing, correct, on the day that it was found?

14 A Yes, sir.

15 THE COURT: Did you say four?

16 MR. FUCHS: 4-A, yes, sir.

17 THE COURT: So we're going back to some earlier
18 ones?

19 MR. FUCHS: Yes.

20 THE COURT: Okay.

21 MR. FUCHS: I'm sorry, 1A. I apologize, 1A.

22 BY MR. FUCHS:

23 Q Photograph 6-C looks out over that area. Is that
24 the search area as it exists today?

25 A Yes, sir.

1 Q I notice there's a little white thing right here.
2 what is that?

3 A That's the pole that we left out there. At the time
4 we were using them for search and markers.

5 Q Still there today? This is actually after the
6 hurricane, is it not?

7 A Yes. That's well after the hurricane there, I
8 believe.

9 Q Yes, sir. And then, finally, I'm going to show you
10 6-A. Where is this at? What's that?

11 A That's the small landing across from the check
12 station. There's a highway just this side at the bottom of
13 the photo. And across the road is a check station for the
14 management area. It's just a small dirt landing.

15 Q All right. And it looks like it's a halfway decent
16 distance over to the water. But how far is that about?

17 A Well, the -- from that point of the landing and just
18 a little bit at a -- maybe a 45-degree angle is the search
19 area, right in there.

20 Q And how far from where the road is to the water
21 area?

22 A 80 yards, maybe.

23 Q Almost a football field?

24 A Yes.

25 Q Now, Mr. Renew, the area that the search located --

1 where y'all performed the search, is that a common area for
2 duck hunters?

3 A Yes, sir.

4 Q During your time patrolling there, had you ever run
5 into Mike Williams before?

6 A Yes, I have.

7 Q Are you familiar with --
8 well, let me ask you this: You're familiar with the
9 term duck blind?

10 A Yes.

11 Q What is a duck blind?

12 A A duck blind can be several different things. They
13 can go out on the bullrush on the cattails and build up the
14 cattails to cover themselves.

15 And another way to do a duck blind is a floating
16 duck blind. Like, you could build it on your boat and cover
17 your boat where you can hide in there.

18 Q Did Mike Williams have any duck blinds out in there
19 that he used on a regular basis?

20 A I checked them in the cattails before. And they
21 didn't have a duck blind, per se. You can pull in the
22 cattails certain ways that they just make you a natural blind.

23 Q Okay. And did Mike Williams utilize that
24 natural-blind area in order to hunt ducks on a regular basis?

25 A Several times. Yes.

1 MR. FUCHS: No further questions.

2 THE COURT: Cross?

3 CROSS-EXAMINATION

4 BY MR. WAY:

5 Q Good afternoon, Mr. Renew.

6 A How are you, sir?

7 Q You had indicated that when the items were found in
8 June of 2001 -- I think we saw in the photographs that someone
9 was there holding them with rubber gloves on?

10 A Yes.

11 Q Who was the person holding those items?

12 A I'm not sure who was actually holding the items. I
13 know that Sergeant Jempsey Owens (phonetic) was our
14 investigator with the Game and Fish Commission. And then
15 there was an investigator with the sheriff's office as well.
16 And I don't know if they were together and did that or who
17 took the photos.

18 Q When those items were seized into evidence -- where
19 are they now?

20 A I don't know that they were seized into evidence. I
21 think they were turned back to the family.

22 Q Okay. I --

23 A I don't know, really, that answer, sir.

24 Q All right. I apologize. I just -- I may have
25 misunderstood when you had said earlier the answer to that

1 question.

2 The boat that was found at the scene, where did that
3 boat go?

4 A It was turned back over to the family.

5 Q whose family?

6 A To Mike Williams' family.

7 Q Okay. Do you know that for certain or could it have
8 been turned over to someone else?

9 A I was told that it was turned over to the family.
10 And that's the word they used, the family. And I'm assuming
11 back to his family.

12 Q You described in Exhibit 2 the area where the K-9
13 searched. When was this K-9 search with the dogs conducted as
14 it relates to December 16, 2000? Was it done the same day?
15 The next day?

16 A I'm not sure of the date, sir. But it was within
17 two weeks or within the first week and a half or two weeks.

18 Q And the dogs alerted but what did they find? What
19 did they alert to?

20 A There was nothing that we found. You know, there
21 was nothing there that we found or could see. But they would
22 react.

23 And even one was in front of the boat and started
24 sniffing and walked down the gunnel of the boat to the back
25 sniffing the water.

1 And, you know, we searched that area with the
2 cameras and with the poles and everything as well. And there
3 was nothing that we could find.

4 Q And if I understand correctly, based on where the
5 landings were on the western side of Lake Seminole, were the
6 dogs run over the dry land areas where the boat may have been
7 pulled out or where the Bronco was?

8 A I'm not sure of that, sir.

9 Q When you observed the boat, did the dogs ever get
10 run over the boat?

11 A I'm not sure. I didn't witness that.

12 Q You said you'd seen Mike Williams before out at Lake
13 Seminole?

14 A Yes.

15 Q Did you ever see Brian Winchester prior to December
16 16, 2000?

17 A Yes.

18 Q How often would Brian Winchester hunt out at that
19 area?

20 A I checked him several times. You know, I knew both
21 of them. And I knew -- when they'd come into the landings, I
22 would check them. Check their boat and their kill, or
23 whatever, their limit and their license.

24 Q Prior to December 16th of 2000, about how many times
25 would you have encountered Brian Winchester hunting at the

1 Lake Seminole area?

2 A You know, I didn't really count the times. But I
3 would estimate three to five times.

4 Q Did you ever encounter Brian Winchester and Mike
5 Williams hunting together for ducks prior to December 16th of
6 2000?

7 A A few years before and maybe that year as well.

8 Q So maybe one time?

9 A Maybe one time. Yeah.

10 MR. WAY: No further questions, Your Honor.

11 THE COURT: Redirect?

12 MR. FUCHS: Briefly.

13 REDIRECT EXAMINATION

14 BY MR. FUCHS:

15 Q Talk about the dogs. Just for clarification, they
16 pick up on both live scent -- scent of live people as well as
17 deceased, correct?

18 A Yes.

19 Q So if you'd run them over the boat that people had
20 been in, there's no way to tell which alert they're doing,
21 correct?

22 A That's right.

23 Q So they would have alerted somebody was in the boat,
24 but you can't tell whether that's a deceased or --

25 A Not unless you do what we call scent discrimination.

1 And that wasn't available.

2 Q It wasn't available at that time?

3 A No.

4 Q Okay.

5 MR. FUCHS: No further questions.

6 THE COURT: All right. Any juror have a question of
7 this witness?

8 (No audible response.)

9 THE COURT: All right. If not, you may step down.
10 Do we need to keep him further?

11 MR. FUCHS: Your Honor, he will be subject to
12 recall, but he can go about his business.

13 THE COURT: All right. You can go about your
14 business. Be subject to recall. You are under The Rule
15 of Sequestration, so don't discuss the case with anyone.

16 Call your next witness.

17 MR. FUCHS: Yes, Your Honor. State would call Tully
18 Sparkman.

19 THE COURT: If you'd face the clerk and be sworn
20 please, sir.

21 whereupon,

22 TULLY SPARKMAN,

23 was called as a witness, having been first duly sworn, was
24 examined and testified as follows:

25 THE COURT: Have a seat. Slide up to the

1 microphone, please, sir.

2 DIRECT EXAMINATION

3 BY MR. FUCHS:

4 Q Good afternoon, sir.

5 A Hello.

6 Q Can you please introduce yourself to the jurors?

7 A My name's Tully Sparkman.

8 Q Okay. And Mr. Sparkman, are you employed?

9 A Yes, I am.

10 Q Where do you work?

11 A I work for the State Attorney's Office.

12 Q And what do you do with the State Attorney's Office?

13 A I'm an investigator.

14 Q How long have you been an investigator with the
15 State Attorney's Office?

16 A I have been an investigator for nearly 13 years.
17 Going on 13.

18 Q Okay. Prior to that, did you have any prior law
19 enforcement experience?

20 A Yes. For five years I was employed with the Florida
21 Fish and Wildlife Conservation Commission.

22 Q And what were your duties with Florida wildlife?

23 A I was a law enforcement officer.

24 Q Okay. And then what are your duties at the State
25 Attorney's Office?

1 A I am an investigator. I work in the Jefferson
2 County office.

3 Q And as an investigator with the State Attorney's
4 office, what kind of things do you do?

5 A We assist the attorneys prepping cases for trial,
6 interviews, locating witnesses, stuff such as that.

7 Q As an investigator, are you also called upon to
8 assist other law enforcement agencies in conducting an
9 investigation?

10 A Yes. There's oftentimes we do that.

11 Q In that capacity at the State Attorney's Office, did
12 you become involved in the disappearance of Mike Williams?

13 A Yes, I did.

14 Q How is it that you became involved?

15 A I was assigned the case when I came to the
16 Tallahassee Office in oh -- I believe it was around '06, '07.
17 Around '07, I believe.

18 Q Any particular reason you were assigned -- how many
19 investigators are at the State Attorney's Office?

20 A We have a total of about ten. I came in and kind of
21 inherited it from a person that had left.

22 Q Okay. And who was that person?

23 A That was Ronnie Austin (phonetic).

24 Q You mentioned earlier that you had been involved
25 with FWC prior to that. Is that part of the reason you were

1 assigned this case?

2 A That's another reason for it. I had some background
3 in some of the initial stuff going on with the case. Not that
4 I was involved in it. But FWC was involved with a lot of it,
5 so I had some knowledge of what they would have been doing and
6 how that would have been handled.

7 Q And, just to be clear, you weren't involved in the
8 search back in December of 2000 for Mike Williams with FWC,
9 correct?

10 A No, I was not.

11 Q Okay. You just kind of knew who the players were?

12 A Yes.

13 Q All right. How is it or why is it the State
14 Attorney's Office became involved in this investigation?

15 A Just another set of eyes. Somewhat of a liaison to
16 the other law enforcement officers in the case to, you know,
17 keep us in the loop and everybody working together as a team.

18 Q Okay. And when was it that you became involved?

19 A It was around '07. Somewhere in that range.

20 Q Now, whenever Mike Williams first went missing it
21 was classified as a missing person. At some point did that
22 change and become a, I guess, suspicious death?

23 A Yes.

24 Q Or suspicious circumstances?

25 A Yes.

1 Q why is that?

2 A Just the background surrounding it. I don't know
3 how much to go into it. But as a Fish and Wildlife officer,
4 one of the things that I always -- we recovered bodies from
5 the water often. And I've never been to one that the body did
6 not float or was not recovered. So, you know, that became
7 suspicious in itself, the fact that we never had a body in the
8 water there.

9 Q Okay. Were there any other circumstances there that
10 had happened between the disappearance of Mike Williams in
11 2007 that also gave rise to suspicious circumstances?

12 A During that time there were several -- some of the
13 stuff was evidence that was found, who found it. There was a
14 lot of that stuff that was -- there were missing parts of time
15 in people's alibis. Yeah. So there were several things that
16 were suspicious, to say the least.

17 Q Okay. And let's talk, if we can -- I assume when
18 you came in in 2007, did you also go back and review the prior
19 investigations and other things that had happened?

20 A Yes. Yes, sir.

21 Q Did you learn who people were as it relates to this?

22 A Yes.

23 Q Okay. So let's start talking about that.

24 A Okay.

25 Q Mike Williams. Who is Mike Williams?

1 A Mike williams was an adjustor for Clay Ketchum. I
2 think it was Clay Ketchum is where he worked. Married to
3 Denise -- marital at the time is Winchester -- or, I mean,
4 williams.

5 Q Okay. So Mike williams is married to Denise
6 williams?

7 A Yes.

8 Q Did you become familiar with a person by the name of
9 Brian Winchester?

10 A Yes, I did.

11 Q Who was Brian Winchester?

12 A Brian was married to Kathy Winchester. They were
13 friends with the -- the two families were friends.

14 Q Okay. At some point prior to 2007 did you become
15 aware that Brian Winchester and Denise williams had become an
16 item and got married?

17 A Yes.

18 Q Did that factor into your -- into the suspicious
19 nature of all this?

20 A Yes. It was a suspicious matter, of course. Yes.

21 Q Okay. In your involvement -- I know you talked
22 about you went back and reviewed certain things. Did you take
23 any efforts to try and get -- conduct your own investigation?
24 Find any kind of records?

25 A Yes, I did.

1 Q Okay. What steps did you take?

2 A We looked into financial records, phone records. We
3 did other interviews when we would get leads on different
4 aspects. We followed it to wherever it would lead, you know,
5 picking up what we could, where we could.

6 Q Let's first talk about phone records.

7 A Okay.

8 Q You're familiar with phone records as they exist
9 today, cell phone records and things like that?

10 A Yes.

11 Q Was there something different about the phone
12 records as we talk about them back in 2000 versus where we are
13 today?

14 A Yes. It's a lot different. To begin with, we
15 didn't have the little computer we all hold today. You know,
16 back then maybe you had a flip phone. But the text messaging
17 was a lot different. You know, there was no computer screen
18 there to type on. So what you could get was different. It
19 was emerging. There was no -- I think landlines and stuff you
20 could only get long distance stuff. You couldn't -- and so
21 there's a lot that was not available then that is available
22 now.

23 Q Okay. Talk about the landlines. Did phone records
24 exist between local calls of landlines?

25 A No.

1 Q Okay. Only long distance?

2 A Yes.

3 Q Did you take steps to get phone records back then?

4 A Yes.

5 Q What step did you take?

6 A We wrote up subpoenas. We did get some phone
7 records for more recent stuff. But trying to go back to the
8 2000 date range -- they only keep the records for so long. So
9 after about seven years -- I think it was seven years -- they
10 purge all the records.

11 Q Okay. And were you outside that time frame?

12 A Yes.

13 Q Did you go back and try and look for items that had
14 possibly been seized by law enforcement, specifically FWC?
15 waders? Jackets? Things along those lines?

16 A Yes. We started trying -- at a point, trying to
17 kind of collect all this stuff and gather it into, you know,
18 one spot, one location. Because it was kind of -- at that
19 time -- it was a missing boater, you know, at one point. And
20 there was suspicions of whether he was in the lake or not.

21 And so we made a decision we needed to start to
22 gather everything together in case things started to change.

23 Q And were you able to find any of those items?

24 A Some of them.

25 Q What were you able to find?

1 A I think we found the boat. I believe we found the
2 boat. I may be incorrect on that. We did not find the
3 waders. We found a copy, I believe, of the -- I'm trying to
4 remember back now what all we actually found. There were bits
5 and pieces of clothing. Small things. Nothing too
6 substantial.

7 Q Did you ever find the waders?

8 A No, we never found the waders.

9 Q Jacket?

10 A No.

11 Q Okay. You said -- you mentioned the boat.

12 A Right.

13 Q Did you --

14 A That was never recovered. It was never put in --
15 impounded or seized for whatever reason.

16 Q What do you mean?

17 A I don't believe the boat was ever -- I could be
18 incorrect there, but I don't think we had it -- we didn't
19 have -- what I mean to say is, we didn't have it to process
20 it, I guess, in that manner.

21 Q Okay. So it wasn't seized initially, but you may
22 have come back and recovered it?

23 A Right. Exactly. That's what I'm trying to say.

24 Q Okay. Did you also take steps to get the certified
25 copies of death certificates and the petition to get that?

1 A Yes, we did.

2 Q I'm showing what's been previously marked as State's
3 Composite 7-A, B and C. Ask you to take a look at those
4 items.

5 A Okay.

6 Q Do you recognize those?

7 A Yes.

8 Q What do those appear to be?

9 A There's a petition for presumptive death
10 certificate, an order for presumptive death certificate and a
11 certificate of death.

12 MR. FUCHS: Your Honor, at this time I'd move
13 certified copies of the petition of those items into
14 evidence as self-authenticating documents as Exhibit 7-A,
15 B and C.

16 THE COURT: Any objection?

17 MR. WAY: No objection, Your Honor.

18 THE COURT: 7-A, B and C will be admitted.

19 (State's Exhibit No. 7-A, B, C received in
20 evidence.)

21 BY MR. FUCHS:

22 Q Now, Mr. Sparkman, what is the date of that petition
23 for death certificate?

24 A Looks like it was signed on June 29, 2001.

25 Q Okay. Roughly six months after Mr. Williams went

1 missing?

2 A Yes. That would be correct.

3 Q Okay. During the course of your investigation did
4 you also learn of a possible insurance payout to Denise
5 Williams?

6 A Yes, we did.

7 Q Did that also heighten your suspicions as it relates
8 to the manner of death?

9 A Yes.

10 Q Okay. Showing you what's been previously marked as
11 State's Exhibit No. 8.

12 MR. FUCHS: Your Honor, may I approach?

13 THE COURT: You may.

14 BY MR. FUCHS:

15 Q Do you recognize that item?

16 A Yes.

17 Q What does that item appear to be?

18 A It's a marriage certificate for Brian Winchester and
19 Denise Williams.

20 MR. FUCHS: At this time I'd move State's Exhibit
21 No. 8 into evidence as a self-authenticating certified
22 copy.

23 THE COURT: Any objection?

24 MR. WAY: No objection, Your Honor.

25 THE COURT: Be admitted.

1 (State's Exhibit No. 8 received in evidence.)

2 BY MR. FUCHS:

3 Q And what is that again?

4 A A marriage certificate for Brian Winchester and
5 Denise Williams.

6 Q Denise Williams?

7 A Yes.

8 Q And what's the date of that?

9 A The date on that was -- like, the date license
10 issued was November 11 -- or November 23, 2005. I'm sorry.

11 Q Okay. And looking at that marriage certificate,
12 does it show the date of marriage?

13 A Date of marriage, yes.

14 Q What is that date?

15 A December 3, 2005.

16 Q Thirteen days from the date of the anniversary of
17 the -- of Mike Williams going missing, correct?

18 A Correct. Yes.

19 MR. FUCHS: No further questions.

20 THE COURT: Cross?

21 CROSS-EXAMINATION

22 BY MR. WAY:

23 Q Good afternoon, Investigator Sparkman.

24 A Good afternoon.

25 Q Your involvement in this case began, I believe you

1 testified, several years after the disappearance of Mike
2 Williams; isn't that true?

3 A That's correct.

4 Q Because isn't it true you were -- if I recall
5 correctly -- you were in the FWC Academy at the time of the
6 disappearance in 2000?

7 A Yes.

8 Q So when we're talking about time frames on some of
9 these things, would it be fair to say that there's quite a
10 number of years between some of the events that you just
11 testified to? As many as five years and, as we sit here
12 today, as many as almost 18 years from the disappearance,
13 correct?

14 A Yes.

15 Q During the course of your investigation you learned
16 that Brian Winchester and Denise Williams had gone to school
17 together, correct?

18 A Correct.

19 Q In fact, they'd gone to kindergarten together as
20 three-year-olds?

21 A I believe so. From what I've heard.

22 Q They've known each other almost their entire lives?

23 A Seems so.

24 THE COURT: Make sure you speak to the microphone,
25 Investigator Sparkman, so we hear you, please.

1 THE WITNESS: Okay.

2 BY MR. WAY:

3 Q I'm sorry, could you repeat the answer?

4 A Yeah, it would seem so.

5 Q And you were also aware, based on your
6 investigation, that both Mike Williams and Kathy -- now Kathy
7 Thomas, at the time Kathy Aldridge, all attended North Florida
8 Christian together, correct?

9 A Yes.

10 Q And they went to college together, correct?

11 A I don't know about the college.

12 Q But from the time that they graduated from high
13 school they were -- and even before, they were close friends?

14 A It would seem so, yes.

15 Q And, as it at least relates to Mr. Winchester and
16 Ms. Williams, they'd known each other for quite a significant
17 amount of time?

18 A Yes.

19 Q Now, you testified earlier about the issue of
20 something becoming a suspicious death.

21 A Yes.

22 Q Is it fair to say that in your line of work a spouse
23 in a missing person or homicide is generally always a suspect?

24 A Yes.

25 Q That's something you learn almost day one on missing

1 persons, homicide. Suspect [sic] is very closely tied to
2 being a principal suspect?

3 A Well, yeah, you'd look at them.

4 Q I'm probably going to need you to speak up a little,
5 please, Investigator Sparkman.

6 A Okay. Yes.

7 Q That's okay. As it related to the death certificate
8 that you just testified to, you were -- in the course of your
9 investigation, you looked into the procurement of the
10 certificate of death in 2001, correct?

11 A Yes.

12 Q You've also reviewed, and it's been introduced into
13 evidence, a death certificate, correct?

14 A Correct.

15 Q You've seen death certificates before, correct?

16 A Yes.

17 Q You can also get a death certificate that says
18 homicide?

19 A Yes.

20 Q And that could generally be issued much quicker once
21 a person is determined to have been murdered. Is that your
22 experience and understanding?

23 A I -- I mean, I don't know specifically, no.

24 Q Well, as it relates to the exhibit that was just
25 introduced, in terms of obtaining the death certificate, had

1 you ever seen one of those petitions before?

2 A A petition for death?

3 Q No. The petition to obtain a death certificate in
4 the particular circumstances we're dealing with here?

5 A No.

6 Q Where someone's missing?

7 A No.

8 Q Never seen one of those before?

9 A No.

10 Q During the course of your investigation, did you
11 learn that's a very rare and very difficult process to utilize
12 to obtain a presumptive death certificate?

13 A I've never seen one, so I would expect it to be
14 rare.

15 Q Haven't seen one since either, have you?

16 A No.

17 Q In the time frame that we're talking about, just so
18 that we're clear, when Mike Williams went missing, the
19 President of the United States of America was Bill Clinton.

20 A You're testing my history.

21 Q Well, you remember that around this time in December
22 of 2000 we had the Bush/Gore issues?

23 A Yes.

24 Q Essentially it consumed this entire courthouse, as a
25 matter of record.

1 A Yes.

2 Q The time that we're talking about in terms of when
3 this marriage certificate was obtained is 2005. To the best
4 of your recollection, is President George W. Bush the
5 president at that point in time?

6 A Yes.

7 Q Quite a long period of time had actually -- had gone
8 from when the missing fisherman or missing hunter, Mike
9 Williams, went hunting until the time that this wedding took
10 place in December of 2005?

11 A I guess it'd be about five years.

12 Q About five years. And in the intervening period of
13 time from the five years, did you, in the course of your
14 investigation, discover that Ms. Williams had been involved in
15 a romantic relationship with one Charles Bunker?

16 A Yes, we did.

17 Q All right. And when was that time frame?

18 A I don't know the exact date on that.

19 Q But it was prior to 2005, correct?

20 A Correct.

21 Q And it was a longer-term relationship. It may have
22 been over several years, do you recall that?

23 A I don't recall the exact amount of time on it. But
24 I do know there was a relationship.

25 Q Okay. And it was a relationship of a personal

1 nature?

2 A As far as we know, yes.

3 Q And they were dating?

4 A Yes.

5 Q And when you say, as far as we know, did you ever
6 interview Charles Bunker?

7 A I, personally, did not.

8 Q All right. You had indicated earlier in some of
9 your questioning about what raised your suspicion was
10 insurance. In your experience as an investigator of 18 years,
11 do you believe that life insurance pays out when someone is
12 believed to have passed away?

13 A As far as I've seen, yes.

14 Q And the purpose of having life insurance may be to
15 payout in the event of untimely demise?

16 A Yes.

17 Q So the fact that a life insurance policy is paid is
18 not particularly anything that makes you suspicious?

19 A The payment of it, no.

20 Q During the course of your investigation, did you
21 determine that Brian Winchester worked for his father, Marcus
22 Winchester?

23 A Yes.

24 Q And what kind of work did they do?

25 A Insurance sales.

1 Q And during the course of your investigation into the
2 insurance sales, were you able to determine whether or not
3 Marcus Winchester and Brian Winchester had a good business?
4 were they selling lots of policies?

5 A As far as we could tell, yes.

6 Q Okay. And do you know if they sold a policy to
7 other friends and family from the time that they went to North
8 Florida Christian?

9 A That, I don't know.

10 Q But it wasn't uncommon for you to see that Marcus or
11 Brian Winchester had sold insurance policies to people?

12 A No. It was not.

13 Q And you knew from your investigation that Brian
14 Winchester and Mike Williams were very close friends?

15 A Yes.

16 Q During the course of your investigation, were you
17 able to determine whether or not on Friday, December 15, 2000,
18 the day before Mike Williams went missing, were you able to
19 determine whether or not Brian Winchester and his wife, Kathy
20 Winchester, and Denise Williams and her husband Mike Williams
21 traveled to Thomasville, Georgia for the Victorian Christmas?

22 MR. FUCHS: I'm going to object. That calls for
23 hearsay.

24 THE COURT: Sustained.

25

1 BY MR. WAY:

2 Q when you talked about phone records, in the period
3 of time -- you talked about seven years --

4 A Uh-huh.

5 Q -- being a date that seemed to be a range that you
6 could go back. So what year would you have begun looking for
7 phone records?

8 A I started looking -- well, I tried to get those -- I
9 think it was about eight years after the death, so it would
10 have been about 2008.

11 Q All right. So you didn't begin to start looking for
12 records until 2008?

13 A Not for those records, no. It was a suspicious --
14 or a missing person up until that point. And then it started
15 gathering. And it was one of those things that we decided we
16 should try and get those also.

17 Q Do you know where Ms. Williams was working in say,
18 2000? Prior to the disappearance, do you know where she
19 worked?

20 A No, I do not.

21 Q Do you know where Mr. Winchester -- well, you knew
22 Mr. Winchester was working for his father?

23 A Uh-huh.

24 Q So you never went back to Ms. Williams' employer to
25 check to see if they had phone records or anything that would

1 indicate whether there were any calls or communications with
2 anyone?

3 A If they were local calls we would not have had any
4 information on them anyway.

5 Q well, let me ask you a question. You say that with
6 some certainty that you wouldn't have known. But what if
7 someone had called and left a message? Did you go back and
8 look for hard message pads?

9 A No, I did not.

10 Q Did you go back and look for any in the office
11 routing or anything that would suggest, hey, you got a phone
12 call from so and so?

13 A No.

14 Q Did you ever obtain any credit card receipts or
15 anything that would suggest that there was any communication
16 or anything between Mr. Winchester and Ms. Williams for, say,
17 the time period of 2000?

18 A No. We tried to get the financial records, but they
19 were also purged.

20 Q Did you go and just beat the grass and look for
21 eyewitnesses?

22 A That's what our investigation was.

23 Q But you didn't find any, did you?

24 A Not on that aspect, no. We didn't.

25 Q when you were involved in the investigation,

1 Investigator Sparkman, you were at that time with the State
2 Attorney's Office, correct?

3 A Correct.

4 Q Were there other agencies that were involved with
5 the investigation as you understood it?

6 A Yes.

7 Q And those agencies include the Florida Department of
8 Law Enforcement?

9 A They were one of them.

10 Q The Jackson County Sheriff's Office?

11 A Yes.

12 Q The Department of Financial Services?

13 A Yes.

14 Q The United States Government Alcohol Tobacco and
15 Firearm Service?

16 A Yes.

17 Q Was there anyone I missed?

18 A No. Not at that time.

19 MR. WAY: Nothing further, Your Honor.

20 THE COURT: Redirect?

21 MR. FUCHS: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. FUCHS:

24 Q Mr. way asked you about the life insurance policies.
25 Not suspicious in themselves? That's what life insurance --

1 A Not in themselves, no.

2 Q Life insurance policies, that's what they do,
3 correct?

4 A Yes.

5 Q Okay. He also asked you some questions about
6 certificate of death. It's a lot easier to get on a homicide,
7 correct?

8 A Yes.

9 Q It would be fair to say that when you have a
10 homicide you typically have a body?

11 A Correct.

12 Q That would show the person is dead?

13 A Yes.

14 Q In this particular case, we did not?

15 A We did not.

16 Q Okay. And the steps that were taken, as Mr. Way
17 pointed out, that a declaration or certificate for death in a
18 missing person is a rare circumstance?

19 A Yes.

20 Q In fact, you've never seen it?

21 A No.

22 Q So, in other words, Ms. Williams took great length
23 and went to great length and took a lot of steps in order to
24 get this particular death certificate?

25 A Correct.

1 Q And you can't get a life insurance payout for death
2 unless you have a death certificate, correct?

3 A That's correct.

4 Q Okay. One of the other questions that was asked has
5 to do with the spouse is always looked at on a homicide
6 initially?

7 A Yes.

8 Q During your training and experience in 18 years of
9 law enforcement, one of those things is someone who is known
10 to the missing person or the deceased person as a suspect,
11 correct?

12 A Yes.

13 Q What is another aspect that is looked at as it
14 relates to finding out the motive behind a killing?

15 A Well, I mean, one of the things is the old adage of
16 follow the money. See who benefits. Where the motives are.

17 Q Follow the money and follow the person that knows
18 them?

19 A Yes.

20 Q The spouse?

21 A Correct.

22 MR. FUCHS: No further questions.

23 THE COURT: All right. Any juror have a question of
24 this witness?

25 (No audible response.)

1 THE COURT: All right. You can step down. Want to
2 keep him subject to recall?

3 MR. FUCHS: He would be, Your Honor.

4 THE COURT: All right. You'll be subject to recall.
5 Why don't we take ten minutes. Let the jury step
6 out.

7 (Jury exits.)

8 THE COURT: Does either side need anything?

9 MR. FUCHS: No, Your Honor.

10 MR. WAY: No, Your Honor.

11 (A recess was had.)

12 THE COURT: Are y'all ready for the jury?

13 MR. WAY: Yes, Your Honor.

14 THE COURT: All right. Let's have the jury, please.

15 MR. FUCHS: Yes, Your Honor.

16 MR. WAY: Your Honor, in this case Mr. Padovano will
17 be handling the cross.

18 THE COURT: Okay.

19 (Jury enters.)

20 THE COURT: Everybody be seated.

21 If you would face the clerk and be sworn, please,
22 sir.

23 whereupon,

24 MICHAEL DEVANEY,

25 was called as a witness, having been first duly sworn, was

1 examined and testified as follows:

2 THE COURT: Have a seat. Slide up to the
3 microphone, please, sir.

4 You may proceed, Mr. Fuchs.

5 MR. FUCHS: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. FUCHS:

8 Q Good afternoon, sir.

9 A Good afternoon.

10 Q Can you please introduce yourself to the jurors?

11 A My name is Michael Devaney. I was formerly with the
12 Florida Department of Law Enforcement for a little over 37
13 years.

14 Q Okay. And you say formerly --

15 A Yeah. I'm now retired.

16 Q Okay. And with the Florida Department of Law
17 Enforcement, what duties did you have?

18 A For the last about 20 years before I retired I was
19 on a violent crime squad. My main responsibilities were
20 working child abuse cases and violent crime.

21 Q Okay. Are you a sworn -- or were you a sworn law
22 enforcement officer?

23 A Yes, sir, I was.

24 Q So you were an investigator?

25 A Yes, sir, I was.

1 Q In working those kind of cases, I'm assuming you're
2 talking about conducting investigation, reviewing police
3 reports, things along those lines?

4 A Yes, sir.

5 Q Interviewing witnesses?

6 A Yes, sir.

7 Q In that capacity did you have occasion to become
8 involved in the Mike Williams' disappearance?

9 A Yes, sir, I did.

10 Q How is it that you became involved initially?

11 A Basically, back in 2010 there had been an agent that
12 had been working this case, he and other agents. He was
13 promoted. I was assigned this case from that point on.

14 And again, we started an immense review of all the
15 information that had been gathered at that time.

16 Q When you say an immense review, what do you mean?

17 A Basically, one of the -- my main task was -- is to
18 take information that had been gathered since year 2000 by
19 FWC, Florida wildlife Commission, other law enforcement
20 agencies, state attorney's investigators, at least three other
21 special agents with FDLE. Conduct a review of all of those
22 cases and just, basically, try to get a handle on it.

23 Q Okay. Now, you're talking at 2010. Ten years
24 after -- roughly ten years after the disappearance of Mike
25 Williams?

1 A Yes, sir.

2 Q And you're going back and reviewing it?

3 A Yes, sir.

4 Q Would it be fair to say that you're reviewing it
5 because it hadn't been solved?

6 A Correct.

7 Q A cold case, if you will?

8 A It was.

9 Q And, essentially, review would be a new set of eyes
10 on it for an evaluation, correct?

11 A Yes, sir. Coming into it I knew very little about
12 the case. So, basically, it was a new set of eyes.

13 Q Okay. And what was the purpose for you to come in
14 and do it at that particular time? Had anything developed or
15 it was just a take another crack at it?

16 A What we wanted to do was, again, review everything
17 there was about this case to see was there anything that was
18 missed. Talk to the other investigators who had been involved
19 in this. And try to develop maybe leads or new information.

20 Of course, we -- we had a real situation in that
21 when this case was first investigated, it was not investigated
22 as any type of a crime. It was a missing person's report. So
23 we had to examine that. And we realized that a lot of
24 information that we maybe could have had at that time, it was
25 lost.

1 Q Okay. When you say it's lost, what do you mean?

2 A Well, basically, this whole situation back in
3 December of 2000, it was handled by various agencies as a
4 missing person's report from Lake Seminole. There were items
5 that were left at the scene, items gathered. But they weren't
6 treated as evidence, per se, as you would in a normal criminal
7 investigation.

8 So when we had to look at this, you know, again in
9 2010, those items -- those items were gone. We had
10 photographs of that information. But as far as the ability to
11 do any sort of an analysis, again, that was gone.

12 Q And, just for clarification, let's say -- I know a
13 boat was recovered in this particular case?

14 A Yes, sir.

15 Q Under normal circumstances with a homicide
16 investigation you would take steps in order to do a forensic
17 examination of a boat, would you not?

18 A Absolutely. A boat would have been seized. would
19 have been examined at the scene. And eventually would go back
20 to a forensic laboratory, such as the one at FDLE. And there
21 would have been an analysis of that boat and everything inside
22 the boat.

23 Q But that was not done in this situation because it
24 was a missing person's, correct?

25 A Correct.

1 Q Same thing with waders that were recovered and other
2 items such as that, correct?

3 A Absolutely.

4 Q would it be fair to say that handcuffed the
5 investigation in a lot of ways?

6 A It did. Because we didn't have those items to
7 examine. The one thing we had is, basically, interviews
8 conducted at the time by the people there on the scene in the
9 year 2000.

10 Q Okay. Now, it had been originally classified as a
11 missing person.

12 A Correct.

13 Q You're now taking a new set of eyes at it. Had the,
14 I guess the title of it, if you will, changed? Was it still a
15 missing person's? Had it been declared a homicide? What was
16 the status of the investigation?

17 A Basically, it had changed in 2004. Now it was a
18 suspicious missing person.

19 Q What does that mean?

20 A Basically, we could not prove or had no information
21 it was a homicide. But taking the information in its total,
22 you know, just, a lot of things didn't quite make sense.
23 There was a lot of things that we needed to rule out that we
24 really could not rule out, as far as this being any sort of an
25 accidental death. There were too many things that were

1 unanswered.

2 Q In 2010 were there particular persons that were
3 being looked at as possible suspects?

4 A In 2010, going back a little bit, once I, again, was
5 assigned the case, I had a lot of stuff to review. A lot of
6 people to talk to. And what we decided to do in December of
7 that same year was to bring most of those investigators
8 together, along with an investigator from Tallahassee P.D. and
9 Leon County S.O. and sit down and talk about this case. Put
10 everything on the table, per se.

11 I conducted a Power Point investigation. Again,
12 went over every aspect of information that we knew. And at
13 the end of that, we came up with some ideas. And with that we
14 did develop persons of interest.

15 Q And who would those persons of interest be?

16 A It would have been Denise Winchester and Brian
17 Winchester.

18 Q And at that time Denise and Brian had been married,
19 correct?

20 A Correct. They were married, I believe, in 2005.

21 Q And what is it that made them possible suspects? or
22 suspicious?

23 A Well, you have to go back. There were several
24 things. The investigators that were assigned to this case,
25 including myself, we were very uneasy about the insurance

1 situation. We realized it was Brian that reached out to try
2 to find out what it would take to get Mike declared dead. It
3 was Brian that did that. We found out that Brian actually
4 sold a million dollar insurance policy to Mike just before his
5 death. That needed to be researched. We had problems --

6 Q Let me stop you right there.

7 A I'm sorry.

8 Q Talking about the insurance policy. Was Brian a
9 benefactor of the insurance policy?

10 A I believe he was.

11 Q Was he -- did the payout go to him or did it go to
12 Denise?

13 A Denise.

14 Q So the payout of the insurance policy would be to
15 Denise?

16 A Yes, sir.

17 Q Okay. So at this point -- at 2010, upon the review
18 and everything like that, no arrests were made at that
19 particular time, correct?

20 A No, sir.

21 Q Would it be fair to say that, basically, the case,
22 despite the review, was still in the cold-case status and
23 unsolved?

24 A It was a cold case, but it was certainly not
25 ignored. We were hoping to have developments. I mean, we

1 certainly examined, you know, the behaviors of both Denise and
2 Brian between that time and later on. Again, they were sort
3 of under a microscope by our agency.

4 Q Okay. Did things change in August of 2016?

5 A They did.

6 Q What happened?

7 A Brian was arrested for the alleged kidnapping of
8 Denise.

9 Q Were you informed of that investigation?

10 A I was. One of our supervisory special agents was
11 contacted by David McCranie with the Tallahassee Police
12 Department that there had been a situation where Denise had
13 been kidnapped. And that she was en route to the Leon County
14 Sheriff's Office to meet with an investigator about the
15 incident that occurred earlier that day.

16 Q Let me stop you right there. David McCranie is --
17 you said he's with Tallahassee Police Department?

18 A Yes, sir.

19 Q Does he have any other significance as it relates to
20 this case?

21 A He is Denise's brother-in-law. He is married to one
22 of Denise's sisters.

23 Q Okay. So Florida Department of Law Enforcement is
24 contacted about this situation, that she was en route to the
25 Leon County Sheriffs Department?

1 A Yes, sir. And then I was contacted by the
2 supervisory special agent. And once we found out that she was
3 en route to the sheriff's office, I obtained the assistance
4 from another agent, Will Mickler. Contact was made with
5 Investigations, Leon County S.O. We found out that Denise was
6 currently being interviewed by one of their investigators and
7 we went straight to the Leon County Sheriff's Office to the
8 Investigations Unit to, basically, monitor what was going on.

9 Q Okay. When you say, monitor what was going on, what
10 does that mean?

11 A Well, she was being interviewed in a specialized
12 interview room at Leon County S.O. When I mean specialized,
13 it was -- basically, there was a videotape where you could sit
14 in another room and you could hear and listen to that
15 interview.

16 Q Okay. And did you -- were you listening in at that
17 point?

18 A Yes, sir. I was partially listening, also getting
19 information for the investigators that were in the
20 Investigations Unit at that time.

21 Q Okay. Did you have an occasion to actually go in
22 and speak with Ms. Williams?

23 A Yes, I did. Once her interview was completed by the
24 investigator, Mr. McCranie took some time to talk to her.
25 Then I obtained permission to go in and talk to Denise.

1 Q All right. And did you do so?

2 A Yes, sir, I did.

3 Q Now, at that point she's not detained? She's not --

4 A No, sir.

5 Q -- being arrested or any of that stuff, correct?

6 A No, sir.

7 Q Okay. Did you ask her about Brian being involved in
8 Mike Williams' disappearance?

9 A Yes, sir. After talking to Denise for a few
10 minutes, explaining who I was, who I worked for and our
11 interest in the case, I tried to talk to her about that there
12 may be a connection between what happened that day and the
13 disappearance of Mike. In other words, because of the
14 activity of Brian that day, you know, there may be some
15 culpability there.

16 She did not agree to that. She told me that if she
17 had any indication, any belief that Brian may have done
18 something to her husband at the time, she certainly would not
19 have married him.

20 Q Okay. Now, it's my understanding that
21 Mr. Winchester had held a gun to her?

22 A Yes, sir.

23 Q Had kidnapped her?

24 A Yes, sir.

25 Q Made her drive somewhere?

1 A Yes, sir.

2 Q Maybe, possibly had some items of bleach in the car
3 and tarps and things along those lines?

4 A That's what I understand. Yes, sir.

5 Q And when you asked her about his involvement in Mike
6 Williams she says, certainly not?

7 A Correct.

8 Q Never, no?

9 A Yeah. I tried to convince her that everything that
10 was gathered and all the information that was there, that
11 certainly could have been the last day of her life. I was
12 trying to impress upon her this, but it didn't seem to
13 connect.

14 Q At any point did she say, you know, all these years
15 later I never believed he would have, but given what happened
16 today, maybe it was true?

17 A No, sir.

18 Q Nothing along those lines?

19 A No, sir.

20 Q Flat out denial?

21 A Denial.

22 Q Do you see Ms. Williams here in the courtroom today?

23 A Yes, sir, I do.

24 Q Can you please point to her and indicate an article
25 of clothing she's wearing?

1 A Yes. She's sitting over here to my right, blond
2 hair. She's wearing a pink-type of garment with a white under
3 blouse.

4 MR. FUCHS: May the record please reflect he's
5 indicated the defendant, Ms. Denise Williams.

6 No further questions.

7 THE COURT: Cross?

8 CROSS-EXAMINATION

9 BY MR. PADAVANO:

10 Q Agent Devaney, let me start where you left off, with
11 the questioning of Denise Williams.

12 A Yes, sir.

13 Q How many -- how many law enforcement officers were
14 there at that time?

15 A In the room with me?

16 Q Yes.

17 A None.

18 Q Well, beforehand there were other people questioning
19 her, right?

20 A Yes, sir. There was -- initially I believe it was
21 Paul Salvo with the Leon County Sheriff's Office. I think he
22 was in charge of that investigation. After Mr. Salvo, then
23 Mr. McCranie talked to Denise for a few minutes. And after
24 that, I talked to her.

25 Q And you confronted her with your suspicion that she

1 was involved in the murder?

2 A Basically what I asked Denise flat out was, about,
3 you know, do you know where Mike is buried. And she says, no,
4 I do not.

5 Q And, now, it's fair to say you were pretty tough on
6 her during that interview, weren't you?

7 A I don't think I was tough on her. Basically, I
8 wouldn't consider this an interview with her. People keep
9 referring to this as an interview. I look at it as a contact.
10 I wanted Denise to know that FDLE was involved in the
11 disappearance of Mike and had been, you know, since the very
12 beginning. No, I don't think I was tough on her at all.

13 I mean, this was not a preplanned contact. This was
14 certainly spur of the moment. And if anybody views this, they
15 realize I was not rough on her at all.

16 Q But you are a trained law enforcement officer. And
17 I assume that you have techniques that you use to get people
18 to admit to crimes, would that be fair to say?

19 A At times. But there, again, this was not a
20 preplanned contact. If it was, you know, there would have
21 been a lot more preparation with this. A lot more, you know,
22 questions lined up ahead of time. And the circumstances would
23 have been different.

24 This was sort of on the cuff. Again, I just want to
25 let her know that FDLE was involved in this.

1 Q But, ultimately, she told you she had no knowledge
2 of any of it, right?

3 A Correct.

4 Q Okay. Now, I'd like to go back to -- your
5 investigation of this case spanned a pretty long period of
6 time off and on, I guess, right?

7 A As far as my participation?

8 Q Yes.

9 A Yes, sir. Since 2010.

10 Q And I realize there were some things that were done
11 early on that you were basically looking over, that you didn't
12 do yourself?

13 A Correct.

14 Q So I'd like to go back to -- if I understand
15 correctly, the allegation that was made was that Denise
16 Williams helped Brian Winchester plan the murder. She talked
17 to him about it. And what I'd like to ask you is if you're
18 aware of any evidence that she took any action in furtherance
19 of that plan? If she committed any overt act to make that
20 happen?

21 A Any overt act, no, sir.

22 Q I'm sorry?

23 A No, sir. I don't.

24 Q No. Okay. And let me ask you now about the crime a
25 little bit more broadly. And I don't want to ask you about

1 what people told you. I realize you -- I realize that you
2 talked to lots of people in the course of your investigation.

3 A Sure.

4 Q But what you were able to determine -- were you able
5 to uncover any physical or tangible evidence that you feel
6 connects Denise Williams to this murder?

7 A No tangible evidence, no, sir.

8 Q No. And how long did you work on this?

9 A On and off since 2010.

10 Q And you did an immense review. This is Mr. Fuchs'
11 term. You did an immense review?

12 A Correct.

13 Q Is that right?

14 A Correct.

15 Q And so this immense review did not reveal any
16 tangible or physical evidence to connect this defendant to the
17 crime?

18 A Not until the arrest of Mr. Winchester.

19 Q Well, I know what he told you. I'm not talking
20 about what somebody told you.

21 A Sure. Okay.

22 Q I'm talking about physical evidence.

23 A No, sir.

24 Q All right. I have just one more area that I want to
25 explore with you. And that is the -- and I realize this is

1 before your -- before you got involved in it, but the period
2 of '97 to 2000. And there was some discussion, I think, that
3 you had about telephone records. Correct me if I'm wrong, I
4 don't know if you -- maybe that was -- I'm sorry. Maybe that
5 was Investigator Sparkman who was saying that.

6 So let me just ask this question: Do you know
7 what -- and I'm not sure this is a law enforcement term, so
8 tell me if it's not.

9 A Okay.

10 Q But if I use the term credit-card surveillance,
11 would that ring a bell with you? It would make some sense to
12 you?

13 A Maybe credit-card examination, but not surveillance.

14 Q Examination. What would that be? What would that
15 entail?

16 A Basically, going over credit card records of an
17 individual.

18 Q And why would you be doing that on a particular
19 investigation?

20 A Trying to get a tracking or a history of
21 expenditures by that individual.

22 Q So -- so, just to give the jury an example, if I
23 went to Starbucks this morning and bought a cup of coffee at
24 20 minutes after nine, and I paid for it with a credit card,
25 you could get my credit card record, you could subpoena that

1 and prove that Phil Padovano was at Starbucks at 9:20 in the
2 morning in Tallahassee?

3 A In this day and age you could do that.

4 Q All right. And in the same way, you could construct
5 a whole narrative of where people -- assuming they use credit
6 cards -- where they go? What they do and where they go?

7 A This day and age you can do that, yes, sir.

8 Q Let me ask you, you say, this day and age. Was
9 there not MasterCard and Visa and American Express in 1997?

10 A Yes, there were. Yes, sir.

11 Q Did you look and see if Brian Winchester had one of
12 those credit cards?

13 A Maybe some of the people before I had this case may
14 have looked at it.

15 Q Are you aware of anyone who looked at his credit
16 cards?

17 A Not off the top of my head.

18 Q So if he used his credit cards to buy flowers for
19 Denise Williams or something like that, you would have no
20 idea?

21 A No, sir.

22 Q If he used his credit card to pay for a hotel room,
23 you would have no idea?

24 A I'm not sure the recordkeeping -- that would have
25 been, you know, the same back then that it is now. I have no

1 idea.

2 Q well, let's -- let's -- let's go back to that. Are
3 you saying that we didn't have MasterCard and American Express
4 and --

5 A we did.

6 Q -- and Visa cards in 1997?

7 A No, we did.

8 Q we did?

9 A Yes, sir.

10 Q And we had subpoenas in 1997, did we not?

11 A we did.

12 Q So if somebody in law enforcement -- and please
13 believe me, I'm not trying to criticize your work.

14 A Sure.

15 Q I realize this is something that happened after you
16 got -- I mean, before you got involved in the case.

17 A Yes, sir.

18 Q So let me just say law enforcement, generally --

19 A Uh-huh.

20 Q -- could have figured out with credit cards,
21 assuming he used a credit card, where he was? If he was
22 courting Denise during that period of time, someone could have
23 maybe found some evidence of that?

24 A If subpoenas would have been issued, there's a
25 chance of that, yes, sir.

1 Q Okay. But as there is, there is no evidence of
2 that, other than what Brian Winchester says?

3 A Correct.

4 Q Thank you.

5 THE COURT: Redirect?

6 MR. FUCHS: Yes, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. FUCHS:

9 Q The question was asked, if you issued a subpoena in
10 1997 could you have gotten the credit cards.

11 A Could I have gotten the credit cards?

12 Q If you had issued a subpoena in 1997, that was the
13 question that was asked, correct?

14 A Yes, sir.

15 Q In 1997 Mike Williams was still alive, was he not?

16 A He was.

17 Q In 2000, three years after 1997, when he was
18 missing, at that point he was a missing person, was he not?

19 A Correct.

20 Q And it wasn't until many, many years later when
21 Florida Department of Law Enforcement and the State Attorney's
22 office reviewed it in 2007, 2008, 2009, '10, that they became
23 suspicious circumstances that would have necessitated those
24 records, correct?

25 A Correct.

1 Q Prior to those dates there is a -- those records
2 aren't maintained by the bank groups, Visa, MasterCard,
3 American Express indefinitely, are they not?

4 A That's correct.

5 Q In fact, there were efforts made by law enforcement
6 to go back and get those records, but they had been purged?

7 A That's what I understand, yes, sir.

8 Q Even further along, back in 1997, 2000, what we're
9 talking about, it's a different time period with credit cards
10 and everything like that? People still wrote checks, did they
11 not?

12 A Correct.

13 Q Okay. Banking records are obtainable, but, again,
14 you have to know to obtain them, correct?

15 A Correct.

16 Q Cash can never be tracked?

17 A True.

18 Q The last question about no tangible evidence, no
19 overt act was done by Ms. Williams -- Ms. Winchester. Fair to
20 say if there had been an overt act or tangible evidence, she
21 probably would have been arrested prior to the time she was,
22 correct?

23 A Correct.

24 Q The nature of a conspiracy is to keep those secrets,
25 is it not?

1 A Correct.

2 Q And, in fact, because they remained a secret for as
3 long as it did, until 2016 when Brian Winchester confessed,
4 they were pretty good at keeping that secret, were they not?

5 A Very good.

6 MR. FUCHS: No further questions.

7 THE COURT: All right. Any juror have a question of
8 this witness?

9 (No audible response.)

10 THE COURT: All right. You can step down.

11 We need to keep him further?

12 MR. FUCHS: He'll be retained, Your Honor. But
13 certainly he can be about his business.

14 THE COURT: All right. Remain on call.

15 THE WITNESS: Yes, sir.

16 THE COURT: Call your next witness.

17 MR. FUCHS: Your Honor, at this time we need to take
18 a -- conduct matters outside the --

19 THE COURT: All right. Please let the jury step
20 out.

21 (Jury exits.)

22 THE COURT: We need to have Mr. Winchester brought
23 in.

24 Is Mr. Jansen here, Mr. Fuchs?

25 MR. FUCHS: I'm going to get him, Your Honor.

1 THE COURT: If you could face the clerk and be
2 sworn, please. Raise your right hand, please, sir.
3 whereupon,

4 BRIAN WINCHESTER,
5 was called as a witness, having been first duly sworn, was
6 examined and testified as follows:

7 THE COURT: Have a seat please, sir.

8 Mr. Jansen, do you wish to be heard?

9 MR. JANSEN: Yes, Your Honor. My client is going to
10 invoke his Fifth Amendment right to self-incrimination at
11 this point.

12 THE COURT: All right. Is the State asking that I
13 compel his testimony?

14 MR. FUCHS: The State is so requesting, Your Honor.
15 He's here under the subpoena for the State of Florida.

16 THE COURT: All right. Mr. Winchester, the State of
17 Florida has asked that I compel your testimony. I do
18 direct that you answer any questions. Any testimony that
19 you give cannot be used against you, or the fruits of
20 what you say cannot be used against you. It is immunized
21 by the State's request. Therefore, I would direct that
22 you answer the questions.

23 Anything else, Mr. Jansen?

24 MR. JANSEN: Yes, Your Honor. We would request that
25 all questioning by the defense lawyers and questions by

1 the potential jurors and the Court would also be under
2 that umbrella of immunity.

3 THE COURT: All right. Is the State requesting
4 that?

5 MR. FUCHS: Yes, Your Honor.

6 THE COURT: All right. So that will be so ordered.

7 MR. JANSEN: And you've already done this, Judge. I
8 think it's an order dated on the 20th of September. But
9 we wanted to preserve it on the record today.

10 THE COURT: My ruling is consistent with the order I
11 previously entered.

12 MR. JANSEN: Thank you, Your Honor.

13 THE COURT: Okay.

14 This may take a while. So why don't we go ahead and
15 take a quick five-minute break. We probably won't get
16 the jury back in here that quick.

17 (A recess was had.)

18 THE COURT: Let's get the jury, please.

19 MR. FUCHS: Your Honor, just so that you know, we're
20 having a little technical difficulties with the
21 microphone on the witness stand. We're trying to get it
22 fixed, I think. But it's not picking anything up. I
23 don't know what to do.

24 THE COURT: Well, I'm not very adept in this
25 courtroom, so... But the court reporter is right there,

1 that shouldn't be a big problem.

2 MR. FUCHS: Well, she's the one that brought the
3 issue up, so...

4 THE COURT: Well, she's going to have to deal with
5 it. Let's have the jury.

6 (Jury enters.)

7 THE COURT: Everybody be seated, please.
8 Call your next witness.

9 MR. FUCHS: Your Honor, at this time the State would
10 call Brian Winchester.

11 THE COURT: And Mr. Winchester's been sworn outside
12 your presence.

13 You may proceed.

14 MR. FUCHS: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. FUCHS:

17 Q Good afternoon.

18 A Good afternoon.

19 Q I need you to speak up a little bit.

20 A Good afternoon.

21 THE COURT: That microphone is not doing much, so
22 we'll just need to speak up a little louder for us,
23 please.

24 All right.

25 BY MR. FUCHS:

1 Q Can you please introduce yourself to the jurors.

2 A Brian winchester.

3 Q And, Mr. winchester, how old are you?

4 A Forty-eight.

5 Q Okay. Mr. winchester, do you know or did you know
6 Mike williams?

7 A Yes, sir.

8 Q Prior to 2000, how did you know Mike williams?

9 A Mike and I went to high school together and got to
10 know each other very well. We were very good friends. We
11 continued to be friends all through college and all through
12 our marrying -- getting married. And we were very good
13 friends. He was a very good friend.

14 Q Prior to 2000, were you married?

15 A Yes, sir.

16 Q And who were you married to?

17 A Kathy.

18 Q Okay. And how long had you known Kathy prior to
19 2000?

20 A From high school.

21 Q Would you, Mike and her all go to high school and
22 college together?

23 A The four of us all went to high school together,
24 yes, sir.

25 Q Who is the fourth?

1 A Denise.

2 Q Okay. And what was Denise's relationship to Mike?

3 A Denise and Mike were high school sweethearts. My
4 wife, Kathy, and I were high school sweethearts. We all dated
5 in high school and off and on through college. And then ended
6 up all getting married.

7 Q Okay. And it's my understanding both -- that you
8 and Kathy had a child.

9 A Yes, sir.

10 Q Little boy?

11 A Yes, sir.

12 Q And that Mike and Denise had a little girl.

13 A Yes, sir.

14 Q Were they roughly the same age?

15 A Yes, sir.

16 Q At some point did you and Denise become an item, I
17 guess, if you will, prior to 2000?

18 A Yes, sir.

19 Q When was that?

20 A When did it start?

21 Q Yes, sir.

22 A It -- I mean, the date that we used was October 13,
23 1997. But there was a lot that led up to that point. A lot
24 of background.

25 Q Let's talk about what led up to that point.

1 A As I said, she married her high school sweetheart.
2 I married my high school sweetheart. And, at fist, things
3 were really good, I think, with all of us. But I was not a
4 great husband and spent a lot of time away doing hobbies and
5 just stupid stuff.

6 And at one point I found a note in my first wife,
7 Kathy's purse. And, basically, I came to realize that she had
8 been cheating on me or was cheating on me with another friend
9 from high school named Gavin. And it crushed me.

10 And after that happened, I began to look outside of
11 my marriage. You know, I guess I had a lot of motivations,
12 but it led me to eventually end up with Denise.

13 We all started going out a lot.

14 Q Let me stop you right there. We all being who?

15 A My wife and I, Kathy, and Denise and Mike. We
16 started going out to bars and concerts and drinking. And
17 doing a lot of things that we didn't really do while we were
18 all in college, when, probably, it's more appropriate to do
19 those sorts of things. But we started going out. A lot of
20 drinking.

21 And I remember one night in particular -- there were
22 several nights that we did this. But one night in particular
23 we started talking about sex a lot.

24 Q Who is we?

25 A The four of us. And I -- you know, I was friends

1 with Denise in middle school and high school, but I was never
2 attracted to her until that point.

3 And so after we started talking about sexual things
4 and things that married couples shouldn't be talking about
5 with each other, I think that's when the spark kind of started
6 between the two of us.

7 Q So let's go to October 13, 1997. You said that's
8 the date that you used as an anniversary or something?

9 A Yes, sir. We were going out -- like I said, going
10 out a lot. And one night in particular we were going to
11 Floyd's. And so Denise and I -- we pulled up on Tennessee
12 Street and Denise and I jumped out of the car and left Mike
13 and Kathy to go park the car. And went down to the entrance
14 of Floyd's. And that was the first place that we, like,
15 kissed each other and made out.

16 And we had our night out. And then after we all
17 went home, to our separate houses --

18 Q Well, let me stop you right there. You and Denise
19 made out that night, but Mike and Kathy were present?

20 A They were in the car. They were parking the car.
21 It was while they were gone parking the car. And so --

22 Q Who else was there that night?

23 A Just the four of us.

24 Q Was Lindsay Lockhart there?

25 A Not that night.

1 Q Okay. What about Angela Stafford?

2 A Not that night. That night it was just the four of
3 us.

4 Q Okay.

5 A And so later that night, after Kathy and I went home
6 and Mike and Denise went home, she and I got on the phone
7 together. And we basically spent the whole night talking to
8 each other on the phone. And it was just like -- I don't
9 know. We just -- we connected like nobody else. I mean, we
10 just really connected. And we had a lot of sexual talk and
11 had phone sex and that sort of thing.

12 And we agreed and then met up the next day. I think
13 we just met during her lunch break at work. And that's kind
14 of what just started the whole ball rolling with her and I.

15 Q Okay. Was this a one-time occurrence or was it
16 ongoing?

17 A Was what -- what a one time?

18 Q You and her having sexual relations?

19 A Oh. No. That's just what started it. I mean, then
20 it -- you know, it snowballed really fast. We started meeting
21 in hotels. We started meeting during the workday. We started
22 meeting whenever we had the opportunity. If Mike was at work.
23 Mike worked a lot. He really was a workaholic, quite frankly.
24 She was not happy with that. And so we started meeting very
25 regularly and having sex very regularly.

1 Eventually we started going on trips together.

2 There was times when she and Mike would go on trips and I
3 would go and meet with her. Like if he had a conference in
4 Panama City, I went over and while he was in the conference
5 Denise and I went to Destin together. And we took trips to
6 New York, South Beach. We spent a lot of time together.

7 Q How about Orlando, was that one of the places you
8 went as well?

9 A Orlando -- I remember going to Orlando with Kathy.
10 I don't remember if Denise and I went to Orlando just the two
11 of us or not. Probably. We went lots of places. Panama
12 City.

13 Q Okay. During that time period you mentioned you'd
14 go to hotels?

15 A Yes, sir.

16 Q You'd meet up during the day?

17 A Yes, sir.

18 Q Were you ever at your house?

19 A Yes, sir.

20 Q What about her house?

21 A We would primarily go to her house. And it was
22 primarily during the workday. We would meet at Home Depot
23 parking lot or meet behind Keiser College, leave a vehicle and
24 go to her house or go to my house. Sometimes not go to either
25 one of our houses. It depended on how long she could be away

1 from work. But --

2 Q where was her house located at?

3 A Her house was off Meridian on Starmount. 256
4 Starmount, I believe.

5 Q Did you ever park at a Grace Lutheran Church as one
6 of the locations to drop your car off?

7 A There was a church in the woods off of Meridian.
8 And I would park at that church. And there was a drainage
9 ditch that ran from the church through the woods into her
10 neighborhood and I would walk down the drainage ditch. And
11 then there was only a short distance that I would have to walk
12 from the drainage ditch down Starmount to get to her house to
13 kind of be undercover, I guess.

14 But there was a church on Meridian -- I'm sorry --
15 on Miccosukee. I don't know why we parked at churches a lot.
16 But, I guess, empty parking lots. But there was a church off
17 of Miccosukee Road that I would leave my car at occasionally,
18 after they moved to Miccosukee Road, to meet up as well.

19 Q And when was that?

20 A well, I mean, it wasn't --

21 Q When did they move to the Miccosukee Road area?

22 A When did they move there? I don't remember exactly.
23 I would say about a year and a half prior to Mike's death, if
24 I had to guess.

25 Q Okay. And we asked questions earlier about Lindsey

1 Lockhart. who is that?

2 A Lindsey Ketchum?

3 Q Yes.

4 A Yes, sir.

5 Q Formerly Ms. Ketchum.

6 A Right. She was primarily a friend of Mike's that --
7 Mike worked for the Ketchums and Lindsey is the Ketchums'
8 daughter.

9 Q what about Angela Stafford?

10 A Angela worked with the Ketchums as well, and was
11 good friends with Mike and us. But primarily with Mike
12 because she worked with Mike.

13 Q At some point did you and Ms. Stafford also have
14 some sort of relations?

15 A We -- when you say relationship --

16 Q Did y'all hook up?

17 A Yes, sir. I believe it was my birthday -- it was
18 either my birthday day or Angela's birthday on one occasion.
19 And we wanted to go out -- the three of us, Denise and I and
20 Angela wanted to go out. And for some reason Denise couldn't
21 go out. I don't know if she couldn't get a babysitter or what
22 happened. But she said, no, no, you go on. And I was like,
23 no, you don't want me to go out with her without you. And she
24 was like, no, it'll be fine. And so Angela and I went out and
25 had a lot to drink and ended up back at my house in Killearn

1 Lakes. And ended up in bed together.

2 And it was dark and all of a sudden the light came
3 on in my bedroom. And I looked up and Denise was standing
4 there. And she said something like -- she said something
5 sarcastic and said, I'm sorry, or something and ran out. And
6 I didn't want Angela to know it was Denise. I think she did
7 know, but I didn't want her to know. And so I lied to Angela
8 and told her that I thought it was my wife -- my ex-wife at
9 that point, Kathy. But --

10 Q So this is after Mike's death?

11 A Yes, sir.

12 Q But is it before you and Denise had announced that
13 y'all were dating each other?

14 A Correct. We were hiding it at that point.

15 Q Let's talk about life insurance policies. What is
16 it that you did back -- for a living back in 2000?

17 A Part of my job was to sell life insurance.

18 Q Okay. Did you sell a life insurance policy to Mike
19 Williams?

20 A Yes, sir. I sold him two different policies. I
21 sold him one policy early on.

22 Q When you say early on, when are we talking?

23 A He may have even -- well, no, we wouldn't have been
24 in college. It would have been right after we graduated from
25 college, so --

1 Q which is when?

2 A '93, '94, somewhere in there. Pretty early on.
3 Because I think at first he had his mother as a beneficiary.
4 And that was a \$250,000 policy. And that was before he was
5 married to Denise.

6 Eventually, after they got married, he changed the
7 beneficiary on that policy to Denise. And then -- you want me
8 to talk about all that I know about his policies, whether I
9 sold them or not?

10 Q Let's talk about the million dollar policy.

11 A Okay. So that was the first policy that I sold him.
12 And then after -- was it after Anslee was born? I believe it
13 was after Anslee was born. Yeah, it was after Anslee was
14 born. He and I talked about increasing his coverage.

15 Q Now, whose idea was that?

16 A To increase it?

17 Q Uh-huh. Or was it a mutual idea?

18 A I mean, it was a combination of Denise and I talking
19 about him having more coverage. And he and I talking about
20 him having more coverage. I mean, there was a lot of
21 conversations behind the scenes as to getting that new policy.

22 Q In all honesty, having a larger policy of a million
23 dollars on a man who's married and kids and making the income
24 he is, isn't necessarily abnormal?

25 A It wasn't extravagant based on the income that he

1 was making.

2 Q Okay. But nonetheless there was conversations and
3 he elected to have a million dollar policy, correct?

4 A Right. He wasn't real -- I think to him it was a
5 lot of money. I think he even had conversations with
6 Mr. Ketchum about it. But he -- you know, he eventually
7 decided, and I think with Denise's encouragement, decided to
8 go ahead and get that extra million dollar policy.

9 Q And when was that?

10 A When did he get the policy?

11 Q Yes, sir.

12 A I get a little confused because he had one policy
13 that was issued that actually -- we didn't get the premium
14 paid or something, and so he actually had a second policy,
15 same thing, same company, same everything. I think there was
16 only like a three-month gap in between that. But it was
17 within -- it was within, I think, six months to a year before
18 his death occurred.

19 Q And you mentioned another policy --

20 THE COURT: Let's go sidebar for just a second. We
21 don't need the court reporter.

22 (Sidebar conference had off the record.)

23 THE COURT: We're dealing with a technical problem,
24 folks. And I would just -- I don't know why I didn't
25 think of this earlier, but this microphone doesn't appear

1 to be working. But I think my microphone is working. I
2 rarely need a microphone anyway.

3 So we'll see if that -- let's see if that is
4 working, Mr. Winchester.

5 THE WITNESS: Hello. Hello. Is this working
6 better?

7 THE COURT: Is that not doing it?

8 MR. FUCHS: I don't hear any difference.

9 (Pause in proceedings.)

10 THE COURT: I'm sorry to interrupt. I don't know
11 that I helped any. But I thought maybe that would help
12 solve the issue.

13 Go ahead, Mr. Fuchs.

14 MR. FUCHS: Thank you, Your Honor.

15 BY MR. FUCHS:

16 Q At some point were you aware of him having another
17 policy in the neighborhood of half a million dollars?

18 A Yes, sir. He had another policy with a different
19 company that he bought from a different person. I don't
20 remember when I first became aware of it. But I know I became
21 aware of it when I would have been talking with him about the
22 million-dollar policy. And his thoughts or intentions were
23 that he was going to drop that \$500,000 policy and replace it
24 with the million-dollar policy.

25 Q well, let's fast forward to the year 2000. At some

1 point were there thoughts of how you and Denise could be
2 together?

3 A Yes, sir.

4 Q How did that get initiated?

5 A I think it even started prior to that, as I've
6 thought about this. And had plenty of time alone to think
7 about it. One thing that I have remembered is the prior year
8 Mike and I were on a hunting trip together. And it was at a
9 lake that was dry and we had to walk across the mud. And
10 there were places in the mud where -- I don't know how to
11 describe it. But, basically, you could fall through the mud
12 and there was nothing underneath. It was like -- it was
13 basically, I guess, people would call it, like, quicksand.

14 And Mike fell into one of those mud holes at one
15 time. And it was just he and I out there. And I helped him
16 out of it. And he had dropped his gun in there as well and he
17 ended up going back in it after his gun.

18 But, anyways. I remember telling Denise about that
19 and how if I hadn't of been there or if I hadn't of helped him
20 out that, you know, it's very likely he would have disappeared
21 and nobody would have known what happened to him. But that's
22 just something that I had remembered in the past few months
23 and thinking about this.

24 But I think it was gradual that we -- you know, the
25 more we were together, the more we wanted to be together. And

1 the more we griped about Kathy and Mike, the more we wanted to
2 be together. It just kind of -- it just got worse and worse.
3 I mean, it just snowballed. We just -- I don't even know how
4 to describe it. But -- so, yes, we eventually started talking
5 about options and ways that we could be together.

6 And Denise, because of the way she was raised,
7 because of her pride, I guess I can't say all the reasons, but
8 she did not want to get divorced. And stated that she would
9 not get divorced. But she still had a desire for us to be
10 together, which narrowed the options even further, I guess.

11 Q Who narrowed those options?

12 A I'm sorry?

13 Q Who narrowed those options?

14 A It was -- all of our conversations and planning and
15 everything, I would say is very mutual. You know, I'm not
16 going to sit here and say that Denise planned everything and,
17 you know, I was just a dumb guy who went along with what she
18 wanted to do. I mean, I -- I instigated a lot of it. I
19 helped come up with ideas. I planned a lot of things. But
20 overall it was very mutual. I mean, we wanted to be together.

21 And we weren't going to let anything stop that.

22 So over the year and a half, year prior to Mike's
23 death we discussed several options and alternatives of ways
24 that we could be together.

25 Q What was one option?

1 A One of the options, Mike -- Mike worked a lot at
2 night up at his office. And one of the options was that we
3 could make it look as if there was a burglary of some sort up
4 at his office. And that he got shot in some type of robbery
5 or something up at his office.

6 Denise didn't like that idea. I didn't like that
7 idea and Denise didn't like that idea. But primarily because
8 there would be an investigation if something like that
9 occurred.

10 So another idea, we all used to go out on boats a
11 lot and Mike had a boat. And another option was that the four
12 of us would go out on a boat out into the Gulf.

13 Q The four of you being who?

14 A Me and Kathy and Denise and Mike. And we'd go out
15 in a boat on the Gulf. And, basically, that Kathy and Mike
16 would be pushed overboard. And that Denise and I would find a
17 buoy way offshore that we could hold on to. And either let
18 the boat sink or let the boat take off on its own or whatever,
19 and make it look like we had an accident on the water and that
20 Denise and I had survived the accident.

21 Q Obviously, that's not -- didn't happen?

22 A Correct.

23 Q At some point did the discussion turn to strictly
24 Mike being the one that dies?

25 A I had no desire whatsoever for anything to happen to

1 kathy. I didn't really emphasize that with Denise because it
2 was not good for me to express affection or, you know, care
3 about what happened to Kathy with Denise. But silently, to
4 myself, I was never going to allow anything to happen to my
5 son's mom.

6 So another scenario that we came up with was Mike
7 and I going on a hunting trip together. And there being an
8 accident where both he and I ended up in the water and he
9 drowned and I did not.

10 Denise liked this idea because it -- I don't know
11 how to word it exactly. But she felt better, I guess, about
12 herself. Or we could feel better about ourselves if there was
13 a chance that he could make it out of it. You know, I mean --
14 I think there was even talk about, you know, well, it will be
15 up to God what happens and not us. It won't be a murder. It
16 will be, you know, an accident. It's kind of screwed up
17 thinking. But that was a scenario that she could live with, I
18 guess.

19 Q would it be fair to say that having the attention of
20 being a widow was far better in her mind than being a
21 divorcee?

22 A Yes, sir. Better to be a rich widow than a poor
23 divorcee. And her biggest concern with the divorce was she
24 didn't want to share custody of Anslee with Mike. She was not
25 going to have Anslee going back and forth to two different

1 houses. She wasn't going to give that up.

2 Q The drowning scenario, did you take any further
3 steps to make that happen?

4 A Like, what do you mean take any steps to make that
5 happen? Like what happened?

6 Q Did you try and do that?

7 A Yes, sir. So, there was a limited time that we
8 could make that scenario occur because it had to be during the
9 duck season. There's only certain days that you can actually
10 go hunting in duck season.

11 And it had to be at a place where, in my opinion, it
12 would have been successful. which kind of ruled out all of
13 the local lakes around Tallahassee, because the lakes around
14 Tallahassee are mostly shallow. Lake Seminole is a lot
15 deeper.

16 Q Let me ask you another question. You talked about
17 the life insurance policies and the \$500 lapsing. Did that
18 also factor into the equation?

19 A Yes, sir. There were a lot of things that were kind
20 of pressuring us for this to happen when it did. One was,
21 Mike had intended for that policy, the \$500,000 policy to
22 lapse. He was not intending to continue it. And, so, behind
23 his back, Denise paid one more -- I can't remember if it was
24 quarterly or semiannual premium. But we kept it going one
25 more premium period. And we knew we weren't going to be able

1 to keep it going perpetually. That he would eventually see,
2 hey, this money is going out of the checking account for that
3 policy that I didn't want anymore. So there was that.

4 He was becoming a couple of things. He was getting
5 angrier and angrier about the fact that she wasn't having sex
6 with him. He and I took a trip in November out to Arkansas
7 together, so we spent 20 hours in the car together. And I
8 heard a lot about how unhappy he was, you know, with Denise.
9 And he was not happy with not having -- not having sex. Of
10 course, I was -- I didn't want him having sex with her. She
11 didn't want to have sex with him.

12 But -- so he even talked about moving away. He
13 talked about moving out west. He talked about all kind of,
14 you know, things. But he was becoming very unhappy. And he
15 was also becoming suspicious. He raised his suspicions with
16 me -- not about me but about Denise, on that trip to Arkansas.
17 That he thought something was going on with her.

18 He thought she was using drugs. He thought -- he
19 had seen money disappearing. She had been taking cash
20 withdrawals out of the ATM, which I knew was for travel for us
21 when we would go out of town. But he kind of thought it might
22 be for drugs or something. I think he even approached
23 Denise's mom about it at some point, asking her about it.
24 But, so -- also, their anniversary was coming up in December
25 and --

1 Q What was their anniversary date?

2 A The 16th or the 17th, I believe. The 16th, I
3 believe it was. And he planned for them to go to Apalachicola
4 and stay at the Gibson Inn over there. And I think made it
5 pretty clear that he was ready, you know -- Denise didn't have
6 sex with him while she was pregnant. And after Anslee was
7 born, you know, to my knowledge, at all. Unless she lied to
8 me about it, which she could have. But, you know, based on
9 what Mike said he kind of confirmed that.

10 And we checked up on each other a lot. Denise would
11 check up to see if I was having sex with Kathy. And I would
12 check up on her to see if she was having sex with Mike because
13 we -- you know, we considered ourselves a couple together.

14 And, anyway, so I think Mike made it pretty clear
15 that this anniversary trip it was going to be expected that
16 this was, you know, going to be their starting over date.
17 That it had been long enough since Anslee had been born. That
18 it was time for them to start having sex again. I think he
19 was kind of putting some pressure on Denise about that. And
20 she did not want to go on that trip. Did not want that trip
21 to happen.

22 Q Okay. So was a plan made, did y'all take steps to
23 kill Mike?

24 A Yes, sir. So, you know, we decided that that was
25 the plan that we were going to go with.

1 Q well, let me ask you a question. You earlier talked
2 about time of the essences because of duck season. Why is it
3 important for the duck season aspect of this?

4 A well, because that was the plan, was he and I to be
5 on a duck hunting trip together and to go to Lake Seminole.
6 So duck season only lasted from Thanksgiving until the end of
7 January. It may have even been shorter back in those days.
8 But it was a short time frame that the season was in.

9 And then within that season, you know, we couldn't
10 necessarily go every single day. You had to -- in some places
11 you can only hunt on Wednesdays and on the weekend, Saturday,
12 Sunday. But -- so we knew our window of opportunity was
13 closing, basically. So it was decided that that was the plan
14 we were going to go with.

15 And we -- there were several things involved.
16 Denise really didn't have to do a whole lot, other than come
17 up with an alibi for herself and make sure that Mike went. I
18 had to do, you know, more, obviously. But it was decided that
19 Mike and I would go on this trip. I had to -- you know, I
20 wanted to make sure he was going to show up.

21 So -- you know, there was a week prior that this was
22 planned and that it didn't occur, before the actual time that
23 it did occur.

24 Q Let's talk about that. A week prior it was supposed
25 to occur?

1 A Yes, sir.

2 Q what happened?

3 A So a week prior we had it set up that this was going
4 to be the date that the trip was going to occur. So Mike and
5 I planned to go, you know, on the trip. And then late the
6 night before -- I believe it was before midnight. And I
7 believe Mike was at his office. And he called me and he said,
8 I can't go. Denise is calling me. She doesn't want me to go
9 on the trip. And I was very surprised. Shocked, kind of.
10 And I was like, okay.

11 And -- because we had, you know, made all this --
12 planned for this to happen. And so -- I can't remember when I
13 called Denise. I think I called her immediately after I hung
14 up with Mike just to see, you know, what -- what is going on.
15 I mean, because this isn't something you need to be
16 wishy-washy about.

17 And I can't remember if I talked to her that night
18 or if it was the next day. But we talked very shortly
19 afterward. And, basically, it was just a cold feet kind of
20 thing. And she, you know, got cold feet at the last minute.

21 Q So at that point were the plans off? Was it going
22 to happen?

23 A It wasn't that the plan was off, but we talked about
24 it and we had several, you know, more conversations that, you
25 know, look, this is -- either we're going to go forward with

1 this or we're not. I mean, we're either going to be together
2 or we're not.

3 You know, like I said, the policy is ending. You've
4 got that anniversary trip coming up next weekend. You know,
5 duck season is going to be ending soon. Do you want this to
6 happen or not? You know, I don't want to set these plans up
7 if this isn't something, you know -- this isn't something you
8 need to be wishy-washy about, I guess, basically.

9 So at some point during the next week it was decided
10 again that, yes, this is what we were gonna do.

11 Q Now, let me stop you right there. You're talking
12 about telling her, you can't be wishy-washy, times are ending,
13 we have a certain time frame we have to do this. And then it
14 almost sounds like you were pressuring her into that, would
15 that --

16 A Pressuring her. I don't think it was pressuring her
17 as much as stating the facts of, this is the reality of the
18 situation. If you want this to happen, this is the best time
19 for it to happen.

20 Q were all of those issues things that you --

21 A I was not happy. I'm sorry to interrupt. But I was
22 not happy about the fact that we had made these plans and I
23 had committed that this was what was going to happen, and then
24 at the last second she backed out. I didn't understand that
25 and wasn't real happy about that, but...

1 Q were all those issues that you just talked about
2 things that you previously discussed with her?

3 A Yes.

4 Q The time frames and everything like that?

5 A Right.

6 Q So you call her up and you tell her all these
7 things, not be wishy-washy?

8 A (Nods.)

9 Q Were there other communications where she was
10 talking to you about putting the plans back in place?

11 A Right. Yeah. Well, we met up eventually. And
12 probably met up several times that week. At that point we
13 were meeting, you know, a lot. And so we met --

14 Q When you say met up --

15 A I'm sorry?

16 Q When you're talking about met up, you know, like
17 going out to eat or what are you talking about?

18 A No. The same as we always did. Meeting during the
19 workday. Primarily during lunches. That sort of thing.

20 Q So you're talking about sexual relations?

21 A Well, we didn't always have sex every time.

22 Q Okay.

23 A But during that week, a primary reason we were
24 meeting was to discuss what are we going to do here.

25 Q Okay.

1 A You know, what's going to happen here. So we met up
2 during that week and talked about it and came to the
3 conclusion again -- and I remember where it was. It was at
4 Rhoden Cove. At the boat ramp at Rhoden Cove.

5 Q Where is that?

6 A On Lake Jackson off of Meridian Road at the end of
7 Rhoden Cove Road. But we decided that -- that this is what we
8 were going to do. We're not going to back out at the last
9 minute. And in a sick sort of way, you know, it was kind of
10 like, you know, well, if God wants this to happen, this is
11 what's going to happen. Because the plan, again, was that it
12 was going to be an accident. And, you know, there would be a
13 chance that he could get out of it.

14 Q You say you met up. Why meet up rather than phone
15 calls or something like that? Any particular reason?

16 A Well, it's not necessarily something you really want
17 to talk about on the phone. We weren't really that concerned
18 or paranoid about that sort of thing at that point. But we
19 just met up routinely because we wanted to meet each other,
20 because we wanted to see each other and be together.

21 Q Okay. So then that time you meet up at the cove and
22 make your decision?

23 A Yes, sir.

24 Q So what's supposed to happen?

25 A So it's the same plan. It's the same night, just a

1 week later.

2 And from what I remember about that night before,
3 Mike -- Mike had volunteered to ring the bell for the
4 Salvation Army at like a Wal-Mart. And Kathy and I had
5 planned on going out to a concert at Floyd's. And I wanted us
6 all to go out, as I remember it. But that didn't end up
7 happening for whatever reason. I don't know if they couldn't
8 get a babysitter or why they didn't end up going out with us.

9 But Kathy and I did end up going out to that
10 concert. Part of the plan was that I wanted Kathy to
11 basically be as drunk as possible the night before because I
12 wanted her to sleep late -- in late the next morning. My
13 alibi -- the plan was that all of this would occur very early
14 in the morning and I would have time enough to get back and
15 meet my father-in-law up near I-10 and Thomasville Road to
16 actually go on a hunting trip with him. So that was going to
17 be my cover, gonna be my alibi. Her alibi was gonna be that
18 she was at home with Anslee.

19 And the plan was when Mike didn't come back home,
20 that eventually she was going to start calling her sisters and
21 her dad from her house phone so that she could establish that
22 she was at the house, prove that she was at the house with
23 Anslee.

24 Q Okay. So what was the plan to make this happen?
25 what happened?

1 A So, Kathy and I went out and went to the concert.
2 Got home late. She did have a lot to drink. There was
3 discussion between me and Denise -- and I can't remember if I
4 actually did this or not, or if I did it the week prior or --
5 I just really can't remember.

6 But I remember Denise and I talking about there was
7 some medication -- there was medication that Kathy had. And
8 we talked about giving her a little bit of that medication
9 that would cause her to sleep really heavy. And make sure
10 that she slept really good through all of it. Because I
11 didn't want her to wake up and realize how early -- I didn't
12 want her to know how early I was leaving the next morning.

13 So the plan with Mike was that I would meet him at a
14 gas station on Thomasville Road up near the overpass -- well,
15 the overpass I don't think was there at that point. But meet
16 him up at a gas station up near the McDonald's up there. And
17 I met him there.

18 I had told him that we were going to go to a secret
19 special spot to go hunting. And -- and that he needed to
20 bring his waders. I had to make sure that he brought his
21 waders. Because the belief was -- there was kind of like a --
22 there still is, probably. Like, a duck-hunter's myth that if
23 you fall overboard with your waders you're going to sink
24 really quick and drown. So I had to make sure that he brought
25 his waders. And so I told him about this, you know, great

1 spot that we were going to go and he needed to bring his
2 waders.

3 So I met him at the gas station and I told him --
4 when he drove up I was real paranoid about phones and him
5 calling me and there being a record of him calling me. So I
6 told him that my battery was dead on my phone, that there was
7 no reason for him to call me as we were driving over to the
8 lake. Because normally we would have called and talked to
9 each other on the phone or even ridden together.

10 I don't even remember how or why I told him that I
11 needed to use my vehicle instead of just going in his. But
12 somehow I came up with some reason to do that.

13 Q Let me stop you right there real quick. You said
14 that you called him and tried to get him to -- to make sure he
15 was going to get the waders. When did you call him and talked
16 about that?

17 A I don't remember specifically. We talked several
18 times. You know, Mike and I talked every day ourselves. And
19 so, you know, we talked about hunting all the time and we
20 talked about this trip several times prior to it happening.

21 Q Okay.

22 A So I followed him over to the lake. He had his boat
23 behind his Bronco and I followed him in my white Suburban.

24 Q What lake?

25 A Lake Seminole. Which is about 50 minutes away.

1 And I had told him what landing we needed to go to.

2 And so we pulled into the landing and launched the boat. And

3 I said something -- I had to make sure that he had the waders

4 on. So I said something about, we're running low on time or,

5 you know, we're going to be really pushed and --

6 Q Why was it so important for the waders to be on?

7 A Because I believed and we believed that if you fell
8 overboard with the waders on, that you would sink pretty
9 quickly. So I told him something like, we're -- you know,
10 we're running late. We need to go ahead and put our waders on
11 here and now before we get in and go. And so we both did
12 that.

13 And because I knew where we were going hunting, I
14 was in the back of the boat driving and he was in the front.
15 So --

16 Q We're talking about a boat. What kind of boat are
17 we talking about? Are we talking about like a large airboat
18 or what are talking about?

19 A It was a -- what's called a Gheenoe. It's basically
20 a canoe that has a flat back that you can put a motor -- a
21 small motor on the back of it.

22 Q I'm familiar with canoes. Canoes can be a little
23 tipsy.

24 A This boat --

25 Q Is this boat the same way?

1 A This boat -- this boat was -- yes, basically like a
2 canoe. So pretty tippy.

3 Q Okay. So you had -- you put the boat in the water
4 and you're heading out. You're driving?

5 A Yes, sir, I was driving. And I know I was very
6 concerned about the time. Everything had taken longer than
7 what I had anticipated. And I had to be back in town early
8 enough in time to meet my father-in-law for my alibi trip to
9 occur.

10 And so we headed out. And there was a deep area
11 maybe a couple hundred yards from the landing that we put in
12 at. And we got to that area that I knew was a deep area. And
13 I don't remember exactly how I got him to stand up, but -- I
14 don't know if I pretended something was wrong with the motor
15 or the weight in the boat was off or something. But I
16 basically stopped the boat and got him to stand up. And when
17 he did, I pushed him into the water.

18 Q What happened next?

19 A So he was in the water. And he was, like,
20 struggling. And the motor of the boat was still running. And
21 I pulled off just a little bit to get, kind of, away from him
22 so that he couldn't reach back into the boat.

23 And I didn't know it at the time -- I didn't know if
24 he was trying to swim or -- I didn't know what was going on.
25 But what I came to find out or eventually realized was, he was

1 taking the waders and the jacket off. And he got those off.

2 And I think I forgot to tell you about this part
3 before. But I remember now that that area of the lake had a
4 lot of snags a lot of dead trees that come up out of the
5 water. And there's a lot of stumps that come up out of the
6 water. And he swam over to one of those stumps and held on to
7 it.

8 And he was panicking and I was panicking. And none
9 of this was, like, going the way I thought it was going to go.
10 And I didn't know what to do. But he was -- he started to
11 yell. And I didn't know -- I didn't know -- I didn't know how
12 to get out of that situation.

13 And, so, I had my gun in the boat and so I loaded my
14 gun. And I just -- I made one or two circles around. And I
15 ended up circling closer towards him. And he was in the water
16 and as I passed by I shot him.

17 Q where did you shoot him?

18 A In the head.

19 Q what happened next?

20 A So when I shot him it was dark. And there was a
21 bright flash when that happened. And I didn't want to see
22 what happened, so, like, I closed my eyes when the instant of
23 that flash happened.

24 And the boat was moving as this happened. And so I
25 turned back around and came back to where he was and got to

1 the stump. And I knew I couldn't -- I couldn't leave him
2 there being shot. So I was going to have to do something to
3 cover this up. And I reached down -- and he wasn't far under
4 the water, but, like, my whole arm got wet. And I remember
5 wondering, like, how am I going to explain that my arm is
6 soaking wet. And I was afraid I was going to have to jump
7 into the water. But I reached down and I grabbed a hold of
8 him.

9 And I was closer -- because of where I had driven
10 the boat I was closer to another landing, just a little dirt
11 landing that was further down the shoreline. And so I decided
12 to motor the boat and pull him over to that landing over
13 there. So I drug him in the water over to that dirt ramp.

14 And left the boat, left him, ran back down to where
15 our trucks were parked. Got my truck, came back to where he
16 was. Backed my truck to the edge of the water and let the
17 tailgate down. And ended up putting him in the back of my
18 suburban.

19 And I pushed the boat back out into the water to
20 make it look like, you know, his boat was out there and he had
21 drowned or disappeared. Or, you know, I didn't give a lot of
22 thought as to what was going to happen after that. I was just
23 panicked as to getting out of that area and covering this up.

24 So I realized it was probably getting too late at
25 that point to meet up with my father-in-law, but I was still

1 going to try. And I sped --

2 Q Mr. Winchester, let me stop you for a moment. You
3 said you that you were able to load -- you loaded him into
4 your Suburban?

5 A Yes, sir.

6 Q How big was Mike?

7 A He was a little bit bigger than me. He was a little
8 heavier than me. We were pretty close in size but he was a
9 little bit bigger than me.

10 Q How much do you weigh?

11 A Back then, probably, 170, something like that.

12 Q How were you able to get a man that's 170 pounds
13 deadweight into the back of your Suburban by yourself?

14 A It was not easy and it was not pretty. But I had to
15 make it happen. I mean, I had no choice. And I can't even
16 explain, like, how your body feels in that kind of a
17 situation. I don't -- I don't -- unless somebody's been to
18 war or something -- I don't even know how to explain. But,
19 like, you have so much adrenaline pumping through your body
20 you're just -- it's just crazy. But, you know, it wasn't
21 pretty. And I never -- I made a purposeful decision to never
22 view him, to look at him.

23 But I backed the truck down. And there was an angle
24 to the ramp, so the back of my truck was angled down toward
25 the water. And I backed it all the way down to the edge of

1 the water, so it wasn't -- there was no distance involved.

2 But, yes, he was very heavy and it was not easy to
3 do that, but I had no choice.

4 Q You said you were concerned about meeting up with
5 your father-in-law at that point. What happened next?

6 A I sped back toward Tallahassee. And as I was
7 driving there I was realizing I'm not going to make it in
8 time. I didn't want to call him because I didn't want to turn
9 my phone on. I didn't want there to be any record of where my
10 phone was at. So I left my phone off.

11 And by the time I got back to Tallahassee, you know,
12 I looked through the parking lot -- we were going to meet at
13 Carriage Gate parking lot. I looked through the parking lot,
14 didn't see his vehicle there. And I decided the best thing
15 for me to do was to go back to my house and pretend that I had
16 overslept. And then I could also make a phone call from my
17 house to my father-in-law, which would kind of prove that I
18 overslept and I was at my house. And I wanted there to be a
19 record of that.

20 Q And all this is with Mike in the back of your
21 Suburban?

22 A Yes, sir. I actually -- when I was driving down on
23 Thomasville Road I actually came up to a stoplight. And there
24 was a state trooper across from me. And I can remember just
25 being freaked out about it. But, I mean, I didn't have any

1 choice, so -- that's what I decided to do, so...

2 I drove home. Pulled up into my driveway and was
3 really, really hoping that Kathy was still asleep. I went
4 into the house as quietly as I could. She was still asleep.
5 I crawled back into the bed. And had a phone there on the
6 floor. I can remember dialing my father-in-law and telling
7 him -- apologizing, I'm so sorry, I overslept.

8 And I didn't want to wake Kathy up, obviously,
9 because I had what was in the driveway. But I wanted her to
10 know I was there. So I -- I -- I can't remember what I said
11 to her, but I think I halfway woke her up and said, I'm going
12 to go out with the dogs or train dogs. I trained dogs at the
13 time and was gone for hours at a time from the house doing
14 stuff like that. I don't remember exactly what I told her.

15 But I, basically -- I wanted her to -- I wanted her
16 to know that I was there to confirm that I was there. But not
17 wake up and start asking me any questions about what happened,
18 why did you oversleep, you know, anything like that.

19 So I did that and then I went back out to the
20 driveway to leave. When I went out to the driveway -- my
21 driveway was angled. And I was walking behind my truck and I
22 saw out of the back tailgate blood was coming out of the back
23 of my tailgate and dripping onto the driveway. And that
24 freaked me out. So I rinsed that off.

25 And was trying to figure out -- I had been thinking

1 on the way from Lake Seminole back to Tallahassee what was I
2 going to do with him. And I don't know when I decided, but,
3 you know, ultimately I decided it had to be close and it had
4 to be quick. And it had to be, obviously, a location that,
5 you know, he wouldn't be found.

6 And I decided on an isolated dirt-road boat ramp
7 down at Carr Lake. But I had no tools. And at that point
8 Carr Lake was very low. Parts of it were dry. And like the
9 other lakes, there were areas in the lake that had puddles of
10 water or mud. And my thinking was, if I got him there I could
11 take him out to one of those water holes or mud holes and put
12 him in one of those. And that would be a safe place that he
13 wouldn't be found. But I had no -- I had nothing to do this
14 with so I had to go to a store.

15 And I'm 90 percent sure the store that I ended up at
16 was Wal-Mart. And I bought a shovel, I bought a tarp and I
17 bought weights. Like weights that you lift weights with.
18 Because I was thinking that I would use the weights to weigh
19 his body down in the water or mud hole or whatever.

20 while I was in that store I actually ran into a
21 friend of ours, Mike Phillips. And I actually totally forgot
22 about running into him or having any conversation with him
23 until I ran into him later during the search for Mike Williams
24 at the lake. And he said, yeah, I remember seeing you that
25 day. You were in a panic. You were in a hurry. And he was

1 thinking I was in a hurry to go search for Mike. But I was
2 actually in a hurry because I was trying to bury Mike.

3 But, anyways, I bought those things at the Wal-Mart
4 and drove to Carr Lake, down to the end of the road, turned my
5 truck around backwards, backed down to the landing. And, you
6 know, my thinking was I was going to drag him way out into the
7 lake. And so I got the tarp and put it on the ground behind
8 my truck. Pulled Mike out, put him on that tarp, kind of
9 wrapped him up. And as I pulled him, instantly I knew there
10 was no way I was going to be able to move him any distance at
11 all. That he was just too heavy and that wasn't going to
12 happen.

13 So I had to find somewhere close and it was a really
14 grown up area. And, like I said, the lake was almost dry so
15 the water was down. And I decided to put him down in the lake
16 bed itself. Kind of on the edge of the lake. So that,
17 eventually, when the water came back up, that area would be
18 under water. And it was hidden from the road somewhat.

19 And so I pulled him down to that area and started
20 digging a hole. And it was hard. I was exhausted. I was
21 getting bitten by ants all over me. I remember being scared
22 that I was going to have to explain why I had ant bites all
23 over me because there was ants where I was digging.

24 But, actually, while I was doing this I heard a
25 vehicle coming down the road. And so I kind of -- I had --

1 there were bushes there anyway, but I kind of made sure
2 everything was flat and you couldn't see it from the road.
3 And I ran back up to my truck. And a guy drove up. He was
4 coming down there to go hunting out on the lake itself. And
5 he and I made small talk, chitchat.

6 I was, obviously, very paranoid. And I got the
7 impression -- I can't remember why now -- but at the time I
8 got the impression that he might have been like a
9 law-enforcement-type guy. Maybe like a game warden or
10 something like that. But he talked about he was going deer
11 hunting on out on the lake bed. And so I kind of hung out at
12 my truck and waited for him to get several hundred yards away
13 before I went back to digging.

14 So, eventually, I got a hole big enough and I put
15 him there and covered him up. And made sure it, you know,
16 didn't look suspicious, as well as I could. But now I still
17 had a problem because my truck had blood all in the back of
18 it. And it was getting later and later in the day.

19 And I knew at some point people were going to start
20 calling me. There was a family Christmas with my wife's
21 family up in Cairo that we were supposed to be going to that
22 afternoon or that night. You know, I was just running out of
23 time.

24 And so I put the truck -- put the shovel in the back
25 of the truck. And I knew I had to clean my truck up. And I

1 think at that point -- I can't remember the order. I can't
2 remember -- I went two different places -- I went two
3 different places to clean up my truck. One of them was, I
4 went to my parents' house and parked -- they have a big lot.
5 And I parked toward the back of it and tried to use a hose to
6 clean out the truck. And it -- it -- I think I went there
7 first because it was closer to where I was. But it wasn't
8 working very well.

9 And I realized I needed to have, like, a pressure
10 washer. And so I left there and drove around trying to find a
11 car wash that had a pressure washer. There were none on my
12 side of town, so I ended up at Tharpe Street and Old
13 Bainbridge. There's a carwash there that had a pressure
14 washer. And I cleaned out the back as best as I could there.

15 And after that --

16 Q Let's stop for a second.

17 A Yes, sir.

18 Q You buried him up at Carr Lake. At some point do
19 you, for lack of a better term, go about your business? Go to
20 Cairo and meet Kathy and everybody and the family?

21 A Right. After I -- after I cleaned up -- I'm sorry.

22 Q Answer. Did you go up to Cairo and meet Kathy and
23 the family?

24 A Yes.

25 Q At some point were you contacted about Mike being

1 gone, missing?

2 A Right.

3 Q who contacted you?

4 A My recollection is that my dad called me and said,
5 Mike's missing.

6 Q Whenever that happened, what did you do? And --
7 wait -- let me back up. when was that?

8 A I remember it being on the drive home from being up
9 in Cairo for the Christmas party.

10 Q So is this the same Saturday?

11 A Yes, sir.

12 Q Okay. In the evening hours?

13 A Yes, sir.

14 Q Okay. What did you do?

15 A You know, when my dad called I kind of said, well,
16 that's Mike, because Mike was known to be late and kind of
17 irresponsible at times going out on hunting or fishing trips
18 or whatever. But, you know, I said, I'll get back there and
19 we'll, you know, go look for him.

20 And, so, got back to town. Met up with my dad and
21 went with him over to Lake Seminole.

22 Q That night or next day?

23 A That -- immediately when I got back to town.

24 Q Okay.

25 A There were a few people over there with boats.

1 Mainly friends and family. And those of us with boats started
2 going out where his truck was -- no, we didn't put in where
3 his truck was. We put it in -- there was a concrete landing
4 before that, which was a nicer landing that you weren't going
5 to get stuck at. And we, my dad and I, went out on the lake
6 and searched for Mike. He was searching and I was just lying.

7 Q My understanding, a weather front came through and
8 it rained during that evening?

9 A There was a storm that came through that night. I
10 think we got off the lake before that happened. But, you
11 know, my dad wanted to look -- I think we were the last ones
12 on the lake and my dad didn't want to give up. My dad loved
13 Mike.

14 THE COURT: Now would be a good time to take a
15 break. Why don't we take ten minutes.

16 (A recess was had.)

17 THE COURT: Let's have the jury, please.

18 (Discussion off the record.)

19 (Jury enters.)

20 THE COURT: All right. Everybody be seated.

21 You may proceed, Mr. Fuchs.

22 MR. FUCHS: Thank you, Your Honor.

23 BY MR. FUCHS:

24 Q So, Mr. Winchester, you were talking about how you
25 and your father had gone back to the lake. It was later that

1 evening when you were searching, before the weather came in.

2 Did you find anything that evening?

3 A Yes, sir. I didn't really -- I mean, I knew where
4 Mike's boat was, and I didn't really want to be the one that
5 found it. I would have rather that somebody else had found
6 it. But my dad was just really determined and, you know, he
7 took us to a spot -- I knew it was going to be there. But he
8 took us to a spot and, sure enough, there was Mike's boat. So
9 we found his boat. And I think we just left it. We didn't
10 touch it. We left it where it was and went back in and told
11 whoever the law enforcement people were there at the time.

12 But shortly thereafter a pretty bad storm, rain
13 storm, and I think cold front came through that night.

14 Q And did you go back to the lake the next day?

15 A I'm sure. I'm sure I did. The next two months are
16 kind of a blur for me. But, yes, I spent lots of time at the
17 lake during the search because I kind of wanted to monitor
18 what was going on. I wanted to put up a good, you know, front
19 to look like I was out there looking like everybody else. But
20 I was out there a lot.

21 Q At some point a hat was found on the lake?

22 A A hat?

23 Q Yeah.

24 A Yes, sir.

25 Q Were you the one that found that hat?

1 A I was not the one that found it. I was the one that
2 put it in the water during one of my searches on the lake. I
3 was -- well, Denise and I were getting concerned that nothing
4 else was being found out there. And I was hoping that his
5 waders and jacket and all would be found to kind of confirm
6 that he had drowned there. And I wanted to keep the searchers
7 in that particular area.

8 So I took a hat that was similar to a hat that Mike
9 used, which was real distinctive. It had a weird looking bill
10 on it and stuff. And when I was out there with another friend
11 of mine I threw it in the water in that area, because I wanted
12 to keep the people in that area. Because I wanted the waders
13 and the jacket to be found to confirm that that's where Mike
14 was and where he went into the water.

15 Q Was that hat eventually found?

16 A It was.

17 Q And you were asked to identify it?

18 A Yes, sir.

19 Q You told law enforcements it was Mike's?

20 A Yes, sir.

21 Q You brought up a point about you and Denise had
22 concerns or were talking at that point?

23 A Uh-huh.

24 Q Following Mike's murder on the 16th, what
25 communication did you have with Denise?

1 A I can't remember the first time that we talked. We
2 had prearranged that, obviously, our communication needed to
3 be minimal, both by phone and in person. Obviously, we
4 weren't going to be meeting up in parking lots and having sex
5 and doing all that was normal for us to be doing. So we had
6 decided that -- is this too close to me?

7 Q You can push it back a little bit. It's a little
8 louder now than it used to be.

9 A It feels like I'm at a concert.

10 So we had decided ahead of time that we really
11 needed to minimize our contact. I got a lot of information
12 about Denise and what was going on with Denise through Kathy,
13 who was going over to her house and seeing her and talking to
14 her.

15 Denise kind of sequestered herself up in her bedroom
16 and didn't want to be around a lot of people during that time,
17 which was smart of her to do. And so I got a lot of
18 information from Kathy.

19 But, eventually, you know, she and I talked. And
20 there never was a conversation that was like, well, did it all
21 go according to plan or, you know, we -- first of all, I
22 didn't want to talk about that because that was not the plan.
23 What happened with Mike was not the plan that Denise and I had
24 come up with. And I --

25 Q Let me stop you right there. I want to make clear,

1 the plan didn't play out the way you wanted it to, but it
2 certainly -- was it the plan that you and Denise had discussed
3 to actually have him killed?

4 A The plan was for his death to occur, but it was not
5 for it to occur in the way that it did. I mean, the plan was
6 for him to fall in the water and for him to have a chance to
7 survive it. But, obviously, that's not what happened. And I
8 didn't want to tell Denise that.

9 So we never had a conversation that was like, did it
10 all go according to plan? But it was quite obvious from the
11 circumstances that Mike was gone and, you know, she assumed
12 that what we talked about, the plan that we had made, she
13 assumed that that was what had happened. It wasn't until
14 years later that I tried to and somewhat told her that that's
15 not what ended up happening.

16 Q Okay. So at some point you and her start talking
17 again, despite the distances. When was that?

18 A The first time, I'd be guessing. I mean, I would
19 say a few days before we talked -- I'm sure the first time we
20 talked was just on the phone. It was a little while before I
21 saw her in person. Because I remember being kind of nervous
22 and I just knew it would be weird to see her because of what
23 we had done. I just knew it would be weird to see her after
24 that. Kind of to face each other after that.

25 But, you know, as the search went on and, you know,

1 long term as things got back to normal, we just kind of
2 settled back into the same routines. But the next thing,
3 obviously, that we had to deal with was the fact that his body
4 wasn't being found. And so the concern between she and I then
5 became, well, if his body is not found what's going to happen
6 with the life insurance.

7 Q Okay. This is a conversation you're having with
8 her?

9 A Yes.

10 Q Okay. And what is she saying? What is her concern?

11 A Well, that if his body is not found, you know,
12 what's going to happen? Is she going to get the money or not?

13 Q So did you and/or her take any steps to facilitate
14 that?

15 A To facilitate her getting the money?

16 Q Yeah.

17 A I was not in a hurry to push that issue. I felt
18 like we needed to kind of lay low on that and not appear to
19 be, you know, the eager widow ready to cash in on her life
20 insurance.

21 Also, she was getting -- at that time, insurance
22 companies were paying a ridiculous amount. I think eight
23 percent they were required to pay on death benefit proceeds.
24 So she was earning eight percent as long as the money sat
25 there, which you couldn't get that outside in a bank or

1 anything like that. So I knew the longer it drug out the
2 better it was going to be. We talked about that.

3 Again, it was actually -- again, it was actually my
4 dad, because he was concerned about Denise and he wanted her
5 to get her money so she could pay her bills. And, you know,
6 he pushed it through the hoops that needed to happen for her
7 to end up getting the money quickly as she could.

8 But what we came to learn -- what he came to learn,
9 what we all came to learn was she was going to have to get a
10 death certificate issued by a judge through a court. So
11 probably my dad or me hooked her up with an attorney, Curt
12 Hunter. And she talked with Curt about what needed to be
13 done.

14 And, I think, basically, she had to file a petition
15 with the Court stating everything that happened. Talking
16 about what a wonderful marriage she had with Mike. There was
17 no reason for him to run off on her. I can't remember what
18 all had to go in the petition. But we talked about that ahead
19 of time.

20 And she ended up filing a petition. And it was
21 granted and she was issued a death certificate. So she was
22 able to get the money.

23 Q Now, the money gets paid out, Mike's body is not
24 found. You and her, you said got back into your routine.
25 Were there any conversations about what had happened?

1 A About what had happened specifically with Mike?

2 Q Yes.

3 A No.

4 Q Okay. At some point law enforcement takes other
5 looks at the case and interviews people. Did y'all have any
6 conversations about that?

7 A Well, this was years later and a lot transpired in
8 between Mike's death and law enforcement getting involved. I
9 think it was three years later, maybe. But the first thing
10 that happened with me was I just got a call from a deputy. I
11 don't remember if it was a Jackson County Sheriff officer or
12 an investigator with FDLE.

13 But I got a call from somebody and they wanted to
14 talk to me about Mike Williams and the case. And I agreed and
15 went in to FDLE on Riggins Road there and interviewed with two
16 gentlemen there.

17 And it became quite clear to me during that
18 interview that they were suspicious of what happened. And not
19 only that, they were suspicious of me and Denise. And I think
20 even after I left that interview I called her immediately and
21 was freaking out. You know, that this was going on. And --

22 Q Let me stop you right there. So you had gone in and
23 you had done an interview. You mentioned that there were
24 things -- a lot of things that happened prior to that. And
25 this is approximately 2003, 2004 something like that --

1 A Yes, sir.

2 Q -- when you were interviewed?

3 A Right.

4 Q So prior to that occurring, had you and Denise
5 talked about a possibility of what you would do if law
6 enforcement started investigating this?

7 A Yeah. I mean, we basically weren't going to say
8 anything. We had -- the way that we -- the word that we put
9 on it was we had an agreement that she would never say
10 anything about me and I would never say anything about her.
11 Because we knew or we felt like that as long as neither one of
12 us talked that nobody would ever, you know, find out what
13 happened. So we called it our agreement, basically. And we
14 were probably pretty arrogantly confident in that agreement, I
15 guess.

16 Q Did you and her take any steps to ensure the fact
17 that wiretaps or -- having a conversation with her, code
18 words, code signals, things like that?

19 A We didn't get that way until after law enforcement
20 started looking into things.

21 The other thing that made us really paranoid was
22 Denise -- at first Denise was allowing Cheryl, Mike's mom, to
23 see Anslee and taking Anslee -- Mike and Denise's daughter,
24 Anslee, out to Cheryl, Grandma Cheryl's house. And on one of
25 those trips out to Cheryl's house Denise found a notebook that

1 Cheryl had and she had written her suspicions about Denise and
2 me, and what had happened with Mike.

3 And when Cheryl was in another room or something
4 Denise read that. And came back and told me what she had read
5 and really freaked out about it. And at that point didn't
6 want Cheryl to -- didn't want any contact with Cheryl, really.

7 But between that and law enforcement getting
8 involved, we became very paranoid about being monitored. So
9 we agreed and talked about we weren't going to talk about
10 anything on the phones anymore. We were worried about our
11 cars being bugged. Our houses being bugged. We had hand
12 signals that we would use if we needed to talk about something
13 related to Mike or law enforcement.

14 Q What are those hand signals?

15 A One of them was a C for Cheryl. And then the other
16 one was this (indicating). Like, jail bars. So when we did
17 that we knew that one or the other of us had something to talk
18 about. And we would usually go -- there was a park next to --
19 there is a park next to Denise's house along Miccosukee Road.
20 We would go out to that park and go way out in a field on a
21 bench.

22 And we would leave our cars [sic] in the vehicle.
23 We wouldn't take -- we would leave our phones in the vehicle.
24 Make sure we didn't have a phone on us. We were very
25 concerned that we were being watched or monitored by law

1 enforcement.

2 Q Now, backing up again, prior to the interview.
3 You're still married in 2000 to Kathy. And you started your
4 relations back with Denise.

5 A (Nods.)

6 Q At some point did your marriage with Kathy start
7 falling apart?

8 A Yes, sir.

9 Q When was that?

10 A I mean, it had started -- it had started, you know,
11 when Denise and I started our affair in '97. But after Mike
12 was gone, we actually -- Kathy and I spent even more time with
13 Denise. The three of us doing a lot of things. Just because
14 Denise and I wanted to be together. And, yeah, things just
15 got worse and worse.

16 I mean, Kathy, you know, told me later that after
17 Mike was gone it was like there was no reason for me and
18 Denise to be apart from each other. She made comments like
19 that. But I think she was suspicious of us, you know, all
20 along. But I never admitted to Kathy that Denise and I were
21 having an affair, obviously.

22 And that was just kind of, basically, the next step
23 in the plan. But it couldn't be right off because that would
24 look bad. So Kathy and I ended up staying together. I think
25 our divorce wasn't finalized until 2004, I believe.

1 Q At some point did you and Kathy separate prior to
2 the divorce?

3 A Yes, sir.

4 Q At some point was there a situation where you
5 backtracked, essentially, and started -- and made a pledge to
6 try and get back with Kathy and not go with Denise?

7 A Yes, sir.

8 Q What was that about?

9 A There was a lot that led up to that. As you said,
10 we were separated. So Kathy and I were separated. I had a
11 house to myself. There was the incident that you talked
12 about -- we talked about earlier with Angela Stafford. Where
13 Denise walked in on Angela and I in my bedroom.

14 After that happened Denise was furious. And she,
15 you know, we had a briefcase full of momentos, cards, notes,
16 letters, pictures, videos, all sorts of things. She left my
17 house and went to her house and burned it all. She was very
18 angry with me. I didn't know it at the time, but she actually
19 was having sex with a guy that she worked with at work. And I
20 think when she caught me with --

21 Q Is that Charles Bunker?

22 A I'm sorry?

23 Q Charles Bunker?

24 A Yes, sir.

25 And, so, when she caught me with Angela, I think she

1 decided at that point, well, I'm going to drop Brian and
2 pursue a relationship with Mr. Bunker. And, so, things just,
3 basically, like, went to hell with me and Denise.

4 And, long story short, I mean, I just realized what
5 a disaster my life was at that point. And Denise and I had --
6 well, we hadn't broken up. She had basically dumped me for
7 Chuck. And I found myself at church one day on July 4th.
8 Heard a sermon about freedom. You know, I felt like I was a
9 slave to all that I had been living for, you know, in my
10 relationship with Denise. And I had a -- I guess you would
11 call it a spiritual awakening or conversion, however you want
12 to term it.

13 Eventually, the relationship with Denise and
14 Mr. Bunker went haywire and south. They had their legal
15 issues with each other.

16 Q Let's stop there real quick. Because you're on
17 Mr. Bunker. Was there an incident between you and Mr. Bunker?

18 A That happened prior to me going to church that day.
19 But, yes, sir.

20 The way that I found out about Denise and Chuck was,
21 she left town with him. Went up to Atlanta on a trip
22 together. And I found out from one of her sisters that they
23 were in Atlanta.

24 And I was not happy. I was angry. And I wanted to
25 confront her, you know. Because we had been through a lot.

1 Done a lot for each other. I mean, I gave up half of my son's
2 life to be with her. You know, killed her husband. And we'd
3 done a lot to be together. And then for her to turn around
4 and go, you know, sleep with Chuck didn't make me happy.

5 So I found out they were in Buckhead in Atlanta.
6 And I drove up there to confront them -- confront her. I
7 didn't really care about him so much. But I ended up
8 finding -- I ended up sitting in a lobby in a hotel and they
9 came strolling by together. And, you know, I confronted them.
10 And we ended up going outside and having a long
11 argument/conversation out next to the street in Buckhead.

12 She -- I wanted Chuck gone. I didn't want to deal
13 with Chuck. So my main focus was, you need to get rid of
14 Chuck. She got rid of him. Got him to leave us alone. And
15 she and I spent the night together in the hotel. And I didn't
16 know it at the time, but she was just kind of placating me
17 when Chuck was -- I think, got a room down the hallway in the
18 hotel. Didn't really leave. But -- so we had that incident.

19 And Denise told me later that the way that she got
20 rid of Chuck was she told him that if he didn't leave that I
21 could have her turned in for insurance fraud. Which I thought
22 was just -- it blew my mind that she told him that. I
23 couldn't believe that she admitted that to another party.

24 Q Did you hear her say that or is that just what she
25 told you?

1 A She told me this later and we argued about it later.

2 So the incident with Chuck happened. And I drove
3 back to Tallahassee. And I was just done. I was just spent.
4 And that's what kind of led me to, kind of, I guess, what I
5 thought at the time was rock bottom. I didn't know I had so
6 many rock bottoms ahead of me.

7 But at that point I ended up in church and kind of
8 had a spiritual reawakening. And over the next few months I
9 decided that I wanted to try to reconcile with Kathy. I still
10 loved Denise. I still wanted to be with Denise.

11 Eventually, Denise and Chuck's relationship imploded
12 and they had their, you know, legal issues and whatnot. And
13 so they broke up. My dad actually helped Denise through all
14 of that.

15 Q So they break up. You try to get back with Kathy?

16 A They broke up and Denise and I -- Denise kind of had
17 her own spiritual awakening. And I know this sounds all
18 screwy. But we wanted to be together still but we both agreed
19 that the right thing for me to do was to try to get with
20 Kathy. And if Kathy decided that wasn't going to happen, then
21 we were free to be together.

22 Q Is that what you did?

23 A And so -- yes, I tried to reconcile with Kathy.

24 Q Did that work out?

25 A Not well.

1 Q Eventually you and Kathy ended up in a divorce?

2 A Yes, sir. We end up getting divorced. And so we're
3 free to be together. Mike's --

4 Q When was the divorce with Kathy?

5 A I'm -- this is terrible, but I don't remember when
6 it was finalized. Because we had a long separation. I don't
7 remember when the divorce itself was finalized.

8 Q At some point did you and Denise start becoming
9 public with your dating?

10 A Yes, sir. After the divorce was finalized and we
11 decided enough time had passed from Mike's death, we decided
12 it was okay for us to gradually start dating.

13 And, you know, we talked about it with a lot of
14 people. There were some people that took it well. There were
15 some people, like her family and her dad, who took it
16 horribly. But we did start dating.

17 Q Eventually you got married?

18 A And then we got married in 2005. We were still
19 concerned about the law enforcement side of it. But as time
20 passed and nothing happened, we became less and less concerned
21 about it.

22 Q You say that you were still concerned. Did y'all
23 have communications between each other about what would you do
24 if law enforcement ever interviewed?

25 A Right. You know, things would come up in the media.

1 we would see things online or in the news. Cheryl, you know,
2 never gave up and kept pushing things. And so from time to
3 time that issue would be raised. And I always wanted to talk
4 about things a lot more than Denise. Denise did not like to
5 talk about anything related to that usually. But we -- you
6 know, we would typically not talk in the house. We would
7 typically talk, you know, out at Lake Ella or a public place,
8 or wherever where we felt like we weren't being monitored,
9 even at that point.

10 Q And did y'all have an agreement -- a pact, the
11 agreement not to talk to law enforcement?

12 A Yes. I mean, we promised each other that neither
13 one of us would ever say anything. Because we knew the only
14 way that -- we felt like the only way they would get anything
15 would be if one of us talked.

16 And, I mean, I was concerned about Denise. If she
17 ever got under that pressure, whether she would hold up to it
18 or not. You know, Kathy actually warned me. I think, the
19 first time I heard Kathy talk about it, she said, you know --
20 Kathy was trying to get me to talk. But, basically, she said,
21 you know you can't trust Denise and she'll throw you under the
22 bus the first chance she gets.

23 Q Would it be fair to say that you made assurances to
24 her, being Denise, that you had not told anybody else about
25 this particular case?

1 A Yes, sir.

2 Q And did she make assurances to you that she had not
3 told anybody else?

4 A The only person I knew of was Mr. Bunker. But, you
5 know, she didn't say that Mike was murdered or anything like
6 that. She just supposedly --

7 Q The insurance part?

8 A Right.

9 Q Okay. Now, in 2016 you were -- there was the
10 kidnapping arrest?

11 A Yes, sir.

12 Q And following that you confessed to the murder of
13 Mike, correct?

14 A Yes, sir.

15 Q You led law enforcement to his remains?

16 A Yes, sir.

17 Q The conversations with Denise leading up to the
18 murder, did they occur in Leon County for the most part?

19 A Yes, sir.

20 Q The conversations with Denise following the murder,
21 where the agreement was never to talk to law enforcement, did
22 that occur in Leon County, Florida?

23 A Yes, sir.

24 Q Whenever she set up her alibi to stay at home and
25 make phone calls, did that occur in Leon County, Florida?

1 A Yes, sir.

2 Q We talked a lot about Denise Winchester or Williams,
3 formerly Winchester. Do you see her here in the courtroom
4 today?

5 A Yes, sir.

6 Q Can you please point to her and indicate an article
7 of clothing?

8 A An article of clothing? The pink sweater.

9 MR. FUCHS: May the record please reflect he's
10 indicated the defendant, Ms. Denise Williams.

11 I have no further questions at this time.

12 THE COURT: You can step out.

13 So we had talked with the -- I had talked with the
14 attorneys earlier and decided that it was too late to
15 start into the cross-examination by the defense. It's
16 not fair to make them go a little while and then break up
17 their cross-examination.

18 So I hope it doesn't break your heart, but we're
19 going to break for the evening. It's a pretty reasonable
20 time. Just leave your notes where they are. Don't
21 discuss the case with anyone. Don't let anyone discuss
22 the case with you.

23 Let's stay off the internet and social media. Don't
24 review any media accounts of what's going on here. Let's
25 be back tomorrow at 8:45 so we can get started promptly

1 with this. The parking arrangement will be the same. So
2 they'll bring you up the back way.

3 Now, somebody ended up over here. I don't know
4 exactly. Don't go to the front of the courtroom. Come
5 to the back so we can get you in the jury room. You
6 don't need to be hanging out over here with the witnesses
7 and so forth.

8 Make sure before they leave, everybody's clear on
9 where they're coming and what the plan is. Anybody
10 confused or have an issue about? If not, we'll let you
11 step out with the bailiff. We'll see you all tomorrow
12 morning, 8:45. Just leave your notes where they are.

13 (Jury exits.)

14 THE COURT: All right. Everybody be seated.

15 Any issues from either side?

16 MR. FUCHS: Not from the State, Your Honor.

17 MR. PADAVANO: Your Honor, while we have a moment, I
18 know you were interested of getting advanced notice of
19 special jury instructions.

20 THE COURT: Correct.

21 MR. PADAVANO: And I just discovered one issue that
22 I didn't think of before. The standard jury instruction
23 on accessory after the fact doesn't have anything in it
24 about the immunity in the statute for husband and wife.

25 And if you look at the statute, the statute requires

1 the State to prove that the parties were not in the
2 position of husband and wife. And, in this case, if you
3 look at the dates in the indictment, there's a period of
4 time in which they were married. There's a period of
5 time in the indictment that is after they're married.

6 So I think what we're going to need to do -- and I
7 don't mean to give you a full scale argument. I can have
8 something for you tomorrow. Just -- my intention now is
9 to give you --

10 THE COURT: I thought that applied only if it was a
11 third-degree felony was my --

12 MR. PADAVANO: You know, that could be.

13 THE COURT: -- my recollection of looking at it.
14 And I did consider that issue. But I think in the jury
15 instructions they specify that this only applies if it's
16 not a third-degree felony.

17 MR. PADAVANO: Well, if that's the case, Your Honor,
18 that will resolve the problem. I'll take a look at it
19 again and make sure. But I didn't want to omit that if
20 it was something that we needed to do.

21 THE COURT: Right. If you look at 777.03, the
22 accessory after the fact, 1(a) goes to, you know, what
23 you're talking about, wife or other family member, and
24 such crime was a third-degree felony. I think you need
25 to look at it and be certain of it. But I think that's

1 the provision that would come into play.

2 MR. PADAVANO: I'll take your word for it. And
3 maybe this is not an issue at all.

4 THE COURT: And if you think an instruction is
5 appropriate, draft something for me.

6 MR. PADAVANO: Thank you, sir.

7 THE COURT: Anything else?

8 MR. FUCHS: No, Your Honor.

9 THE COURT: So how are we doing time-wise,
10 Mr. Fuchs?

11 MR. FUCHS: A little bit behind schedule, but not
12 much. And we'll make up for it probably tomorrow. I
13 think we'll be all right. We're still in the
14 two-and-a-half, three-day range even with the delay.

15 THE COURT: Okay. Mr. Way?

16 MR. WAY: I anticipate having all of my -- I've
17 contacted my witnesses and even the ones traveling will
18 be here Thursday morning. We would not anticipate
19 getting to the defense case, depending on where we are
20 time wise.

21 THE COURT: Certainly not tomorrow. It would look
22 like some time Thursday, probably. Sometimes the days
23 escape you.

24 So sometime Thursday I would think we would be into
25 the defense case.

1 MR. FUCHS: Yes, sir.

2 MR. WAY: That's what I anticipate, Your Honor.

3 THE COURT: All right. Anything else? If not,
4 we'll see you all 8:30 tomorrow morning.

5 MR. WAY: Yes, Your Honor.

6 MR. FUCHS: Thank you, Your Honor.

7 (Proceedings in the matter concluded for the day.)

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1 CERTIFICATE

2 STATE OF FLORIDA:

3 COUNTY OF LEON:

4 I, Johana M. Kesterson, Official Reporter, do hereby
5 certify that the foregoing proceedings were taken before me at
6 the time and place therein designated; that my shorthand notes
7 were thereafter translated under my supervision; and the
8 foregoing pages are a true and correct record of the aforesaid
9 proceedings.

10 I FURTHER CERTIFY that I am not a relative,
11 employee, attorney or counsel of any of the parties, nor
12 relative or employee of such attorney or counsel, or
13 financially interested in the foregoing action.

14 DATED this 12th day of April, 2019.
15
16
17
18

19 _____
20 JOHANA M. KESTERSON
21 OFFICIAL COURT REPORTER
22 LEON COUNTY COURTHOUSE
23 TALLAHASSEE, FLORIDA 32301
24
25