

APPEAL-SENTENCING HEARING  
STATE OF FL V. JACKSON

June 02, 2025  
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IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA

CASE NO.: 2024-CF-000445

STATE OF FLORIDA,

SENTENCING HEARING  
APPEAL TRANSCRIPT  
(Pages 1-70)

vs.

JAYDEN JACKSON,

Defendant.

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DAWN NICHOLS  
CIRCUIT COURT JUDGE

\* \* \* \* \*

(STENOGRAPHICALLY TRANSCRIBED VIA DIGITAL RECORDING)

DATE TAKEN: JUNE 2, 2025

TIME: COMMENCED AT 1:30 P.M.  
CONCLUDED AT 2:57 P.M.

PLACE: KIM C. HAMMOND JUSTICE CENTER  
1769 EAST MOODY BOULEVARD  
BUNNELL, FLORIDA

STENOGRAPHICALLY SUSAN GARDNER  
TRANSCRIBED BY: COURT REPORTER

\* \* \* \* \*

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(Audio begins at 1:30 p.m.)

PROCEEDINGS

THE BAILIFF: All rise.

THE COURT: Everyone please be seated. And if you're here to testify or if you're here for your case, please raise your right hand to be sworn.

THE CLERK: Do you swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth so help you God?

THE WITNESSES: (Answer in the affirmative.)

THE COURT: All right. We are here in Case Number 24-CF-445, State v. Jackson. And we are here for sentencing. An open plea was entered several weeks ago.

Are we ready to proceed?

MR. LEWIS: State is ready, yes, ma'am.

THE COURT: All right.

MR. DAVIS: Yes, Your Honor.

THE COURT: All right. And have you all discussed who wishes to proceed first? It doesn't matter to me. State ready?

MR. LEWIS: It doesn't matter, Judge.

THE COURT: All right. State, you may proceed.

MR. LEWIS: Yes, ma'am.

The State will call to the stand Cpl. Sheffield.

THE COURT: Good afternoon, sir.



1 THE WITNESS: Good afternoon.

2 THE COURT: Mr. Lewis, you may proceed, sir.

3 MR. LEWIS: Thank you, Judge.

4 DIRECT EXAMINATION

5 BY MR. LEWIS:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. If I can have you just closer to the microphone so  
9 we can get it recorded well. Thank you.

10 Can you please introduce yourself to the Court and  
11 spell your last name.

12 A. Cpl. Devon Sheffield, S-H-E-F-F-I-E-L-D.

13 Q. Where do you work, sir?

14 A. Florida Highway Patrol.

15 Q. What is your current responsibility there?

16 A. Traffic homicide investigator.

17 Q. How long have you been at the Highway Patrol?

18 A. Twelve years.

19 Q. During the course of your career, how long have you  
20 been involved with the traffic homicide investigations?

21 A. Five years.

22 Q. During that time, about how many death  
23 investigations have you conducted, sir?

24 A. Couple hundred.

25 Q. And prior to that when you were a trooper, were you

1 involved in other investigations with crashes?

2 A. Absolutely.

3 Q. Did you take any specialized training?

4 A. A lot.

5 Q. And we don't need to go through all of them, but  
6 obviously did you take special investigations in pedestrian  
7 crashes?

8 A. Absolutely.

9 Q. And also in documenting a scene and being able to  
10 use measurements?

11 A. Yes, sir.

12 Q. Did you also during the course of your career also  
13 do reconstruction of scenes based tire marks and other  
14 physical evidence at the scene?

15 A. Yes, sir.

16 Q. Now, I want to bring your attention out to  
17 November 26, 2022. Were you working that evening or were you  
18 on call?

19 A. I was.

20 Q. Did you -- were you asked to respond out somewhere  
21 to assist with an investigation or to conduct an  
22 investigation?

23 A. I was.

24 Q. Where were you asked to respond to?

25 A. It was -- I don't remember the exact name of the

1 road but it was within Flagler County.

2 Q. Okay. Was that off of US 1, about 200 mile -- 200  
3 feet south of the intersection with Plantation Bay Boulevard?

4 A. Yes.

5 Q. Okay. What kind of area is that when you responded  
6 out there? What kind of road is it?

7 A. It's a four-lane divided highway.

8 Q. Okay.

9 A. Not a residential area as far as is next up to the  
10 side of the road. I believe there's some subdivisions well  
11 off the road, but it's just a four-lane divided highway.

12 Q. What's the first thing you did when you got out  
13 there, sir?

14 A. Walked the scene.

15 Q. What observations did you make when you walked the  
16 scene?

17 A. I saw the tire marks that led off the roadway into  
18 the center grass median. I followed those up to where we  
19 found the decedent and the debris that was both on the road  
20 and off the road.

21 MR. LEWIS: Judge, can I have you flip the screen  
22 on?

23 THE COURT: Yes, sir. Hold on just a second. Is it  
24 going to want to work today? There we go.

25 MR. LEWIS: Excellent.

1 BY MR. LEWIS:

2 Q. And if you can just describe for the judge what  
3 we're looking at right here, sir.

4 A. This is back before the scene. So this would have  
5 been the path of travel of the vehicle before it struck the  
6 pedestrian.

7 THE COURT: Yes sir.

8 THE WITNESS: You will see a set of tire marks which  
9 we refer to as furrows off in the grass.

10 BY MR. LEWIS:

11 Q. And we'll go through those in just a second.

12 A. Okay.

13 Q. But I you just wanted to -- you see how I zoomed in  
14 here, this little yellow --

15 A. Yes.

16 Q. -- is that where the victim was located underneath  
17 the yellow tarp?

18 A. Yes, sir.

19 Q. Okay. So if you can now, and if you need to step  
20 down to use my computer to do it you can, but can you indicate  
21 what we're looking at here and what was important for you in  
22 your reconstruction?

23 A. You will see the furrows for each side of the  
24 vehicle off in the grass right there, the right side where  
25 your pointer is, and there's a left. You'll see the furrows

1 continue up where they travel back halfway on to the road and  
2 travel around the sign there in the median. And then they  
3 continue on back into the grass all the way up to the area of  
4 collision.

5 Q. Okay. So when you say furrows, I'm sure you know  
6 what you're talking about, but are you talking about are those  
7 tire marks for us lay folks?

8 A. Yes, sir.

9 Q. Okay. And then are these tire marks that are  
10 consistent with being consistent with the vehicle involved in  
11 this crash?

12 A. Yes, sir.

13 Q. Tell us if you can, and I'm just tracing, so we're  
14 farther back out here.

15 A. Mm-hmm.

16 Q. Now, the vehicle goes off -- the vehicle in this  
17 case goes off into the grass and is driving in the grass, and  
18 then it cuts back on before the sign and then you saw more  
19 marks in that it cuts back into the grass?

20 A. Yes, sir.

21 Q. Okay. And then were you able -- let's go to the  
22 next picture. This is, I guess, a closer up of that and you  
23 can see the victim underneath the yellow tarp.

24 A. Mm-hmm.

25 Q. And this angle here, is it tougher to see the tire

1 marks, it would be behind it?

2 A. Yes. Just because it's -- it's not a skid mark on a  
3 paved road where it's a lot clearer. You would really need to  
4 be standing in the path of travel to see it better.

5 Q. And did you walk the grass yourself to make those  
6 observations?

7 A. Absolutely.

8 Q. And do you -- are you able to walk the path and see  
9 where the tires seem to interact with where the impact would  
10 have been in this case?

11 A. Yes, sir.

12 Q. What do you call that in your investigation?

13 A. The area of collision.

14 Q. Now, this is a closer up of that. What do we see  
15 right there, that little -- right here, the little black  
16 thing, is that -- is that a shoe?

17 A. Yes, sir.

18 Q. Was that in the area of collision or impact?

19 A. Yes, sir.

20 Q. All this other debris that we see here, can you  
21 explain what that is and how the debris field actually works?

22 A. Some of it is vehicle parts, some of it is stuff  
23 that was in the victim's pockets or on the victim's person.  
24 Usually when a crash occurs, especially in like a vehicle  
25 versus a pedestrian, we have what's called a cone of debris,

1 so that kind of gives us a general direction of where -- and  
2 if you follow that cone back, they usually come back to a  
3 point like a triangle, and that will get you back to a real  
4 close area of collision.

5 Q. Okay. And would it be fair to say, though, that  
6 when there is a pedestrian versus a vehicle, that the momentum  
7 of the crash would take some of that debris still going  
8 forward?

9 A. Absolutely.

10 Q. Now we see the victim here or we see the actual  
11 victim right there in the yellow. There is where the area of  
12 collision occurred, though. How did she wind up all the way  
13 over there?

14 A. The momentum from the crash, in relatively in better  
15 terms, threw her in that direction and that's where she came  
16 to final rest.

17 Q. Did you have an opportunity to eventually look at  
18 the vehicle involved in this case?

19 A. Yes, I did.

20 Q. And we'll come back to some of these pictures in a  
21 moment, but where was the damage on that vehicle, if you  
22 recall?

23 A. Driver's side headlight.

24 Q. Driver's side headlight. Okay. And is it  
25 consistent, in your opinion, with the victim being struck on

1 that spot and being able to line up all the way where she did?

2 A. Yes.

3 Q. Is it now -- we see there's a shoe here. Can you  
4 explain to the Court in a pedestrian versus vehicle collision  
5 even if someone is wearing their shoes, what will happen with  
6 their shoes at times?

7 A. It's very common that they will be knocked out of  
8 their shoes. And usually if they're wearing a hat, it will be  
9 relatively close to the area of collision as well.

10 Q. So it's not uncommon for someone to actually be in  
11 their shoes, and basically during the crash be thrown from  
12 their shoes?

13 A. Absolutely.

14 Q. Now, this is a farther back view. Does it help you,  
15 can you see the marks there at all?

16 A. Yes, I can.

17 Q. Okay. And we'll just fast forward to here. Can you  
18 explain to the judge what that is and what your purpose of  
19 photographing that is?

20 A. That would be part of the tire furrows and usually  
21 with that kicked up dirt spot right there, they're either  
22 accelerating or decelerating.

23 Q. Okay. And once again this is just the cone, this is  
24 the area of debris right here?

25 A. Mm-hmm.



1 Q. And let's fast forward to here. If you can, and I  
2 know it's difficult to, but if you can, based on your  
3 reconstruction, can you tell us initially what we're seeing  
4 here?

5 A. This is identifying where the tire marks begin in  
6 the median.

7 Q. Okay.

8 A. As they continue on and then you can see where as  
9 the vehicle travels back partially on to the roadway up to  
10 where -- if you can move your cursor a little bit further  
11 down, right there, at that identification mark is where it  
12 goes back into the roadway and then travels back into the  
13 median all the way up until the area of collision.

14 Q. Okay. So we're clear, the vehicle goes into the  
15 grass?

16 A. Mm-hmm.

17 Q. Back almost into the roadway?

18 A. Mm-hmm.

19 Q. Is that correct, yes?

20 A. Yes.

21 Q. Sorry. Just for the documenting purposes.

22 And then the vehicle goes back into the grass again?

23 A. Yes, sir.

24 Q. And then you see right here where it says "Area of  
25 collision," is that where you have determined the area of

1 collision is, in the grass area there?

2 A. Yes, sir.

3 Q. So this did not happen in the pavement roadway?

4 A. No, sir.

5 Q. The victim was not walking in the roadway?

6 A. No, sir. And I was able to identify that that was  
7 one continuous set of furrows because the driver side never  
8 went back on to the pavement. It was in the grass the entire  
9 time from the beginning to area of collision.

10 Q. Can you just say that a little slower. So you were  
11 able to follow the driver's side tires from the beginning of  
12 the incident to the end, and never really left the grass area?

13 A. Correct.

14 Q. Were you able to basically follow those tires to  
15 where the area of collision was?

16 A. Yes, sir.

17 Q. When I say tires, you mean furrow marks?

18 A. Yes, sir.

19 Q. Now, let me ask you, when you -- speed calculation  
20 in a case like this, are you able to do a speed calculation?

21 A. No.

22 Q. Can you explain why you wouldn't do a speed  
23 calculation in a case like this?

24 A. A common pedestrian strike calculation we could have  
25 used would have been serial, but because it was so far to the

1 edge of the vehicle that's usually utilized as a pedestrian  
2 struck towards the middle of the vehicle, where with this it's  
3 a corner hit.

4 Q. Okay.

5 A. So a lot of that momentum is being redirected off  
6 and we're not able to utilize it.

7 Q. And you didn't do a speed calculation in this case,  
8 so you can't sit here and say whether or not the defendant was  
9 speeding or not speeding?

10 A. No, I cannot.

11 Q. Okay.

12 MR. LEWIS: Can I just have one moment, Judge?

13 THE COURT: Yes, sir.

14 MR. LEWIS: No other questions at this time, Judge.

15 THE COURT: Mr. Davis?

16 MR. DAVIS: Yes, ma'am.

17 CROSS-EXAMINATION

18 BY MR. DAVIS:

19 Q. Good afternoon, Corporal.

20 A. Good afternoon, sir.

21 Q. How are you?

22 A. Good. How are you?

23 Q. Doing well, sir. Thank you.

24 I noticed in the pictures everything was nice and  
25 sunny. Is that when the investigation was done?

1 A. It was not when we first got there, no.

2 Q. So when you first got there on that part of US 1, it  
3 was like what, three o'clock in the morning?

4 A. I don't recall the exact time. It's been too long.  
5 I'd have to refer back to the report.

6 Q. Okay. Was it the middle of the night?

7 A. Again, I don't recall. I know the crash occurred  
8 during that time, but as far as exactly what time I got there,  
9 I don't recall. I'm not the one that took the photos.

10 Q. Okay. Was it light or dark when you got there?

11 A. Again, I don't recall. I'm just being honest.

12 Q. Have you ever been on that road before this night?

13 A. Not to my recollection.

14 Q. Okay.

15 A. I'm not from this area. I'm from Nassau County.

16 Q. Okay.

17 THE COURT: Which county?

18 THE WITNESS: Nassau.

19 THE COURT: Nassau?

20 THE WITNESS: Yes.

21 BY MR. DAVIS:

22 Q. So in this investigation, did you notice whether the  
23 area is well-lit or anything of that nature?

24 A. I don't believe it is.

25 Q. Okay. So this is -- to your knowledge, you said

1 this is your first time ever going on that road?

2 A. Yes.

3 Q. Okay. And when you found the victim, did she have  
4 any illuminating-type things on her like a jacket or a vest or  
5 something that would make her be seen?

6 A. No. Not that I recall.

7 Q. And the clothes she was wearing, she was all black  
8 or all black clothes?

9 A. You said the clothes were all black?

10 Q. Yes, sir.

11 A. I would have to refer back to the photo but I  
12 believe it was dark clothing, yes.

13 Q. Okay. And the female herself was a black female,  
14 correct?

15 A. Correct.

16 Q. Okay. And she was walking in the middle of the  
17 road?

18 A. Of the grass median, yes.

19 Q. Okay. So if we have, what we saw from those  
20 pictures, we have like what would be referred to as the  
21 passing lane going north?

22 A. Mm-hmm.

23 Q. And then we have the regular slow lane going north.  
24 She would be to the left of the passing lane?

25 A. Correct.

1 Q. Okay. In the rules of traffic and everything which  
2 I assume you're extremely familiar with, when you're walking  
3 as a person on a road, the rules of traffic are that you walk  
4 on the ride hand side of the road; is that correct, sir?

5 A. You have to be in a crosswalk or off the road when  
6 walking with the flow of traffic off the roadway, yes.

7 Q. Right. So not in the middle where the median is?

8 A. Correct.

9 Q. Okay. And as well you testified that this was not a  
10 center hit because you couldn't calculate the speed it was  
11 going?

12 A. Correct.

13 Q. And this was mainly on like -- we'll call it like  
14 the left -- the left front light?

15 A. Corner.

16 Q. Corner, right. So this was not like a dead -- this  
17 was more of like something that caught on the edge of the  
18 vehicle?

19 A. At the headlight, yes.

20 Q. At the headlight. Okay.

21 MR. DAVIS: Nothing further, sir.

22 THE COURT: Any follow up, Mr. Lewis?

23 REDIRECT EXAMINATION

24 BY MR. LEWIS:

25 Q. Just curiously, you know about traffic, driving?

1 A. I do.

2 Q. Is traffic -- are people supposed to drive in the  
3 median?

4 A. No.

5 Q. Okay. So that would be against the law?

6 A. Yes.

7 Q. Thank you.

8 MR. LEWIS: No further questions for him, Judge.

9 THE COURT: May he be released?

10 MR. LEWIS: Yes, ma'am.

11 THE COURT: All right, sir, thank you very much.

12 THE WITNESS: Thank you.

13 THE COURT: Your next witness, Mr. Lewis.

14 MR. LEWIS: Yes. The State would call Cpl. Visman.

15 THE COURT: Yes, sir, you may proceed.

16 MR. LEWIS: Yes, ma'am. Thank you, Judge.

17 DIRECT EXAMINATION

18 BY MR. LEWIS:

19 Q. Sir, can you please introduce yourself to the Court  
20 and spell your last name.

21 A. Cpl. Clayton Visman, V-I-S-M-A-N.

22 Q. Where do you work, sir?

23 A. Florida Highway Patrol.

24 Q. What do you do there?

25 A. Traffic homicide investigations.

1 Q. How long have you been with the Highway Patrol?

2 A. Just over 10 years.

3 Q. How long have you been in the Traffic Homicide Unit?

4 A. Just over three years.

5 Q. During the course of your time at Florida Highway  
6 Patrol, about how many death investigations do you think  
7 you've worked?

8 A. Over a hundred.

9 Q. Can I get you a little closer to the microphone.  
10 I'm sorry.

11 A. Yes, sir. I'm sorry.

12 Q. I don't hear well.

13 When you were just a regular patrol officer -- well,  
14 when you were on Highway Patrol, did you also investigate  
15 crashes?

16 A. Yes, sir.

17 Q. Well into the thousands?

18 A. Close to it.

19 Q. Okay. Were you assigned eventually as the lead  
20 traffic homicide investigator in this case?

21 A. Yes, sir.

22 Q. And we don't need to rehash the reconstruction but I  
23 wanted to talk to you about did you talk to certain  
24 individuals in this case to gather some information?

25 A. Yes, sir.



1 Q. Okay. First one I want to start with is Deputy  
2 Brian Jackson. Did you interview him at some point, sir?

3 A. Yes, sir.

4 Q. And during your interview, did you ask him what his  
5 relation was to Jayden Jackson?

6 A. Yes, sir.

7 Q. And what did he tell you?

8 A. Mr. Jackson is Jayden Jackson's father.

9 Q. Okay. Did you determine whose truck it was involved  
10 in the crash?

11 A. Yes, sir.

12 Q. Whose truck was it?

13 A. Mr. Brian Jackson's.

14 Q. Okay. So that's Deputy Jackson's truck was the one?

15 A. Yes, sir.

16 Q. Did he tell you where he was when the crash  
17 occurred?

18 A. He was in South Florida for Honor Guard duties.

19 Q. Did he indicate whether or not he gave permission  
20 for his son to take his truck?

21 A. My recollection he did not give permission but in  
22 his own words, his kids take his stuff because they're his  
23 kids.

24 Q. Okay. Ultimately, did he tell you he received a  
25 text message or a call from his son indicating his truck had

1 been involved in a crash?

2 A. Yes, sir.

3 Q. What did he tell you his son told him?

4 A. I believe he initially told him that it was a deer,  
5 and then I believe it was another vehicle. It kept changing  
6 between a deer strike and another vehicle.

7 Q. Right. Okay. And did Deputy Jackson indicate  
8 whether or not he had some concerns about the explanation  
9 about it being a deer?

10 A. He did. If I'm remembering correctly he said based  
11 upon his experience and his working as a firefighter and as a  
12 deputy sheriff, the damage was not consistent with a collision  
13 with a deer.

14 Q. Do you recall if he had another individual, another  
15 deputy sheriff who may have had some experience doing traffic  
16 crashes present at the event with him?

17 A. Yes, sir.

18 Q. Did that individuals look at it too?

19 A. I believe so.

20 Q. Did he indicate that that individual said that it  
21 didn't look like it was a deer crash either?

22 A. Yes, sir.

23 Q. And did he indicate whether or not there was damage  
24 to the truck before he went down to Miami for this Honor Guard  
25 program?

1 A. He said there was no damage to the truck previously.

2 Q. Okay. Who was the person who actually reported this  
3 to law enforcement?

4 A. I believe it was a passerby.

5 Q. Ultimately, the tying of the vehicle, was that  
6 Deputy Jackson that actually did that?

7 A. Yes, sir.

8 Q. Okay.

9 A. If I remember correctly, he contacted the watch  
10 commander with Flagler County.

11 Q. Okay. And that was -- this occurred, I believe, on  
12 November 26th, I think?

13 A. Yes, sir.

14 Q. And that wasn't until the following day, November  
15 27th or after?

16 A. It was late in the afternoon. I don't remember the  
17 date exactly but it was that -- I think it was the same day  
18 Cpl. Sheffield was on the scene but it was just later that  
19 afternoon, like 6 o'clock in the evening or something.

20 Q. Okay.

21 THE COURT: And, Counsel, please, you may object,  
22 I'm just trying to understand the timeline. Do we know  
23 what time the passerby called in the accident?

24 THE WITNESS: It was -- I believe it was daylight or  
25 dawn hours. It was not close to when the crash actually

1           happened.

2           MR. LEWIS: May I approach the witness, Judge?

3           THE COURT: Yes.

4 BY MR. LEWIS:

5           Q. I'm just gonna approach and just -- if you can read  
6 this, it may not be all to tell you, but it will tell when you  
7 got your actual dispatch.

8           A. Do you want me to read it?

9           Q. To yourself and I'll ask you a question.

10          A. Yes, sir. Understood.

11          Q. Okay. Does it appear about what time of day it was  
12 reported?

13          A. About ten o'clock in the morning.

14          Q. And based on your investigation, were you able to  
15 tell about what time the crash actually occurred?

16          A. A little bit after four. About 4:10, if I  
17 remember -- if I recall correctly.

18          Q. A.m., in the morning?

19          A. Yes, sir.

20          Q. Okay. And it wasn't that Deputy Jackson was the one  
21 alerted to the victim being in the roadway, it wasn't Jayden  
22 Jackson, it was actually just another passerby who alerted  
23 everybody?

24          A. Yes, sir.

25          THE COURT: And does anything reflect what time

1 Deputy Jackson called in inquiring about the accident?

2 THE WITNESS: Yes, ma'am. I don't remember the  
3 exact -- I would have to refer to the report. I don't  
4 know the exact time.

5 MR. LEWIS: May I approach, Judge?

6 THE COURT: Yes.

7 BY MR. LEWIS:

8 Q. Do you know where it would be in here?

9 MR. DAVIS: Judge, it's not in the PHI (phonetic),  
10 if you're looking for it there.

11 MR. LEWIS: It's not in there?

12 MR. DAVIS: No, sir.

13 THE WITNESS: I know there's a field note packet  
14 where it was what time that Cpl. Sheffield --

15 BY MR. LEWIS:

16 Q. So if you can look over here and read, just read  
17 that to yourself.

18 A. Yes, sir.

19 Q. Okay. So you guys weren't contacted by Deputy  
20 Jackson, but at what time were you contacted, the Highway  
21 Patrol, to report it to y'all?

22 A. 7:11 in the evening.

23 Q. 7:11 in the evening. And that was by Flagler County  
24 Sheriff's Office?

25 A. Yes, sir.

1 Q. So we can assume that if they arrived, it had to  
2 have been maybe within an hour of that, would that be a fair  
3 assumption?

4 A. That would be a very fair assumption.

5 Q. During the course of your investigation, were you  
6 able to locate a passenger in the vehicle with Jayden Jackson?

7 A. Yes, sir.

8 Q. And what was the name of that passenger?

9 A. Joseph Kipperberg.

10 Q. What was the relation with Mr. Kipperberg and  
11 Mr. Jackson, if you know?

12 A. They're good friends.

13 Q. Okay. When you interviewed Mr. Kipperberg, what did  
14 he tell you? Let's start from the beginning of the night.

15 A. Okay.

16 Q. What did he tell you about what him and Mr. Jackson  
17 did that night?

18 A. So they -- Mr. Kipperberg arrived at Deputy  
19 Jackson's residence to meet Jayden there to drive down to  
20 Daytona to go to Razzle's. I believe it's Razzle's, Razzies.  
21 One of the two.

22 Q. Razzle's. Okay.

23 A. They chose to drive the pickup truck because  
24 Jayden's vehicle is too small. They're larger individuals. I  
25 believe Mr. Kipperberg is bigger than myself. I'm six-foot

1 two, about 260 pounds. So Mr. -- so Jayden's vehicle was too  
2 small for the two of them to be comfortable, so they took the  
3 pickup truck.

4 They went to Razzle's. Consumed some alcoholic  
5 beverages there. Once they left Razzle's they went up to  
6 Buc-ee's in Daytona.

7 MR. DAVIS: Sir, I'm sorry, could you just try and  
8 slow down just a bit.

9 THE WITNESS: Yeah, I'm sorry.

10 MR. DAVIS: I'm trying to get what you're saying.

11 Where do you want me to start from, sir?

12 BY MR. LEWIS:

13 Q. I'll pick up right there.

14 A. Yes, sir.

15 Q. So they went to Razzle's. Did you determine, did he  
16 tell you what Razzle's was?

17 A. It's a nightclub-type thing.

18 Q. Did he indicate how many drinks that he believed  
19 Jayden Jackson had that night?

20 A. I believe it was between three to five.

21 Q. Okay. Did he also drink himself, Mr. Kipperberg?

22 A. Yes, sir.

23 Q. Did Mr. Kipperberg indicate that he didn't  
24 necessarily see signs of impairment on Mr. Jackson at that  
25 time?

1 A. I believe so, yes.

2 Q. Did he indicate whether or not when they left  
3 Razzle's, why Mr. Jackson was driving as opposed to  
4 Mr. Kipperberg?

5 A. Mr. Kipperberg, if I recall correctly, was not  
6 comfortable driving because he felt like he was impaired.

7 Q. And he had been drinking that night?

8 A. Yes, sir.

9 Q. Where did they go from Razzle's?

10 A. Buc-ee's in Daytona.

11 Q. Do you know, did he give kind of a timeframe of when  
12 they went to Buc-ee's?

13 A. I don't remember the time. It was earlier in the  
14 morning. About two o'clock in the morning, if I remember  
15 correctly.

16 Q. Okay. Do you know what time they think they left  
17 Razzle's about? Not Razzle's, I'm sorry, Buc-ee's, that he  
18 said? If you recall.

19 A. I believe it was around three o'clock.

20 Q. Okay. Did he tell you what route they took home  
21 from there?

22 A. Yes, sir.

23 Q. What route did they take home?

24 A. They went north on interstate 95 to US 1, which is  
25 the northern most exit in Volusia County. It's the one with



1 Harley Davidson next to it. Once they exited at US 1, it's  
2 got a roundabout exit, so they got off and had to come around,  
3 which would take them northbound on US 1, which would have  
4 taken them up towards this way.

5 Q. How far -- are you from this area?

6 A. I'm from Starke. Well, Starke now. Originally grew  
7 up in Jacksonville.

8 Q. So I'm going to show you a Google Earth image or  
9 Google Earth. So if you can, just so you can orient all of  
10 us, that little yellow spot, that's where the crash scene is?

11 A. Yes, sir.

12 Q. See that sir? And then we can see 95 right here?

13 A. Yes, sir.

14 Q. So this is US 1 you're talking about, so it's only  
15 several miles, if that much, off of 95?

16 A. Yes, sir.

17 Q. What does Mr. Kipperberg say he's doing in the car  
18 at this time?

19 A. Playing on his phone, Instagram, TikTok and such.

20 Q. Does he say or indicate whether or not he looked up  
21 at any time?

22 A. He did.

23 Q. What did he tell you?

24 A. He looked and saw -- saw a pedestrian standing in  
25 the median area.

1 Q. What did he say happened at that point?

2 A. The pickup truck that Jayden Jackson was driving  
3 collided with the pedestrian.

4 Q. What did Mr. Kipperberg say to Mr. Jackson at that  
5 point once he struck the pedestrian?

6 A. We need to stop.

7 Q. And what was Jayden's Jackson's response when  
8 Mr. Kipperberg said that?

9 A. I believe his response was to Mr. Kipperberg was,  
10 "No, it's going to be okay. We can't stop."

11 Q. Do you remember whether or not Mr. Jackson made any  
12 statements about the can't stop because they had been  
13 drinking?

14 A. Yes, sir.

15 Q. Did he say that?

16 A. Yes, sir.

17 Q. Okay. And did Mr. Kipperberg ask him multiple times  
18 to stop?

19 A. Yes, sir.

20 Q. And he would not?

21 A. He stopped eventually at some point to look at the  
22 damage to the vehicle. Other than that there was no attempt  
23 made to contact 9-1-1.

24 Q. So in this instance, based on your conversation with  
25 Mr. Kipperberg, Mr. Jackson absolutely knew that he hit a

1 pedestrian?

2 A. Yes, sir.

3 Q. Do you remember him -- if he made a statement to  
4 Mr. Kipperberg why was that person walking in the road?

5 A. I don't recall.

6 MR. LEWIS: May I approach the witness, Judge?

7 THE COURT: You may.

8 BY MR. LEWIS:

9 Q. Does that refresh your memory?

10 A. Yes, sir.

11 Q. Do you remember if he made a statement like that,  
12 sir.

13 A. Yes, sir.

14 Q. And what did he say?

15 A. "Why was that person in the roadway?"

16 Q. Did Mr. Jackson -- do you remember Mr. Jackson  
17 telling Mr. Kipperberg that not to worry, everything will be  
18 okay, and nothing is gonna happen?

19 A. Yes, sir.

20 Q. Where did they go -- so according to Mr. Kipperberg,  
21 they're driving down the road later on and Mr. Jackson pulls  
22 the car over to check out the damage?

23 A. Yes, sir.

24 Q. Do you remember if he was also trying to shut off  
25 the hazard lights?

1 A. Yes, sir.

2 Q. Where do they go after this, where do they go to?

3 A. Deputy Jackson's residence.

4 Q. Does Mr. Kipperberg drive home at that point?

5 A. No, sir.

6 Q. Why does he not drive home? Does he tell you?

7 A. Because he had been drinking.

8 Q. Did they go home and go to bed at Deputy Jackson's  
9 house?

10 A. Mr. Kipperberg did, yes.

11 Q. Did Mr. Kipperberg tell you what Mr. Jackson was  
12 gonna say to his dad?

13 A. I believe that he hit a deer.

14 Q. Did Mr. Kipperberg indicate whether or not him or  
15 Mr. Jackson ever called the police that night?

16 A. He did and no notification to 9-1-1 was made that  
17 night.

18 Q. And obviously Mr. Kipperberg was the passenger; is  
19 that correct?

20 A. Correct.

21 MR. LEWIS: No further questions, Judge.

22 THE COURT: Mr. Davis?

23 MR. DAVIS: Yes, ma'am.

24 CROSS-EXAMINATION

25 BY MR. DAVIS:

1 Q. Good afternoon, Corporal. How are you?

2 A. Hi. Good. Yourself?

3 Q. Good. This time you didn't come to Flagler County  
4 for no reason.

5 A. Pretty much.

6 Q. Yeah. All right. Yeah, I remember that deposition,  
7 man. That was -- that was on me.

8 Sir, we were talking about the only witness to this,  
9 I guess other than Mr. Jackson and the decedent. That was  
10 Mr. Kipperberg?

11 A. Yes, sir.

12 Q. And as you said, that's a big boy, right?

13 A. Yes, sir.

14 Q. I guess about what, six-four, 250, 260?

15 A. Somewhere around there.

16 Q. Big guy. And when you interviewed him, that was at  
17 the State Attorney's Office, am I correct?

18 A. Yes, sir.

19 Q. And who else was in the room besides you, Corporal?

20 A. Mr. Lewis.

21 Q. So -- and how old was Mr. Kipperberg, do you  
22 remember?

23 A. He's younger than myself. I'm 33. I don't remember  
24 his exact age.

25 Q. I'm sorry?

1 A. He's younger than myself and I'm 33.

2 Q. Okay. He was in his early twenties, does that sound  
3 correct?

4 A. Yes, sir.

5 Q. Okay. So it was -- were you in uniform?

6 A. I was either in this uniform or I was our class C  
7 which is a Polo shirt and tan BDU pants.

8 Q. Okay. So it was you and our chief prosecutor in the  
9 state attorneys office with Mr. Kipperberg?

10 A. Yes, sir.

11 Q. Okay. Do we know what time they actually left  
12 Razzle's?

13 A. I don't recall.

14 Q. Okay. But on the way home they stopped by Buc-ee's?

15 A. Yes, sir.

16 Q. You go there?

17 A. Not often. There's not one close to me.

18 Q. I would recommend it. At a Buc-ee's they have the  
19 greatest like barbecue sandwiches and all of that kind of  
20 stuff. They basically have like their own restaurant in  
21 there.

22 A. Yes, sir.

23 Q. Joseph let you know when they stopped in there they  
24 ate and got is some Sprites and drinks and whatever else?

25 A. He advised that they ate. He said they had some

1 drinks. I don't recall if he said they were sodas or what  
2 type of soda they were.

3 Q. Okay. When they got to Buc-ee's, they went in and  
4 got their stuff, got back out, let the tailgate down and ate,  
5 drank. Spoke with their other friend who was Sam Newton?

6 A. Yes, sir.

7 Q. Okay. So they had time to get from Daytona Beach,  
8 which is -- Razzle's is, what, pretty much downtown Daytona  
9 Beach?

10 A. I'm not familiar. I've been to Daytona to the 500  
11 and the 400, and that's the extent of my experience in  
12 Daytona.

13 Q. Okay. You're better off somewhere else.

14 So from Razzle's to Buc-ee's, be fair to say there  
15 about 30, 45-minute drive?

16 A. Again, I'm not familiar with the area. I'd have to  
17 see it on Google.

18 Q. Okay. I'd say it's downtown Daytona Beach. So  
19 we're within the area.

20 Then -- and that was Mr. Jackson who was told to  
21 have driven from Razzle's to Buc-ee's?

22 A. From my understanding, Mr. Jackson did all the  
23 driving that evening.

24 Q. Okay. So they leave from Razzle's where they  
25 have -- they see their friend Sam Newton. They get in their

1 truck. They drive down the street roads in Daytona Beach, get  
2 on the expressway and drive to Buc-ee's. Then proceed to go  
3 into the Buc-ee's and get some food?

4 A. Yes, sir.

5 Q. And then they had time to eat?

6 A. Yes, sir.

7 Q. From what Mr. Kipperberg says?

8 A. Yes, sir.

9 Q. Okay. And then in the report it says he thinks they  
10 left Buc-ee's around three a.m.?

11 A. Yes, sir.

12 Q. Okay. And what time does Razzle's close?

13 A. That is a better question than me, sir. I don't  
14 know. I'm not familiar with it.

15 Q. Well, I mean, that would give us a better timeline  
16 on how long it was if they left around closing.

17 THE COURT: Well, that's assuming they left around  
18 closing.

19 MR. DAVIS: Well, that's what's in evidence so far,  
20 Your Honor.

21 THE COURT: I don't know that I heard that.

22 MR. DAVIS: I believe he stated that Mr. Kipperberg  
23 said they left Razzle's some time around closing.

24 THE WITNESS: I believe I said --

25 MR. DAVIS: When Mr. Lewis was --



1 THE WITNESS: I believe I said they left around  
2 two o'clock. If that's closing, then that's what their  
3 closing is. I'm not familiar with Razzle's.

4 BY MR. DAVIS:

5 Q. No, that's okay. I get it. I just know that the  
6 timeline is important and I heard the judge asking about it  
7 early, so I want to make sure we all have some kind of  
8 timeline.

9 THE COURT: Thank you, Mr. Davis.

10 MR. DAVIS: Yes, ma'am.

11 BY MR. DAVIS:

12 Q. So if you think it was around two, closing,  
13 whichever, they leave Buc-ee's about three o'clock, so that's  
14 at least an hour between Razzle's and Buc-ee's before they  
15 got -- when they left Razzle's till they left Buc-ee's, about  
16 an hour?

17 A. Yes, sir.

18 Q. Okay. So they left Buc-ee's at three and then in  
19 your direct from Mr. Lewis, you said the crash occurred about  
20 four?

21 A. About 4:10 is about the time that we were able to  
22 place it.

23 Q. Did you drive from Buc-ee's to that place on US 1?

24 A. No, sir.

25 Q. Okay. Was the four a.m. kind of a guess estimate or

1 was that --

2 A. No, sir.

3 Q. -- did that have some sort of scientific data in it?

4 A. That is down -- that is from the download of the  
5 Info Team Center where it puts the vehicle at about that  
6 location when it occurred, yeah.

7 Q. Because if you've driven that before, Buc-ee's to  
8 that place on US 1 isn't close to an hour.

9 A. Where is Buc-ee's at? Is it off LPGA?

10 Q. Yes, sir.

11 A. I'd have to drive it. I've driven that route, like  
12 I said, going to the races, but I have to drive it again  
13 specifically for this.

14 Q. Okay. But either way, if you're tracking it on your  
15 little computer thing that's way too intense for me to get  
16 into, we are saying that they left around two and the crash  
17 didn't occur until after four o'clock, that's at least two  
18 hours and something?

19 A. Roughly.

20 Q. Okay. And were you on scene that night, sir?

21 A. No, sir, I was not on scene that Saturday.

22 Q. Okay. So you weren't called to the actual scene of  
23 what happened?

24 A. No, sir.

25 Q. So you didn't get a firsthand view of that?

1           A.    No, sir, but I have driven that road. I did go out  
2 there after the fact looking for camera footage and I could  
3 not find any.

4           Q.    Awesome. Did you drive that anywhere around  
5 three o'clock, four o'clock in the morning?

6           A.    No, sir.

7           Q.    Okay. Did you drive it during the day or did you  
8 drive it at night?

9           A.    I want to say morning hours but it was daylight.

10          Q.    Okay. So you don't have any personal information  
11 about how dark and desolate that road is at four o'clock in  
12 the morning?

13          A.    No, sir.

14          Q.    Okay. Do you remember there being any lights or  
15 anything on US 1?

16          A.    No, sir.

17          Q.    Okay. Would it be fair to say that's pretty much  
18 like the middle of nowhere once you leave the Harley  
19 dealership until you get to say to basically almost Bunnell,  
20 it's just Pine trees and US 1?

21          A.    From driving it, I would agree.

22          Q.    Okay.

23                MR. DAVIS: Nothing further at this time.

24                THE COURT: Anything else?

25                MR. LEWIS: No further questions, Judge.

1 THE COURT: Thank you. May he be released?

2 MR. LEWIS: Yes, ma'am.

3 THE COURT: Thank you, sir.

4 THE WITNESS: Thank you, ma'am.

5 THE COURT: Next witness?

6 MR. LEWIS: Yes, Judge, the State would call  
7 Ms. Evelyn Cain. She's on Zoom. She is the next of kin,  
8 Judge.

9 THE COURT: Ms. Cain?

10 MR. LEWIS: Ms. Cain, can you hear me?

11 MS. CAIN: (Via zoom) Hello. Yes, yes. I hear  
12 you.

13 THE COURT: Thank you, ma'am. I believe that  
14 Mr. Lewis may ask you something.

15 MS. CAIN: Yes.

16 MR. LEWIS: Ma'am, can you -- oh, there you go.

17 THE COURT: She needs to be sworn in.

18 MR. LEWIS: Yes, ma'am.

19 THE CLERK: Ma'am, can you raise your right hand.

20 MS. CAIN: Yes. Clerk do you swear or affirm the  
21 testimony you are about to give is the truth, the whole  
22 truth and nothing but the truth so help you God?

23 THE WITNESS: I do.

24 DIRECT EXAMINATION

25 BY MR. LEWIS:

1 Q. Good afternoon, ma'am.

2 A. Good afternoon.

3 MR. DAVIS: Your Honor, can I ask for some  
4 identification as well for this witness.

5 THE COURT: Have you met with her before?

6 MR. LEWIS: I have multiple times.

7 Ma'am, do you have your ID with you? I guess they  
8 want to see it?

9 THE WITNESS: Yes.

10 MR. LEWIS: Do you mind getting that for us. Thank  
11 you.

12 THE WITNESS: No. Just a moment.

13 THE COURT: There you go.

14 THE WITNESS: Can you see it?

15 THE COURT: Yes. South Carolina.

16 THE WITNESS: Yes.

17 THE COURT: And, Mr. Davis, I would assume Mr. Lewis  
18 is an officer of the court is confirming that he has met  
19 with her.

20 MR. DAVIS: If he confirms that is her, that is good  
21 with us, Judge.

22 THE COURT: All right. Thank you.

23 MR. DAVIS: Yes, ma'am.

24 BY MR. LEWIS:

25 Q. Ma'am, can you please tell us your name and spell

1 your last name.

2 A. It's Evelyn Delores Cain, C-A-I-N.

3 Q. Ms. Cain, how are you related to Shaunta Cain, the  
4 victim in this case?

5 A. Mother. I'm her mother.

6 Q. How old was Shaunta when she was killed, ma'am?

7 A. Fifty-four.

8 Q. I'm going to show you -- just I'm gonna show a  
9 photograph. Can you just identify who this is?

10 MR. LEWIS: Sorry, Judge.

11 THE COURT: Can I share it?

12 THE BAILIFF: Yeah. Do you need it at the podium,  
13 Mr. Lewis?

14 MR. LEWIS: No, it should just go through. I set it  
15 up.

16 THE COURT: It should share, yeah.

17 BY MR. LEWIS:

18 Q. Ma'am, you see the photograph there?

19 A. Yes. That's my daughter, Shaunta Delores Cain.

20 Q. Okay. Can you tell us, did can you write something  
21 to read for the Court?

22 A. Yes, I did.

23 Q. Okay. Before you read that, can you -- let's have  
24 you read that and then I may ask you some follow-up questions.  
25 Okay?

1       A.    Okay. I'll have to find it. Hold on a minute,  
2 please.

3       Q.    Yes, ma'am.

4       A.    It's here in my messages. Okay. The victim impact  
5 statement that I wrote it says, I'm Evelyn Cain.

6       Q.    Ms. Cain, if you can just be very slow and take your  
7 time, okay?

8       A.    I'm sorry. Okay. Let me know when you're ready.

9       Q.    We're ready, yes, ma'am.

10      A.    Okay. "I'm Evelyn Cain. The mother of Shaunta  
11 Delores Cain. Born January 10, 1971, and departed earth and  
12 descended into heaven on November 29, 2022 at the hand of  
13 Mr. Jackson. Shaunta was a sweet, loving friendly,  
14 self-confident and excellent daughter, sister, niece and so  
15 much more. Shaunta never medicine a stranger. Shaunta was a  
16 peacemaker. She never raised her voice. Never argued and  
17 always put others first.

18            "I tried so many times to hate Mr. Jackson but the  
19 God that I serve won't allow me to hold such madness in my  
20 heart but remain fateful to his word, Proverbs 3:5-6, that I  
21 should trust in the Lord with all my heart and lean not onto  
22 my own understanding. In all my ways acknowledge him and he  
23 will direct my paths.

24            "How did he hit Shaunta and leave her in the road to  
25 die as if she didn't matter? Well, Shaunta did matter, still

1 does matter and will forever matter. She was my only  
2 daughter. I have three sons left. They (indiscernible) that  
3 I do as well. Each and every day we miss Shaunta. To know  
4 her was to love her."

5 This is not in my statement, but this is just  
6 something that's coming from my heart at this time. She was  
7 such a sweet person. She never did anything to harm anybody.  
8 She'd give you a penny, if you asked her for a penny, she'd  
9 give you a dollar. If you asked her for a dollar, she'd give  
10 you a hundred if she had it.

11 Your Honor --

12 THE COURT: Yes, ma'am?

13 THE WITNESS: Based on the testimony that I just  
14 heard, because he left her in the road. He realized that  
15 he hit a person, not an animal, as he lied, he realized he  
16 hit a person, my daughter. And it could have been anybody  
17 else's daughter, not only my daughter, but to leave a  
18 human being in the road, that life can have possibly been  
19 saved, I ask Your Honor that you give him the highest, the  
20 maximum prison time that you can allow.

21 Also suspend his license for how many ever years you  
22 can. And make restitution for some of the pain that we've  
23 had to go through.

24 MR. LEWIS: Yes, ma'am.

25 THE WITNESS: Thank you for your time, and --



1 THE COURT: Oh, go ahead.

2 THE WITNESS: And may God bless us all in this  
3 matter, the Cain family.

4 THE COURT: And, Ms. Cain, I think Mr. Lewis might  
5 have a few other questions for you. Do you mind if he  
6 asks you some?

7 THE WITNESS: Let him go ahead. I'm here. I'll  
8 still be here.

9 THE COURT: Thank you.

10 BY MR. LEWIS:

11 Q. And Shaunta, did she do good when she was in school,  
12 ma'am?

13 A. Oh, yes, I forgot the other part. Yes. Along with  
14 that picture I wrote that Shaunta had a 3.5 GPA in school and  
15 possibly more because she was -- she was always educating  
16 herself. She was a member of the National Honor Society. She  
17 played basketball. She was a member of the all American  
18 Basketball Team.

19 There's a group that's called Who's Who in America,  
20 that's a National Honor Society, International Honor Society  
21 as well. She was postal employee. She was a licensed  
22 cosmetology and she was also accepted at Spellman University  
23 in Atlanta. She was a thriving person. She wasn't just a  
24 throw- away person.

25 Thank you.

1 Q. And, ma'am, I do have one other question for you.

2 A. Yes.

3 Q. Or a few more questions. I'm going to share this  
4 screen with you. Let me know when you see that. It's marked  
5 as State's A. Do you see that okay, ma'am?

6 A. Yes.

7 Q. Okay. Is this the bill for the cost of the burial  
8 for Shaunta?

9 A. Yes, it is. Yes.

10 Q. Did you have to pay -- it says on the bottom \$4,890?

11 A. That is correct, yes.

12 Q. Okay. And you paid that out of your own pocket for  
13 her burial?

14 A. That is correct, yes.

15 MR. LEWIS: Judge, at this time the State's would  
16 move in State's A as State's 1.

17 MR. DAVIS: No objection.

18 THE COURT: So admitted.

19 (State's Exhibit No. 1 received into evidence.)

20 MR. LEWIS: Thank you, ma'am. I think Mr. Davis may  
21 or may not have some questions for you. Just hold on.  
22 Okay?

23 THE WITNESS: I will, yes.

24 THE COURT: Mr. Davis, any questions, sir?

25 MR. DAVIS: Briefly, Judge.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Can you see me, Ms. Cain?

A. Yes.

Q. This is not my favorite part. I'm just gonna keep this very brief.

THE COURT: Counsel, before we do that, let me ask you this.

MR. DAVIS: Yes, ma'am.

THE COURT: Because we're not here on a vehicular homicide, I'm not -- I know we're just here on the leaving the scene, as much as I would like to order that restitution, I don't -- is their case law that says that I can just --

MR. LEWIS: Judge, they actually changed the law several years ago.

THE COURT: Okay.

MR. LEWIS: And I do have the new statute.

THE COURT: Okay. Thank you.

MR. LEWIS: Yes, ma'am.

THE COURT: Go ahead.

MR. DAVIS: That's all I'm getting to, Judge.  
That's it.

THE COURT: All right.

BY MR. DAVIS:

1 Q. Ms. Cain, was there an insurance settlement of  
2 10,000 from Mr. Jackson paid?

3 A. No, there was not. Not to me, no.

4 Q. Okay.

5 A. I haven't received any anything.

6 Q. So you don't know anything about the 10,000 that was  
7 paid by the insurance?

8 A. No, I don't. I haven't received anything from any  
9 insurance.

10 MR. DAVIS: Nothing more, ma'am.

11 THE COURT: Any other questions?

12 MR. LEWIS: No other questions, ma'am.

13 THE COURT: And, Ms. Cain, you're welcome to stay  
14 here and watch the rest of the proceedings, okay?

15 THE WITNESS: Thank you. I'd like to stay, yes.

16 THE COURT: Yes, ma'am. You may.

17 THE WITNESS: Thank you.

18 MR. LEWIS: Can you just mute yourself, Ms. Cain,  
19 and also just turn off your video, if you don't mind.

20 THE WITNESS: I will.

21 MR. LEWIS: Thank you, ma'am.

22 THE COURT: Mr. Lewis, did you have any other  
23 witnesses?

24 MR. LEWIS: No other witnesses at this time, Judge.

25 THE COURT: Okay. Thank you.

1 Mr. Davis, any witnesses?

2 MR. DAVIS: Your Honor, may I have five minutes to  
3 confer with my expert, please?

4 THE COURT: You may.

5 MR. DAVIS: Thank you, Judge.

6 THE COURT: We'll take a recess.

7 THE BAILIFF: All rise.

8 (Audio ends at 2:20 p.m.)

9 (Audio begins at 2:28 p.m.)

10 THE BAILIFF: All rise.

11 THE COURT: Everyone please be seated.  
12 Counsel?

13 MR. DAVIS: Your Honor, after speaking with my  
14 expert, his testimony is not going to give anything other  
15 than what the troopers have already testified to, so I  
16 don't believe there's any need to belabor the point.

17 THE COURT: Thank you, sir.

18 MR. DAVIS: Yes, ma'am.

19 THE COURT: Next witness? Any other witnesses?

20 MR. DAVIS: No, ma'am.

21 THE COURT: All right. I'm still not clear as to  
22 what time Mr. Jackson's father first contacted law  
23 enforcement.

24 (Pause in the proceedings while Defense attorney  
25 confers with defendant.)

1 MR. LEWIS: Mr. Jackson is present. Deputy Jackson  
2 is present in court, Judge. State could call him to the  
3 stand, see if he recalls.

4 MR. DAVIS: That's a no. I mean, you are correct.

5 THE COURT: Have him come on up.

6 MR. LEWIS: Yes, ma'am.

7 THE COURT: And then we'll jump through the hoops.  
8 The State is calling him as a witness, sir.

9 MR. LEWIS: Mr. Jackson, were you sworn in?

10 THE WITNESS: No, I wasn't.

11 THE CLERK: Will you raise your right hand. Do you  
12 swear or affirm the testimony you are about to give is the  
13 truth, the whole truth and nothing but the truth so help  
14 you God?

15 THE WITNESS: I do.

16 THE COURT: Mr. Lewis, you may inquire, sir.

17 MR. LEWIS: Thank you, Judge.

18 DIRECT EXAMINATION

19 BY MR. LEWIS:

20 Q. Can you please state your name for the record, sir.

21 A. Bryan Jackson.

22 Q. Sir, you are a deputy with the Flagler County  
23 Sheriff's Office?

24 A. That's correct.

25 Q. And how are you related to Jayden Jackson?

1 A. I'm his father.

2 Q. Just so we -- I guess we can orient ourselves with  
3 that day, you were down in Miami for a Honor Guard program?

4 A. Correct. Well, not a program. One of the FBI  
5 agents was murdered and we went and did his funeral.

6 Q. Okay. At some point did you receive a text or phone  
7 call from your son indicating that he had been involved in a  
8 crash with your vehicle?

9 A. Yes, sir.

10 Q. Do you remember what time that was?

11 A. No.

12 Q. Was it daylight?

13 A. I don't remember.

14 Q. Would it be odd, though, that if it was in the  
15 middle of the night, wouldn't you recall that, being woken up  
16 in a text?

17 MR. DAVIS: Objection, calls for speculation.

18 THE COURT: Overruled. You may proceed. And, sir,  
19 you are directed to answer the question.

20 THE WITNESS: Yes, ma'am, I understand, but I don't  
21 remember. It was two and a half years ago.

22 THE COURT: So, Mr. Lewis, if he is in fact stating  
23 that he doesn't remember if it was light or dark, the  
24 Court will give that the weight it deserves.

25 MR. LEWIS: Yes, ma'am.

1 THE COURT: You may proceed to your next question.

2 BY MR. LEWIS:

3 Q. And, just so we're here, you didn't believe your son  
4 when he texted you the photograph that he hit a deer, did you,  
5 sir?

6 A. Initially I did and then I started looking at it and  
7 no.

8 Q. Isn't it in fact true, though, that you drove home  
9 with some other folks from Honor Guard too in the car?

10 A. One person.

11 Q. Who was that, deputy who?

12 THE WITNESS: Do I need to answer that?

13 THE COURT: Yes, sir.

14 THE WITNESS: He's an ace, an undercover.

15 THE COURT: Sir.

16 THE WITNESS: Okay. I'm just asking.

17 THE COURT: Yes.

18 THE WITNESS: I just want to make sure you  
19 understand.

20 THE COURT: I understand.

21 MR. DAVIS: Scott, please answer the question.

22 THE WITNESS: It's Cpl. Brad Stogdon.

23 BY MR. LEWIS:

24 Q. Brandon Stogdon?

25 A. Mm-hmm.



1 Q. And did Cpl. Stogdon tell you that based on his  
2 experience that he didn't believe that that was a --

3 A. Yes.

4 Q. Okay. Did you then immediately call the police?

5 A. No.

6 Q. Did you wait until you got home?

7 A. Waited until we were on the way home.

8 Q. Do you know what time you left?

9 A. After the funeral. It was along funeral, I would  
10 say we probably left between four and five, six, something in  
11 there. I'm not even sure, to be honest with you, but in that  
12 area. It was a long funeral, so --

13 Q. Okay. So after the funeral you're on your way home  
14 and you call from the car to report it to who?

15 A. The commander on duty which was Commander Dopp.

16 Q. Okay. And what did you tell him?

17 A. That I believe that my truck might have been  
18 involved in the accident that was from the night prior.

19 Q. Okay. That would have been -- it sounds to me like  
20 right now you're saying later in the afternoon?

21 A. I think so. Something like that. Honestly, I don't  
22 remember. It was -- it was a long funeral, a lot of people  
23 involved, so I would dare say four, five at least before we  
24 got on our way back to town.

25 MR. LEWIS: Okay. No further questions, Judge.

1 THE COURT: Thank you.

2 Mr. Davis, any questions?

3 MR. DAVIS: No, ma'am.

4 THE COURT: Thank you. Sir, thank you very much.

5 Argument? Did your client wish to make a statement,  
6 Mr. Davis?

7 MR. DAVIS: No, ma'am.

8 THE COURT: Thank you.

9 MR. DAVIS: Your Honor, I have advised Mr. Jackson  
10 no to. It would be in his best interest not to speak.

11 THE COURT: Okay. And, sir, you agree with that  
12 decision?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Okay. Argument?

15 MR. LEWIS: Would you like to hear from the State  
16 first, Judge?

17 THE COURT: Yes, sir.

18 MR. LEWIS: Obviously, there's multiple tiers that  
19 we're gonna have to address in this case because we do  
20 have -- obviously, the Legislature passed a law and they  
21 have said that if you leave the scene of a crash involving  
22 death there's a four-year minimum mandatory.

23 THE COURT: Yes, sir.

24 MR. LEWIS: However, there is an exception to that,  
25 so I just want to read it to the Court so we're all

1 operating under the same --

2 THE COURT: Well, hold on. Let me just pull up West  
3 Law.

4 MR. LEWIS: Yes, ma'am.

5 THE COURT: I say real quickly, we'll see how  
6 cooperative my computer is going to be. We discussed this  
7 somewhat at one of our last hearings, so I am familiar  
8 with it --

9 MR. LEWIS: Yes, ma'am.

10 THE COURT: -- but I want to go through the statute.

11 MR. LEWIS: It's under G, just so the Court is  
12 aware.

13 THE COURT: Hold on just a second.

14 And you gave me the subsection. What is the statute  
15 number?

16 MR. LEWIS: It's G. Oh, I'm sorry, the statute is  
17 316.027 subsection (g).

18 THE COURT: There. Okay, go ahead.

19 MR. LEWIS: Yes, ma'am.

20 And then I'll address the youthful offender after.  
21 But the statute clearly says that "The Court may grant  
22 this motion only if it finds that a factor, consideration  
23 or circumstance clearly demonstrates that imposing a  
24 minimum mandatory term of imprisonment would constitute or  
25 result in an injustice."

1           The first part is, if it was committed, was not  
2 driving under the influence. Now the State's position as  
3 we sit here today is, the reason we put on the Florida  
4 Highway Patrol corporals is to establish what actually  
5 happened timeframe-wise. And the State's position is that  
6 the defendant was under the influence at that time.

7           He obviously went out to a bar and was drinking and  
8 had between three and five, according to his friend.  
9 Whether or not that was the exact amount, we'll never know  
10 because obviously he fled from the scene.

11           But what we do know is his driving on the way home  
12 was not a normal driving pattern. It was not staying in  
13 the roadway. It was not someone who was paying careful  
14 attention. He actually left the roadway, went on to the  
15 grass, went back on to the roadway partially, back on to  
16 the grass, and then struck the victim at that point,  
17 Judge. That's clearly a sign of impairment. That along  
18 with the alcohol consumption, a reasonable jury could  
19 easily find that someone would have been impaired at that  
20 point.

21           The fact that he doesn't remain at the scene, he  
22 shouldn't be rewarded. If we were here for a DUI  
23 manslaughter, he would be scoring about 10 and a half  
24 years in prison. But because he fled from the scene, the  
25 Florida Highway Patrol was never able to gather any sort

1 of blood test or blood results in order to show what his  
2 blood alcohol level is.

3 Furthermore, his own statement is indicative that he  
4 was concerned that he was drinking and impaired. He told  
5 his friend that we can't stay here because I've been  
6 drinking or we've been drinking.

7 This case is kind of -- it's really -- we deal with  
8 a lot of leaving the scene where people hit folks then  
9 they freak out and then within a short time they call. Or  
10 it's a situation.

11 This one is so alarming because Mr. Jackson knew he  
12 hit a human being. And wasn't even he hit her in the  
13 roadway. He hits her in the median. He drives off the  
14 roadway and makes contact and hits her. And then when his  
15 friend in the car tells him to contact law enforcement, he  
16 says, no, we can't do that, we're leaving.

17 He drives away from there. Leaves her lying there  
18 dying in the roadway. We'll never know. Obviously, I'm  
19 not going to make the argument because I don't have  
20 scientific evidence to say she could have lived or not.  
21 We'll never know, Judge. But he fled that scene.

22 And it's not as if he just went home and was  
23 flipping out. What does he do? The next day he goes  
24 ahead and he texts his father a photograph and he says,  
25 look, I hit a deer. And then when his father starts to

1 confront him, he's like, well, maybe it was another truck  
2 I hit. Oh, well, maybe it was something else. He's  
3 continuing to lie to cover up his tracks.

4 This is someone who realistically basically left her  
5 there like a piece of trash. And just left her to die in  
6 that roadway. This is someone who had absolutely no  
7 remorse at that time, Judge. And still to this day, and  
8 you're allowed to consider it, we have heard that he  
9 hasn't apologized for it. He didn't say I'm sorry for  
10 what happened. He still has, as far as the State is  
11 concerned, no remorse for what occurred.

12 This is a situation where the family, you heard  
13 Ms. Cain, she asked for the maximum sentence. Judge, I'm  
14 not going to say the maximum sentence is appropriate, but  
15 I do think somewhere between six and seven years in prison  
16 followed by probation would be appropriate in this case.

17 Just to highlight for the Court, there are some  
18 requirements, part of the statute, when you're convicted  
19 of this crime. He would need to do 120 community service  
20 hours at a trauma center or hospital. He has to  
21 participate in the Victim Impact Panel. And then also the  
22 State wants to draw the Court's attention to paragraph D  
23 where it talks about restitution.

24 So the Legislature several years back has changed  
25 the law. The Court was absolutely correct, I honestly

1 went into it thinking that there was no restitution until  
2 I started to research and --

3 THE COURT: It's amazing what you find when you read  
4 the statute, right?

5 MR. LEWIS: Yes, ma'am. And it did say -- it does  
6 say here in the statute "The Court shall order the driver  
7 to make restitution to the victim for any damages or loss  
8 unless the Court finds clear and compelling reasons not to  
9 order it."

10 Ms. Cain in this case, she was out 4,800 -- I want  
11 to say and \$90. It was \$4,890. As she testified she  
12 didn't receive any proceeds from an insurance settlement.  
13 I'm not sure who that went with. She is the mother of the  
14 victim in this case and she had to pay that money to bury  
15 her daughter.

16 Judge, you know, in this case it's not as if this is  
17 a case where she was even walking in the roadway and he  
18 hit her accidentally. The State really believes in this  
19 case if he had remained at the scene he would have been  
20 impaired, and we would have been facing a DUI manslaughter  
21 at this point. And the State believes somewhere between  
22 six and seven years followed by probation to fulfill those  
23 requirements would be appropriate in this case.

24 THE COURT: All right. Thank you. Thank you very  
25 much, sir.

1 Mr. Davis?

2 MR. DAVIS: Thank you, Judge.

3 Your Honor, I will start with the youthful offender.

4 And in the memorandum of law that I provided for the Court  
5 and for the State, the Legislature has made clear that the  
6 youthful offender statute was made, number one, because of  
7 the victims' ages, prison overcrowding, so forth, so on.

8 To the actual incident, there was one witness that  
9 we did not hear from today, but one witness to this  
10 accident, to this incident that was not Mr. Jackson or the  
11 decedent. That witness was the passenger of the vehicle,  
12 Mr. Kipperberg.

13 When asked during State Attorney interview, when  
14 asked in speaking with the troopers, when asked on  
15 depositions, the only witness to this stated that  
16 Mr. Jackson was not intoxicated. And we can go on and on  
17 about what we think, what we have, whatever. We cannot  
18 look at Mr. Kipperberg's words but we can look at just  
19 relatively common sense and science.

20 We know that they left the bar at about two o'clock,  
21 at least that's what was testified to. Mr. Kipperberg  
22 said Mr. Jackson had somewhere between three and five  
23 drinks. Mr. Jackson is about six-four, about 260. After  
24 that they went to Buc-ee's. They ate. They had  
25 beverages, so on and so forth.



1           Then they're driving down US 1 in the middle of the  
2           night. And there is a woman in dark clothing at  
3           approximately 4:10 in the morning, from what the trooper  
4           said, that was walking in the middle of the street.

5           So, Judge, the State has charged Mr. Jackson --

6           MR. LEWIS: Judge, I'm going to object. That's not  
7           what the testimony was. He did not say that she was  
8           walking in the middle of the street. That's not what the  
9           corporal testified to, that she was walking in the middle  
10          of the street. So the record is clear.

11          MR. DAVIS: She was walking in the middle of the two  
12          roadways, in median close to the --

13          THE COURT: No. She was walking exactly where it  
14          showed -- let me just say this, this is his argument.  
15          It's not evidence.

16          MR. LEWIS: Yes, ma'am.

17          THE COURT: And I recall what the evidence is. So  
18          go ahead, Mr. Davis.

19          MR. DAVIS: Not walking on the side of the road, in  
20          the center of the two lanes that are going the opposite  
21          directions.

22          THE COURT: She was not in the roadway.

23          MR. DAVIS: That's -- I'm not arguing that, Judge.

24          THE COURT: Yeah.

25          MR. DAVIS: In the center between the two lane of

1 traffic.

2 THE COURT: Mr. Jackson had to go off road to hit  
3 her. At least that's what the evidence indicates to the  
4 Court, based upon the --

5 MR. DAVIS: May I continue?

6 THE COURT: Yes, you may.

7 MR. DAVIS: Thank you, Judge.

8 Your Honor, so the -- and then for the State to  
9 argue that the reason for that swerve, when we've all seen  
10 people checking their phones, not paying attention going  
11 off the roadways, something else.

12 So we have all of this conjecture about the fact  
13 that he was intoxicated at the time but nothing to  
14 actually show that.

15 THE COURT: Mr. Davis, isn't that what this statute  
16 is meant specifically, is that when someone leaves the  
17 scene, that law enforcement is no longer able to  
18 investigate what the cause was? Whether or not it was  
19 reckless driving, whether it was looking at a phone,  
20 whether it was alcohol, when somebody voluntarily absences  
21 themselves from the scene, then there is conjecture.

22 There's other no ability for law enforcement to do  
23 what they need to do to find out what the actual cause of  
24 the accident is. And isn't that the whole purpose of this  
25 statute, to take into consideration that somebody has

1 removed themselves from the investigation for a period of  
2 time so that those things cannot be determined.

3 MR. DAVIS: That is the reason that we have the  
4 statute. But in addition to that part of the statute, it  
5 says that the Court may downward depart unless the person  
6 was under intoxication.

7 So that part of the statute may not make sense to me  
8 but it's not saying -- it's saying if you hit someone and  
9 then you leave the scene, the judge may downward depart  
10 unless the person was intoxicated.

11 How does the state prove that if the person is not  
12 at the scene anymore? I don't know but the Legislature  
13 wrote the statute and required that in order to  
14 downward -- I mean to not be able to downward depart, the  
15 State has to prove the defendant, Mr. Jackson, was  
16 intoxicated at that point.

17 THE COURT: So let me ask you this, then, what would  
18 be the reason asking the Court to downward depart because  
19 it might be isolated, but would it not be of concern with  
20 respect to unsophisticated that there was a 12-hour delay  
21 between the actual event and when the call was made to law  
22 enforcement?

23 MR. DAVIS: Your Honor, the Defense's position is  
24 that we had a young kid, 20 years old at the time, and he  
25 was freaked out. He's leaving at three o'clock in the

1 morning, he's driving down the road with his buddy. It's  
2 now four o'clock in the morning, bang, he hits something.  
3 He freaks out and a goes home and calls his dad who is in  
4 law enforcement.

5 THE COURT: And the call isn't made until well after  
6 any alcohol that would have been in his system would have  
7 been out.

8 MR. DAVIS: I don't believe we know what time the  
9 call was, Judge, but it was a significant amount of time  
10 later.

11 THE COURT: At least it sounds 12 hours because the  
12 funeral wasn't left until four o'clock in the afternoon or  
13 later, according to Deputy Jackson.

14 MR. DAVIS: Well, that's when Deputy Jackson called.  
15 And, Judge, I'm not trying to split hairs.

16 THE COURT: Well, that's why --

17 MR. DAVIS: That's when Deputy Jackson called them.  
18 Not when Jayden called him.

19 THE COURT: Yeah, but that was -- nobody called law  
20 enforcement until Deputy Jackson did. That's fair to say,  
21 correct? We know that the young Mr. Jackson never called  
22 law enforcement.

23 MR. DAVIS: Technically his dad is law enforcement,  
24 but I'm not going to argue with you, Judge.

25 THE COURT: Go ahead.

1 MR. DAVIS: Yes, ma'am. And, Judge, as far as the  
2 youthful offender goes, it is -- it was included because  
3 once we become adults, once our brain matures, 25, 26,  
4 some of us never, we make better decisions. We understand  
5 things better.

6 We don't have a kid with a history here. In fact,  
7 we have no prior law enforcement period. First time  
8 Mr. Jackson has ever been in kind of anything. And there  
9 was not one thing about this charge or this case that said  
10 anything was trying to do something that was going to hurt  
11 someone or be against the law. It was an accident that  
12 happened that night.

13 The one problem that he did, the one law that he  
14 broke was not calling after that crash. He was not at  
15 fault for the crash. He was not charged to be at fault  
16 for the crash.

17 THE COURT: He was not charged. I'll leave it at  
18 that. He was not charged and therefore the Court can't --  
19 and he's not charge, and the Court absolutely takes note  
20 of that.

21 MR. DAVIS: Yes, ma'am.

22 It's four o'clock in the morning, Judge, and the kid  
23 freaked out. He was 20. It was not something that he set  
24 out to do. Not something that he wanted to do. Not  
25 anything that anyone would wanted to happen.

1 THE COURT: In these cases nobody ever does.

2 MR. DAVIS: Correct.

3 THE COURT: That's the sad part of these cases.

4 MR. DAVIS: Yes, ma'am.

5 So, and trust me, I have to defend my client here  
6 and this does not make me thrilled to say this, Judge, but  
7 looking at the facts of the case, we have a woman wearing  
8 dark clothing, walking down a stretch of US 1, that is  
9 pitch black in the middle of the night, and without all of  
10 those circumstances being in the way, this incident  
11 doesn't happen.

12 I'm not trying to say this is the victim's  
13 responsibility or it's her fault. I'm just saying that  
14 would have been somebody on that stretch of the road, at  
15 four o'clock in the morning, which would have been nearly  
16 impossible to have seen. And we have a young man that  
17 was -- that made one -- one mistake, and that was to not  
18 call authorities directly after that happened and did not  
19 stop. And, Judge, we're aware of that and, you know,  
20 obviously that's why we entered the plea.

21 THE COURT: Yes, sir.

22 MR. DAVIS: I do believe, Your Honor, that you are  
23 allowed to go under. I don't believe it's arguable that  
24 Mr. Jackson fits youthful offender. And if this isn't a  
25 case that fits youthful offender because of his age and

1 lack of my type of premeditation or criminal behavior  
2 before this, Judge we definitely hope that the Court takes  
3 that into consideration.

4 THE COURT: All right.

5 I want to thank everyone for being well-prepared.  
6 First, Ms. Cain, I am terribly sorry for your loss. And I  
7 want to acknowledge that first and foremost.

8 I also want to tell Deputy Jackson that I'm sorry  
9 that your son got you into this mess, in this quagmire,  
10 because there's nothing more conflicting for a parent to  
11 want to protect their child but also to honor their role  
12 in law enforcement, so I recognize what a very, very  
13 difficult position that your son put you in. And, sir,  
14 for that I'm very sorry.

15 So I'm going to sentence now. And I am, the Court,  
16 despite Mr. Davis's excellent arguments, the Court  
17 declines to apply youthful offender, and the Court further  
18 declines to downward depart even if the Defense had met  
19 its burden. The Court declines to do so.

20 He is adjudicated guilty as charged. Sentenced to  
21 five years with the Department of Corrections, followed by  
22 five years probation. And that he is required as a  
23 condition of that probation 120 community service hours at  
24 a trauma center, Victim Impact Panel. A five-year  
25 driver's license suspension. Standard fines and costs are

1 imposed, if so requested. Are they requested?

2 MR. LEWIS: They are, ma'am. And also restitution,  
3 Judge.

4 THE COURT: Okay. And restitution in the amount of  
5 four -- was it 4,900 --

6 MR. LEWIS: And \$80, I believe.

7 THE COURT: And \$80. He will be required to pay a  
8 minimum of \$200 per month beginning 60 days from his  
9 release from incarceration toward that restitution. Also  
10 a condition, no drugs, no alcohol and weekly UAs while he  
11 is on probation.

12 Sir, you have 30 days from today's date to file a  
13 notice of appeal with the Clerk of the Court. Should you  
14 wish to do so and if you can't afford a lawyer, a lawyer  
15 will be appointed to represent you.

16 Mr. Davis, sir, did I miss anything?

17 MR. DAVIS: Your Honor, I just would like, if the  
18 main -- obviously, we believe we have something that shows  
19 \$10,000 payment. I don't believe the Court is inclined at  
20 this time to hear that.

21 THE COURT: Well, I can tell you that she indicated  
22 she did not receive the money. If you find something  
23 otherwise, if you find some newly discovered evidence, the  
24 Court will take that into consideration. I'm sure  
25 Mr. Lewis would as well.



1 MR. DAVIS: I have relayed that to Mr. Lewis in the  
2 past.

3 THE COURT: I am going to waive the cost of  
4 probation, supervision because I want him to pay the cost  
5 of restitution.

6 MR. DAVIS: That's what I was going to ask, Judge.  
7 If that's what were trying to do and the weekly UAs, I  
8 don't know if you can do that, but after spending five  
9 years in DOC, his ability to make money, pay restitution  
10 and pay for probation --

11 THE COURT: I'll waive it for the first 60 days. I  
12 expect he'll be working soon thereafter.

13 MR. DAVIS: Yes, ma'am.

14 THE COURT: Thank you very much. This hearing is  
15 concluded.

16 (Audio ends at 2:57 p.m.)  
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REPORTER'S CERTIFICATE

STATE OF FLORIDA )

COUNTY OF VOLUSIA )

I, SUSAN GARDNER, Court Reporter, do hereby certify that the foregoing pages constitute a true and complete transcript of the proceedings transcribed stenographically via digital recording by me to the best of my ability in the aforementioned cause.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 2nd day of August 2025.



/s/ SUSAN GARDNER, COURT REPORTER  
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/s/ AMY FREEMAN  
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