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IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

CASE NO.: 2012-CF-129

STATE OF FLORIDA

vs.

APPEAL - SENTENCING

WILLIAM MERRILL,
Defendant.

By JS
Paper No. 89 Deputy Clerk

FILED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT Flagler County, Florida
SEP 12 2013

* * * * *

**TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RAUL A. ZAMBRANO
CIRCUIT COURT JUDGE**

(STENOGRAPHICALLY TRANSCRIBED VIA DIGITAL RECORDING)

* * * * *

DATE TAKEN: OCTOBER 29, 2012
TIME: COMMENCED AT 2:17:57 P.M.
CONCLUDED AT 3:47:21 P.M.
PLACE: KIM C. HAMMOND JUSTICE CENTER
1769 EAST MOODY BOULEVARD
BUNNELL, FLORIDA

**STENOGRAPHICALLY
TRANSCRIBED BY:** LESLIE STILWELL
COURT REPORTER and NOTARY PUBLIC

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P R O C E E D I N G S

(Audio begins 2:17:57 p.m.)

THE COURT: All right. And then we have a sentencing scheduled for today, as well. And that's State of Florida versus William Merrill: 2012-129. Page 12 of the docket.

Is there a scoresheet?

MR. MATHIS: Yes, sir.

MR. KOCIJAN: That's fine.

MR. MATHIS: Your copy's over there. The victim impact statements.

MR. KOCIJAN: Did you get a copy of the PSI in this case?

MR. MATHIS: Yes.

MR. KOCIJAN: I haven't received it.

MR. MATHIS: You guys don't have one?

MR. KOCIJAN: No.

MR. MATHIS: Do you have another copy of the PSI?

UNIDENTIFIED FEMALE SPEAKER: You can have it.

MR. KOCIJAN: Thank you.

THE COURT: Okay. I have received a scoresheet handed over to me. Total sentence points of 195.8 points. Lowest permissible sentence is roughly about ten and a half years. It

1 says maximum sentence: Thirty years. I think it's
2 forty-five, according to the presentence
3 investigation.

4 MR. MATHIS: I believe that's wrong, Judge.
5 It's -- it's been --

6 THE COURT: I'm sorry?

7 MR. MATHIS: It's 30 years.

8 It was ma- -- it was manslaughter with a
9 firearm, which is a first-degree felony.

10 THE COURT: He also pled to possession of
11 firearm by convicted felon.

12 MR. MATHIS: No, sir.

13 MR. KOCIJAN: It was --

14 MR. MATHIS: No, sir. We dismissed that
15 count.

16 THE COURT: Oh, that was dismissed?

17 MR. MATHIS: Yes, sir.

18 MR. KOCIJAN: Yes, Your Honor.

19 THE COURT: Okay.

20 MR. MATHIS: It's all right. You didn't --

21 THE COURT: So it is 30 years.

22 The -- so that -- that correction needs to be
23 made to the presentence investigation --

24 MR. MATHIS: Yes, sir.

25 THE COURT: -- because the presentence

1 investigation has wrong information.

2 Are there any minimum mandatories that apply?

3 MR. MATHIS: No, Your Honor, there are not.

4 THE COURT: Okay. Thank you.

5 And then, are there any additions, deletions
6 or corrections to the presentence investigation
7 that has been received by the Court?

8 MR. KOCIJAN: No others, Judge.

9 THE COURT: Okay. Is there anything that he
10 wants to present in bar preclusion or mitigation of
11 sentence?

12 MR. KOCIJAN: Yes, Judge. There's several
13 witnesses that are present here today.

14 THE COURT: Okay. Does the State wish to go
15 first or last?

16 MR. MATHIS: Judge, I'd just prefer to go
17 after his witnesses, if it's all right.

18 THE COURT: Okay. Then you may call your
19 first witness, Mr. Kocijan.

20 MR. KOCIJAN: I know there's a gentleman that
21 had to leave early, Judge.

22 Come up, sir.

23 THE CLERK: Please raise your right hand.

24 Do you swear or affirm that the testimony
25 you're about to give is the truth, the whole truth,

1 and nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you.

4 THEREUPON,

5 TIM VIENS,

6 having been duly sworn by the clerk, testified upon his

7 oath as follows:

8 THE COURT: All right. Can I have your name,
9 please?

10 THE WITNESS: My name's Tim Viens.

11 THE COURT: Okay. And then, Mr. Kocijan, you
12 may -- you may proceed.

13 MR. KOCIJAN: Mr. Viens, what is your
14 relationship with Mr. Merrill?

15 THE WITNESS: Carson's dad is our next-door
16 neighbor, across the street.

17 MR. KOCIJAN: And how long have you known Mr.
18 Merrill?

19 THE WITNESS: Two years. Yeah.

20 MR. KOCIJAN: And you'd like to address the
21 Court today?

22 THE WITNESS: I would.

23 We got to know Carson when -- prior to his
24 father moving down from Tennessee. And he was
25 there working every day on his dad's house, getting

1 it ready. He was a hard worker and -- and we got
2 to know him a little bit. We invited him to our
3 church. We always found him to just be a great
4 young guy that loved his family, loved his kids.

5 And as I said, you know, he got to know us
6 quite a bit, you know, while he was there working
7 on his dad's house and then thereafter.

8 That would basically be it.

9 And I -- you know, I'd just like to say that I
10 didn't think when this happened, that this could
11 have ever been a guy that would do this on purpose,
12 and I still believe that now.

13 THE COURT: All right. Thank you.

14 Anything else, Mr. Kocijan, from this witness?

15 MR. KOCIJAN: No, Your Honor.

16 THE COURT: All right. You're free to go.

17 (Witness excused.)

18 THE COURT: Any other witnesses, Mr. Kocijan?

19 MR. KOCIJAN: Call Steve Dionne, please, Your
20 Honor.

21 THE CLERK: Please raise your right hand.

22 Do you swear or affirm that the testimony
23 you're about to give is the truth, the whole truth,
24 and nothing but the truth, so help you God?

25 THE WITNESS: I do.

1 THE CLERK: Thank you.

2 THEREUPON,

3 STEVE DIONNE,

4 having been duly sworn by the clerk, testified upon his
5 oath as follows:

6 THE COURT: And your name, please.

7 THE WITNESS: I'm a coworker -- or was a
8 coworker of Carson's for about three years.

9 THE COURT: Your -- YOUR name.

10 THE WITNESS: Steve Dionne. I'm sorry.

11 THE COURT: Okay. You may proceed.

12 THE WITNESS: The whole time I worked with
13 Carson, I considered him a good friend.

14 When I heard about what happened, I never, in
15 a million years, and still don't believe, that this
16 was anything that was intentional.

17 The whole time I worked with Carson, all he
18 ever did was talk about how much he loved his kids,
19 how much he loved his wife, how great he thought
20 his wife was.

21 He was just -- to me, he was -- it -- it was
22 a -- just a really -- a family guy. Family
23 oriented. Always talked about church. Just -- I
24 never saw a violent bone in his body and -- and
25 couldn't imagine that anything like this would have

1 ever happened.

2 THE COURT: All right. Thank you.

3 MR. MATHIS: Mr. Dionne, where -- where did
4 you work with him?

5 THE WITNESS: Daytona Toyota.

6 MR. MATHIS: And was that the last job he had?

7 THE WITNESS: Uh-huh.

8 MR. MATHIS: And as a matter of fact, he
9 didn't come to work that day, did he?

10 THE WITNESS: I believe he did not. No.

11 MR. MATHIS: Okay. Do you know why he didn't
12 come to work that day?

13 THE WITNESS: No, I do not.

14 MR. MATHIS: Okay. Do you know anything about
15 their -- their personal life?

16 THE WITNESS: Nope.

17 MR. MATHIS: Anything about his prior record?

18 THE WITNESS: No, sir.

19 MR. MATHIS: All right. Nothing further,
20 Judge.

21 THE COURT: All right. Thank you.

22 (Witness excused.)

23 THE COURT: Any other witnesses, Mr. Kocijan?

24 MR. KOCIJAN: Is there a Dennis Merrill
25 present?

1 Kenneth Merrill.

2 MR. K. MERRILL: He's not here.

3 Did you say Kenneth?

4 MR. KOCIJAN: Kenneth Merrill.

5 UNIDENTIFIED MALE SPEAKER: Oh, yeah, that's
6 me.

7 THE CLERK: Please raise your right hand.

8 Do you swear or affirm that the testimony
9 you're about to give is the truth, the whole truth,
10 and nothing but the truth, so help you God?

11 THE WITNESS: So help me God.

12 THE CLERK: Thank you.

13 THEREUPON,

14 KENNETH MERRILL,
15 having been duly sworn by the clerk, testified upon his
16 oath as follows:

17 THE COURT: And your name, please.

18 THE WITNESS: Kenneth Merrill.

19 THE COURT: Okay. You may proceed, Mr.
20 Kocijan.

21 MR. KOCIJAN: And your relationship, sir, to
22 Mr. Merrill?

23 THE WITNESS: I'm his uncle.

24 MR. KOCIJAN: And you'd like to address the
25 Court, sir?

1 THE WITNESS: I would.

2 Obviously, I've known him since the day he was
3 born. And we've hunted, fished together. I
4 watched him grow up, and he's never had a violent
5 bone in his body. He's very kind and loving.

6 He would take the time to call me two or three
7 times, every two or three weeks, just to see how I
8 was doing, whether I'd been fishing, or to let me
9 know that he'd been fishing and how big a fish he
10 caught, just -- you know, just to kind of tease me.
11 He's always been a fun, loving kid.

12 I've got a son and a daughter of my own. And
13 his brothers -- his sisters, they all played
14 together as kids. No violence. Nothing.

15 And I'm like everyone else, I don't think
16 it -- this was -- this was an accident. And I want
17 to see him outside before I die.

18 Thank you.

19 THE COURT: Thank you.

20 (Witness excused.)

21 MR. KOCIJAN: Mr. Strong.

22 THE CLERK: Do you swear or affirm that the
23 testimony you're about to give is the truth, the
24 whole truth, and nothing but the truth, so help you
25 God?

1 THE WITNESS: I do.

2 THE CLERK: Thank you.

3 THEREUPON,

4 ROBERT STRONG,

5 having been duly sworn by the clerk, testified upon his
6 oath as follows:

7 THE COURT: You may proceed.

8 Can I have your name, please?

9 THE WITNESS: My name is Robert Strong.

10 THE COURT: Okay. Mr. Kocijan.

11 MR. KOCIJAN: What is your relationship, Mr.
12 Strong, to Mr. Merrill?

13 THE WITNESS: Well, I lived -- I live across
14 the street from where he used to live when the
15 incident occurred for -- I guess, he lived there
16 six, eight months.

17 MR. KOCIJAN: And what -- what would you like
18 address the Court about today, sir?

19 THE WITNESS: Well, I'd just like to say what
20 everybody else said, that he was a -- he was a
21 loving father -- excuse me -- and a loving husband.
22 And they never said anything to make me think
23 otherwise the entire time they lived there.

24 I know it was an accident. It's a stupid
25 thing he did. It really was stupid. But you can't

1 send a man to jail for 30 years for being a fool.
2 At least I hope not.

3 I guess that's all I got to say.

4 MR. KOCIJAN: You had -- you had the
5 opportunity to see Mr. Merrill and his wife
6 interact at the time you lived across the street?

7 THE WITNESS: Well, yeah. Sure. I used to
8 see them all the time when I'd walk my dog.

9 And they -- they used to hang out in the back
10 yard and -- and, you know, would play with the kids
11 and -- you know, they were -- they were just a
12 good, loving family. There's no -- no issues with
13 them. They -- they never caused me any problems.
14 They never caused anybody any problems.

15 MR. KOCIJAN: Thank you.

16 THE COURT: All right. Any questions?

17 MR. MATHIS: No, sir.

18 THE COURT: All right. Thank you.

19 (Witness excused.)

20 MR. KOCIJAN: Scott and Melanie Vergotz.

21 Ronald and Adriene Rizzo.

22 Would you like, Your Honor, one at a time
23 or --

24 THE COURT: However you want to do it.

25 MR. KOCIJAN: Thank you.

1 You both can come up.

2 THE CLERK: Please raise your right hands.

3 Do you swear or affirm that the testimony
4 you're about to give is the truth, the whole truth,
5 and nothing but the truth, so help you God?

6 MS. RIZZO: Yes.

7 MR. RIZZO: It is.

8 THE CLERK: Thank you.

9 THEREUPON,

10 ADRIENE RIZZO,
11 having been duly sworn by the clerk, testified upon her
12 oath as follows:

13 MR. KOCIJAN: Ma'am, can you please state your
14 name?

15 THE WITNESS: Adriene Rizzo.

16 MR. KOCIJAN: And your relationship with Mr.
17 Merrill?

18 THE WITNESS: Friend.

19 MR. KOCIJAN: How long have you known Mr.
20 Merrill for?

21 THE WITNESS: About five years.

22 THEREUPON,

23 RONALD RIZZO,
24 having been duly sworn by the clerk, testified upon his
25 oath as follows:

1 MR. KOCIJAN: And your name, sir?

2 THE WITNESS: Ronald Rizzo. Friend.

3 MR. KOCIJAN: And how long have you known Mr.
4 Merrill?

5 THE WITNESS: About the same.

6 MR. KOCIJAN: Ms. Rizzo, if you'd like to
7 address the Court.

8 THE WITNESS: Yes, I do.

9 Carson and Stef -- I worked with Carson; I met
10 him there.

11 And first time I met him, it was all about his
12 family and his wife and he -- everything. It was
13 just -- that's all he cared about. That was his
14 major concern.

15 I met Stef, we spent time with them. The kids
16 have been to the house. We just always had a good
17 time. They always had a good rapport.

18 And this had to be an accident. There's
19 nothing else it could have been.

20 That's -- that's...

21 MR. KOCIJAN: Mr. Rizzo.

22 THE WITNESS: Knowing Carson, I do know that
23 it was an accident, because I talked to him a
24 couple days before, and he had just bought his wife
25 a brand new truck, and he was putting a stereo in

1 it for her. He had never been nothing but
2 respectful and were the best of friends.

3 I mean, he'd take the shirt off his back to
4 help you if you needed anything. He was always
5 there for everybody. And he was a good family man.
6 Always brought the kids to the house. We'd go up
7 there, you know.

8 That's it.

9 THE COURT: All right. Thank you.

10 Any questions?

11 MR. MATHIS: Ms. Rizzo, you said you worked
12 with him?

13 THE WITNESS: Yes.

14 MR. MATHIS: At the Toyota place?

15 THE WITNESS: No. Tensolite.

16 MR. MATHIS: Tensolite?

17 THE WITNESS: Yes.

18 MR. MATHIS: That was several years back?

19 THE WITNESS: Yes.

20 MR. MATHIS: And did you know he had all these
21 guns? Did you know he had 20 over -- over 20 guns
22 in his house?

23 THE WITNESS: No.

24 MR. MATHIS: You didn't know he was a
25 convicted felon?

1 THE WITNESS: Yes, I did.

2 MR. MATHIS: Okay. But you didn't know about
3 the guns?

4 THE WITNESS: No.

5 MR. MATHIS: Okay. No further questions.

6 THE COURT: Thank you.

7 (Witness excused.)

8 MR. KOCIJAN: Daniel Lebron.

9 Patrick and Jeana Clark.

10 Erin Curley.

11 THE CLERK: Please raise your right hand.

12 Do you swear or affirm that the testimony
13 you're about to give is the truth, the whole truth,
14 and nothing but the truth, so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Thank you.

17 THEREUPON,

18 ERIN CURLEY,

19 having been duly sworn by the clerk, testified upon her
20 oath as follows:

21 THE COURT: And can I get your name?

22 THE WITNESS: Erin Curley.

23 THE COURT: Okay. You may proceed.

24 MR. KOCIJAN: Thank you.

25 What is your relationship with Mr. Merrill?

1 THE WITNESS: Him and Stefanie were my best
2 friends.

3 MR. MATHIS: Okay.

4 THE COURT: He's what?

5 THE WITNESS: Best friend.

6 MR. KOCIJAN: And how long did you know both
7 Mr. and Mrs. Merrill?

8 THE WITNESS: I'd say about eight, nine years.

9 MR. KOCIJAN: Okay. You may have to speak up
10 a little bit.

11 THE WITNESS: Okay.

12 MR. KOCIJAN: Sorry.

13 So eight, nine years?

14 THE WITNESS: Uh-huh.

15 MR. KOCIJAN: Okay. And you'd like to address
16 the Court, ma'am?

17 THE WITNESS: Yeah. Oh, God.

18 There is no way to put into words the feeling
19 a person feels when losing a loved one. In my
20 case, my best friend, a sister, a person I spent
21 every day with. It is an every day struggle living
22 without my best friend to call and tell about my
23 day to, or to call for advice about something like
24 I did with Stefanie. But it's even more of an
25 every day struggle for Carson to have to live the

1 rest of his life without his wife, or as he would
2 call her, his baby, there by his side.

3 I have never seen a man have as much love for
4 a woman as Carson did for Stefanie. The look I
5 would see in that man's eyes, every time I would
6 catch him starrng at her, was nothing but a look
7 full of love and a smile full of happiness. A look
8 that in the 25 years my parents have been married,
9 I have -- I have still yet to see.

10 I remember getting so mad at them. I would be
11 at the house hanging out with Stefanie, or trying
12 to at least, and Carson would be working and they
13 must have called each other 20 times within an hour
14 just to say a simple "I love you."

15 And then Carson would get home, and I would
16 start to lecture him about how it wasn't necessary
17 to call her 20 times a day. And his reply was
18 always the same: "When you love a woman as much as
19 I, you do," with a big ole smile on his face.

20 I understand if a person does wrong, there are
21 consequences to be made. But Carson has to live
22 with the worst punishment he would receive: Living
23 without his wife; his best friend; his soulmate;
24 not being able to grow old together and watch their
25 amazing children grow as adults.

1 A child needs their parents through every
2 little obstacle life brings them. Stef will always
3 be right there by their side in spirit, but
4 Carson's the one who will be able to walk his
5 little girl down the aisle one day, and take his
6 son on fishing trips like he has always wanted to,
7 and to be able to make trips to go visit Jack --
8 their -- his other son, Jackson, and be able to do
9 things a father's supposed to do.

10 Moriah, Carson, Jackson -- and Jackson love
11 their father so much and needs them [verbatim] just
12 as much as Carson needs them right now.

13 I love and miss Stefanie more than anything,
14 and I would do absolutely anything if I could ever
15 bring her back to see her beautiful smile just one
16 more time. But knowing Stefanie, as well as I did,
17 I know this isn't what she would have wanted.

18 Carson is the most amazing father I have ever
19 met and needs to be able to be there to be able to
20 love for them and take care of them just as Stef
21 would have wanted.

22 Carson has spent the last nine month alone,
23 having to relive that awful morning each day over
24 and over again in his head, and, in my opinion, a
25 place he does not belong.

1 I'm not asking you to let him off scotch free,
2 Your Honor, but not to let him spend the rest -- to
3 spend years behind bars. I don't feel as if it
4 would do any good for anybody, and most
5 importantly, his children.

6 Before I go, please just know from the bottom
7 of my heart I know this was nothing but a tragic
8 accident. Because I can promise you, if I had any
9 doubt in my mind it was anything but, there would
10 be no way I would be standing here for Carson
11 today.

12 Stefanie was what Carson's life revolved
13 around. She was not only a wife to him, but was
14 also his best friend.

15 THE COURT: Thank you.

16 Any questions?

17 MR. MATHIS: Just a couple, Judge.

18 Ms. Curley, were you aware of all the guns
19 they had in the house?

20 THE WITNESS: I didn't know that they had as
21 many as they did, but...

22 MR. MATHIS: But you knew he had guns in the
23 house?

24 THE WITNESS: Yes.

25 MR. MATHIS: And you knew he was a convicted

1 felon?

2 THE WITNESS: Yes.

3 MR. MATHIS: You know he wasn't supposed to
4 have the guns in the house?

5 THE WITNESS: Yeah.

6 MR. MATHIS: Were you there at times when he
7 pointed the gun at her?

8 THE WITNESS: No.

9 MR. MATHIS: You were never there for any of
10 those?

11 THE WITNESS: Uh-uh.

12 MR. MATHIS: And were you there when the
13 domestic battery occurred back in '07?

14 THE WITNESS: No.

15 MR. MATHIS: Okay. Nothing further, Judge.

16 THE COURT: Okay. Thank you. You may have a
17 seat.

18 (Witness excused.)

19 MR. KOCIJAN: Alisa and Daryl Guffey.

20 THE CLERK: Please raise your right hands.

21 Do you swear or affirm that the testimony
22 you're about to give is the truth, the whole truth,
23 and nothing but the truth, so help you God?

24 (Collective affirmative response.)

25 THE CLERK: Thank you.

1 THE COURT: Thank you.

2 You may proceed.

3 THEREUPON,

4 ALISA GUFFEY,

5 having been duly sworn by the clerk, testified upon her
6 oath as follows:

7 MR. KOCIJAN: Please state your name, ma'am.

8 THE WITNESS: My name's Alisa Guffey.

9 MR. KOCIJAN: And your relationship with Mr.
10 Merrill?

11 THE WITNESS: I guess, second mom.

12 MR. KOCIJAN: How long have you known Mr.
13 Merrill for?

14 THE WITNESS: For about 21 years. Since he
15 was about 13.

16 MR. KOCIJAN: And you'd like to address the
17 Court, ma'am?

18 THE WITNESS: Yes, I would.

19 We have known -- my husband and I and our
20 family -- have known Carson since he was about 13,
21 in junior high when he started attending with our
22 son.

23 He became -- we have three biological
24 children, and he became our fourth.

25 He and his family lived about five minutes

1 from us. He was with us on every family vacation.
2 He was with us on fishing trips, hunting trips,
3 anything -- if we visited our family or any
4 vacations, he was always right there with us and
5 part of our family.

6 He brought to our home so much laughter and so
7 much joy, and he actually motivated our children to
8 do their chores. He never -- he had the utmost
9 respect for us and our family. He would motivate
10 our children to do their chores, "Let's get it
11 done. Let's not argument. Let's not fuss." It
12 was just amazing what he did with our family and
13 the place that he holds.

14 He's just -- he -- to this day, he still
15 addresses us as Mr. and Ms. Guffey.

16 And when he moved here a few years ago, we
17 continued to have phone conversations. He would
18 always call us almost -- if I forgot, almost every
19 two or three weeks. He would place a phone call
20 just to see how we're doing and check on us. And
21 we -- he continually talked about his wife and his
22 children. Stef and the children and the family and
23 what they were doing and just -- that was pretty
24 much the topic of the conversation, and their
25 involvement in their church, and just -- it was --

1 he has -- Carson has one of the most tender,
2 loving, biggest hearts of any young man I've known.

3 THE COURT: Thank you.

4 THEREUPON,

5 DARYL GUFFEY,

6 having been duly sworn by the clerk, testified upon his
7 oath as follows:

8 MR. KOCIJAN: Sir, your name?

9 THE WITNESS: Daryl Guffey.

10 MR. KOCIJAN: And your relationship, sir?

11 THE WITNESS: A friend.

12 MR. KOCIJAN: Okay. Is there anything you
13 would like to add?

14 THE WITNESS: I just know, Your Honor, that
15 this was totally an accident. That it's not in
16 Carson's heart to do something of this nature. It
17 was an accident.

18 THE COURT: All right. Thank you.

19 (Witnesses excused.)

20 MR. KOCIJAN: Thank you.

21 THE COURT: Any other witnesses?

22 MR. KOCIJAN: Casey Thomp- -- Cassie Thompson.
23 I apologize.

24 THE CLERK: Please raise your right hand.

25 Do you swear or affirm that the testimony

1 you're about to give is the truth, the whole truth,
2 and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Thank you.

5 THEREUPON,

6 CASSIE THOMPSON,

7 having been duly sworn by the clerk, testified upon her
8 oath as follows:

9 MR. KOCIJAN: Would you please state your
10 name, ma'am?

11 THE WITNESS: Cassie Thompson.

12 MR. KOCIJAN: And your relationship with Mr.
13 Merrill?

14 THE WITNESS: I'm Carson's sister.

15 MR. KOCIJAN: You'd like to address the Court?

16 THE WITNESS: Carson was my playmate. He was
17 my friend -- my best friend, my enemy. We got in
18 trouble together. We played together.

19 We've grown up, and our children have now
20 grown up. I have three daughters of my own.

21 He is so loving. He is caring. He loves his
22 family, and he loves Stefanie.

23 I had the opportunity to visit Carson about
24 once a year when I was able to take a family
25 vacation and come down. Whether I went to Disney,

1 whether I went to the beach, I always made
2 arrangements to come and see Carson and Stefanie
3 and the kids while we were here so that our
4 children could play with them.

5 We would -- talked regularly on the phone.
6 Whether it'd be two or three times a week or once a
7 month, we would always catch up. We constantly
8 would send e-mails or text messages and pictures
9 back and forth.

10 I can tell you that Carson loves Stefanie with
11 all his heart. If he could go back, he would trade
12 places with her any given day.

13 I truly believe in my heart this was an
14 accident, and Carson does not deserve -- his
15 children do not deserve for him to sit in jail. It
16 will not do him or the children any good. He loves
17 them. He needs to be with them and take care of
18 them. He needs to be able to go into this world
19 and better himself and use his mistakes to better
20 others.

21 He loves Stefanie.

22 THE COURT: Thank you.

23 (Witness excused.)

24 THE COURT: Your next witness, please.

25 MR. KOCIJAN: Rick McGraw.

1 THE CLERK: Please raise your right hand.

2 Do you swear or affirm that the testimony
3 you're about to give is the truth, the whole truth,
4 and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 THEREUPON,

8 RICK MCGRAW,

9 having been duly sworn by the clerk, testified upon his
10 oath as follows:

11 MR. KOCIJAN: Would you please state your
12 name, sir?

13 THE WITNESS: Rick McGraw.

14 MR. KOCIJAN: And how do you know Mr. Merrill?

15 THE WITNESS: I was the property manager for
16 the house that he was renting when the -- where the
17 accident occurred.

18 MR. KOCIJAN: How long have you known Mr.
19 Merrill for?

20 THE WITNESS: Approximately eight months, I
21 believe.

22 MR. KOCIJAN: And you'd like to address the
23 Court?

24 THE WITNESS: Yeah.

25 During that time, I -- you know, I had

1 observed on two, three, four occasions, the
2 interaction between Carson and Stefanie. And it
3 was just, to me, real obvious. They had a strong
4 bond, and almost an admiration. They weren't just
5 a couple; they seemed to be friends.

6 And, you know, I just can't imagine that -- it
7 was a tragedy. I mean, a tragedy. I'm sure that
8 he is suffering every day. I cannot imagine
9 incarceration being worse than what he goes through
10 every day of his life.

11 He's got kids. And I know they adored him. I
12 had observed their interaction numerous times when
13 I would visit the house.

14 There is no question. No question in my mind,
15 it was an accident. A tragedy. And I just hate to
16 see it to be continued. It's -- it's going to
17 be -- he's going to suffer the rest of his life.

18 MR. KOCIJAN: Thank you.

19 THE COURT: All right. Thank you.

20 (Witness excused.)

21 MR. KOCIJAN: Charles and Penny Grebe.

22 THE CLERK: Do you swear or affirm that the
23 testimony you're about to give is the truth, the
24 whole truth, and nothing but the truth, so help you
25 God?

1 (Collective affirmative response.)

2 THE CLERK: Thank you.

3 THEREUPON,

4 PENNY GREBE,

5 having been duly sworn by the clerk, testified upon her
6 oath as follows:

7 MR. KOCIJAN: Would you please state your
8 name, ma'am?

9 THE WITNESS: Penny Grebe.

10 MR. KOCIJAN: And what is your relationship
11 with Mr. Merrill?

12 THE WITNESS: Mr. Merrill is our neighbor's
13 son. I've known him for about who years.

14 MR. KOCIJAN: Okay. And you'd like to address
15 the Court, ma'am?

16 THE WITNESS: Yes, please.

17 Carson was very -- very respectful from the
18 day I met him; always very friendly. He would have
19 his kids and Stefanie over at his dad's house,
20 working on it all the time while he was waiting for
21 his dad to move -- move down here.

22 And he was very -- doted on his children and
23 his wife.

24 And I just saw a young man that was just very
25 respectful and friendly to everyone around him, and

1 it was a tragic accident.

2 That's it.

3 THEREUPON,

4 CHARLES GREBE,

5 having been duly sworn by the clerk, testified upon his
6 oath as follows:

7 MR. KOCIJAN: And can you state your name,
8 sir, please?

9 THE WITNESS: Charlie Grebe.

10 MR. KOCIJAN: And your relationship with Mr.
11 Merrill?

12 THE WITNESS: Butch -- Carson's dad is our
13 neighbor; less than two years now.

14 I'd met Carson prior to Butch moving in. What
15 impressed me most was when Carson was with the
16 children. His -- when I met the son, young Carson,
17 put his hand out, eye-to-eye contact. That
18 impressed me, the way he was going to raise his
19 children -- or hopefully is going to raise his
20 children, that there was hope for the future
21 through the younger ones in the way that he had
22 young Carson introduce himself: Eye contact,
23 handshake.

24 Whenever I saw him with Stefanie, there --
25 there was -- there was -- there's love there.

1 Just -- there was hope with -- for the future with
2 the children the way he was going to raise them.

3 So hopefully this sentencing will allow that
4 to still take place and let the children be raised
5 by the father who impressed me as a father.

6 THE COURT: Thank you.

7 (Witness excused.)

8 MR. KOCIJAN: Thank you.

9 Mr. and Ms. Hughes (phonetic).

10 Beverly Jackson.

11 Jonathan Vitale.

12 John Guffey.

13 Brad Guffey.

14 THE CLERK: Please raise your right hand.

15 Do you swear or affirm that the testimony
16 you're about to give is the truth, the whole truth,
17 and nothing but the truth, so help you God?

18 THE WITNESS: Yes, I do.

19 THE CLERK: Thank you.

20 THEREUPON,

21 BRAD GUFFEY,

22 having been duly sworn by the clerk, testified upon his
23 oath as follows:

24 MR. KOCIJAN: Please state your name, sir.

25 THE WITNESS: My name is Brad Guffey.

1 MR. KOCIJAN: And how do you know Mr. Merrill?

2 THE WITNESS: He's very close and a dear
3 friend of mine.

4 MR. KOCIJAN: How -- how long do you believe
5 you've known Mr. Merrill for?

6 THE WITNESS: I've known him all of his adult
7 life. Since he was 12 years old, so 21, 22 years.

8 MR. KOCIJAN: Thank you.

9 THE WITNESS: Can I address the Court?

10 MR. KOCIJAN: Yes. Please.

11 THE WITNESS: Like I said, I've known Carson
12 all of his adult life. He's been a very dear
13 friend to me, as well as my family.

14 I've watched as he's become a father and a
15 husband. These are roles in which he did without
16 reserve or hesitation. He did not take these
17 lightly. He loved his wife very much so, as well
18 as his children.

19 Carson's friendship and loyalty have never
20 been a question. He's always been supportive and
21 honest, regardless of the outcome.

22 I've always known him to be very
23 compassionate, enthusiastic with those around him.
24 He's a very optimistic -- he has a very optimistic
25 outlook on his life and the life of his family. He

1 truly loves the people around him, and this is --
2 was shown in more ways than I can count on.

3 I'm at a complete loss for words because you
4 can't sum up somebody's life in five minutes in a
5 court hearing. And you can't look at the negative
6 things somebody's done and judge them based on
7 that, even though you're forced to.

8 All I can say is that he truly loves those
9 around him. He loves his family. Even if there's
10 negative consequences in his own life, he's willing
11 to go out of the way to help others.

12 I can't count the number of times that I
13 myself have had Carson help me out and my family.

14 And like I said, you just can't sum those up
15 in a few words. And you can truly never know him
16 without actually knowing him and being around him.

17 Today I've talked to a few people that have
18 just known him for a few short months. And some
19 people here today have only known him for a matter
20 of months. And everything they have to say about
21 him is optimistic. And, you know, his general
22 outlook, you know, towards his family and his wife
23 are just, you know -- you know, without words.

24 I mean, you can't describe how somebody loves
25 somebody and how somebody loves their family. You

1 can't describe in a few sentences, you know, how
2 complex their relationship was. I mean, all
3 relationships are very complex among people and you
4 can't sum up a lifetime of -- of those
5 relationships, you know, today. It would take, you
6 know, me hours for me to sum that up and you still
7 wouldn't understand how important Carson is to me.

8 And that's not a -- I'm not family with him.
9 It's not a external forced relationship in any way.
10 This has all come about through me knowing Carson
11 as a person and knowing him his whole life.

12 And I do believe unequivocally, and without a
13 doubt, that his actions, regardless of how
14 irresponsible and stupid they were, are without
15 intent or malice of any kind. And I truly believe
16 that in my heart.

17 And I don't that somebody can be what would be
18 more remorseful than Carson would be after this
19 incident took place. I've only spoken to him a few
20 times, and I don't think -- you know, I can't
21 explain the conversations that we had or that we
22 have had since then, but I know that's -- that has
23 affected him more than anything else in his life,
24 and rightfully so.

25 And that's -- that's all I really have to say.

1 THE COURT: Thank you.

2 MR. MATHIS: If I might, Judge.

3 THE COURT: You do have a question.

4 MR. MATHIS: Mr. Guffey, you've known him all
5 of -- most of his life?

6 THE WITNESS: Yes, sir.

7 MR. MATHIS: Were you aware of his obsession
8 with firearms?

9 THE WITNESS: Yes.

10 MR. MATHIS: And you knew he had all these
11 guns?

12 THE WITNESS: I did not know he had all these
13 guns, no.

14 MR. MATHIS: Have you been over at his house
15 when he's been pointing the gun at people and --

16 THE WITNESS: No.

17 MR. MATHIS: No?

18 THE WITNESS: If I could elaborate on that,
19 though.

20 MR. MATHIS: Uh-huh.

21 THE WITNESS: Mr. Merrill is actually deaf his
22 left ear because I myself discharged a firearm
23 within a few inches of his head when we were
24 younger. And this would have been purely an
25 accident, and I would be in the same situation as

1 he's in now.

2 MR. MATHIS: But you weren't a convicted felon
3 at that time, were you?

4 THE WITNESS: No, sir, I wasn't.

5 MR. MATHIS: Did you know that he was a
6 convicted felon?

7 THE WITNESS: Yes.

8 MR. MATHIS: Did you know he wasn't supposed
9 to have guns?

10 THE WITNESS: Yes.

11 MR. MATHIS: Okay. But nevertheless, you knew
12 he had a lot of them?

13 THE WITNESS: I did not know he had a lot of
14 them, no.

15 MR. MATHIS: Okay.

16 THE WITNESS: And to be honest with you, until
17 after this incident, I did not know that he had,
18 you know, that many guns in his house. I don't
19 know the exact number, 20 something, maybe.

20 MR. MATHIS: Uh-huh.

21 THE WITNESS: I did not know that he had those
22 in his house, but I do know that he had not
23 acquired those personally, no.

24 MR. MATHIS: You know he hadn't acquired
25 personally?

1 THE WITNESS: I know that he hadn't gone out
2 and purchased or acquired those guns, you know
3 and --

4 MR. MATHIS: How -- how did he get them?

5 THE WITNESS: And collected those over a
6 period of time.

7 MR. MATHIS: How did he get them?

8 THE WITNESS: From my understanding, he was
9 holding onto them for somebody else.

10 MR. MATHIS: Okay.

11 THE WITNESS: (Indiscernible.)

12 MR. MATHIS: So if he bought them, that would
13 be -- you didn't know that?

14 THE WITNESS: Correct. I didn't know that he
15 had bought them or acquired them.

16 MR. MATHIS: All right.

17 THE WITNESS: Not until after -- after the
18 incident took place.

19 MR. MATHIS: Nothing further, Judge.

20 THE COURT: Thank you.

21 (Witness excused.)

22 MR. KOCIJAN: Ms. Donna Copeland.

23 THE CLERK: Please raise your right hands.

24 Do you swear or affirm that the testimony

25 you're about to give is the truth, the whole truth,

1 and nothing but the truth, so help you God?

2 (Collective affirmative response.)

3 THE CLERK: Thank you.

4 THEREUPON,

5 DONNA COPELAND,

6 having been duly sworn by the clerk, testified upon her

7 oath as follows:

8 MR. KOCIJAN: Could you please state your
9 name, ma'am?

10 THE WITNESS: Donna Copeland.

11 MR. KOCIJAN: And your relationship to Mr.
12 Merrill?

13 THE WITNESS: I'm his mother.

14 MR. KOCIJAN: You'd like to address the Court,
15 ma'am?

16 THE WITNESS: Yes, I would.

17 Being a mother, what can I say, other than I
18 love my son and my son loves me and he loves his
19 family.

20 There's not a doubt in my mind that this was
21 not a tragic, tragic accident. Yes, it was
22 foolish, but he did not intend to do this. He
23 loved Stefanie with all of his heart, and he loved
24 his children, and she loved him.

25 And there's nothing else that I can say that

1 you haven't already heard. I could sit here and go
2 on for hours and hours and hours, but I'm not going
3 to because I know in my heart that God is with us
4 and he's going to take care of all of us.

5 Thank you.

6 THE COURT: Thank you.

7 THEREUPON,

8 JAMES B. COPELAND,

9 having been duly sworn by the clerk, testified upon his
10 oath as follows:

11 MR. KOCIJAN: And, sir, your name?

12 THE WITNESS: My name is James B. Copeland.

13 MR. KOCIJAN: And your relationship, sir?

14 THE WITNESS: I'm his stepfather.

15 MR. KOCIJAN: Okay. How long have you had the
16 opportunity to know Mr. Merrill?

17 THE WITNESS: My relationship started with him
18 when he was about 12 years old, sir.

19 MR. KOCIJAN: And is there anything else that
20 you would like to add to the Court?

21 THE WITNESS: Well, I watched Carson grow up
22 as a young teenager and go into adulthood. And I
23 watched him stumble and fall and also grow in his
24 relationships with his family. I've watched him
25 grow in his relationship with the Lord.

1 And one thing I told him and Stefanie -- when
2 they were married, we sat down one night at dinner.
3 I said, "The most important thing I think the both
4 of you can do for each other is to have Christ in
5 your" -- "in your marriage. And I know that Carson
6 and Stefanie had Christ in their marriage.

7 And this is an accident. And I know the good
8 Lord is going to forgive Carson, and I just hope
9 the Court allows him to be able to raise his
10 children and be able to contribute to society and
11 to let those children have a father. It's bad
12 enough that they've lost one parent, but it's a
13 tragedy for them to have lost two.

14 That's all I have.

15 MR. KOCIJAN: Thank you.

16 THE COURT: Thank you.

17 MR. KOCIJAN: Mr. Merrill.

18 THE CLERK: Please raise your right hand.

19 Do you swear or affirm that the testimony
20 you're about to give is the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 THE WITNESS: Yes, I do.

23 THE CLERK: Thank you.

24 THEREUPON,

25 THOMAS MERRILL,

 VOLUSIA REPORTING COMPANY

1 having been duly sworn by the clerk, testified upon his
2 oath as follows:

3 MR. KOCIJAN: Could you please state your
4 name, sir?

5 THE WITNESS: Thomas Merrill.

6 MR. KOCIJAN: And your relationship?

7 THE WITNESS: I'm his biological dad.

8 MR. KOCIJAN: Okay. And you'd like to address
9 the Court, sir?

10 THE WITNESS: Yes.

11 Just about everything everybody said is the
12 truth. He's just a good person. If you can't see
13 that by now from all these people that's been up
14 here, he -- he's just -- there's not a bad bone in
15 his body.

16 His days off was a Wednesday. I had a riding
17 mower -- self-propelled mower. I just moved down
18 here a year and a half ago. He would come over
19 there with his daughter, other kid -- child would
20 be in school. He'd cut his yard first, and then
21 come cut mine. He's -- you know, I could have done
22 it, but he wouldn't let me. He's that kind of
23 person.

24 A neighbor down the street -- it was an older
25 man. I think he was about 90 or something like

1 that -- putting a roof on his house by himself, and
2 Carson come got my compressor, went down there and
3 was helping him 'cause he -- he couldn't afford to
4 pay to have it done. He's just that kind of
5 person.

6 And can I address him, also?

7 THE COURT: No, sir.

8 THE WITNESS: Oh, okay. That's about it.

9 That -- he keeps asking about the guns.

10 The -- those guns, 90 percent of them -- 99 percent
11 of them, were guns that I had given him when I
12 moved down here because I wasn't going to use them
13 anymore. And I did not know he was a felon.

14 My wife, my daughter, they said, "You've got
15 to be kidding." I did not know. It's that simple.
16 I relate fellas that's drunk, bank robbers and
17 stuff like that. I had no earthly idea he was a
18 felon. So that's the answer to all of the guns.

19 I did -- I've had those guns since I was a
20 kid. I'm 69 years old, December.

21 And both the gun cabinets, one of them was
22 mine; the other was my brother's. They were --
23 they were all at my brother's house. He drove up
24 there -- took time off from work, drove up to
25 Tennessee and loaded his truck up so -- to help me

1 move. And I wasn't going to use them anymore, so
2 that's how he got all these guns. Makes him look
3 like General Dillinger, but them are guns I've had
4 all my life. So -- and most of them -- a lot of
5 them are black powder. That's all I hunted anymore
6 was black powder. So that's the deal on the guns.

7 MR. KOCIJAN: And, sir, did you ever have the
8 opportunity to observe Mr. Merrill with his wife?

9 THE WITNESS: All the time. They -- Stefanie
10 would come to my house every morning. He would be
11 at work. She would drop the little boy off at
12 school, and she'd come right straight to my house.
13 We'd drink coffee and sit there for maybe an hour
14 every day, just about. And then she started
15 working right there at the end.

16 But, yes, they were -- they were so close.
17 Everything you've heard's the truth about them. So
18 he -- putting him in jail is really punishing the
19 kids, if you understand what I'm saying.

20 So -- that's all.

21 THE COURT: Thank you.

22 THE WITNESS: You need me now?

23 MR. MATHIS: No, I'm not going to ask you any
24 questions --

25 THE WITNESS: Okay.

1 MR. MATHIS: -- Mr. Merrill.

2 THE WITNESS: Y'all have a nice night.

3 (Witness excused.)

4 THE COURT: Okay. Any other witnesses?

5 MR. KOCIJAN: No, Your Honor.

6 THE COURT: Okay. State?

7 MR. MATHIS: Judge, I have some victim impact
8 statements that I'd like to present, if I might.

9 THE COURT: Okay.

10 MR. MATHIS: And I have copies of the written
11 statements, along with restitution orders in here.

12 The first one's the -- Stefanie's brother.

13 THE COURT: Has Mr. Kocijan seen the orders
14 and the documents?

15 MR. MATHIS: Yes, sir, he has.

16 THE CLERK: Do you swear or affirm that the
17 testimony you're about to give is the truth, the
18 whole truth, and nothing but the truth, so help you
19 God?

20 THE WITNESS: I swear.

21 THE CLERK: Thank you.

22 THEREUPON,

23 THOMAS CANADY,

24 having been duly sworn by the clerk, testified upon his

25 oath as follows:

1 THE COURT: Okay. Your name, please.

2 THE WITNESS: Thomas Canady, Jr.

3 THE COURT: Thank you.

4 THE WITNESS: Your Honor, this letter is to
5 describe the loss of my sister -- how the loss of
6 my sister has affected my family and I.

7 Unfortunately, I don't believe that it is
8 possible for me to put into words the pain, the
9 anger, outrage or the pure hate which has followed
10 this tragic and avoidable shooting.

11 As children we're taught to obey the law and
12 to never point a weapon at anyone; much less, a
13 loved one.

14 As young adults, taught only to use a weapon
15 in self-defense.

16 As a soldier, I was taught that you point a
17 weapon at a target, you take aim, and then you pull
18 the trigger. And that is exactly what has
19 happened.

20 With or without the knowledge of it being
21 loaded, the Defendant, Carson, picked up an AK-47
22 assault riffle -- not a soft -- you know, an
23 Airsoft or a toy, mind you -- and pointed it at
24 Stefanie. He then took aim at her, center mass,
25 and pulled the trigger. No one goes through those

1 motions without the subconscious intent to do harm
2 to another.

3 In the hours and days following that dreadful
4 phone call, it was like having flashbacks. Little
5 bits here and there of times with Stef and phone
6 conversations. I remembered every conversation in
7 which Stefanie had expressed concern or confess an
8 incident that had occurred between her and the
9 Defendant, Carson.

10 Some of the other memories that would race
11 through my mind would be Stefanie calling, saying,
12 "You're not going to believe what your nephew's
13 done now," or talking about Moriah trying to
14 pronounce a word and it coming out way wrong.

15 But to this day, every day, I think about the
16 night before Stefanie was shot. My son and I were
17 wrestling in the living room when the phone rang,
18 and little Randy asked, "It's Aunt Stefanie. Are
19 you going to answer it?"

20 I told him I'd call her back in the morning;
21 that I wanted to finish our wrestling match. I
22 never got the chance to talk to her again.

23 We had decided for the sake of the children
24 that it would -- that we would only tell them that
25 Stefanie had fallen. My eight-year-old son was

1 given that information as well. After the drive to
2 Florida and hearing more of the details, we, as a
3 family, decided that we need to explain to little
4 Randy what happened. We were afraid that he would
5 start talking about hunting or guns around his
6 cousins.

7 Little Randy had been around firearms his
8 entire life. He even has a few of his own. But
9 safety was taught, preached, practiced and lived
10 for two years before he was even allowed to take a
11 shot with his BB gun with extreme [verbatim] --
12 extreme overwatch my myself.

13 My wife and I explained to -- to him that the
14 Defendant, Carson, was in the bathroom working on a
15 rifle and that the rifle went off by accident and
16 hit his Aunt Stefanie, causing her to die.

17 His eyes started to water and his facial
18 expression showed deep confusion. At that time I
19 asked if he was okay and still wanted to talk about
20 it.

21 He said, "I don't understand, Daddy. Why was
22 Uncle Carson working on a rifle in the bathroom
23 with Aunt Stefanie and Mo in there?"

24 Then his eyes got big and he started to cry as
25 he asked something -- something that I still have a

1 hard time with. He asked, "No, Daddy, how could
2 Uncle Carson be working on a gun and not know that
3 it was loaded?"

4 To be honest, Your Honor, I couldn't answer
5 him then, and I can't answer him now.

6 The day of the funeral was the hardest, by
7 far, of my life. Watching the pain of two loving
8 parents, the confusion of two young children, the
9 mourning our entire family was going through, and
10 seeing my kid sister laying in a casket which is
11 more than any one person should have to hold in.

12 Just when I thought I'd reach the point that I
13 could no longer be the strong one, my nephew
14 grabbed my hand, standing behind the hearse that
15 carried his mom, he gave me strength. He said,
16 Uncle Randy, where are they taking my mom?"

17 In the back of my mind, I said, Thank you,
18 Stefanie, as I knelt down and told him where we
19 were going, and asked him if he wanted to lead the
20 way.

21 He and I walked hand in hand following the
22 hearse to the mausoleum, at which point he
23 carried -- excuse me -- at which point we carried
24 his mother's casket to her final resting place with
25 him walking just in front of us leading the way.

1 He and I were the last to say I love you and
2 good-bye to Stefanie.

3 Your Honor, have you ever walked a six year
4 old to his mother's grave so that he could say
5 good-bye? I can only hope that you haven't.

6 My nephews voice asking "Where are they taking
7 my mom," will haunt me for the rest of my days, as
8 will not answering the phone the night before her
9 murder.

10 No longer will I receive phone calls of her
11 laughing so hard that she was short of breath. No
12 more will she call reminding me that the 24 hour
13 showing of the *Christmas Story* is coming up, or
14 that Mom's birthday is tomorrow and make sure that
15 I call. No more will we poke fun at one another or
16 laugh at ourselves. No more will she call out of
17 the blue and spend an hour and a half on the phone.

18 Holidays, birthdays, family get-togethers, we
19 can try as hard as we want, but they'll never be
20 the same. They're nothing more than a reminder of
21 one split-second of stupidity in which a mother, a
22 daughter, and a sister was brutally taken away from
23 us.

24 Stefanie was always the smart one. She could
25 just walk by a book and be able to teach you what

1 was in it.

2 Outspoken, beautiful and funny as they come,
3 and a great mother. She was the diamond of the
4 family. I wish now, that I would have told her
5 more often how proud of her I was.

6 I can see Stefanie in both of her children.
7 They're so cute and extremely smart for their ages.

8 Every day I worry about my nephew, Carson.
9 That little guy is still in a world of hurt all
10 over of this, as he should be. Hearing of him
11 making statements like, "I want to get a gun and
12 shoot myself so that I can be with my mom," brings
13 me to tears. It breaks my heart knowing what he
14 and Moriah have gone through, and what -- and will
15 continue to go through.

16 I can't even put into words the hurt or the
17 concern that I have for my niece, Moriah, with her
18 seeing what transpired between the defendant and
19 her mother on that horrible morning at such a young
20 age. I don't know if there are such words.

21 As I watch the video that played at Stefanie's
22 funeral and typed this statement, tears roll down
23 my face just as they did when I received the news
24 of her -- news of her shooting.

25 You see, as a big brother, I was supposed to

1 protect Stef. Even as we became adults, I tried to
2 do just that.

3 I can't tell you how many times I talked to
4 her about the abuse or assault that she received
5 from her husband, but she was terrified of what I
6 might do, so she kept those things from me for a
7 long while. I begged Stefanie to leave him before
8 things could get any worse, but Stefanie truly
9 believed that he could change.

10 That's the last thing I want to -- would like
11 to talk about, Your Honor, is change.

12 Sure, I believe that people can change. But
13 in order to do so, they have to have the desire to.
14 William Carson Merrill has not changed one bit
15 since I met him in junior high school. He has
16 always been and will always be a reckless,
17 careless, immoral, immature bully with absolutely
18 no integrity and a complete lack of respect for
19 anyone or anything, to include himself and the law
20 of man.

21 He has always and will always take the easy
22 way out and cut corners, break laws when he thinks
23 no one is looking. Case in point, how many
24 firearms did this convicted felon have?

25 It really -- it is really no surprise that

1 William Carson Merrill has taken the road of a
2 coward in this case. Once again in his life, he
3 refuses to stand up and face what he has done and
4 is expecting everyone to forgive and forgot.

5 It is my belief and the belief of others that
6 he truly expects to walk away from this with little
7 to no punishment. After all, it's the story of his
8 life.

9 One look at his record and anyone can see that
10 he will always be a problem for society and for
11 anyone in close or direct contact with him.

12 I'd hope after he served time a few years
13 back, that he would straighten up and do right by
14 his wife and kids. Apparently, that was just
15 wishful thinking, as is thinking that he will ever
16 be a benefit to himself, loved ones or society.

17 Your Honor, I'm begging you, please give
18 Will -- William Carson Merrill the maximum sentence
19 allowed by law. In doing so, you'll be provi --
20 you will be providing my sister with a little bit
21 of justice; you will be protecting two very young
22 children from a guy that -- whom, at best, cares
23 only for himself; and you will possibly bring some
24 peace into my mother and father's lives again. But
25 most importantly, Your Honor, in locking him away

1 for as long as possible, you may very well be
2 saving another family from this hurt and saving a
3 life.

4 Thank you for this opportunity to speak.

5 THE COURT: Thank you.

6 MR. MATHIS: Ms. Rebostini would read the
7 mother's letter if that's all right with Your
8 Honor.

9 THE COURT: You may proceed.

10 MS. REBOSTINI: Your Honor, my name is Marilyn
11 Canady. I'm Stefanie's mom.

12 The death of my one and only daughter has
13 caused a hurt like no other. It has left an
14 emptiness and pain that will never go away. Our
15 lives have been changed forever. I can see the
16 pain and emptiness in her father's face, hear it in
17 his voice.

18 I am seeing Dr. Sharon Schulman for be- --
19 bereavement and grief counseling. My husband and I
20 are also involved in family court for the
21 termination of parental rights.

22 Since February 21st, 2012, my husband and I
23 have been encouraging, supporting, nurturing and
24 helping our grandchildren through this traumatic
25 tragedy that they are going through. Although the

1 children don't realize it, they are helping us just
2 as much. These children have the ability to make
3 you laugh, even when you may feel as though you
4 will never be able to laugh again.

5 Like I told my grandson, sometimes in life we
6 get pushed down, and some of those pushes can be
7 really bad. But we pick ourselves up, brush off
8 the dirt, and we move forward. We don't let these
9 pushes keep us down.

10 On March 6th, 1981, I held my beautiful baby
11 girl for the first time. Her body was so warm, so
12 full of life. I kissed her forehead for the first
13 time.

14 On February 20th, 2012, I saw Stefanie for
15 what turned out to be the last time I would ever
16 see her alive again.

17 Stefanie will no longer say, "Mom, will you
18 make me a carrot cake for my birthday," or call me
19 and say, "Mom, don't you want to make me a key lime
20 pie," just because she wants one.

21 I will never hear "Happy Mother's Day" or
22 "Happy Birthday" from Stefanie again.

23 Stefanie won't be reminding me to cut the
24 celery and eggs small for the dressing at
25 Thanksgiving this year or any other year. No

1 holiday will ever be the same.

2 I won't be receiving a phone call from her
3 telling me, "You won't believe what your grandchild
4 just done or said." She would be laughing so hard,
5 you could barely understand what she was saying.
6 You would start laughing because her laugh was so
7 infectious.

8 There is not a day that goes by that Stefanie
9 isn't in my thoughts. To lose a child in such a
10 horrific way, and the knowledge that her
11 three-year-old daughter was in a bathtub of water
12 just a few feet away as she lay on the bathroom
13 floor dying.

14 To have my six-year-old grandson say, "Nanny,
15 I just want to get a gun and shoot myself because I
16 want to with my mom. I miss her. I love her."

17 To hear my three-year-old granddaughter say,
18 "Nanny, when's my mommy going" -- "coming to pick
19 me up?"

20 To hear her crying for the first time over her
21 mom, and through those tears say, "Mommy, please
22 come back home."

23 To hear her say, "I will always hate my dad."

24 It is wrong on so many levels for children to
25 be put in a position that causes these feelings to

1 be felt and to be said. While playing in the
2 bathtub with her toys, she said, "Okay, Mommy, I'm
3 going out of the bathtub now," followed by, "Okay,
4 sweetie. Be careful." That would possibly be the
5 last words her mom said to her.

6 Stefanie missed her tiny little boy's seventh
7 birthday; starting the second grade; getting his
8 first report card of the year, for which he had
9 made straight As; his excitement over joining the
10 Cub Scouts.

11 Stefanie missed her little girl's fourth
12 birthday; starting VPK; and writing her name for
13 the first time; and being there to see her little
14 girl taking pre-ballet and tap lessons.

15 Stephanie will miss their graduations,
16 weddings. She will never know the overwhelming joy
17 of being a grandparent.

18 As grandparents, we enjoy having our
19 grandchildren with us every weekend. We are lucky
20 as they are very comfortable at our home because it
21 was their second home. They are adjusting well
22 because our home is very familiar to them.

23 Every night my grandchildren and I say our
24 prayers together. Afterwards, I say what the
25 children call "the mommy prayer." I talk to

1 Stefanie, tell her about the children's day.

2 My grandchildren will say to me, "Nanny, do
3 the mommy prayer. I want to talk to mommy." They
4 speak of their day. Most of the time it's
5 something that made them laugh that day. Their
6 last words are always the same, "I love you, Mommy.
7 Amen.

8 In a letter from the defendant, he asked my
9 husband and I, Don't take me away from the kids,
10 too.

11 We didn't. He did that the moment he aimed
12 that gun at Stefanie and pulled the trigger. By
13 law, he wasn't even supposed to own a gun because
14 of his past behavior.

15 In one brief moment he destroyed everything
16 that meant the most to my grandchildren. Not only
17 their mom, but their pet, what they knew at home,
18 and yes, even their dad. He took my only daughter
19 from me and their family.

20 Stefanie's love for the defendant cost
21 Stefanie her self-worth, self-esteem,
22 self-confidence and ultimately, her life.

23 A husband is supposed to love and protect his
24 wife. Stefanie said she loved him, even after the
25 domestic violence incident with him being arrested.

1 Although at that time I advised her to come
2 home and leave what her father and I perceived as
3 an unhealthy situation, we now believe she chose to
4 stay with him because of what we believe was pure
5 fear of her own husband.

6 Whether recklessness, intentional, accidental
7 or just plain stupidity, the end result is the
8 same, Stefanie has been taken away from her two
9 small children and her family.

10 I don't know what it's like to walk in the
11 defendant's shoes, but unless you've been there, no
12 one knows what it's like to walk in ours.

13 I see and hear firsthand what my grandchildren
14 are going through, and no child should ever have to
15 lose their mom in such a horrific manner at the
16 hands of their own father, regardless of their age.

17 At the present time, Randy, myself and the
18 children will move forward. We will provide the
19 best nurturing environment possible, ensure they
20 receive any counseling needed, and provide a loving
21 and stable home to ensure they grow up to be
22 responsible, respectful and productive members of
23 society, just as their mother would have done.

24 Whether there'll be forgiveness for the
25 defendant and his terrible actions of that day, we

1 believe that will be decided by a higher -- higher
2 power than us and on the fin- -- and on that final
3 judgment day.

4 On February 25th, 2012, I kissed my
5 daughter's forehead for the last time. Her body so
6 cold, so still, so lifeless. The day my
7 granddaughter took me by the hand and said, "Come
8 on, Nanny, let's go see my mommy." The day I
9 watched my grandson walk in front of his mother's
10 casket leading the way to her final resting place
11 because he wanted to help his Uncle Randy.

12 Throughout his -- this tragedy, we have met
13 some of the kindest, caring people who have shared
14 in our deepest sorrow. And after all of this is
15 settled, my husband and I hope to keep in touch
16 with them. They will always have a special place
17 in our hearts and our family.

18 Your Honor, no matter what the sentence is, it
19 will not make the pain and suffering go away. It
20 won't bring my daughter back, or make it easier for
21 Stefanie's children and those of us who truly love
22 and miss Stefanie, only time will.

23 The devastation and heartache that the
24 defendant has caused me, her father, her brother
25 and the rest of Stefanie's family is bad enough.

1 For what has been done to Stefanie's children,
2 there's no punishment severe enough. I hope and
3 pray that the defendant says [verbatim] the maximum
4 sentence that you can impose by law.

5 Thank you for allowing this opportunity to
6 speak. Sincerely, Stefanie's mom and dad.

7 THE COURT: Thank you.

8 MR. MATHIS: Okay. That's fine.

9 Judge, we've submitted a letter from the
10 children's counselor and I --

11 THE COURT: I'm reading it.

12 MR. MATHIS: -- I've provided a copy to Mr.
13 Kocijan.

14 THE COURT: Okay. And you have read the
15 letter, correct, Mr. Kocijan?

16 MR. KOCIJAN: Yes, sir. (Indiscernible)
17 today.

18 THE COURT: Okay. Thank you.

19 MR. MATHIS: Your Honor, the only other
20 evidence that I'd like to present to the Court are
21 a group of photographs that were downloaded from
22 the cell phone and house and I think illustrate the
23 activities at that house prior to this accident.

24 THE COURT: Has Mr. Kocijan seen the
25 photographs?

1 MR. KOCIJAN: Yes, Your Honor. They were
2 previously provided in discovery to us.

3 THE COURT: Thank you.

4 MR. MATHIS: I don't have any further evidence
5 for the State, Judge. If --

6 THE COURT: Any argument?

7 MR. MATHIS: Yes, sir, I would.

8 This is a very difficult case, and I -- I
9 don't envy your decision in this case. I don't
10 believe and it's not our position, that Mr. Merrill
11 intentionally killed his wife in this case, which
12 is why he was charged with manslaughter instead of
13 murder.

14 However, the course of conduct that he
15 followed was so reckless -- and I think those
16 pictures clearly show -- in one of those pictures,
17 there's actually a blowup showing the view through
18 the range finder with the laser light on the
19 victim's head, which is the same weapon that was
20 used to kill her.

21 So this was not an isolated incident. It's
22 clearly an egregious, reckless disregard for the
23 safety of others with firearms by a man who's a
24 convicted felon and wasn't supposed to have any
25 firearms, much less an AK-47.

1 Even more serious, quite frankly, is the fact
2 that the three-year-old child was in the bathtub
3 and saw her mother being killed.

4 That morning -- our investigation has shown
5 that Mr. Merrill left the house, took the older
6 child to school, stopped and bought some beer and
7 drank some beer that morning, and did not go to
8 work. That's when this took place, after he got
9 back to the house.

10 It's our position that a sentence in this case
11 needs to be of such a length to ensure that by the
12 time he gets out of prison, these children have
13 reached the age of majority. They're going to need
14 long-term counseling. They've lost their mother.

15 And even though I -- I have sympathy for his
16 situation, it's our request he be placed in
17 position -- in prison for no less than 20 years,
18 followed by probation; that he not be able to have
19 firearms, obviously; and that he not have any
20 children with -- contact with the children while
21 they're minors, while he's in prison, until such
22 time as he's released and they're over 18 and then
23 they can make the decision as to whether or not
24 they want to have contact with him.

25 THE COURT: All right. Thank you.

1 Mr. Kocijan, does Mr. Merrill wish to say
2 anything?

3 MR. KOCIJAN: He does, Your Honor. If he
4 could address the Court.

5 THE COURT: Okay.

6 THE DEFENDANT: I would like to start by
7 saying that I'm truly sorry what has happened
8 that's brought us here today.

9 Mr. and Ms. Canady, Mom, Dad, our families,
10 our kids and myself would not be in this situation
11 but for my stupid decision. I take full
12 responsibility for this tragic accident that has
13 happened.

14 Stefanie is a mother, a daughter, a sister, a
15 daughter-in-law, a sister-in-law, and Stefanie
16 Merrill is my wife who we all love more than words.
17 We wouldn't be here today if it were not for my
18 actions. I'm so deeply sorry to everyone that
19 we're here today.

20 I would like to talk a little bit about
21 Stefanie and myself and about who we are. Stef and
22 I met around 18 years ago. She was 13 and I was
23 14. And we were just starting to get into high
24 school, and we soon became young high school
25 teenage sweethearts.

1 Like many young high school sweethearts, we,
2 too, would break up and go back out again. Even at
3 times when Stef and I weren't with each other, we
4 both wanted to be.

5 After high school we went our own ways, but we
6 always sort of gravitated back towards each other.

7 Then at the age of 21, gravity worked its
8 magic and brought our paths back together again.
9 There was no doubt in my mind, as soon as I saw
10 her, that she was who I wanted to spend the rest of
11 my life with.

12 I proposed to Stefanie and she said yes, with
13 lots of tears and smiles. And I knew it was I who
14 she wanted to spend the rest of her life with too.

15 Stef and I had been together for the past
16 twelve years, with nine of those twelve, me being
17 married to the woman of my dreams. And if you
18 could ask Stef, she would tell you that nine of
19 those twelve years, her being married to the man of
20 her dreams.

21 With our marriage, we made each other so much
22 more to this world than just a Stefanie and Carson.

23 With our marriage, Stefanie gained in-laws who
24 she loved dearly, and who in return loved her as
25 their own.

1 With our marriage, I gained in-laws. Mr. and
2 Ms. Canady who I love like my own and has always
3 made me feel loved as no less than their own, and
4 whom I will always love.

5 With our marriage, Stefanie gained a whole
6 gang of sisters and cousins, and she became both
7 family and the best of friends.

8 With our marriage, Stefanie gained a son,
9 Jackson, who though biologically was not hers, he
10 was never the term stepson to her.

11 With our marriage, we became parents together.
12 On March 1st, 2005, Stefanie gave birth to our
13 first born, a boy. A big boy, weighing at 8 pounds
14 and 14 ounces. There was no doubt in our minds
15 what we wanted to call him, and so we named him
16 Carson after me, his dad, and for the man that she
17 loved.

18 Little Carson's first name was a no-brainer
19 because both of our fathers' first names are
20 Thomas. We wanted to honor them, and what a better
21 way than naming our son after them. So we named
22 him Thomas Carson Merrill.

23 But soon, the only name she heard him being
24 called was Bubby. He's always been all boy. But
25 most importantly, he's a mama's boy.

1 On August 28th, 2008, Stefanie and I were
2 blessed again, a second time, when she gave birth
3 to our second child, our girl, who barely tipped
4 the scales in the direction of 7 pounds. And she
5 was beautiful. And she had a smile on her face the
6 day that she was born that stole our hearts.

7 We named her Moriah, after the mountain on
8 which King Solomon built his temple.

9 Moriah's middle name we hadn't had a clue
10 until my late Great Aunt Dee suggested that we name
11 her Marie after my late grandmother, my dad's mom,
12 Memaw.

13 Stef and I both lived with Memaw in Nashville
14 12 years ago prior to moving to Florida. Memaw was
15 a huge part of Stefanie and my life. To us it was
16 the per- -- it was perfect, so we named her Moriah
17 Marie Merrill.

18 But like her Bubby, she soon took on other
19 names. To Stef she is Honey Bunny; and to Bubby
20 she is Sweetie; to me she is Beauty.

21 And like her brother being a mama's boy, she
22 was all the way a daddy's girl.

23 Stefanie and I were becoming a perfect family
24 and loving parenthood. Stefanie and I were very
25 routine as parents and a family. Stefanie was a

1 homemaker and I only worked four days a week, so we
2 had lots of family time together.

3 Every Wednesday was our family night out that
4 we spent at McDonald's Playland. We would all eat,
5 and then the kids would spend hours playing as Stef
6 and I smiled and enjoyed the rotation of kids and
7 parents that came in and as our kids played, it was
8 as we joined their family time.

9 Thursdays was pizza/movie night at home.
10 Carson would always do his end-zone shuffle
11 screaming "Pizza/movie night. It's movie night."
12 And, of course, Moriah just screamed and spun in
13 circles.

14 We would go from room to room, grabbing all
15 the pillows and comforters off the bed to make a
16 pillow pile in the living room, and eat popcorn and
17 watch a movie.

18 Saturdays, Stef and I were so fortunate to
19 have Nanny and Pawpaw who kept the kids while we
20 had mom and dad time. We rarely went out. Mostly
21 it was to walk on the beach, but we loved the
22 intimate Saturdays that we shared.

23 During the summer we spent Sunday afternoons
24 at the beach with my dad and our kids. Stefanie
25 and I love each other, and we love being Mom and

1 Dad.

2 Stefanie, like our kids, had many aliases:
3 Stefanie is Moriah's Mommy. She is Carson's Mom.
4 She is Jackson, my son's, (indiscernible) Stefanie.
5 She's (indiscernible) Mama. To her parents,
6 Stefanie is Ms. Canady's Weewee. Stefanie is Mr.
7 Canady's Scooter. To my parents, she was Stef.
8 Sometimes misspelled Stefanie with a P-H, but
9 pretty much just Stef. But most of all, to my
10 parents, Stefanie is the best thing to come into my
11 life.

12 To me, she is my best friend, she's my lover.
13 Stef and I had our own nicknames for each other
14 since high school. They were so dear and personal
15 to me that I'm going to miss hearing being called.

16 Stefanie is my wife, who I love like I've
17 never loved anyone before. She is my baby, who I
18 miss so very much and will for the rest of my life.
19 There's a void that -- that will never be filled.
20 Stefanie is a part of me that I was always lacking.

21 In 2007, Stefanie and I joined First Baptist
22 Church of Palm Coast. The second week of July, I
23 turned my life over to God and was born-again. I
24 was baptized later that year in December.

25 Stefanie, who at 26 years old, for the first

1 time in her life accepted Jesus Christ into her
2 life as her Lord and Savior. She was baptized in
3 September 2007. It was one of the proudest days of
4 our lives. We took little Carson, who loves
5 church; then, of course, Moriah, when she was born.

6 Our church is where Stefanie had Moriah's baby
7 shower.

8 We became very active in our children's
9 ministry, where almost every Sunday, we, as a
10 couple, husband and wife, taught a group, 15 or so
11 kids, Bible lessons: Five year olds.

12 During the summer I became a leader in our
13 Royal Ambassador group, in which I taught a boys'
14 class of 20, sometimes more: First through third
15 graders on Wednesday evenings at church.

16 Any time we were not working on our children's
17 ministry, we were sitting next to grandma in
18 church. I think that was Stef's favorite. She
19 always enjoyed grandma and all the older ladies
20 around us sing.

21 Like many young married couples, we had our
22 share of great times and tough times. Stef and I
23 were not perfect. We both fell short. One thing
24 that's undeniable is that we love each other. Even
25 in our worst of times, our love for one another

1 surpassed most marriages best of times and we were
2 proud of that.

3 All this doesn't even begin to scratch the
4 surface of the many, many, many memories that are
5 so cherished in my thoughts every second, every
6 minute, every hour of every day.

7 There are no words to express the sorrow that
8 I feel. I truly feel -- Mr. Canady, Pawpaw, I'm
9 sorry. I'm really sorry. I know that you loved
10 Stefanie very much.

11 As a father, also, I know that your love for
12 Stefanie is exactly the same unconditional love
13 that I have Moriah, my daughter. That love for
14 daddy's little girl that I too know all so well. I
15 can't even imagine the pain that you're in for
16 losing a child, losing Stefanie, your daughter.

17 I would never want you to feel any pain like
18 this. It rips me apart inside that I have caused
19 you this pain. This was an accident.

20 I would never want you to have to live without
21 Stef, nor do I want to live without Stef, nor for
22 our kids to have to grow up without their mother.

23 Mr. Canady, I'm so sorry for the pain that
24 I've caused. I'm so sorry for your loss. I hope
25 that some day you can forgive me.

1 Ms. Canady, Nanny, I'm so sorry. I know that
2 you, too, love Stefanie very, very much. Nanny, I
3 too am a parent to your grandchildren. You know
4 how much I love Carson and Moriah, how much being a
5 dad means to me. I can never imagine living
6 without either of them, so I can only think that
7 the pain you feel is so tremendous, unlike anything
8 that you've ever felt.

9 I would never want you to have to go through
10 this pain. I'm so crushed that I have brought this
11 pain on you. This was an accident. I would never
12 want you to have to live without Stefanie, either.

13 Ms. Canady, I'm so very sorry for the pain
14 that I have caused. I'm so very sorry for your
15 loss. I hope that some day you can forgive me.

16 This was an accident. I wish I could change
17 things. I would gladly trade places with Stef to
18 take the pain away from you both, so our kids could
19 hug and kiss their mom once more. I wish I could
20 hug and kiss Stefanie once more.

21 I didn't want to grow old by myself without
22 Stefanie, my wife. I did not want our children to
23 be without their mother.

24 Mr. and Mrs. Canady, I did not want you to be
25 in pain, nor to have to outlive a child, to be

1 without Stef. Mr. and Mrs. Canady, I'm sorry.

2 Judge Zambrano, I'm sorry. This is not the
3 happy ending Stef and I both wanted. I just ask
4 that the Court have mercy on me for my kids' sake,
5 for Stef's sake.

6 She would not want me taken away from our
7 kids. She would tell you that they need their dad
8 now more than ever; that this was an accident.

9 I'm sorry. Please have mercy on us.

10 That's it.

11 THE COURT: Mr. Kocijan.

12 MR. KOCIJAN: Judge, I think it's fair to say
13 this has been a terrible accident that happened.

14 First and foremost, Carson is -- admitted his
15 responsibility for his actions, silly actions. But
16 from day one, when it came to the investigation,
17 he's been cooperative with them with that --
18 throughout the investigation.

19 He elected to resolve this case with -- I know
20 it's not a normal situation, but we had a couple of
21 choices and he did elect one of those options to
22 resolve this matter before Your Honor.

23 I've had the opportunity to -- to only know
24 him for a few months while representing him. I
25 don't know if I've ever crossed anyone that has

1 been so much remorseful for the situation that
2 they've created here. No doubt in my mind from the
3 first moment he wakes up in that jail, this is what
4 he thinks about, and it's the last thing that he
5 thinks about as he's there, with a whole lot of
6 remorse, many hours in between that.

7 From what I have known from talking with him
8 and his family, his family is probably one of the
9 most important things to him.

10 The neighborhood used to come and play at his
11 house with his kids, and he would watch over them
12 all. Spending every moment that he wasn't working
13 with his family, it was the most important thing.
14 Made me realize what I lack as a father to my
15 child, and he makes me aware of that and what more
16 I can do from talking with him and spending any
17 amount of time with him.

18 Nothing can undo this situation, but I know he
19 would in a second, try to take the place, if he
20 could, with his wife, and -- and would gladly
21 exchange that.

22 I would ask the Court to -- to take into
23 consideration his record. He has a fairly good
24 record as it seems. I believe there's some driving
25 on a suspended license and a grand theft charge in

1 his past history.

2 But we are asking the Court to take the --
3 everything into consideration today. I think a --
4 a testament to that is the amount of people that
5 have shown up on his behalf, willingly -- from out
6 of state, even -- to come here today to be present
7 to show their support.

8 By sending him away for a long period of
9 incarceration, essentially is -- is destroying two
10 families here, and he should have the opportunity
11 to be -- to be present, to be involved to help
12 raise what's left of his family and -- and do the
13 best that he can for them.

14 We would ask the Court to down -- depart from
15 the statutory guidelines. We understand that
16 obviously he does need to be punished. I can
17 assure this Court that the time that he has done so
18 far, it's been a severe punishment to him. He,
19 too, is grieving.

20 And -- and I feel like the times that we
21 actually get to talk is part of an opportunity
22 where he's not in with everyone else and he gets to
23 express his true feelings and his -- his remorse
24 that he's had for this situation. But he does
25 deserve an opportunity to -- to be out, to be

1 involved, and to make something of his life for him
2 and his family, and we'd ask the Court to take that
3 into consideration today.

4 THE COURT: Thank you.

5 Mr. Carson, you having pled guilty to the
6 offense of manslaughter with a firearm, the Court
7 will adjudge you guilty of manslaughter with a
8 firearm.

9 Clearly, this is a preventable and avoidable
10 accident, if that's what you want to call it.
11 Your -- your conduct is tantamount to nothing less
12 than reckless behavior.

13 When you were a convicted felon, you were not
14 supposed to have a firearm, but you had quite an
15 arsenal in your home. But as if that wasn't
16 enough, you violated probably one of the most basic
17 tenets of firearm ownership; that is whether loaded
18 or unloaded, a firearm, it's a dangerous thing.
19 And you pointed it at the person you claim to love
20 the most, and then you pulled the trigger, and then
21 you took her life.

22 That conduct, however you want to describe it,
23 whether it be an accident, mistake, or whatever it
24 may be, carries a tremendous amount of
25 ramifications.

1 We don't blame people here for their mistakes;
2 we just expect for them to pay for them, and today
3 you will begin paying for your mistake.

4 I'm going to adjudicate you guilty, sentence
5 you to 25 years in the custody of the Florida
6 Department of Corrections state prison system, with
7 credit for the time you have already served.

8 You'll have 30 days to appeal the judgment of
9 the Court.

10 You'll need to provide a set of fingerprints
11 and a DNA sample.

12 MR. MATHIS: Your Honor, I have a restitution
13 order, I believe up there, for the crime
14 compensation --

15 THE COURT: Your restitution order is signed.
16 We need a written nolle pros.

17 MR. MATHIS: Yes, sir. I'll provide that.

18 THE COURT: Okay. We'll be in recess for 15
19 minutes.

20 (Audio ends at 3:47:21 p.m.)

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CERTIFICATE OF REPORTER1
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STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, LESLIE STILWELL, Court Reporter, certify that the foregoing pages constitute a true and complete transcript of the proceedings stenographically transcribed via digital recording by me to the best of my ability in the aforementioned case at the time and place herein set forth.

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' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 8th day of September, 2013.



LESLIE STILWELL
Court Reporter and Notary Public