



IN THE COUNTY COURT FOR
PINELLAS COUNTY, FLORIDA
Criminal Division E

CASE NO. CTC 01-00101-MMANO
POSSESSION OF MARIJUANA

STATE OF FLORIDA

JESSE Prince
SEW 02157727

DEPONENT: MR. BARRY GASTON
DATE: May 15, 2001
TIME: 3:10 p.m. - 5:00 p.m.
LOCATION: Criminal Justice Center
14250 49th Street North
Room 1100
Clearwater, FL 33762

Crissy Cladakis
Stenographic Reporter . . .
Notary Public
State of Florida at Large

D & D REPORTING SERVICE
915 Chestnut Street
Clearwater, FL 33756
(727) 468-2002

APPEARANCES:

For the State: LYDIA WARDELL, ESQUIRE
Assistant State Attorney
14250 49th Street North
Clearwater, FL 33760

For Jesse Prince: DENIS M. de VLAMING, ESQUIRE
Denis M. de Vlaming, P.A.
1101 Turner Street
Clearwater, FL 33756

For Brian Raftery: PAUL DUVAL JOHNSON, ESQUIRE
101 South Franklin Street
Suite 101
Tarapa, FL 33602

For Moxon & Kobrin: HELENA K. KOBRIN, ESQUIRE
Moxon & Kobrin
1100 Cleveland Street
Suite 900
Clearwater, FL 33755

I N D E X

Direct Examination by Mr. de Vlaming 3
Cross-Examination by Mrs. Wardeil 81
Redirect Examination by Mr. de Vlaming 98
Re-Cross Examination by Mrs. Wardeil 99

1 A. I have 14 years past law enforcement
2 experience.

3 Q. Doing what?

4 A. As a police officer, I spent nine years,
5 approximately. And I worked for the Sheriff's Office
6 in Polk County as a correctional officer for
7 four-and-a-half years, almost five.

8 Q. And how long have you been in the-private
9 investigative business?

10 A. For three years, almost.

11 Q. And is that your primary source of income?

12 A. Yes.

13 Q. And do you have any other investigators
14 working for you on staff?

15 A. Ho.

16 Q. Okay. You either man the phones yourself or
17 your family does it or what have you, or do you have
18 someone who answers-your phone?':

•19' -'A.' My wife assists., ':-.

20 Q. Mr. Gaston, did the phone ring about 9 year
21 or so ago in connection with being involved in- what
22 has, ultimately, become the State of Florida versus
23 Jesse Prince?

24 A. Yes.

25 Q. And who contacted you, initially?': ••

1 A. Joseph Fabrizio.

2 Q. And what did Mr. Fabrizio say he was?

3 A. Mr. Fabrizio is a private investigator. He
4 owns a private investigative agency in -- I think it's
5 Tarpon Springs.

6 Q. And did he identify himself as a private ,
7 investigator and want, potentially, your services?

8 A^ Yes.

9 Q. Okay. What did he tell you he wanted to hire
10 you to do?

11 A. He hired me -- he was looking for someone who
12 would be bilingual, someone who is African American,
13 and he would like for me to consider standing in a
14 place to watch a certain individual or individuals and
15 just to listen.

16 Q. For what purpose? To hear what they had to
17 say?

18 A. At the time, he didn't tell me.

19 Q. ' ' Basically, ~~some~~, form of surveillance work he
20 wanted you to do?

21 A. Definitely surveillance.

22 Q. Okay. And did he tell you where he wanted
23 you to do this?

24 A. Not at that time.

25 Q. Did you tell him that you were interested in

1 the work?

2 A Yes

3 Q Tell me when you - did you ultimately meet
4 with Mr Pabrizio?

5 A I did

6 Q And where did you meet?

7 A In Clearwater

8 Q So you came over there for the - come over
9 Here for the purpose of interviewing and finding out
10 what the job was about?

11 A Yes

12 Q In relation to the investigation when was
13 that initial first meeting¹,

14 A It was early February

15 Q Where did you meet in Clearwater?

16 A I believe it was at Perkins Restaurant

17 Q Was he alone?

18 A No He was with Jim Lay

19 Q L-e-y?

20 A Yes

21 a Who was Jim Ley?

22 A He was another private investigator that was
23 considered to be working

24 Q What do you mean "considered to be working"⁻¹

25 A He didn't stick with us long

1 Q. Oh, he was going to work the job with you,
2 you mean?

3 A. Yes. He was going to help with surveillance.

4 Q. But he didn't pan out? He didn't stay?

5 A. Well, he didn't -- he was released within the
6 first week of the investigation.

7 Q. . Why?

8 A. I have no idea. They didn't elaborate with
9 me.

10 Q. But you were told, ultimately, you would be
11 working alone, then?

12 A. Joe Fabrizio was still considered to be my
13 employer at the time.

14 Q. And was Mr. Ley an African American?

15 A. NO.

16 Q. What was explained to you what you were going
17 to do once you got into Clearwater? What were your
18 duties going to be?

19 A. Once I got in and we discussed the case, we
20 discussed that there was an individual or " some --
21 some individuals that were to be watched and to be
22 monitored, their activities. And the consensus was on
23 a possibility of immoral activities and the
24 possibility of illegal activities.

25 Q. Did they tell you what they suspected?

X MRS. KOBRIN: I'm going to object on work
2 product.

3 BY MR. de VLAMING:

"4 Q. Well, you just said to monitor for illegal
5 activities. What kind of illegal activities?

6 MR. JOHNSON: Same objection? Is there an ...
7 instruction with that?

8 MR. de VLAMING: What?

9 MR. JOHNSON: Well, it's one thing to object,
10 and if's another thing to object and instruct the
11 witness not to answer.

12 MRS. KOBRIN: Well, to the extent that
13 anything you were told reflects the thoughts of an
14 attorney or what an attorney --

15 MR. de VLAMING: I'll rephrase it, based on
16 that.

17 BY MR. de VLAMING:

18 Q. I don't, want to know what othei" people
19 thought, t. want to know what you wexe told to do> '
20 what were your duties. And you said to look for
21 either immoral activities or illegal activities,
22 correct? .

23 A. My duty --

24 MR. JOHNSON: I can tell you this regarding
25 the illegal activity, some related to this witness are

1 beyond the scope of this particular case- To that
2 extent and since the Judge, so far, has upheld his
3 rulings, stayed consistent with it, if there's
4 something relating to the possession of drugs, I would
5 allow the witness to answer. I think it's beyond the
6 scope if there were other illegal activities beyond
7 ' drug work.

8 MR. de VLAMIKG:

9 Q, okay. I want to know what you were told to
10 do. So why don't you tell us what you were told to
11 do.

12 MR. JOHNSON: I'm instructing you just to
13 answer as it relates to drug work.

14 MR. de VLAMING:

15 Q. yeah, as it relates to Jesse Prince during
16 this time period.

17 A. At this time period, there was no drug
18, - concern. \

19 Q. Well, then what were your activities to
20 involve concerning Jesse Prince?

21 A. Surveillance.

22 Q. To see if there were any illegal activities
23 or immoral activities going on and report back to
24 somebody?

25 A, YesV to report back to Joe Fabrizio.

1 Q. Okay So if during your surveillance you saw
2 any immoral or illegal activities, you would report
3 back to Joe Fabrizio?

4 A. Yes.

5 Q. Did Mr. Fabrizio tell you who he was working
6 for?

7 A. No.

8 Q. Do you know who he was working for?

9 A. Do I or did I?

10 Q. Well, did you?

11 A. No

12 Q. Do you'

13 A. X do now,

14 Q. Who?

15 MR. JOHNSON*. Again, if that comes from we,
16 it's attorney-client privilege, that knowledge, and
17 you c^en refuse to answer on that basis.

18 MR. de VIJUIING:

19 Q. Curing the course of your investigation
20 before -- at any time before the arrest of Jesse
21 prince, did you realize that The Church of Scientology
22 was behind this investigation *at* in any way paying
23 your salary?

24 tFRS WARDELL. Well, so long as you didn't
25 learn that from an attorney, from your attorney

1 MR. JOHNSON: No. I was not involved
2 until -

3 MR. de VLAMING: No, he wasn't involved.

4 . MRS. WARDELL: why is he objecting to it?

5 MRS. KOBRIN: And I'm going to object, also,
6 to the extent that he was told that by someone from my
7 firm or someone working closely with my firm.

8 MR. de VLAMING: Okay. Well, let's get the
9 answer first, and then we'll find out if it was a
10 lawyer that did it.

11 MR. de VLAMING:

12 Q, Did you become aware that The Church of
13 Scientology was the entity that was hiring, you?

14 MR. JOHNSON: Objection, because that's the
15 substance of what we're objecting to. So you can ask,
16 were you, in fact, told. And the answer is yes or no.
17 And then, what was the substance. And that's what's
18 objectionable, is the substance of the conversation.

19 MR. de VLAMING: All "right. ":-

20 MR. JOHNSON: You're asking for the cart
21 before the horse.

22 MR. De VLAMING:

23 Q. Were you ever told that The Church of
24 Scientology was the entity that was paying your
25 salary?

1 MR. JOHNSON: I'm -

2 MR. De VLAMING: It would be either yes or
3 no.

4 MR. JOHNSON: I'm not objecting to were you
5 ever told who was paying your salary. Ultimately,
6 that's fine. And then who was - who were you cold, ;,
7 and that - if it came from me, then I object dii my:: ;
8 attorney-client privilefle. And I assume Mrs. Kobrin
9 is objecting if -

10 MRS. KOBRIN: As work product-

11 MR. JOHNSON: - if it came from Fabrizio or
12 from her, since she's already identified fabrizio as
13 working for her.

14 MRS. KOBRIN: And I'm also going to object
15 that it states facts that are not in evidence.

16 MRS. WAROELL: How about: Did it ever come
17 to your attention that Scientology may be involved
18 with this? •

•19•"• MR. de VUU4ING? I'll take that.

20 MR. JOHNSON: Again, my objections 'are the
21 same. If it came from me -

22 MRS. WARDELI.: Well, first of all, did it
23 ever come to your attention that Scientology may be
24 involved?

25 MR. JOHNSON: If I - again, I object. And

1 ask him not to answer

2 MRS WARDELL Well that s a yes or no And
3 then if lie did -

4 MR JOHNSON Right That s the substance of
5 the conversation - that s the substance of the
6 telling That s what you can t say You can ask
7 were you ever told -

8 MRS WARDELL Well that S -

--9-----MR JOHNSON - where the source of the
10 money was -- of your funding was and that s a yes or
11 a no

12 BY MR de VLAMING

13 Q All right Were you ever told the entity
14 behind the hiring of you and paying your salary? Were
15 you ever told yes or no?

16 A Will you repeat that?

17 Q Yes Were you ever told who was paying your
18 salary? Who was the actual client? We understand
19 Fabrizio was the private investigator But who the
20 actually client was }ust - you don t have to say who
21 it was but yes or no you were told?

22 MR JOHNSON Do you mean client or source of
23 funds? Those are terms of art

24 MR Pe VLAMING Let a try source of funds
25 Let s try that one

1 THE DEPONENT: My direct Source of funds was
2 Joe Fabrizio.

3 BY MR. De VLAMING:

4 Q. Okay. And were you ever told who the actual
5 client was that had hired Mr. Fabrizio, yea or no?

6 MR. JOHNSON: Or source of the funds.

7 MR. De VLAMING: Right. /

8 A. Yes.

9 BY MR. De VLAMING:

10 Q. Did you learn - did you learn the source of
11 that from a lawyer?

12 A. No.

13 Q. Did you learn it from someone other than Mr.
14 Fabrizio?

15 A. No.

16 Q- You learned it from Mr. Fabrizio?

17 A. Yes.

18 Q. Okay- So it was Mr. Fabrizio that told you
19 who the actual client was that was hiring him and who,
20 thereafter, hired you?

21 A. Correct.

22 Q. Do you know how to get a hold of Fabrizio?

23 A. Yes.

24 Q. Do you have a number for him?

25 A. Not offhand.

1 Q. Okay. Would you have that back at your
2 office?

3 A. Yes.

4 Q. Is he a private investigator here in the
5 Clearwater area?

6 A. Largo - Tarpon Springs.

7 Q. Okay. So I take it, it was Mr. Pabrizio who
8 was giving you the scope of your employment?

9 A. Correct.

10 Q. And was he the one that had mentioned the
11 name "Jesse Prince"?

12 A. Yes.

13 Q. And did he say that that's the person who
14 you're going to surveil to determine if there's any
15 immoral or illegal activities?

16 A. Yes.

17 Q. Did he tell you how you were going to go
18 about surveilling Mr. Prince?

19' . 'A. 'Yes. •

20 Q. And what did he tell you?

21 A. He told me locations that he is knowledgeable
22 of that Mr. Prince frequents; high-crime areas,
23 high-drug areas. And he wanted me to be in those
24 areas to see if and when he shows up and to conduct
25 surveillance from that joint of him.

1 Q. Were you to work in conjunction with another
2 private investigator so that you could get some leads
3 as to where Prince might be?

4 A. Not I.

5 Q. Hell, how were you going to determine where
6 he was so you could surveil him in these areas?

7 A. I went to the locations that were given to me
8 on many days prior to ever even seeing him.

9 Q. Were there times that you sat in surveillance
10 and never saw Mr. Prince?

11 A. Many times.

12 Q. How many surveillances would you say you sat
13 on before you were able to see Mr. Prince?

14 A. At first, it was approximately five days to
15 four days a week for approximately three, maybe even
16 four weeks, even more, maybe. That was broken down to
n just trying weekends.

18 Q. So on how many days would you say that you
19 put in before you were able to see Mr. Prince and
20 conduct ybiir first surveillance?

21 A. I'd estimate 25 to 30.

22 Q. Were you shown a photograph of Jesse Prince
23 so that you could identify him?

24 A. Yes.

25 Q. Who showed you the photograph?

1 A. Joe Fabrizio.

2 Q. And what did the photograph depict? Just a
3 face or a whole body?

4 A. Just his facial image.

5 Q. And was he with his family or was he by
6 himself?

7 A. Just him as an individual.

8 Q. Did you keep the photograph or just look at
9 it? Did you keep the photograph with you so you could
10 match it up or did you look at it and give it back?

U A. No,. I juat looked at it. I didn't keep it
12 with me-

13 Q. Did Fabrizio take it back? Does he have it?

14 A. Does he have the photograph? It was a flyer,
15 a page sheet about the size of a subpoena's document.
16 And he may have a copy of it. I don't know.

17 Q. Do you know what - was it a photograph taken
18 for a certain purpose? : :: ^ .

19 •• A. For me to identify himJ \./-

20 Q. But I mean, was it, like, a family
21 photograph?

22 A. No, no.

23 Q. Did the flyer have any writing on it or was
24 it juat a picture?

25 A. I don't remember. I remember the photograph

1 and the face.

2 Q. Color or black and white?

3 A- Color.

4 Q. Okay. After the amount of surveillance time
5 that you put in, you finally were able to, you know,
6 locate him or see him. Where was that location?

7 A, The first time I ever saw him was at Wilson's
8 lounge in Clearwater. It may be Largo. I'm not sure.
9 It was on - is it Belcher?

10 Q. Missouri maybe? Missouri Avenue or Belcher?

11 A. Belcher.

12 Q. Okay.

13 A. And -

14 Q, Let me interrupt you.

15 Were you told that that's one of the places
16 that he and his fiancée go to?

17 A. I was told that he has been seen there.

18 Q. Who told you that?

19 A. Joe Fabrizio.

20 Q. Did you ever receive any information from a
21 fellow by the name of Brian Ruffery?

22 A. Yes.

23 Q. And did he tell you anything about Jesse
24 Prince, as it related to this investigation?

25 A. Well, the investigation began. I saw him.

1 He spoke to me briefly. And he said that he wanted us
2 to make sure that everything was done by the book;
3 that if we made contact with Jesse Prince by visual
4 and if we could do surveillance on him, he wanted us
5 to just watch him. He was standing there with Joe
6 Fabrizio, myself and Jim Ley. And he told us that --
7 and we also told him that we wouldn't do anything
8 unethical or illegal in this investigation.

9 Raftery said, "I wouldn't have it any other
10 way." And he said if it got to the point where
11 anything illegal was occurring^ that we would contact
12 law enforcement. Because I was not going to risk my
13 license getting involved unless law enforcement was
14 going to be getting involved somewhere down that line,
15 and he agreed. And that's what he wanted. That's
16 what he told me.

17 Q. Did he ever provide information concerning
18 Mr. Prince's whereabouts during the course off the
19 investigation?

20 A. Not to me.

21 Q. You don't recall taking any calls from Mr.
22 Raftery -

23 A. I never took calls from Mr. Raftery during
24 the course of the investigation. It was - it was Mr.
25 Fabrizio who would get those calls in the beginning.

1 Q Who called you after the arrest? Somebody
2 kept calling you wanting you to check out whether
3 Mr prince has been charged and so forth Who was
i that?

5 A After the arrest?

6 Q Right

7 A I was in contact with ftaftery then

8 Q Okay When you say you were "In contact "
9 would you call him or would he call you*

10 A Well sometimes both

11 Q And what did he want?

12 A He wanted to know had r heard anything about
13 the case And I would want to know the same

14 Q Did he ask you to check with the State
15 Attorney s Office to find out whether they filed a
16 charge or what charge they filed?

17 A No He asked me to make contact with the
18 officer I was working with

19 Q Crosby?

20 A Yes

21 Q And did you'

22 A Yes

23 Q What did you ask him?

24 A I asked him where we were on the case

25 Q And what did he say?

1 A. At different times that I talked to him --
2 there was a time when he would tell me that there was
3 -- he has to go -- he hes to make contact, again, in
4 order to verify -- his supervisor would give him
5 instruction on certain things that he could and could
6 not do and what he could do.

7 Q. We're talking about after the arrest, how,
8 right?

9 A. Oh, after the arrest. Forgive me.

10 Q. After the arrest.

11 A. After the arrests, he would update me on --
12 wait a minute. After the arrest, I had very little
13 contact with Howard Crosby. I tried, but Howard
14 Crosby was on vacation sometimes. Other times, he was
15 injured and was on light duty. Me was transferring
16 his position from what he was working to, I think, a
17 sergeant on the patrol unit. He was very difficult
18 for me to reach. ...:

19 Q. So you don't recall talking to Detective
20 Crosby after the arrest to find out the srtatua of the
21 prosecution?

22 A. I did, but not immediately. Later on, I
23 spoke to him. I'm trying to think of whether he
24 called me after, the arrest was made or I called him.
25 I'm not sure, But one of us called each other after

1 the arrest was made

2 Q Did someone ask you to call to find that out^

3 {Subpoena delivery interruption 1

4 (At this time there was a discussion

5 off the record)

6 BY MR de VLAMING

7 Q Did anyone ask you to call Detective Crosby

8 after the arrest to find out the status of the

9 prosecution?

10 A Brian may have asked me Brian Raftery may

11 have asked me it was - it s so foggy to me It was

12 a long time ago Brian may have asked me to call and

13 check and see the status of the case and to let him

14 know But I do know that I would call him from time

15 to time to ask him the status because I didn t know

16 Q Did you ever get annoyed after the ease

17 resulted in an arrest by the number of calls you were

18 getting by people who wanted to find out the status of

19 the case even though your job had been completed?

20 A No

21 Q Never got annoyed with those calls?

22 A I don t remember getting a lot of those

23 calls

24 Q Okay So the first time you saw Mr Prince

25 then was in Wilson a Lounge on Belcher Road And

1 what was he doing?

2 A He was with his girlfriend Dee And they
3 were towards the back -- they walked to the back of
4 the bar They sat alone and started necking

5 Q And what did you do? Did you surveil them?

6 A Out of the corner of my eye

7 Q And anything illegal going on?

8 A Nothing

9 Q Anything immoral going on?

10 A NO

11 Q Did you end up meeting Mr Prince that night?

12 A On the way out the door he stopped and spoke
13 to me shook my hand and introduced himself

14 Q Was he friendly towards you?

15 A Very

16 Q Were you standing by a bar or by the pool
17 table or what?

18 AX was watching the Florida. Gators play
19 basketball It was a championship game I remember

20 Q And you were positioned somewhat near the
21 door that he had to walk by or what have you''

22 A Yes

23 Q And did you greet him as well''

24 A Oh yes

25 Q Did you exchange names?

- 1 A. Yes
- 2 Q. What name did you use?
- 3 A. Rinzy Trinidad.
- 4 Q. Okay. Who was Rinzy Trinidad?
- 5 A. It was me.
- 6 Q. Does that have - is that a fake name?
- 7 A. Yea.
- 8 Q. Did you ever use that name in the past?
- 9 A. No.
- 10 Q. Did you ever use it as an undercover name
- 11 when you were a cop?
- 12 A. No.
- 13 Q. Did you make it up for this case?
- 14 A. Yes.
- 15 Q. Did someone give you the name'
- 16 A. I made it up.
- 17 Q. Okay. And did the conversation or the
- 18 greeting last any appreciable length of time or was it
- 19 very short?
- 20 A. It was pretty much brief; shook hands,
- 21 introduced, good to meet you, in and out.
- 22 Q. He didn't say where he lived? You didn't say
- 23 where you lived'
- 24 A. No.
- 25 Q. You just gave each other's names and said.

1 hey how are you doing my name is this?

2 A Yes sir

3 Q Okay How much time went by before you saw
4 him a second time?

5 A I guess it was - I don t think it was much
6 more than a week

7 Q where did you meet him the second time?

8 A The same location

9 Q Did anybody tell you he would be there on the
10 date that you met him on the second time?

11 A No

12 Q In other words you just took a chance of
13 being there and he came in'

14 A Yes

15 Q were there any unsuccessful times that you
16 went before that'

17 A Yes

18 Q And he didn t show up?

19 A Yes

20 Q About --

21 A Several - many of those

22 Q But I mean from the time that you met him
23 the first time until the second time were there
24 times in between where you went and didn t see him?

25 A possibly I don t recall But my - I went

1 - I would go, whether he was there or not. Part of
2 - part of my surveillance was to get to know my area.

3 Q. Did you see any drugs being sold in Wilson's
4 Liquor Store?

5 A. During that day? Prior - what time period
6 are we talking about?

7 Q. Anytime you were in that store.

8 MR. JOHNSON: You're talking inside?

9 BY MR. de VLAMING:

10 Q. Right.

11 A. No, I didn't see any inside.

12 Q. Outside?

13 A. Sold?

14 Q. Sold or bought.

15 A. No.

16 Q. Did you see any drugs used inside?

17 A. No.

18 Q. How about outside?

19 A. Yes.

20 Q. Okay. Tell me about drugs that you saw used
21 outside.

22 A. It was a day some time in, I believe, April.
23 Jesse and Dee were outside smoking marijuana in a car.
24 And they were - this time it was the tan-colored
25 Buick. And there were several young people there. It

1 was on a weekend, and they were smoking marijuana with
2 them. And there came a point in time when Jesse and
3 Dee got into the car with a group of young people,
4 about three other young people, and drove completely
5 around the building and then came back around to the
6 front later on, I was still at the lounge. And I
7 asked Dee, "Where you guys were going?" And she said,
8 "We just have some business to take care of."

9 When they came back, they stayed in the
10 parking lot. They were smoking marijuana. Dee had a
11 pipe. And my experience -- my experience, the smell X
12 smelled was of a urine-type of smell and that
13 indicated, to me, crack.

14 Q. And where did you smell that?

15 A. Coming from the car.

16 Q. Did you smell any marijuana coming from the
17 car?

18 A. Oh, it was billowing with marijuana smoke.

19 Q. But you could smell urine through the
20 marijuana smoke?

21 A. Yes. When you walk up to the car and speak
22 to people, you can tell the difference between
23 marijuana and crack.

24 And so I couldn't identify exactly what Jesse
25 had, but he was leaning down onto a piece of paper.

1 And it could have indicated a couple of things to me
2 but I didn't see exactly what was there. But I do
3 know that they were smoking marijuana. And I did
4 recognize the scent of - what I recognized as crack

5 Q Do you know who was smoking crack?

6 A It looked to me like Dee had

7 Q And how many people were in the car?

8 A There were three people in the back and two
9 in the front

10 Q Did you ever get a close look at the pipe?

11 A It was very dark. I didn't get a very good
12 look at the pipe

13 Q So you can't swear whether it was a crack
14 pipe or a marijuana pipe?

15 A All I know is it was a pipe

16 Q Okay

17 A And it was lit

18 Q Were you invited into the car at all?

19 A No. The car was full

20 Q Did you ever smoke marijuana with Jesse
21 Prince?

22 (At this time there was a discussion
23 off the record.)

24 MR. de VLAMING

25 Q While we're on the subject, give me a time

1 frame on this Wilson's Liquor incident where they were
2 in the car and you smelled marijuana and the
3 urine-type of a smell. Do you remember about when
4 that was?

5 A. I think that was towards the middle of the
6 month.

7 Q. . Of? •

8 A. April,

9 Q. And you had met him only one time before that
10 time, and that's the time you greeted each other?

11 A. I had -- I had possibly met him twice before
12 then, been with him twice before then.

13 Q. Okay.

14 MR. de VLAMING: Do you want to follow up?

15 MRS. WARDELL: Yeah.

16 BY MRS. WARDELL:

17 Q. Where were you when you were able to observe
18 this?

19 A.* Standing in the parking lot.

20 Q. Okay. And you had mentioned that you asked
21 Dee where they were going before they went out?

22 A. Yea.

23 Q. Tell us about how you had formed a
24 relationship well enough that you could ask this
25 random person where she was going, and she felt like

1 she could give you the answer.

2 A, Jesse and Dee drank a lot of alcohol. They
3 drank a lot of alcohol to,roy,gh the whole time that -
4 every day that I saw them, they were partially or
5 total intoxicated prior to even pulling out any
6 marihuana. Dee was easier to talk to about details
7 than Jesse was.

8 I was -- I had truly no intentions of holding
9 any conversation with either one of them from the
10 beginning of the investigation. But they made it so
11 that I had to keep my cover; and therefore,
12 involvement was necessary. So at that point, X made a
13 point to get as much information as I could about the
14 two of them.

15 She was talkative to me a lot. There was a
16 time when she talked to me and Jesse told her to keep
17 her mouth shut,

18 Q. So had you actually been to their house prior
19 to this event at Wilson's that you were talking about?

20 A, Not yet.

21 Q. Not yet. But basically, you had chummed up
22 in the bar and you were talking like, hey, where are
23 you going now, and she said, I've got some business,
24 I'll be back?

25 A. Yea.

1 Q What made you follow them outside?

2 A I saw a whole lot of the young people getting
3 in the car with them. They were all white. They were
4 all, probably, in their early 20's, maybe a little bit
5 younger. And my curiosity was, "What are these young
6 people going to do with these old people?"

7 Q How did you keep from tipping them off, if
8 you will? Why did they think you were following them
9 out?

10 A Because I led them to believe that I was
11 going to be interested in hanging with them, too,
12 outside. We were talking consistently.

13 Q So they knew - it wasn't like you were
14 watching them secretly; they knew you were there?

15 A Yes. Oh, yes

16 Q Okay. That's the part I didn't quite
17 understand.

18 A Oh, yes. We had been talking to each other
19 all along prior to them going to the car

20 Q So you were pretty close to the car?

21 A I was as close as this desk is, this table
22 is

23 Q And you had mentioned that they drove around,
24 I thought you said, to the back. Where were you
25 during that⁻¹

1 A I was in Wilson 3 Liquor Store when they got
2 into the car when they finally got into the car and
3 drove around. The reason I was able to get up to the
4 car was because I walked out and wanted to know where
5 they went. I wanted to know you know, did they
6 leave did they - are they coming back. So I looked
7 around the parking lot and X noticed they were still
8 driving around the parking lot. They were driving
9 back to the <- a parking space in the center of the
10 lot in front of Wilson s. And at that point, I walked
11 up to the car.

12 Q So there was no attempt to hide what they
13 were doing in front of you?

14 A No.

15 Q Do you remember what time of day this was?

16 A It was late. It was night.

17 Q Did they -

18 A It was probably about eleven to midnight.

19 Q And at this particularly junction, did they
20 offer you anything?

21 MRS WABDELL Or do you want to pick up from
22 here''

23 MR de VLAMING Yeah.

24 SY MR de VLAMING

25 Q Did you have any conversation concerning

1 drugs before this particular night where you watched
2 them get in the car and you could smell the marijuana''*

3 A I don t think so no

4 Q So to you they were a stranger did not talk
5 about drugs and you were standing closer than you and
6 I in this room to them smoking drugs?

7 A That s correct

8 Q Okay

9 A I wasn t a stranger to them at the time
10 They didn t think I was a stranger

11 Q But you didn t talk drugs with them?

12 A No

13 Q Didn t smoke drugs with them at that time''*

14 A No

15 Q Did you smoke drugs or marijuana with them
16 after that time?

17 A Yes

18 Q With Mr Prince?

19 A Yes

20 Q And with his fiancée?

21 A Yes

22 Q And what location?

23 MR JOHNSON Would you define what you mean
24 by 'smoke marijuana''

25 MR de VLAMING

1 Q Did you ever smoke marijuana?

2 MR. JOHNSON Well, you're talking about
3 related to this case or any time?

4 MR. de VLAMING: I'm laying a predicate.

5 MR JOHNSON: Well, that would be Cor 404(B),
6 if someone ever smoked marijuana. If you're relating
7 it, specifically, to this case, I'm asking you, far a
8 very specific purpose, what you mean by "smoke
9 marijuana." Do you mean simulate smoke, it actually
10 hits your lungs, you know, what, intentionally
11 bringing it into your lungs, from, you know, what?

12 MR de VUAMIHG: Youraaaa "Clinton"?

13 MR. JOHNSON: I don't know what you mean.
14 I'm asking you to define it.

15 BY Mr de VLAMING.

16 Q Was marijuana ever offered to you by
17 Mr Prince or his girlfriend?

18 A Yes.

19 Q where was it offered to you?

20 A. At his house.

21 Q What room?

22 A. The living room.

23 Q In the living room?

24 A One time in the living room There were
25 other times

1 Q Was it before or after Mr - or Detective
2 Crosby became involved in the case?

3 A Beforehand

4 Q Is this to your knowledge before Crosby was
5 ever even made aware of this investigation?

6 A Yes yes

7 Q And were you invited into the house by Mr
8 Prince'

9 A Several times prior

10 Q And did he produce marijuana?

11 A When?

12 Q On the "several times prior' in his living
13 room or in the different rooms of the house?

14 A I was invited to his home several times
15 prior and I was ducking going I was avoiding going
16 to his home I didn't want to go to his home

17 Q Okay My question to you is Before
18 Detective Crosby became involved in this case was
19 marijuana ever offered to you by Jesse Prince?

20 A Yes

21 Q And was that at his house?

22 A Yes

23 Q And the first time do you remember the room
24 that it was offered to you?

25 A in the living; room

1 Q And how did he produce the marijuana''

2 A His girlfriend Dee went to the back - to
3 the bedroom and brought out a black metallic can It
4 could have been a cigar box or a candy box and it had
5 a design on top of it And she brought it out and
6 opened it And she rolled the marijuana and lit it -
7 gave it to Jesse and lit it for him And then they
8 passed it around

9 Q So this is just the three of you?

10 A Uh-huh

11 Q Dee Jesse and you correct'

12 A That s right Yes sir

13 Q All right And did you possess the
14 marijuana?

15 A When they handed it to me yes

16 Q And did you bring it to your mouth''

17 A Yes

18 Q And did you inhale?

19 A Only - I simulated as much as I could I
20 simulated as much as I could And when you re being
21 directly watched you try to make it look as r«M as
22 possible I m sure I breathed some in X have no
23 doubt about that The room was full of marijuana in
24 the air X m sure I breathed some I had to

25 Q Bid you get a, busz?

1 A I was - no Mot then

2 Q Were you drinking any alcohol?

3 A No I drank a - J drank a beer when I was
4 at Wilson s And they brought out a beer there I
5 wasn t intoxicated and I wasn t high I was still
6 very much under control

7 Q Do you remember what month this WAS that that
8 first time in the living room took place?

9 A April

10 Q Do you remember when the law enforcement
11 people were first becoming involved in the case? When
12 were they alerted?

13 A Possibly - it could have been a week It
14 could have been a little longer than a week after
15 that

16 Q From the first time you smoked it until that
17 next week did you use marijuana or have another type
18 of incident again with Mr Prince?

19 A Not that I remember

20 MB. JOHNSON Are you talking with himself or
21 with law enforcement?

22 THE DEPONENT Mr Prince

23 BY MR de VLAMINO

24 Q This is before law enforcement became,
25 involved So what you re saying is before law

1 enforcement became involved the only time that you
2 possessed or simulated or smoked a little bit of
3 marijuana was the April incident about a week before
4 law enforcement was notified roughly?

5 A You Know, I m not sure It was a long time
6 ago I'n not sure It may have been another time
7 I'm not sure

8 Q Did you ever smoke marijuana or simulate
9 smoking marijuana with Jesse Prince any place other
10 than his house?

11 A Yea

12 Q Where?

13 A There was a time that he took me to - 1
14 think th# place was called Beez or - it was a lounge
15 in Clearwater that he took me to He had some friends
16 with him And I believe that was in - I was headed
17 towards Che end of the investigation It could have
18 been law June or July And we first had dinner at, I
19 thmk a place called Joe's Crab House, or something
20 like that or Crabby Joe's or Crabby Bill s, something
21 like that We ate dinner there, and when we got into
22 the Car his friend lit a ;joint, lit a marihuana
23 stick, and passed it around to everybody in the car

24 Q Do you know what that man 8 name was?

25 A It was woman

1 Q A woman Do you know what her name is?

2 A Teresa

3 Q And at that point in time were you working
4 with Crosby yet or were you not working with Crosby?

5 A Yes

6 Q You were working with Crosby then?

7 A Yes

8 B Q And where
9 ft Crosby had already made contact at that house
10 by then

11 Q Did Crosby ever give you any instructions
12 that you were not to use drugs while you were
13 conducting any confidential informant activities?

14 AX don t remember that

15 Q So you re m the parking lot And Teresa is
16 she the one that lights up the joint?

17 A Not in the parking lot in the car

18 Q Okay I assumed the car was in the parking
19 lot You re driving you mean?

20 A Driving

21 Q Oh okay

22 A Jesse s driving

23 Q And it gets passed around Did you possess
24 it yourself?

25 A Yes

1 Q And did you smoke it?

2 A I put my mouth to it too I didn t - I
3 didn t - this time I didn t even really - it was
4 dark outside I didn t even try to inhale it I ^ust
5 brought it to me when nobody was looking I even had
6 it away from my lips I remember this night very
7 well And then I gave it to the next person

8 Q Did you ever teal Crosby that?

9 A About that night?

10 Q Yeah Particularly, about this marijuana
11 being passed around

12 A That night you re speaking aV>

13 Q Yes sir

14 A I don t know I don t think so I told -
15 he knows about incidences at that location But that
16 night particularly I believe that was the same night
17 that I was supposed to get with him I called him
18 He was out of town He had another detail that he had
19 to work in St Pete He was working a drug aweep I
20 was supposed to work with him that night I was in
21 town to work and he was supposed to get together with
22 me and come over He never made it He called me
23 late and said he couldn t do it

24 Q What was he going to do if he came over?

25 A Investigate as far as I know

1 Q. investigate what?

2 A. Investigate what my - my allegations of drug
3 use and drug possession.

4 Q. Did you ever tell Detective Crosby about any
5 of the times that you simulated smoking marijuana
6 outside of Crosby's presence?

7 A. I don't know. I may or may not have. I
8 didn't see the relevance of telling him something that
9 he wasn't going to have firsthand information about.
10 It wasn't going to help him with the case.

11 Detective Crosby's whole deal was, everything
12 that he has to put down on a warrant, he has to have
13 firsthand information about. Information from me,
14 seeing or saying that this happened or me being there,
15 that wasn't going to give him something he could put
16 on his report and say that definitely happened.

17 Q Gut you're a prior law enforcement officer,
18 right'

19 A. That's correct.

20 Q DOJ' t you think that it would hurt the
21 credibility of a confidential informant if that
22 confidential informant is possessing drugs or bringing
23 marijuana up to his lips and looking like he's smoking
24 marijuana? I mean, wouldn't you want to know that if
25 you were a cop'

1 A As an undercover police officer formerly
2 myself I ve been in situations where you have no
3 choice but to do the same thing and you have to be
4 around it You have to be there with them when
5 they re doing it You have to - if you re not
6 suspicion is going to be raised you know and then
7 the investigation is toileted

6 Q Was there a time when you passed mari3uana
9 around in the presence of Detective Crosby?

10 A Yes

11 Q And was that m the computer room of Jesse s
12 house?

13 A Yes

14 Q Tell me about your recollection oC that
15 Before you do was there any game plan
16 between you and Detective Crosby about what was going
17 to take place in the house when you met with Jesse
18 about how he was going to be introduced?

19 A I was going to introduce -

20 MR JOHNSON is that how you define "game
21 plan'?

22 MR de VLAMING Yeah you know game plan
23 That s the best way I can do it You know -

24 MRS WARDELL what your story was

25 MR de VLAMING Yeah what your story --

1 thank you what your story was

2 A Detective Crosby and I talked about who he
3 would be to me And that would be an old friend from
4 my old neighborhood in Philadelphia a high school
5 buddy who always stayed in touch He was going to be
6 a free-spirit type rich kid do whatever he wants to
7 do don t really have a specific job And that s what
8 I told Jesse and his girlfriend that my friend WAS
9 It washed

10 BY MR de VLAMING

11 Q Okay What did you hope to do inside the
12 house? Did you and Detective Crosby talk about
13 maybe being able to buy drugs or get them to traffic
14 in drugs or whaf What was the plan⁷

15 A The immediate plan - first of all I wanted
16 to - I wanted to be away from him He I wanted to
17 be done with the investigation Particularly because
18 the drugs - I don t do drugs I don t av^n drink
19 And t wanted to bring law enforcement in so that this
20 can end Law enforcement is the only way that I can
21 -- I have a duty to contact law enforcement I feel
22 when drugs are being introduced And they were
23 introduced

24 So therefore Mr Raftery introduced Howard
25 Howard comes to me and says listen if what you re

1 saymg is true, that they re cultivating marijuana
2 inside --on their property then the only way that I
3 can charge him ^ith anything would be to have
4 firsthand knowledge So I had to bring him m

5 Q To see the plant?

6 A To see the plants Several Plants

7 Q So his purpose, then, was to come in so he
8 could see these plants that were growing so he can get
9 a warrant and come back and arrest him? Was that the
10 game plan?

11 A Well when you say "game plan,* you're
12 speaking about the - something that was planned from
13 beginning to end But we didn t have, particularly a
14 game plan He wanted to view whac I was saying w»a
15 there

16 Q Did you tell Detective Crosby that you
17 thought he could buy drugs from Jesse Prince'

18 A I wondered Because Dee told me that she waa
19 a distributor That was at one of the days -- one of
20 the nights »t Wilson's Lounge She - that was the
21 time when he aaid, -would you just be &iief to Ker

22 Q So you didn t know by bringing Crosby in
23 where it would lead?

24 A Not exactly

25 Q Do you remember having a discussion, inside

1 the computer room about Jesse s computer and about
2 The Church of Scientology and the Lisa Mcpherson Trust
3 information that he gets from the computer?

4 A No No never

5 Q Did he mention anything about what he did for
6 a living'

7 A His girlfriend did She said he was an
8 attorney for - and fighting to help release certain
9 people who were locked into The Church of Scientology
10 And he didn t never say very much about it He
11 never said very much about it And I didn t go on any
12 fishing expeditions

13 Q But you don t remember him explaining things
14 to you in the computer room in front of Detective
15 Crosby about what he does on the computer and about
16 what he posts about information concerning The Church
17 of Scientology? That doesn t Sound familiar?

18 A No I don t remember that

19 Q What do you remember happening inside that
20 computer room?

21 A I remember he was trying to fix his computer
22 His computer was having problems He was having
23 problems booting up or - or he was on it for a long
24 time trying to fix a problem he had with it I don t
25 recall him saying anything about posting information

1 pertaining to The Church of Scientology

2 Q Okay

3 A He once told me that he was trying to go and
4 - he was going to go to California and try to get a
5 guy out of the church over in California. And he waa
6 going to take a trip over there for that purpose.

7 Q Is that the extent of his discussion
8 concerning his work?

9 A There were times when he told me he would be
10 picketing downtown Clearwater. To be honest with you,
11 I didn't do much fishing about that That was not my
12 intent. I didn't listen to very much of that He
13 would -- they would talk about it from time to time,
14 people following him and stuff like that He would
15 ask me - she would tell me - she would mainly say
16 so. Jesse didn't talk too much. Dee did.

17 Q Okay.

18 A Jesae was juat fun loving, wanted to get
19 drunk and get high.

20 Q Did you ever go to a concert with Jesse?

21 A Yes

22 Q And who went to the concert?

23 A He, his girlfriend. Dee, and myself

24 Q Did you ever have a date when you were in
25 this town?

1 A The girl at the concert'

2 Q Was there a girl at the concert?

3 A The girl I met at the concert But she

4 wasn t my date

5 Q You re contusing me

6 A I met a girl at the concert

7 Q Oh, inside the Concert?

8 A Yes

9 O Oh all right What about her?

10 A She wasn t my date I just met her and we

11 just hung out I used her to pretend that I had

12 somebody to hang out with I got to know her She

13 had something m common with me We were both from

14 Philadelphia and we talked all night until Jesse and

15 Dee wetfo ready to go home She gave me her phone

16 number when Jesse and pee left I threw it away

17 And I came back to them with a story that we got along

18 real well and we re dating

19 Q Oh, all right

20 MRS WARDELL Wait I m confused You met

21 for the first time at the concert -

22 THE DEPONENT Yes

23 MRS WARDELL - or you knew her ahead of

24 time and told her to meet you there?

25 THE DEPONENT I met her for the first time

1 at the concert

2 MRS WARDELL And they just happened to see
3 you meet this girl'

4 THE DEPONENT Well me and Jesse were
5 talking about how beautiful her figure was

6 MRS WARDELL And so you walked over and you
7 kind of picked her up at the concert?

8 THE DEPONENT *lea*

9 MRS WARDELL Okay

10 MR de VLAMING

11 Q Well did she spend the night with the -- not
12 sleep over But I mean did she spend the evening
13 with you Jesse and Dee this girl?

14 A No

15 Q All right What kind of concert was it?

16 A It was a festival at some sort

17 O, It was an open-air one?

18 A Yes

19 O/ What's this girl's name? Po you know

20 AX don't remember

21 O Did she come over though and tell you or
22 did you go over to her area'

23 A We were in the same area standing in the
24 same close area We were standing in the same area

25 Q Oh

1 A. She was ahead of us, about, maybe, two rows
2 ahead of us.

3 Q. But everybody's standing watching the
4 concert?

5 A. Yes.

6 Q. No blankets there or anything like that?

7 A. Not that I saw. Some people may have had
8 them, but we were standing.

9 Q. But you never saw that girl again after that
10 night?

11 A. No.

12 Q- Did you tell Jesse and Dee that you were
13 married or single?

14 A. I told them I was single.

15 Q. Are you married or single?

16 A. I'm married.

17 Q. Okay. Do you know what you billed for these
18 services in this investigation?

19 A. Hourly or totally?

20 Q. Total.

21 A. I believe my 1099 was \$7,000, somewhere
22 around there.

23 Q. What is your hourly rate?

24 A. \$50 an hour.

25 Q. And do you charge a per diem too; in other

1 words, for food if you're away from the house the
2 whole day or anything like that?

3 A. No.

4 Q. How about lodging?

5 A. I charge for lodging.

6 Q. Where did you stay when you were in town?

7 A. Different locations.

8 Q. But were they hotels?

9 A. Yea.

10 Q. Did you ever stay in a place owned by The
11 Church of Scientology?

12 A. Never.

13 MRS. WITSELL: To your Knowledge.

14 THE DEONENT: Never. Didn't.

15 BY MR. de VLAMING:

16 Q. How do you know?

17 A. Well, to my knowledge.

18 Q. You don't know what they own?

19 A. I don't know what they own, right.

20 Q. Okay. I'll grant you that, was there ever a
21 time when you were conducting this investigation when
22 you were at Jesse's house where he had a container, that
23 this marijuana was growing and he was pulling it out
24 and throwing it away?

25 A. Not in that context.

1 Q Well, tell me what your recollection was, and
2 tell me what was going on at the time

3 A. Jesse showed me the marihuana plants he
4 called his "pet plants" in pots around the pool,
5 several of them, pretty large ones. And he told me
6 that he had a whole lot more in the backyard when he
7 first moved in, and he pulled them out because they
8 were pretty - they were scared that they'd be
9 noticed. And the pet plants, he kept inside the pool
10 area

11 Q So he mentioned to you chat he had pulled out
12 ones that were planted in the yard itself, not in
13 pots, and threw them out?

14 A. He told me that he pulled out some that were
15 growing in the yard I don't believe he said that any
16 particular - said nothing about planting them or -
17 he said they were growing in the yard. And there was
18 a lot growing in the yard when he got there, he said.
19 And he said he kept some in pots, and he did. He had
20 some in pots around the pool-

21 Q So what he told you was, when he moved into
22 the house, there were already plants growing in the
23 yard?

24 A. That's what he said

25 Q. Do you know how long he had been in that

1 house?

2 A <o

3 Q Were you led to believe that it was a
4 relatively short period of time you know within six
5 months or so or what were you -

6 A Yes

7 Q In other words that he was new to the house?

8 A He was new to the house yes He was new to
9 the neighborhood

10 Q Okay

11 A According to him

12 Q And the marijuana plants that had already
13 been growing there he s pulling them out and he kept
14 some supposedly smaller ones and called them "pet
15 plants"

16 A The ones that were the pet plants were not
17 small

18 Q But i mean smaller than the ones that he
19 pulled out'*

20 A He didn t describe the size He just he
21 did say that there were some pretty big ones in the
22 yard

23 Q That s what I thought you said

24 A yes He said there were some pretty big ones
25 in the yard and he did say that he got rid of them

1 because they -were too visible and he didi t want he
2 was afraid people would notice them And they were
3 dangerous far being back there so he got them out of
4 there

5 Q Did you ever bring any gifts to Mr Prince s
6 house?

7 A A couple of times

8 Q What type of gifts did you bring?

9 A I would bring him Puerto Rican rum Twice I
10 think I did And I brought him a gift at the end of
11 the investigation

12 Q What was that?

13 A I brought him a drink a bottle of
14 something I m not sure what it was anymore And I
15 brought him some macademia nuts And I think that was
16 it

17 Q Did you ever drink any of the alcohol with
18 him that you brought?

19 A Sure

20 Q In other words the rum for example'

21 A Oh huh

22 Q What would you drink it with?

23 A Coke

24 Q Do you know whether you and Detective Crosby
25 were drinking any alcohol at the time that the

1 marihuana was passed around⁵

2 A. It may have been a beer. It may have been a
3 beer. I know that Detective Crosby didn't drink all
4 of his, and I didn't drink all of mine either. We
5 would drink beer with them, all of them. I would
6 drmk beer almost every time I went to his house,

7 Q. Did you ever bring it yourself or did --

8 A. Beer? Mo, they had it.

9 Q. They had the beer?

10 A. Yeah.

11 Q. All right. And you think you brought, maybe,
12 three bottles of liquor, total?

13 A. I think so.

14 Q. And then some nuts or something:?

15 A. Yes.

16 Q. who brought the marijuana out on the time
17 that you and Detective Crosby had it exposed to you?

18 A. His girlfriend.

19 Q. Dee?

20 A. Yes.

21 Q. Do you remember where she brought it from?

22 A, The same location, the bedroom. It was in an
23 end - a little dresser that sits on the end of the
24 bed. It's a few - if you walk into the bedroom, the
25 bed extends from the back wall straight to the door

1 that you walk into To the right side of that would
2 be a dresser drawer, end desk or end table, whatever
3 you call it And she would get it out of that - one
4 of those two drawers.

5. Q On the time that you were with Detective
6 Crosby, did you see her get it out of one of those
7 drawers⁰

8 A. No Not at that time

9 Q. How do you know she got it from that location
10 on that - at that time?

11 A Not necessarily on that date did I see her
12 get it from there, but from prior knowledge, I know
13 that she would get it from there.

14 Q So from prior knowledge, you saw her get it
15 from that location?

16 A. Yes.

17 Q Did you ever tall Detective Crosby where her
18 stash was?

19 A. I think so.

20 Q. Meaning the end table?

21 A. Yea.

22 Q You told him that she kept it in the end
23 table¹

24 A I told him. that she kept it in a - she
25 brought it out - brought a can. from the bedroom, a

1 black can from the bedroom. X don't know if I told
2 him exactly where she had it.

3 Q. Did Bhe roll the joint there in the bedroom
4 - the computer room?

5 A. I don't know, Becauae there were times when
6 he did and she did. I'm not sure. You know, I'm not
7 sure. I do remember him rolling a joint once or
8 twice.

9 Q. And was it passed around on the occasion
10 inside the computer room?

11 A. Yes.

12 Q. Did you see Detective Crosby bring it to his
13 lips?

14 A. Yes.

15 Q. And do you know whether he smoked It or
16 simulated it? Do you know either one?

17 A. It's hard to tell. You know, you try to make
18 it look as real as possible.

19 Q. And how about you, on that occasion?

20 A. I tried to simulate it as much as possible.
21 And like I said, you asked me the same question
22 before, I would bring it to my mouth and pretend to
23 smoke. But you've still got the smoke in the room and
24 you're going to be breathing it.

25 Q. But you tried to simulate it on that

1 occasion too'

2 A I tried to simulate it each time But if
3 they re looking at you you re going to have to make
4 aura that the fire lights up a little bit So you re
5 going to have to pretend to blow or bring it into your
6 mouth at least

7 Q isn t there a way to bring it into your
8 mouth?

9 A Without taking it down your lungs?

10 Q Yeah

11 A Yes

12 Q Right

13 A That s simulation

14 Q Right So the light lights up because you re
15 bringing it in and then you re blowing it out of your
16 mouth without going in the lungs?

17 A That => right

18 Q Okay And what you re saying is you don t
19 know whether or not you got some m your lungs because
20 it can t be done perfect'

21 A Mr de Vlaraing come on You know I got some
22 in my lungs I m in a room full of people I m not
23 going to hold my breath that long

24 Q Okay Was there an agreement between you and
25 Detective Crosby that your identity was going to try

1 to be kept confidential?

2 A Yes sir

3 Q And you were going to be given a
4 confidential, informant number'

5 A I was

6 Q And why did you want your identity kept
7 confidential?

8 A. Because I was an investigator for one thing,
9 and I did not want to be arrested for something that
10 had to do with an investigation I wanted to be
11 considered an informant An informant goes into a
12 location alongside an undercover officer and they
13 give them information

14 At this point on, I did not want to be just a
15 private investigator Because it s my duty to work as
16 an informant, at this point m time and to give
17 information to law enforcement

18 Q Did tf&brizio ever give, you any kind of
19 instructions shout making sura your identity was kept
20 confidential?

21 A My identity was being kept confidential from
22 the time that I began the investigation That s why I
23 used a false name

24 Q But your employer --

25 A That was my intention

1 Q But your employer, did they tell you to do
2 everything you can to keep your identity confidential'

J A I don't remember him saying that no I
4 don't remember him saying that no

5 Q Was there a time -- I think at Martin
6 Restaurant, is that the name of it?

7 A Uh-huh

8 Q -- where you were asked to come there
9 ostensibly for a job offer that turned out to be a
10 meeting with Jesse Prince?

11 A Yes

12 Q And someone called you to say that they were
13 interested in hiring you to do some work at a
14 restaurant, surveillance type of work, and that's the
15 reason you came to that restaurant, is that correct?

16 A Yes

17 Q And when you got there, what happened?

18 A When I got there, I met with Ray Emmons and
19 Jim Patterson sitting at the table

20 Q And they introduced themselves?

21 A Oh, Emmons introduced himself Mr
22 Patterson, he just sat there and seemed like he was
23 going to be the client And to my knowledge, I
24 thought he was going to be the client

25 Q Did you sit down at this point or not'

1 A. Yes.

2 Q. And did one of the fellows excuse themselves
3 and come back with CTesse^

4 A- Mr. Emmons did.

5 Q- And when he came back with Jesse, What did
fi you say Were you surprised to see him?

7 A. Very.

8 Q. Did you stand up or stay seated?

9 AX stood up.

10 Q. Did you greet Mr. Prince?

11 A. Shook his hand.

12 Q. Do you remember what you said when you first
13 saw him?

14 A Hello.

15 Q. Did you ask about his family and how Dee was
16 doing?

17 A. How Dee was doing?

18 Q Or his family?

19 A. Wo. I asked him about th* children. During
20 - that was some far - further into the conversation.

21 Q. Okay

22 A. Because the first thing I asked him was,
23 okay, now, tell me what this is about.

24 Q. Did you kind of figure out, when you saw
25 Jesse, that it was not about what you thought it was?

1 A. When I first saw Jesse, I was about to pull
2 my gun from my back pocket, but I said I better not
3 start thinking. Maybe I need to find out what they're
4 doing, what they want.

5 Q. So your first reaction was that you were
6 being set up?

7 A. Yeah.

8 Q. Okay. And when Jessie greeted you with a
9 smile and he shook hands, did you realize, then, that
10 no one was there to hurt you?

11 A. I was very leery.

12 Q. How did the conversation start?

13 A. Mr. Emmons asked Jesse to sit down, and Jesse
14 sat down to my right. Ray Emmons was to my left. Jim
15 Patterson was sitting almost right in front of me.
16 They had already ordered food. I only ordered
17 something to drink, ice tea, I think. They offered me
18 food, but I just ordered ice tea.

19 Mr. Emmons said, I guess now you realize that
20 this is - I think he said -- not what you think -
21 not what you thought it was.

22 And at that point, I said, yes, that's
23 correct. I said, that's right. I said, now, why
24 don't you tell me what this is about? From my
25 knowledge, my recollection, I remember him saying that

1 considered to be a legal informant -- you know, to my
2 backyard. You know, right to my - two blocks away
3 from my house This is a man that's 0oin3 to jail
4 because of my testimony. And aa fax as - I mean,
5 I've before a cop for 14 - I've been in law
6 enforcement for 14 years. I know what that means
7 And I know Mr Emmons has been a law enforcement
8 officer too. He knows what that means, too. And -

9 Q. Did you ask them whether they were followed?

10 A. Yes. I said, so were you followed? I said,
11 you brought him right over here to my backyard, so
12 were you followed to me?

13 I'm thinking, man, they're trying to make me
14 look bad

15 Q. Well, didn't you - you wanted to know
16 whether they were followed. And didn't you end up
17 telling them that The Church of Scientology is
18 following Jesse constantly?

19 A. NO.

20 Q Daily?

21 A. They told me that That's what they told me

22 Q But yet, you asked them if they were
23 followed?

24 A. They told me that Jesse js being followed all
25 the time. I said, so were you followed here? I

1 said, so were you followed here⁻³

2 He said, no, we made sure we weren't

3 followed

4 Q Was the name "Church of Scientology"

5 mentioned at all during the conversation between you

6 and these three men?

7 A Mr. Emmons brought the name Church of

8 Scientology up.

9 Q. Did he ask whether they were the ones behind

10 hiring you?

11 A. Yes, he did

12 Q What did you aayi

13 A. I told him no.

14 Q You told him no'

15 A. Yes.

16 Q You answered the question?

n A. I said no.

18 Q. Okay And who did you tell him did hire you?

19 A. I didn't tell them.

20 Q. Did they mentioned the name "Raftery*?"

21 A. I don't remember if they mentioned his name

22 or not. I don't recall - I don't think I heard that

23 Q. Did they talk at all about the case itself,

24 the marihuana case?

25 A. No They were trying to leave it up to me to

1 he wanted me -- he wanted to know if I would help
2 them. I said, help? I said, help with what?

3 Would you help Jesse?

4 I said, how can I do that?

5 And he says, well, is there anything you can
6 tell me that might help him in the situation that he's
7 in?

8 And I said, not that I know, not that I know.

9 I said, what is it that you're looking for?

10 And he said -- I'm trying to think of his
11 words. He said, well, you tell me.

12 I think he was trying to leave it up to me to
13 try and discuss with him something that might help
14 Jesse. I just didn't know what to tell him. And I
15 don't remember the exact words that came out of his
16 mouth, it was a while ago, but I remember him asking
17 me -- no, I asked them. I said, so am I being videod?
18 Am I being taped?

19 And he says, no. He said, neither.

20 And I said, okay. And I said, so then what
21 are you doing here and why would you bring him here?
22 You know, I'm still pretty mad about that. And --

23 Q. Kind of annoys you when you get set up?

24 A. Well, what annoys me is the unethical way
25 that Mr. Emmons brings a defendant to what is

1 say things They were trying to leave it to me to say
2 things that would lead to them obtaining information

3 Q That would help Jesse in this case?

4 A Yeah

5 Q Did you end up saying or reminding them of
6 the conversation where Jesse said that he had thrown
7 out marihuana that was growing on his property?

8 A No But I do remember - I do remember
9 saying to Jesse, 'Jesse, did you tell them everything'
10 Did you tell them? Did you tell them the whole
11 truth?' Because I, you know -- I mean, I knew that
12 you were representing him And I wondered, do they -
13 So you know what really happened Because - and my
14 thoughts were they wouldn't be investigating this if
15 they knew what really was going on - what really
16 happened

17 Q So you don't recall making the comment, during
18 that dinner - lunch conversation about Jesse saying
19 that there were marijuana plants growing on the
20 property and he threw some out? You don't remember
21 that coming out of that discussion?

22 A I don't - I'm not saying that it didn't
23 But I don't remember it

24 Q Did you ever tell Jesse that there were times
25 during the investigation that you wanted to call them?

1 A Call him'

2 Q Yeah tip him off tell him that he s being
3 set up anything like that⁻³

4 A No I would have never done that

5 Q Has there a time that you wanted out of that
6 investigation?

7 A Yes

8 Q Why?

9 A I wanted it to end I wanted it to be over
10 with I got sick and tired of the marijuana and the
11 drinking I don t drink and I don t smoke That is
12 oust not my life

13 Q Did you make a statement during that
14 conversation there in the Martin Restaurant that you
15 knew Jesse was not cultivating marijuana'

16 A Never I knew he was He showed it to me
17 He told me what he was doing He uhuwed me how he
18 dried it out and ground it up He showed me how he
19 kept it in low light

20 Q Was Crosby there when that was done?

21 A Yes

22 Q And where did he show that to you and
23 Detective Crosby? what room were you in?

24 A I believe he kept the dried-out stuff in his
25 bathroom that was adjacent to his bedroom

1 g. But did he - and then he showed it co you
2 and Crosby or did he just tell you about it?

3 A Well, he showed it.

& Q Okay. Were there any rolling papers ever
5 laying around the house or were they always away?

6 A. Well, they'd make them available whenever
7 they wanted them. I don't know where they kept those.
8 They may have kept them in the same thing. I don't
9 know for sure.

10 Q. But they weren't laying around?

11 A. Wo, not that I recall.

12 Q, in regards to Wilson's Liquor Store, does the
13 name Joe mean anything? Did you meet a Callow named
14 Joe? Did you have a friend named Joe? Were you
15 hanging out with somebody you introduced as Joe?

16 A. A guy named Joe'

17 Q. Yes.

18 A. No.

19 MRS, WARDELL: DO you have a description?

20 THE DEPONENT: No, no.

21 No one went into the liquor store, no. I
22 don't remember - I didn't hang out with anybody.
23 There was a girl that, *very now and then, would show
24 up. But her name wasn't: Joe, and she wasn't part of
25 my investigation. And there would be an investigative

1 apparatus.

2 MR. de VLAMING:

3 Q. Did you ever introduce anybody to Jesse at
4 the Wilson Liquor store?

5 A. There was a girl named Karen. She was the
6 only person that I ever introduced, that was shooting
7 pool, with me at the liquor store - liquor lounge.
8 There were no guys except for Howard. And I didn't
9 introduce him there. I brought him to his house. He
10 was supposed to meet with us over at Wilson's, but he
11 didn't. He was working.

12 Q. How did the conversation end at the Martin
13 Restaurant? Did you say good-bye to everybody? Did
14 you walk out together?

15 A. Uh-huh. We all walked out together and shook
16 hands and was cordial. I gave Jesse a hug.

17 Q, in the parking lot or by the table?

18 A. Parking lot.

19 Q. Did you wish him luck?

20 A. No.

21 Q. What did you do when you hugged him? What
22 did you say?

23 A. I said good-bye.

24 Q, Did he hug you back?

25 A. Of course,

1 Q Sometimes people don't

2 A I've got to show the best face I can. I'm
3 not going to let them know that I'm upset, intimidated
4 or even scared.

5 Q How long were you in the restaurant?

6 A Probably between 45 minutes maybe ~~as~~ much as
7 an hour.

8 Q And some of them had lunch?

9 A Yeah.

10 Q Ordered lunch?

11 A Patterson and Emmons had lunch.

12 Q Were you ever yelled at during the course of
13 the conversation?

14 A Unh unh.

15 Q That a no?

16 A No.

17 Q Was it a fairly busy restaurant? I mean was
18 it a restaurant that had a lot of people?

19 A Yes.

20 Q Did you feel that you could have left if you
21 wanted to leave?

22 A Yes.

23 Q Did you stay out of courtesy? Did you stay
24 because you were curious or did you stay because if
25 you could help you were willing to help?

1 A No At first I stayed because I wanted to
2 know how m the world and why he would bring him to me
3 m my own backyard My first thought was to just get
4 up and walk out That was my first thought was to -
5 my first thought - no My first thought was to pull
6 a gun out of my back pocket because I didn t know what
7 I was getting ready to get into just put it in my
8 hand And my second thought was to get up and leave
9 ^ust leave

10 But then I thought you know let me find out
11 what they re up to what do they want are they
12 intimidating me are they trying to crowd me do they
13 what do they want⁻¹ Why in the world would they be
14 here you know? And then that was it That s what I
15 waited for

16 Q Did you ever tell anybody at the table that
17 you were sick and tired of either The Chuich of
18 Scientology or their investigators calling you up
19 after Jesse was arrested?

20 A No

21 Q Never said anything like that about the
22 constant calls to find out about the status of the
23 case and that you weren t being paid any more money
24 and that you were tired about the phone calls?

25 A NO

1 Q. Did you make a phone call after the meeting?
2 Did you call anybody?

3 A. Yes.

4 Q. Who did you call''

5 A. Howard Crosby.

6 Q. Is that the Sirst call?

7 A. I called Brian Raftery, too.

8 Q. Okay. And who did you talk to first?

9 A. That's a hard one. That's a tough one, I
10 may have called Brian. I don't know. I think I
11 called Brian, first.

12 Q. What was his reaction?

13 A. No, wait a minute. Wait a minute. X called
14 Howard first and I couldn't reach him. Then X called
15 - I went to call Howard and let him know that I was
16 being - X felt like it was witness tampering. And I
17 didn't reach him. He wasn't there. He wasn't
18 available. So then I called Brian Raftery, and I told
19 him what had happened-

20 Q. What was his reaction?

21 A. He Bays, oh, my Ood. He said, you know
22 that's against the law. You're a confidential
23 informant, he said, but not anymore.

24 Q. Was he surprised they found your identity?

25 A. No. What he was surprised was - well, he

1 did asked me, he said - he asked me, who told them
2 who you were?

3 I said, I don't know I said, I'm still
4 trying to find Howard. I want to ask him, did they
5 give any information to anybody, you know. That was
6 my next thing to do was call Howard again. And he
7 said, well, let me know. And I would.

8 Q. Would you say you had more contact with
9 Pabrizio or with Raftery?

10 A. Fabrizio

11 Q And would you give him the reports of what
12 you were learning and the status of the investigation?

13 MR. JOHNSON- You can answer that.

14 A. I was debriefed every day after an
15 investigation.

16 BY MR de VLAMING-.

17 Q. By whom?

18 A, By Fabrizio

19 Q. Did you ever make any written reports?

20 MR. JOHNSON. You can answer,

21 A. Yes.

22 BY MR. De VLAMING;

23 Q And where are those written reports?

24 A. x posses them.

25 Q. They're at your office?

1 A, Uh-huh

2 Q And do they chronicle the work that you did.

3 in this case?

4 A Very well.

5 Q. And do they mention the surveillance that you

6 performed, what you saw Jesse Prince do, both

7 innocuous and potentially incriminating*

8 A. Yes, Bath

9 Q And if you learned nothing, did you write a

10 report and say I went here, there and there and saw

11 nothing, nev&r saw Jesse Prince? Would you say that,

12 too?

13 A Yes.

14 Q. So your reports, then, were chronicled every

15 day, whether you found something or not, concerning

16 this investigation?

17 A. Yes

18 Q Are they accurate, to your knowledge?

19 A. Yes.

20 MR. de VLAMIKGi Do you want to get them or

21 do you want me to get them?

22 MRS. WARDEI/L Well, do they cover from

23 February to the arrest?

24 THE DEPONENT: Yea, ma'am.

25 MRS. WARDELL: DO you have an objection to

1 providing them to me'

2 MRS. KOBRIN: I have a work-product
3 objection, it may not be on every one of them. I
4 don't know for sure, but there's certainly a
5 work-product objection as to. at least, some of them
6 and possibly, all of them.

7 MR. JOHNSON: My understanding, from
8 conversations with members of the firm, is they were
9 going to object to all of the reports but/for the
10 final report, which - of the meeting, you know, in
11 Lake Wales.

12 MRS. WARDELL. Well, unfortunately, the case
13 law I have says that if he testifies to any reports
14 they he made with regards to what he did during his
15 surveillance, they are fair game. I understand that
16 there may be some things --

17 MR. JOHNSON: I'm not making the objection.

18 MRS. WARDELL. -- that are redacted

19 MR. JOHNSON: I'm just telling you from other
20 members of the firm -

21 MRS. WARDELL Well, I think they need to, at
22 least, come to me and let me attempt to, maybe, redact
23 them and take them to a judge or something, but..

24 MR de VLAMING:

25 Q. Well, let me ask you this: Do they have all

1 of what you did or do they have so and so told me
2 this, so and so instructed me to do this? Do you
3 understand what I m saying' Do the reports ;just say
4 what you saw and did or does it have what other people
5 are telling you?

6 MR JOHNSON. Do you mind me answering?

7 MR. de VLAMING- No, not at all

8 MR JOHNSON. If the law is that because he's
9 testifying he has to turn over his reports, which I
10 was told they wanted to object to, there will be very
11 little redaction.

12 MR de VLAMING: Yeah. That s what I would
13 think

14 MRS. WARDELL In other words, does it say,
15 met with Fabrizio today and Fabrizio told me A, B and
16 C versus I went to Wilson's today and I saw Jesse
17 Prince do A, B and c? See the difference?

18 MR. JOHNSON: AS Mr. RafCery has told you,
19 the information was given on Mr. Prince's whereabouts,
20 and that was relayed. Those weren't direct
21 instruction from the attorneys. Those were things
22 like, here's where he is, we're guessing where he
23 might be and this witness would station himself

24 MR. de VLAMING Mo, that's not work product
25 I wouldn't think that's work product.

1 MR. JOHNSON: No. There will be very
2 little --

3 MR. de VLAMING Well, how do we do this?
4 Let's kind of make an agreement and we'll file a
5 motion here Either we can get it to the Judge and he
6 can decide the redacting or start with Lydia.
7 whatever you want to do. But I've got to try this
8 case in eight days. I've got to take another
9 deposition of Fabnzio before that.

10 MR. JOHNSON: I have a clean copy of the
11 reports.

12 MRS. WARDELL it seems like -- I think you
13 can trust me to look at it, and whatever I think
14 should be redacted, maybe, I should share with the
15 Judge. And say, this is what I think should be
16 redacted, do you -- Judge, do you think there is more?

17 MR. JOHNSON Lydia, I have no objections. I
18 h've just been talking with, you know, Helena's law
19 firm and Helena, and they're going to object for
20 whatever rights they can. I don't know that I can
21 give you -- I got mine through attorney-client
22 privilege, I don't think that I can give it to you if
23 they're telling me they're going to assert a
24 privilege. I have recently found that out and so I,
25 you know --

1 MRS KOBRIN I m not unwilling to go back
2 and look them over and see you know what - just
3 clarify oui position and than I can let you both know
4 you know And we ll do that rapidly

5 MR de VIAMING Okay

6 MR JOHNSON I mean trial s the 23rd

7 MRS KOBRIN Yeah I know I ra not going
8 to delay it I mean it ll all get done rapidly

9 MR JOHNSON I mean if it a to the extent
10 that the Judge needs to review a copy today I brought
11 a clean copy There was a slight slight possibility
12 you would not ask the question which was your last
13 question So -

14 MRS WARDELL Well it would have been mine

15 MR JOHNSON we ll read them There was
16 a slight possibility

17 MRS WARDELL one way or the another it was
18 coming

19 MR JOHNSON Well you JoiOW X doll t hold
20 all privileges in this case and can t raise all Che
21 privileges

22 MRS KOBRIN Let me just cite a case that
23 you can look at that deals with this subject which is
24 Dorego versus State 243 South Second 171 Second DCA
25 1S11

1 MRS KOBRIN Do you have it?

2 MRS WARDELL No I have North Corporation
3 v Willis at 729 Fo 2d 508 (April 99>

4 MR JOHNSON If - unless Helena has an
5 extremely strong objection I brought extra copies of
6 the meeting with the three investigators where this
7 witness got exposed

8 MRS KOBRIN And that has already been given
9 to the police right?

10 MR JOHNSON My understanding is yes I
11 mean I don t know that it was ever given to the
12 State

13 THE DEPONENT it was not I don t think
14 because I asked them too

15 MR JOHNSON I have copies of that if
16 someone wants to review that to ask any further
17 questions since I think that will be available

18 Helena do you have any work-product
19 privilege objections''

20 MRS KOBRIN If it was already given to the
21 police I don t have any objection

22 MR JOHNSON Mould you prefer to see his
23 notes of that final meeting?

24 MRS KOBRIN Are you talking to me or to -

25 MR JOHNSON I m talking to Denis

1 MR de VLAMING Oh yea
2 THE DEPONENT The day of that meeting I
3 jotted those notes down I typed them out
4 BY MR de VLAMING
5 Q Okay After the meeting was over then you
6 went out and made some notes and then typed them up?
7 A Immediately
8 Q Mr Gaston did you ever see Jesse Prince
9 sell marijuana?
10 A No sir
11 Q Did you ever see him sell any drugs?
12 A Hot that I can tell sir
13 Q Okay Was there a time on the second meeting
14 with Detective Crosby where he was asked if he would
15 give you all drugs so you could take them to Key West?
16 A Yes sir
17 Q What was that conversation about'' Was it
18 just before you were leaving?
19 A Yes sir
20 Q And what did you ask Mr Prince?
21 A I asked him if he had anything I could take
22 with me to the Keys And he said he was pretty low on
23 what he had He said all of his friends smoked it all
24 up I said well if you ve got anything I ll buy it
25 off of you anything you know anything at all

1 He said, no, I really don't
2 I said, we'll just -- we'll have some when we
3 get there. We'll have to buy some when we get there.
4 Q Would a sale of marijuana case have been made
5 had he sold drugs to you?
6 A. That would be up to Officer Crosby.
7 Q. Was it ever discussed with Officer Crosby
8 about seeing whether Jesse would sell drugs to you or
9 to him?
10 A. I don't know.
11 Q. Well, whose idea -
12 A. Maybe. Possibly.
13 Q. Hell, it must have been somebody's idea to
14 ask hi» to buy some,
15 A. It was my idea.
16 Q. Okay.
17 MR. JOHNSON: I had several folders created
18 by my secretary, all on my desk^ in preparation. I
19 snatched the wrong one. I had multiple copies of
20 this So I've got one copy
21 MRS. WARDELL. There s a Xerox there.
22 MR. JOHNSON However y'all - whoever wants
23 to Xerox it, but there's three pages,
24 MRS. WARDELL. 00 YOU mind if I 33k
25 Questions?

1 MR. de VLAMING. No, *go* ahead.

2 CROSS-EXAMINATION

3 BY MRS. WARDLL:

4 Q- I want to get *a* little bit of a time frame
5 here•

6 A. Okay.

*7 Q. So follow along with me and then object when
8 necesaaty, okay?

9 A. Yes.

10 Q. You were at Wilson's Bar and you come into
11 contact with Mr. Prince and his girlfriend, correct?

12 A. That's correct.

13 Q. That's the first place you, physically, see
14 him?

15 A. Yes.

16 Q. How many times did you see him prior to the
17 car incident?

18 A. I believe it was twice before.

19 Q. Prior to the car incident, were you invited
20 back to his house but chose not to go?

21 A. Yes.

22 Q. Would that have taken place at Wilson's Bar?

23 A. Yes.

24 Q. And of these contacts prior to the car, how
25 long do you think you would have interacted with

1 Mr. Prince ana/or his girlfriend?

2 A. Can you repeat that?

3 Q. In other words, when you saw them at

4 Wilson's, was it a 30-minute session? Did you see him

5 - did y'all hang out for a couple of hours?

6 A. Oh, yes. A couple of hours at least-

7 Q. Okay. And there were no visits to his home

8 before the car incident, correct?

9 A. I believe that to be correct.

10 Q. After the car incident, when is the next time

11 you saw Mr. Prince?

12 A. Possibly at his home.

13 Q. Weeks later, days later?

14 A. Days later.

15 Q. And how did you get to be invited to his

16 home?

17 A. That night they invited me, once again, when

18 they were in the car.

19 Q. At the car incident, they invited you?

20 A. Yeah.

21 Q. But did you go that night?

22 A. No, not that I remember.

23 Q. Did they tell you where to come and you just

24 showed up or did you run into them again and

25 get invited?

1 A. They showed me where they lived. I drove --

2 I followed them home-

3 Q. The night of the car incident?

4 A. I think so.

5 Q. And the purpose was to show you where they

6 lived --

7 A. Yes,

8 Q. -- in case you ever wanted to come visit?

9 A. Yes. They could see how much their home was
10 worth and they wanted to show me where they lived in
11 case I wanted to come back.

12 Q. And so how is it you end up at their house
13 the first time?

14 A. I dropped by unannounced like he asked me to,
15 anytime I wanted to.

16 Q. And the time you dropped by unannounced, is
17 that the time that you referred to, when Deneen went
18 to the bedroom and brought out the marijuana?

19 A. Every time I went there, she did that or he
20 did.

21 Q. All right. How many times did you go to Mr.
22 Prince's house prior to Crosby accompanying you?

23 A. I believe it was twice.

24 Q. And both those times, she brought out
25 marijuana?

1 A. Yes.

2 Q. And both of those times, did you see
3 marihuana plants growing at the residence?

4 A. Yes.

5 Q. And where were the plants?

6 A. In the pool area, just past the living room
7 beyond the double-glass doors.

8 Q. All right. For now, I want to talk about
9 those two visits. And we'll call them visit one and
10 visit two, and if the answer is the same for both,
11 that's fine-

12 In either of those visits, did Mr. Prince or
13 his girlfriend tend to the plants, if you will?

14 A. Yes.

15 Q. How so?

16 A. She would be watering them.

17 Q. Where was Mr. Prince when she would water the
18 plants?

19 A. He would be standing next to me watching them
20 and talking about them.

21 Q. How close were you all? Were you out on the
22 lanai when this happened?

23 A. Yes, out on the deck of the pool.

24 Q- Were the plants ever fertilized in your
25 presence?

1 A. I never saw that.

2 Q. Well, I don't know what you do to maintain a
3 marijuana plant, but you-mentioned low light?

4 MR. JOHNSON: It's self-serving.

5 BY MBS. WARDELL:

6 Q. What are some other things you can do to
7 maintain a marijuana plant?

8 A. Well, that wasn't the maintaining. That was
9 for drying them out.

10 Q. The low light is for drying them out?

11 A. That's what she said.

12 Q. Oh, okay. What, does a marijuana plant need
13 bright light to grow or sunlight or what?

14 A. It was in the sunlight with the rest of the
15 plants around the deck. It was treated like all of
16 the other plants.

17 Q. What was treated like other plants?

18 A. She had a lot of plants.

19 Q. Oh, okay.

20 A. She had a lot of plants around the deck of
21 the pool, a lot of them.

22 Q. So while watering a geranium, she would water
23 the marijuana?

24 A. Yeah.

25 Q. Got it. Did you ever see them actually dry

1 out marihuana leaves?

2 A. What I saw was Jesse coming back from the
3 bathroom in their bedroom with dried-out marijuana
4 leaves.

5 Q. Okay. Explain for me. Like a handful or --

6 A. A handful. Yes, a handful. Showing me that
7 they're in the process of drying out to be smoked.

8 Q. So he was showing you --

9 MR. de VLAMING: Can we get a time frame on
10 that?

11 MRS. WARDELL: Yeah.

12 MRS. WARDELL:

13 Q. Was that visit one or visit two, if you can
14 recall?

15 MR. JOHNSON: Or some other visit?

16 MR. de VLAMING: Or a Crosby visit?

17 A. I think it was visit three, somewhere around
18 there.

19 BY MRS. WARDELL:

20 Q. That would have been with Crosby?

21 A. Visit three or four, yes.

22 Q. So he was bragging, if you will, on how to
23 convert a green plant into something you can later
24 smoke?

25 A. Yes.

1 Q So he uses the bathroom for the drying out
2 process'

3 A Yea

4 Q All right Now between the car visit and
5 introducing Crosby to the situation here the two
6 visits at the house where did you run into
7 Mr Prince³

8 ft At Wilson s possibly

9 Q O^ay Were drugs introduced at Wilson s at
10 any time other than the car incidents

11 A I don t think so

12 Q And was the concert before or after Crosby?

13 A After

14 Q And were drugs referenced to or -

15 A please please one moment The concert I
16 believe it was before the final visit with Crosby

17 Q Okay Because there was quite a time lapse
18 between visit one with Crosby and visit two with
19 Crosby

20 A well there was a time when Brian told
21 Pabrizio and Fabrizio said to me do not visit do not
22 go by there do not go near him until Crosby has
23 gotten involved you know and was he able to get back
24 involved again Because he had to get surgery on his
25 knee I think that s what it was surgery on his

1 knee. And he would be out for a little while, and we
2 weren't allowed to touch the situation until it got to
3 he closer. And I was adamant. I was saying, listen,
4 if I don't make some sort of contact, they're going to
5 wonder what's going on.

6 Q. Right.

7 A. You know. The absence is -- you know, and I
8 was absent for quite some time before I made contact
9 with them again.

10 Q. And how did this contact occur?

11 A. Contact occurred when I was told -- I told
12 Crosby that I would be able to go in the area at a
13 certain day and he thought that he would be able to
14 make it that same day too. And I was there and he was
15 going to meet me at Wilson's Lounge, as I was going to
16 be meeting him there with Jesse and Dee. And he never
17 showed. We did, but he didn't.

18 Q. Okay.

19 A. I met them at their house, and we went over
20 to Wilson's.

21 Q. This would be after Crosby's first visit to
22 the house, correct?

23 A. That's correct.

24 Q. And you believe the concert Co *have* been
25 after Crosby's visit to the home?

1 A Ho The last Crosby -- you mean Crosby's
2 first visit'

3 Q Uh-huh

4 A Yes In fact, it was a holiday of some sort

5 Q Yeah try to date the concert for me

6 Because I can tell you that Crosby visited on April --

7 A I think it was the 4th of July

8 Q All right Crosby visits on April -

9 A I know it was the 4th of July There were
10 fireworks

11 Q The concert was'

12 A Yes

13 Q Okay Crosby visits for the first time on
14 April 6th or 7th The next time he comes is not until
15 August 5th So I want to go over the contact you
16 would have with Mr Prince between April 7th and
17 August 5th okay'

18 A Yes

19 Q We know there was a concert We know there
20 was a meeting at Wilson s where you thought Crosby was
21 going to show Was the crabby Bill s during thi?
22 interim period^

23 A Yes

24 MB. JOHNSOH To the extent you re giving
25 correct time frames I m not looking at my notes and

1 I don t know that your time frames are precise

2 MRS WARDSELL Well my police report

3 indicates Crosby went to their house for the first

4 time I believe it was April 6th or 7th If you ve

5 got something different -

6 THE DEPONENT It may have been a little bit:

7 past that Somewhere around that time frame though

8 MRS WARDELL

9 Q But regardless Crabby Bill s was after that

10 first -- somewhere in that middle visit'

11 A Yes And I would like to think that it was

12 towards the end

13 Q Was it after the concert'

14 A Somewhere close to it

15 Q And were there - go back to the concert

16 April 7th was Crosby s first visit Were there drugs

17 talked about referenced or introduced at the concert'

18 A i m sorry'

19 Q Where there drugs talked about produced or

20 referenced at the concert?

21 A No

22 Q Nobody smoked anything'

23 A I don t remember I don c remember there

24 smoking They may have I d have co - Id have to

25 refer because see almost every time they got in the

1 car and I got in the car with them they lit up a
2 joint

3 Q well did y all ride to the concert together'

4 A Yes no No as a matter of fact That s
5 why we didn't smoke together Because I drove my car
6 to follow them because I told them that I would
7 probably like to meet somebody there and leave with
8 that person

9 Q So you don't know whether they did it in
10 their car'

11 A Right

12 Q And nobody was passing around outside
13 marijuana'

14 A Right I didn't want to be stuck with that
15 again because I didn't have Crosby with me

16 Q Now at Crabby Bill's was that another one
17 that you had hoped Crosby could attend but he didn't'
18 You mentioned earlier -

19 A That was just a contact I think it was
20 contact

21 Q But marijuana was passed around in the car
'2 when you left right?

22 A Yes

23 Q Were these executives that Mr Prince was
24 with'
25

1 ft No

2 Q Were these busLness executives⁷

3 A No they weren t

4 Q Well did you have -- all right We ve

5 established the concert Crabby Bill s and possibly

6 Wilson a Any other contact with Mr Prince during

7 the -- we ll call them the Crosby visits⁷

8 A I made several telephone contacts with him

9 Q Did he have a way to reach you if he needed⁵

10 A Yes I have a cellular telephone and he had

11 my number

12 Q And he had your number?

13 A Yeah I even had a card made up with a

14 fictitious business on it

15 Q But it had the right number'

16 A -- with the number on it

17 0 where else did you meet with him¹

18 What about some people from Mississippi being

19 in town?

20 A Tennessee

21 Q Tennessee

22 A I was wrong They were from Tennessee

23 Q Tell me about that

24 A Two friends of his - two friends of his

25 girlfriend s visited

- 1 Q, And when was this time frame⁵
- 2 A. I believe that was around -- that was the
3 time we went to -- to the restaurant and then went
4 down to the club that same night
- 5 Q That's the Crabby Bill's night''
- 6 A. Uh-huh,
- 7 Q. So the woman that -
- 8 A, They were there.
- 9 Q lit the joint was the person from
10 Tennessee?
- 11 A Yes.
- 12 Q. These were business executives'
- 13 A. Wo No, they're not. They were people who
14 worked for businesses - pretty big companies in
15 Tennessee.
- 16 Q. All right
- 17 A But they're not executives I think one is a
18 secretary and the other one's -- one is a - I'm not
19 sure, exactly, what the other OIK* does. But they both
20 work for very large companies, very large
21 corporations.
- 22 Q Any other visits you can recall with Mr.
23 Prince⁷
- 24 A. Not without my notes There were a few more
25 Q You think there were more but you just can't

1 MR JOHNSON The notes are broken down in
2 time frames

3 Lydia, I can't ask questions Bue do you
4 aund me just giving you background to help' A lot of
5 what he s doing, he's working off the top of his head
5 because he doean t have the notes m front of him He
7 was asked by Denis, how many times did you go out
8 there before you had contact, and he said 20, 25 I m
9 guessing It was 11 before contact. 18 before he saw
10 any criminal activity Different times where he's out
11 there, you know These were approximations and I
12 just want you to understand

13 MRS WARDELL- I mean, I appreciate what
14 you're doing, but --

15 MR JOHNSON* Yeah We need the reports

16 MRS WMUJELL. -- perhaps you shouldn t be,
17 you know, filling in the missing holes Mr Gaston
18 needs to fill them in or we need to come back later
19 after he's had the opportunity to read the reports
20 BY MRS WARDELL

21 Q What was your initial reason from dropping by
22 Mr Prince's house the first time?

23 A Well he'd invite me over and over And
24 eventually you're going to keep getting invitations
25 and they're going to get suspicious of *why* you don't

1 stop by So contact was to maintain to maintain
2 contact and to maintain the investigation to keep
3 substance m it

4 Q Did you know they were going to be home or
5 were you taking a chance'

6 A I took a chance

7 Q And back to the car incident at Wilson s
8 Did they offer you drugs at the car?

9 A Yea

10 Q And how did you handle that?

11 A I would tell them no I can t do it right
12 now I m getting ready to take a drug test for a 30b

13 Q How many times do you think you -

14 A I said that for quite a few times until I --
15 I told them when school lets out m the summer you
16 know because I nt looking for a 30b in the school
17 system and everything and they were going Co --
18 school lets out m the summer That was it Couldn t
19 do it Couldn t hold that -- that wouldn t hold water
20 anymore

21 Q Were you ever given a direction by
22 Mr Raftery that once you saw drugs you were to back
23 off and not go back without law enforcement?

24 A That occurred I think the first *time that*
25 didn t occur What did occur was the thought that we

1 had to make contact with law enforcement. But the
2 second time, I was told to not make contact with him
3 again after that, because we have to get law
4 enforcement in. And he introduced me to Mr. Crosby.

5 Q. Okay. *-So my question*

6 A. Raftery did.

7 Q. My question is: After being given that
8 directive, did you make contact with Mr. Prince?

9 A. No, not until we made contact with Detective
10 Crosby.

11 Q. Right, okay. That would be the April 7th
12 date Crosby is there. But then, you did go back
13 subsequent times without Crosby

14 A. In between that, you mean?

15 Q. Uh-huh.

16 A. I think once.

17 Q. Well, the concert, the dinner, the --

18 A. Well, I'm not sure when those dates were.
19 There was a time when I was supposed to make contact
20 with Crosby and he couldn't -- I was left hanging. He
21 didn't show up. That happened twice. I was in the
22 area and I was talking to Crosby on the telephone and
23 he was telling me, yeah, I'll be there, I'll be there,
24 I may be late, but I'll be there. I'm making contact
25 with Jesse and Dee and expecting to meet with him, and

1 then r d get a call Crom him and I d have to get out
2 of it somehow

3 Q Did you communicate to Crosby what you saw at
4 Crabby Bill s the concert and the other time at
5 Wilson s>

6 A I believe I did I believe so Off the top
7 of my head I dan t tell you because it was over a
8 year ago But I believe I did I was in constant
9 contact with Crosby once we were in contact with one
10 another

11 MRS VJARDELL Denis?

12 REDIRECT EXAMINATION

13 BY MR de VLAMING

14 Q Did you ever see Jesse Prince physically
15 touch the marihuana plants that were growing at his
16 house?

17 A No

18 MR de VLAMING Let s go off the record for
19 one minute and then we can kind of summarize here a
20 little bit

21 (At this time there was a discussion
22 off the record)

23 MR De VLAMING Back on the record

24 MRS WARDELL Were you done?

25 MR De VLAMING Yeah pretty much

1 RE CROSS EXAMINATION

2 BY MRS WARDELL

3 Q I want to know when you made the statement
4 earlier in the depo that you looked at Jesse at the
5 meeting the lunch meeting and you said "do they know
6 what I know" and you said you thought m your mind
7 that you knew de Vlammg was on the case and you re
8 like I wonder if he knows what really is going on
9 What are you talking about

10 A i m thinking that there s no way m the world
11 that he s going to have an investigation going on and
12 have his attorney investigate this if he told him the
13 whole truth

14 Q That s my question to you What is the whole
15 truths What is it that you think what is it that
16 is out there that hasn t been said that causes you to
17 wonder''

18 A I feel that - well everything that I fi
19 saying is true Everything that la in my reports
20 everything that I have told the officer everything
21 that the officer has seen is true and factual IE
22 he s going to take his attorney through this circus
23 and then be found the truth be found he s wasted
24 time for everybody and money And that s why I asked
25 him that I asked him that you bought two

1 investigators to my backyard risking -- risking a
2 charge and all this and you don't think the truth is
3 going to be found. Have you told them everything
4 That's what I'm thinking. And then he's got -- he's
5 got friends that he may end up dragging down with him.
6 Those thoughts were in my mind.

7 Q Is there anything more to the "everything"
8 than what was discussed today? Are there some more
9 serious drug allegations out there that, for whatever
10 reasons you haven't told us about?¹

11 A No.

12 Q Is there more serious drug use*?

13 A No, just a lot of it. Just a lot of it
14 and --

15 Q Can you put a number on the times you saw
16 Mr. Prince smoke marijuana?

17 A. Let's see. Anywhere between eight and
18 twelve.

19 Q And of those, how many times did you
20 participate?

21 A Maybe six to eight. You know, when that
22 question was -- when I asked him that question, in my
23 mind I've dealt with cases where people have withheld
24 things from their attorney. And in the end their
25 attorney finds out and they tell them, finally, the

1 truth and when it comes out one way or the other and
2 their attorney's you know are sitting there looking
3 and wanting to probably throw them out the window
4 And I don't blame them

5 And I'm not saying that you're that kind of
6 guy. But in my mind - and I've done everything
7 exactly the way it should have been done. I don't lie
8 on deposition. I don't lie on report. I don't lie
9 under oath. And I'm not going to be disloyal to my
10 clients. So you know I'm not going to leave anybody
11 hanging. But I'm sorry, sir, I think he's left you
12 hanging.

13 Q Were you ever given a directive to enter
14 Mr. Prince's residence and plant some marijuana?

15 A I'm sorry. One more time.

16 Q Were you ever given a directive as part of
17 your assignment to enter Mr. Prince's residence and
18 plant some marijuana?

19 A Plant marijuana?

20 Q Uh-huh.

21 A Never.

22 Q Did you participate in any way whether Mr
23 Prince was there or not in putting marijuana plants
24 in pots?³

25 A No.

1 Q Are you aware of anybody whether xt be
2 Mr Fabnzio Mr Raftery or whoever else may be
3 behind your hire being involved in planti g marijuana
4 plants in Mr Prince s

5 A Absolutely not They didn t have to He
6 already had them in ~~posse~~ There was even a time when
7 he said that the alarm went off when they were out of
8 town and the police were there and they were afraid
9 that they would notice the plants They didn t even.
10 notice the plants The police came and visited their
11 house and the dog set the alarm off while they were
12 gone

13 And they were afraid so they got rid of a
14 plant They got rid of the plants during that time
15 period I don t know what they did with them They
16 said that they had buried them They said that they
17 had put them away and they hid them And they re
18 back They got. theft back again the day me and Mr
19 Crosby had gone over there again And we saw that

20 Q With regards to the ones that were m the
21 backyard that he told he had pulled up did he
22 specifically lead you to believe that they were there
23 preexisting when he moved in or

24 A He led us to believe that he took them from
25 the backyard planted them in pots inside the pool

area and raised them from there

Q I'm talking about how they got to the
backyard in the first place Did he lead you to
believe

A Oh no He led me to believe that they were
there before they got there

Q In other words the former owner left them'

A Yes

Q And he carpe diem³

A Yes

MR de VLAMING And what?

MRS WARDELL Seized the day

THE DEPONENT Took them over

MR de VLAMING Oh didn't hear it

MRS WARDELL Okay Anything else¹

MR De VLAMING No No further questions

Put him down for a read

(At this time the deposition in the

above captioned matter was concluded at

5 00 p m)

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF PINELLAS)

4 I, CRISSV CLADAKIS, Court Reporter, certify
5 that I was authorized to and did stenographically
6 report the foregoing deposition; and that the
7 transcript is a true record of the testimony given by
8 MR- JOHNSON.

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

14 I, the undersigned authority, certify that
15 BARRY GASTON personally appeared before me and was
16 duly sworn.

17 WITNESS my hand and official seal this 17th
18 day of May, 2001.

19

20

21 Crissy Cladakis

22 Notary Public - State of Florida

23 My Commission No. CC 736558

24 Expires: April 23, 2002

25

ERRATA SHEET
READING AND SIGNING OF DEPOSITION

TO BE ATTACHED TO THE DEPOSITION OF BARRY GASTON TAKEN
ON MAY 15 2001 IN THE MATTER OF STATE OF FLORIDA VS
JESSE PRINCE BY CRISSY CLADAKIS

TO THE DEPONENT IN COMPLIANCE WITH THE RULES OF
CIVIL PROCEDURE THIS IS ATTACHED FOR YOUR INSPECTION
AND SIGNATURE ANY CHANGES IN THE DEPOSITION IN FORM
OR SUBSTANCE WHICH YOU CARE TO MAKE ARE TO BE MADE ON
THIS SHEET WITH YOUR REASON THEREFORE

DO NOT WRITE ON THE DEPOSITION ITSELF
RETURN THIS FORM AND THE ORIGINAL SIGNATURE PAGE
WITHIN 14 DAYS TO D & D REPORTING SERVICE

FOR THE STATE	Lydia Wardell Esquire
FOR MR Prince	Deniss de Vlaming esquire
FOR MR RAI-TERY	Paul Duval Johnson Esquire
FOR MOXON f, KOBRIN	Helena K Kobrin Esquire
LINE & PAGE NO	CHANGE OR CORRECTION AND REASON

BARRY
GASTON ,

DEPONENT S CERTIFICATE

I have read the foregoing transcript of my oral deposition taken on the date and at the location indicated on the title page of the deposition and I certify that said transcript is true and correct with the provisions that any errors appearing therein have been corrected by me by listing on a separate sheet as to page number line and content of said error(s) and further indicating the language to be substituted

I also understand that upon completion of the reading signing and correcting of the transcript I am to return this original signature page my list of corrections and said file copy provided for my inspection to the person or company Listed on the pre-addressed envelope provided to me

I further understand that if I do not carry out the instructions stated above within thirty days from the date I receive the transcript I automatically waive my right to read and Scientific the deposition

DATE _____ NAME _____

BARRY GASTON

MAY 15 2001