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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

ROPHEAL MCGEE, JR.,
Plaintiff,

vs.

CASE NO: 1:25-cv-36-AW/HTC

CITY OF GAINESVILLE and
CASEY WALSH,
Defendants.

Tallahassee, Florida

August 13, 2025

9:35 a.m.

VIDEOCONFERENCE DEPOSITION OF:

CASEY WALSH

1 A P P E A R A N C E S:

2 FARNITA SAUNDERS-HILL, ESQUIRE
3 Rachel Spencer, Paralegal
4 Marie A. Mattox, P.A.
5 203 North Gadsden Street
6 Tallahassee, Florida 32301-7637

7 Appearing on behalf of the Plaintiff.

8 MATTHEW J. CARSON, ESQUIRE
9 Sniffen & Spellman, P.A.
10 123 North Monroe Street
11 Tallahassee, Florida 32301-1509

12 Appearing on behalf of the Defendant.

13 ALSO PRESENT: Ropheal McGee, Jr.

14 - - - - -

15 I N D E X

16 TESTIMONY OF CASEY WALSH:

17 Direct Examination by Ms. Saunders-Hill 3

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1 represents the Plaintiff in this matter, Ropheal McGee.
2 I'm going to be taking your deposition in this matter.
3 And this is a case where the City of Gainesville is the
4 Defendant, and you have also been named as an
5 individual Defendant in this case.

6 Can I get you to please state your full legal
7 name for the record?

8 A My name is Casey Walsh.

9 Q Okay, Ms. Walsh. And would you like to --
10 for me to refer to you as Ms. Walsh or Officer Walsh or
11 Corporal Walsh? I want to make sure I at least refer
12 to you in a manner in which you're comfortable.

13 A Corporal Walsh is fine.

14 Q Okay.

15 A Thank you.

16 Q You're welcome.

17 Corporal Walsh, have you ever had your
18 deposition taken before?

19 A Yes, ma'am.

20 Q Okay. When was the last time you had your
21 deposition taken; do you recall?

22 A I believe I had a deposition at some point
23 last month. It's been -- obviously not related to this
24 case, but I've think it was sometime last month.

25 Q Okay. And were you -- in terms of having

1 your deposition taken, were you the Plaintiff in that
2 matter where you were suing someone such that you had
3 to give that deposition testimony?

4 A No, ma'am.

5 Q Okay. And were you -- was it related to your
6 employment as an officer with the City of Gainesville?

7 A Can you be, like, more specific?

8 Q Sure. Sure. Did you give deposition
9 testimony while you were serving in your capacity as an
10 employee, as a police officer with the City of
11 Gainesville Police Department, or was this something
12 totally separate where you were a Defendant in maybe a
13 personal matter?

14 A No, ma'am. It was related to my function at
15 the Gainesville Police Department.

16 Q Okay. And were you named as an officer in
17 that matter such that you had to give deposition
18 testimony in terms of being a Defendant, or were you
19 just a witness to a case?

20 A I believe I was somehow involved in a case.
21 It was a criminal matter, something that I had
22 something to do with.

23 Q Okay. All right. And what about before
24 that? Do you remember beyond the month that we're just
25 talking about, when was the time prior to that that you

1 may have been given -- given deposition testimony? Do
2 you remember?

3 A I can pull up a schedule and tell you all of
4 my previous depositions. There's been quite a few of
5 them.

6 Q Okay.

7 A For the most part, they've been related to my
8 job at the Gainesville Police Department.

9 Q Okay. All right. Well, no need for that.
10 We'll just move forward.

11 Before I get started, since you've already
12 given deposition testimony before, you're likely to
13 understand how this is going to proceed. But just to
14 make sure your deposition flows as seamlessly as
15 possible today, I'd like to just cover a few things
16 that I'd like to call housekeeping items.

17 Just make sure you keep your voice up. As
18 you're probably aware, I'm going to be asking you a
19 series of questions. You're doing a really good job
20 now of keeping your voice up, and I can audibly hear
21 you. Hopefully you can hear me.

22 The only thing I will ask is that because we
23 are appearing here by Zoom, that we try to avoid
24 talking at the same time. It's, you know, almost
25 inevitable that it may happen with Zoom, because you

1 never know when someone's going to stop talking and
2 when the next person's going to start. But I think it
3 will certainly help the court reporter who's here today
4 transcribing both of our responses, my questions and
5 your responses to my questions. So if we don't talk at
6 the same time, that would definitely help her so that
7 she can -- she can get down and transcribe everything
8 that we're saying.

9 The other thing is if we sort of pause, or if
10 you pause just for a moment after I ask questions, it
11 could also give your attorney an opportunity to object
12 to any questions that he feel may be necessary. So
13 that sort of split second will give us that time frame
14 so that we can get his objections on the record, if
15 there are any, that need to be recorded.

16 The other thing is, if you need to take a
17 break, I do anticipate that I will have you here for
18 likely the entire time frame in which I've scheduled.

19 And I will say that, for the record, I will
20 sort of just reserve the right to bring you back to ask
21 you any questions after today, if necessary, if I don't
22 have enough time. And that's because I received some
23 documents from the Defendant sort of at the 11th hour,
24 and I may need some more time to bring you back,
25 depending on how the deposition goes today. So I just

1 want to make sure you're -- you're clear about that.
2 But I'll try to get through this as quickly as possible
3 so that you can go about your day.

4 A Yes, ma'am. I understand. Thank you.

5 Q Okay. So I think that pretty much covers
6 everything. So we'll go ahead and get started if you
7 don't have any questions of me. Do you have any?

8 A No, ma'am. Okay.

9 Q All right. Perfect. Corporal Walsh, you
10 understand that you've taken an oath this morning; is
11 that correct?

12 A Yes, ma'am.

13 Q And do you understand that -- that when I
14 proceed with this line of questioning, you are to
15 testify truthfully here today; correct?

16 A Yes, ma'am.

17 Q Okay. And do you understand what perjury
18 means?

19 A Yes, I do.

20 Q Okay. Please tell me your understanding of
21 what perjury means.

22 A Perjury is when you are untruthful after
23 you've taken an oath to be truthful, especially
24 regarding court related and legal related matters.

25 Q Okay. Is there any reason why you may be

1 unable to testify truthfully here today?

2 A No, ma'am.

3 Q Okay. Have you taken any medications that
4 would prohibit you from testifying truthfully?

5 A No, ma'am.

6 Q Okay. What about any medical conditions?
7 Are you suffering from any medical conditions that
8 would prohibit you from testifying truthfully here
9 today?

10 A No, ma'am.

11 Q Okay. Now, I think we heard this a little
12 bit off record this morning. But do you know if the
13 attorney, Mr. Carson, who is present here today, is he
14 representing you in this case?

15 A Yes.

16 Q Okay. Now, other than speak to the attorney
17 who's present here today -- I don't want to hear
18 anything about, you know, any conversations that you
19 had with Mr. Carson. But what did you do to prepare
20 for your deposition today?

21 A I reviewed my report. I reviewed my
22 body-worn camera and spoke to Mr. Carson.

23 Q All right. And are you currently employed
24 with the City of Gainesville Police Department?

25 A Yes, ma'am.

1 Q Okay. And just going forward, is it okay
2 with you if I refer to the -- instead of the City of
3 Gainesville Police Department, is it okay to say GPD?

4 A I am fine with that.

5 Q Okay. That sort of shortens it for both of
6 us.

7 Okay. And how long have you been employed
8 with GPD?

9 A I have worked for the Gainesville Police
10 Department since July 31st of 2017.

11 Q So a little over eight years?

12 A Yes, ma'am.

13 Q Now, when you initially started with the --
14 with GPD, what position did you hold back in the July
15 31, 2017 time frame?

16 A I was hired as a patrol officer.

17 Q How long did you remain a patrol officer?

18 A From July 2017, I went through a -- what they
19 refer to as a mini academy just to acclimate myself
20 with their policy and procedure, and then I started the
21 FTO process with them.

22 Q Okay. I'm sorry. I apologize. Didn't mean
23 to cut you off. Go ahead.

24 A In July of 2020, I was selected for the K-9
25 unit.

1 Q Okay. Who selected you for the K-9 unit?

2 A Ultimately, it would have been the Chief of
3 Police, Tony Jones, at the time.

4 Q And tell me how that came about. And in
5 other words, did Mr. Jones send you an email or walk up
6 to you to say, corporal, I'd like for you to become a
7 part of the K-9 unit? Or if you remember how that came
8 about?

9 A No, ma'am. There's a -- there's a process
10 for it. So the department will put out an email or
11 notification that there's an opening within the K-9
12 unit. And then I applied through that process and then
13 had to do a tryout for the process. And then after the
14 tryout, I was selected.

15 Q Who's involved in the tryout?

16 A There's a like oral board interview. There
17 is a physical portion, there's a shooting portion,
18 there's an exposure to dog portion, there's a land
19 navigation portion and a scenario portion. I think I'm
20 getting all of them.

21 Q Okay.

22 A Yeah.

23 Q Do you -- during this time period where you
24 were going through the training, were you training with
25 actual K-9s?

1 A During the tryout or --

2 Q During the tryout, yes.

3 A I wasn't handling them, but I was exposed to
4 them.

5 Q Okay. And how long did this training last?

6 A The tryout?

7 Q The tryout, yes.

8 A Tryout is about like -- it's like a ten-hour
9 day.

10 Q Okay. And so after the ten-hour day, do you
11 recall, I mean, is that inclusive of everything that
12 you've mentioned, the shooting portion, the oral board
13 interview and the exposure to the dog and scenario
14 portions?

15 A Yes, ma'am. And we get a lunch break in
16 there as well.

17 Q Okay. And so after the ten-hour day, can you
18 recall what may have happened after that?

19 A Can you be more specific?

20 Q Sure. I'm trying to understand your path to
21 becoming a K-9 officer. And so what I'm trying to find
22 out is, after you completed this ten-hour day for the
23 tryout, do you recall what happened next that sort of
24 led you to becoming a member of the K-9 unit? For
25 example, how long did you have to wait before you

1 learned whether or not you were selected as a member of
2 the K-9 unit?

3 A I think it was like a couple weeks. And then
4 I was notified by phone by the K-9 sergeant that I had
5 been selected.

6 Q Okay. You remember the K-9 sergeant's name
7 who may have contacted you?

8 A Yes. It was Sergeant Charles Owens.

9 Q Do you know if Sergeant Charles Owens, is it
10 Owens, O-w-e-n-s?

11 A Yes, ma'am.

12 Q Okay. Do you know if Sergeant Owens is still
13 a member of the -- or at least the head of the K-9
14 unit?

15 A He is not.

16 Q Okay. Do you know who replaced him or who
17 currently holds that position?

18 A The current Sergeant over the K-9 unit is
19 Sergeant Dylan and he's got a hyphenated last name,
20 Hayes-Morrison.

21 Q Dylan Hayes-Morrison?

22 A Yes, ma'am.

23 Q And are you currently a member of the K-9
24 unit?

25 A Yes, ma'am.

1 Q Okay. Was there a point in time when the K-9
2 unit was -- the program was terminated?

3 A No, ma'am.

4 Q Okay. So there was the program was never
5 dismantled for any reason?

6 A No, ma'am.

7 Q Okay. Were there ever any changes made to
8 the K-9 unit in terms of operations and policies and
9 procedures? Are you aware?

10 A Yes, ma'am.

11 Q Okay. Approximately when did that occur?

12 A Believe that was 2023, if I'm correct. Maybe
13 '22. I'd have to look specifically, but it was one of
14 those two or three years ago.

15 Q Do you know what led to the program having to
16 undergo some changes, modifications?

17 A Outside of my -- I wasn't really involved in
18 that. I mean, I was kind of -- it was explained to me
19 as a member. But as far as the actual decisions made
20 that were why, I don't believe I could accurately
21 answer that question.

22 Q Okay. Do you know who would have made the
23 decision to make the changes? In other words, so that
24 I can explain that question a little better, was the
25 City of Gainesville's city commission involved in this

1 process?

2 A Again, I don't know how accurately I can
3 answer that question. I'm not exactly sure who
4 ultimately was responsible for the decisions that were
5 made. I know there were a lot of people involved.

6 Q Okay. So going back in time, you are --
7 where are we time-wise in terms of 2017? You are an
8 officer, patrol officer, and then you go through the
9 FTO FTO process. That's like 2020, July 2020. And
10 then we get to the time frame that you're in the tryout
11 for the K-9 unit.

12 Do you recall when -- approximately, when did
13 you get notified by Sergeant Owens that you're
14 officially a member of the K-9 unit? Just an estimated
15 time frame.

16 A I believe it was either the end of July or
17 beginning of August of 2020.

18 Q 2020. Okay.

19 A Yes, ma'am. Did you -- once you were
20 notified, did you immediately go from a patrol officer
21 over to the K-9 unit or is this sort of like a
22 transition where you had to sort of tie up things as a
23 patrol officer and then start the K-9 unit?

24 A Yeah. There was a period of time in between
25 my notification and when I actually started with the

1 K-9 unit.

2 Q Okay. Once you started, did you have to
3 undergo any additional training sessions with the K-9
4 unit now that you're there or --

5 A Yes, ma'am.

6 Q Apologize here. Something coming through on
7 my computer that needs to go away.

8 And do you remember what that -- that
9 training involved?

10 A That was a 480-hour basic handler course to
11 meet the requirements for FDLE patrol team
12 certification.

13 Q Okay. And did you complete that course?

14 A Yes.

15 Q Okay. Was there an end of course exam that
16 you had to take?

17 A There's a state certification through the
18 Florida Department of Law Enforcement that I was
19 required to complete with my dog.

20 Q Okay. And did you successfully complete that
21 with a passing score?

22 A Yes, ma'am.

23 Q First time?

24 A First time with that dog. Yes, ma'am.

25 Q Okay. And what was the name? Did you -- do

1 you recall the dog's name at that time back in 2020?

2 A His name is Stern, S-t-e-r-n.

3 Q Do you still have Stern?

4 A Yes, ma'am.

5 Q How old is Stern?

6 A He is six years old.

7 Q Does Stern live with you?

8 A Yes.

9 Q Has he been with you since August 2020?

10 A Actually, no. I got him in September of
11 2020, so he's been with me since then.

12 Q Did you receive -- before you became an
13 officer, did you attend or receive any training at a
14 law enforcement academy? When you mentioned the FTO
15 training, is that the same?

16 A Prior to becoming a police officer?

17 Q Yes.

18 A Yes.

19 Q Which academy did you attend?

20 A I attended the College of Central Florida in
21 Ocala.

22 Q Do you remember how many hours that may have
23 -- for that basic course, do you remember how many
24 hours that may have consisted of?

25 A I don't recall the hours then. I believe

1 it's upwards of 760, I think, for the basic police
2 academy. At least that's, like, around what it is now.
3 I'm not exactly sure what the hours were when I
4 attended it.

5 Q Okay. And I'm assuming there was a basic
6 skills course that you had to take and sort of pass
7 successfully; is that correct?

8 A Yes, ma'am. There's a series of written
9 tests and then practical tests for the police academy.

10 Q Okay. And during that -- that basic skills
11 training course, before you were hired or at least
12 before you became an officer, were there any training
13 courses or sessions on K-9s?

14 A The training for K-9s in the academy is very
15 limited, I think, to explanations in books. But as far
16 as the police academy, there's not very much exposure
17 to police K-9s.

18 Q Okay. So moving forward in time, you're a
19 K-9 officer, 2020. And you're a K-9 officer now,
20 you're corporal. Tell me about your first-- well, let
21 me strike that. Let me ask you this.

22 After you became an officer with the K-9
23 unit, well, patrol and K-9 unit, did you hold any other
24 positions after that with the City of Gainesville? I
25 can clarify that if it didn't --

1 A Yeah. Please do. Sorry.

2 Q So you're -- you start out as an officer;
3 correct? Patrol officer?

4 A Yes, ma'am.

5 Q And then you were just -- in the K-9 unit,
6 are you still an officer in 2020, September 2020? Is
7 that the -- the rank that you holding?

8 A Yes, ma'am.

9 Q But now you're a corporal; correct?

10 A Yes, ma'am.

11 Q Were there any positions -- are there any
12 positions in between the officer and corporal?

13 A I was a member of the SWAT team at the
14 Gainesville Police Department. I was a SWAT operator.

15 Q Okay. Would you say-- or is -- the corporal
16 position that you hold now is at a higher rank than
17 being an officer?

18 A Yes, ma'am.

19 Q Okay. What comes next? What comes after
20 being an officer such that you are now a corporal?

21 A Like in ranks?

22 Q In ranks, yes. In terms of ranks.

23 A Sergeant.

24 Q Sergeant, okay. So did you ever work as a
25 sergeant for the Gainesville Police Department?

1 A I have worked as an acting sergeant in the
2 acting capacity.

3 Q Okay. Do you remember the time frame that
4 you may have served as an acting sergeant?

5 A Give me just one second to look, and I can
6 give you some dates.

7 Q Okay. And while you're looking for that,
8 really, it's not as important. I don't want to, you
9 know, take you out too far, of course. But were you
10 ever -- it sounds as if you were never -- you never
11 actually served in the role as a sergeant; is that
12 correct, not officially?

13 A So, yes. I was temporarily assigned to the
14 acting sergeant position of the K-9 unit for a couple
15 of months.

16 Q Okay. So take me to how you went from an
17 officer or acting sergeant of the K-9 unit to your
18 position now, Corporal.

19 A I was assigned the acting role when Sergeant
20 Hayes-Morrison was out on a medical leave of absence.
21 And then once he came back from his medical leave, I
22 was back to my corporal's role.

23 Q Okay. Did you -- was it -- was there a
24 promotional opportunity that you became aware of going
25 from an officer to a corporal? That's what I'm trying

1 to understand. How do you go from an officer to
2 corporal? Or does the K-9 unit only have corporals?

3 A No. The K-9 unit has officers as well.

4 Q Okay.

5 A So there was a promotional process to promote
6 from the rank of officer to corporal, and I applied for
7 that and then tested for that and went through the
8 promotional process and was selected as a corporal and
9 promoted.

10 Q Was that position advertised?

11 A Yes.

12 Q Okay. Do you know who may have interviewed -
13 - interviewed you for this position as corporal?

14 A So the police department used an outside
15 agency or company, I guess, to do the selection process
16 for the -- the, like, hiring panel, if you will. You
17 have to do, like, a written examination, and then you
18 go through, like, a couple different kind of like
19 scenario, like oral board panels with people from
20 outside of the department. They were people I don't --
21 I don't know and I never met before.

22 Q Okay. So have I covered all the positions
23 that are in between an officer and the -- I'm sorry, a
24 corporal, or did I miss something?

25 A No, ma'am. It's just -- it's officer and

1 then corporal as far as ranks go.

2 Q Got you. Sergeant in between there; correct?
3 Officer, sergeant, then corporal?

4 A No, ma'am. Officer, Corporal, Sergeant.

5 Q Officer, Corporal, then Sergeant. Got you.

6 A Yes, ma'am.

7 Q Corporal Walsh, how much do you weigh?

8 A 163, 165 pounds, give or take.

9 Q Okay. And how tall are you?

10 A Five-foot-seven.

11 Q Do you supervise any employees?

12 A No, ma'am.

13 Q How many member -- do you know how many
14 members are currently part of the K-9 unit?

15 A There are three in our patrol K-9 division.

16 Q What are their names?

17 A Sergeant Hayes-Morrison, myself and Officer
18 Dalton Ripley.

19 Q Okay. So that's Sergeant Hayes-Morrison?

20 A Yes, ma'am.

21 Q And I think there was a -- was there Dalton?
22 I'm sorry, I think I missed the second.

23 A Yes. Officer Dalton Ripley.

24 Q Okay. And Ripley, is it R-i-p-l-e-y maybe?

25 A Yes, ma'am. Like Ripley's Believe it or not.

1 Q Got you. All right. How much does Stern
2 weigh?

3 A He weighs about 63 pounds.

4 Q And what type of -- what type of dog is
5 Stern?

6 A He's a Belgian Malinois.

7 Q Okay. The Belgian Malinois. Do you know if
8 Sergeant Hayes also has the same type of dog or does he
9 have a dog?

10 A He does have a dog. And his dog is also,
11 yes, a Belgian Malinois.

12 Q And what about Officer Ripley, what type of
13 dog does he have, if you know?

14 A His dog is a mix. It is a Belgian Malinois
15 and German Shepherd mix.

16 Q Okay. Now, do you have training sessions
17 with Stern?

18 A Yes.

19 Q Okay. How often do you train with Stern?

20 A Train with Stern weekly.

21 Q Okay. Is that something you do on your own?
22 Is that something that GPD requires?

23 A The GPD K-9 Unit trains as a unit every
24 Thursday.

25 Q Okay.

1 A And I also complete -- there are -- there are
2 some training sessions that I complete on my own with
3 him, like on shift and things like that.

4 Q Okay. Now, are you at all times able to
5 maintain control of Stern?

6 A Yes.

7 Q Okay. Do you have any other pets that may --
8 that live with you other than Stern?

9 A Yes.

10 Q Okay. What other types of dogs do you have?

11 A I have two Pomeranians, I have one Chihuahua
12 and I have another Belgian Malinois.

13 Q How did you learn how to maintain control of
14 Stern?

15 A Through my training with him.

16 Q Okay. Does the city -- are you aware of
17 whether the City of Gainesville Police Department has
18 any policies that would teach you how to maintain
19 control of your dog?

20 A I think policies are incorporated in training
21 whenever you're going through that initial K-9 school
22 and as you continue training.

23 Q Okay. Would you say that you and Stern have
24 sort of a special bond?

25 A Yes.

1 Q Does Stern know your voice?

2 A Yes.

3 Q Does he obey your commands?

4 A Yes.

5 Q Does he obey commands from anyone else or
6 just kind of you? He knows your voice?

7 A Sometimes. I mean, it's not strictly, you
8 know, if a command's given to him. There's other
9 people who could, you know, if they understand him,
10 like get him to do obedience tasks and things like
11 that.

12 Q What exactly is a handler?

13 A A K-9 handler?

14 Q K-9 handler, yes.

15 A K-9 handler is the person who is responsible
16 for operating the dog as a tool in a law enforcement
17 function. That would be my definition of it.

18 Q Okay. And would you consider yourself to be
19 Stern's handler?

20 A Yes.

21 Q Who's your current supervisor? I think I may
22 have already asked you that, but if I did, please
23 forgive me.

24 A That's Sergeant Hayes-Morrison.

25 Q Sergeant Hayes-Morrison. And that was the

1 hyphenated name, Hayes-Morrison. Both last names?

2 A Yes, ma'am.

3 Q Okay. Got you.

4 Now, Corporal Walsh, before -- earlier,
5 before we got started, I explained to you why you were
6 appearing for the deposition. But before that --
7 before I even told you about this and why you were here
8 today, were you aware that you had been named as an
9 individual Defendant in this lawsuit brought by Mr.
10 McGee?

11 A Yes, ma'am.

12 Q And do you know why you had been named as an
13 individual Defendant in this lawsuit?

14 A I would assume it's because I was present
15 during his arrest and his apprehension by my police
16 dog.

17 Q Okay. Do you know if it's because your dog
18 bit him?

19 A I mean, I guess that would be speculation but
20 that he, my dog, apprehended him.

21 A Yes.

22 Q Did your dog bite him?

23 A Yes.

24 Q Okay. And you are aware that the City of
25 Gainesville Police Department, or at least the City of

1 Gainesville, has also been named as a Defendant in this
2 case as well?

3 A Yes.

4 Q Okay. Now, you mentioned earlier that you
5 reviewed some body-worn camera footage in preparation
6 for your deposition; is that correct?

7 A Yes, ma'am.

8 Q Now, was this your body-camera footage or
9 that of some other officers?

10 A I only reviewed my body-camera footage.

11 Q Okay. Had you in any time prior to today,
12 reviewed the -- the body cam footage of any other
13 officers who were present on the scene?

14 A I may have, but I don't -- I don't remember
15 if I did or not. This might have been like shortly
16 after the incident occurred.

17 Q Okay. Were there -- I think you mentioned
18 this earlier, but were there any specific documents
19 that you reviewed related to this incident involving
20 the dog bite with Mr. McGee?

21 A I reviewed my supplemental narrative. Excuse
22 me. And I believe I reviewed the -- the actual report.
23 I think it was Officer Hickey, I think I read his
24 report.

25 Q Okay. Now, do you recall, after having read

1 the report, your -- your supplemental report as well,
2 do you recall the date that this occurred?

3 A November 7th, I believe it was, of '21.

4 Q Okay. And I know that's been quite some
5 time, so if you don't recall, that's fine. But do you
6 remember if you were scheduled to work a shift that
7 day, November 7th, 2021?

8 A I believe I was. Otherwise, I probably
9 wouldn't have showed up.

10 Q Okay. And what shift, if you remember? And
11 some of these questions are going to be related to that
12 time frame, so you understand, do your best to answer.
13 But do you call what shift you worked?

14 A I have habitually worked midnight or evening
15 shift. So the hours I'm not a hundred percent on. But
16 typically, like, my shift would be between like 5 p.m.
17 and 3 a.m., somewhere around there. It's changed a
18 little bit over the years.

19 Q Okay. But back during that time frame,
20 you're thinking it's probably somewhere between 5 p.m.
21 to 3 a.m.?

22 A I think so. Around in those hours, give or
23 take a few on either end.

24 Q Okay. Well, we'll assume that that's maybe
25 an approximate slot of time that you were scheduled to

1 work. So once you were scheduled, do you know whether
2 or not you actually reported to work during that
3 schedule time?

4 A I believe so. If those were my hours to
5 work, then Yes. That's when I would have been there.

6 Q Okay. Now, at the time of this incident
7 we've been talking about, in terms of the date of
8 November 7, 2021, do you remember if you were -- were
9 you actually working as an employee of the Gainesville
10 Police Department, GPD?

11 A Yes.

12 Q Okay. Now, for any reason, is there anything
13 that -- that makes you sort of think that maybe you
14 were working maybe some off duty detail for the city,
15 for the City of Gainesville or any other entity that
16 day, or just as an employee for the Gainesville Police
17 Department?

18 A No. And, I mean, even if it was an overtime
19 shift, I would still be working as an employee of the
20 Gainesville Police Department. But there was no
21 special detail or anything. I think I was just working
22 my typical patrol shift.

23 Q Okay. Now, do you remember back then who
24 would have been your supervisor?

25 A Would have been Sergeant Charles Owens at

1 that time.

2 Q Do you remember any other -- if you had to
3 think back to that time frame, do you remember if there
4 were any other officers in your chain of command as of
5 November 7, 2021?

6 A I mean, above Sergeant Charles Owens?

7 Q Yes. Above Sergeant Owens.

8 A I honestly don't remember who the lieutenant
9 was assigned to K-9 at the time, and I believe captain
10 Anthony Ferrara was over us. But when it comes to,
11 like, the upper command chain, those regularly change.
12 So I'm not a hundred percent on those. That's kind of
13 vaguely thinking of the time frame, and I believe
14 that's who it was, but I'm not -- I don't even know who
15 -- remember who the lieutenant was at that time.

16 Q Okay. Now, you don't dispute that you
17 arrived at Mr. McGee's home on November 7, 2021; is
18 that correct? You're not disputing that?

19 A I don't. At the -- I arrived at the location
20 and questioned the apartment complex. I don't know
21 whether or not that was his residence or someone else's
22 residence.

23 Q Okay. All right. So November 7, 2021, you
24 arrived at a location. Did you believe that this was
25 where Mr. McGee would be?

1 A Yes. That's what I was told, that it was
2 confirmed he was there.

3 Q Okay. You remember who told you that?

4 A I believe it was Officer Hickey.

5 Q Okay. At the time you arrived on the scene
6 of this location, where Mr. McGee was supposed to be,
7 were you wearing a GPD issued uniform?

8 A Yes. I was wearing my K-9 uniform.

9 Q All right. Were you in possession of and
10 driving a GPD-issued patrol car?

11 A Yes, ma'am.

12 Q All right. Has your uniform in any way
13 changed from November 7, 2021 to what you're wearing
14 today?

15 A So there's some variations to the uniform.
16 So the shirt I'm wearing now is polo with insignia.
17 Due to my promotion, I have the corporal insignia on my
18 sleeve. Now, I did not have it then, but we also, as
19 the K-9 unit, have just like a T-shirt style, like, dry
20 fit kind of performance T-shirts that say Police K-9 on
21 the sleeve.

22 And then obviously our vest, our outer
23 carrier covers like, what would be badge or insignia.
24 And then the vest itself has a badge on it. And we
25 also have, like, sweatshirts, like hooded sweatshirts

1 that have the same the Police K-9 on the sleeve and the
2 badge, but would be covered by the vest that has the
3 badge on it.

4 Q Okay. Okay. So slight modification. What
5 color -- your uniform today looks to be a dark blue,
6 navy or black. Which is it?

7 A It's black.

8 Q It's black, okay. Was it black back in -- so
9 was the color the same back in 2021?

10 A Yes, ma'am.

11 Q Now, back on the day in question, when you
12 reported to the location where you believed Mr. McGee
13 would be, were you wearing a duty belt of any type?

14 A Yes, I was.

15 Q Okay. And can you describe for me, to the
16 best of your ability, what was on your duty belt,
17 starting from left to right?

18 A Left to right?

19 Q Your left.

20 A It would be a magazine for a rifle, taser,
21 two magazines for my handgun, handcuffs, firearm.

22 Q Okay.

23 A And then I don't know if I had a pouch at the
24 time. I carry, like a pouch behind my firearm on my
25 right side that I put, like, my gloves in, or a toy for

1 the dog or just other stuff that I need to. It's
2 technically called a dump pouch, but that -- that's
3 what I have behind my gun.

4 Q What kind of firearm do you have?

5 A Glock .17.

6 Q Have you always had a Glock .17?

7 A No. I think whenever I started at GPD, they
8 issued the 40 calibers. I can't remember the model
9 number, but it was also a Glock.

10 Q Have you ever deployed your taser on a
11 subject?

12 A Yes.

13 Q Do you ever carry -- do you have any -- back
14 on November 7, 2021, did you carry any OC spray?

15 A Yes. I'm not exactly sure where. I think
16 maybe on my vest or in that pouch that I had, depending
17 on it.

18 Q Got you. Okay. Okay. All right. Move
19 forward just a little bit.

20 So tell me, if you recall, were you
21 dispatched to Mr. McGee's -- to the location where you
22 believed Mr. McGee would be at some point earlier in
23 the day or the evening such that you knew to go there,
24 or were you doing something totally different and you
25 were dispatched to go to that scene?

1 A I don't recall if I was sent by dispatch or
2 if one of the officers called and asked that I come.

3 Q Okay. Who, if you can remember, would have
4 known -- I know we just talked about this, but this is
5 a slight variation in the question. Is there anyone
6 that you can tell me in your chain of command back then
7 who would have known that you were actually working
8 that incident that night? Anybody comes to mind?

9 A Not until after the fact. We don't typically
10 notify our chain of command or supervisors, what --
11 every call we're going to or situations or anything
12 like that.

13 Q How -- do you know approximately how long
14 after the fact someone may have been notified that this
15 had kind of gone down at the location where Mr. McGee
16 was located?

17 A Yeah. Anytime a police K-9 bites a suspect,
18 the K-9 sergeant is to be notified by phone. So it
19 would have been within minutes of me getting back to my
20 car and getting Stern back in my car.

21 Q And this would have been the sergeant that we
22 talked about earlier, Sergeant Owens?

23 A Yes, ma'am. Sergeant Owens.

24 Q So you'd have called him some at some point
25 after this incident to let him know? Did you let him

1 know what happened there at the scene?

2 A Yes.

3 Q Okay. All right. And did Sergeant Owens
4 arrive on the scene?

5 A I don't remember. I don't think that he did.

6 Q Okay. Were there any other officers present
7 there with you that night?

8 A Yes.

9 Q Tell me, if you recall, who were the other
10 officers who were also present with you that night?

11 A Officer Hickey, Officer Milman and Officer
12 Sevor.

13 Q Okay. That's Officer Hickey, Officer
14 Milman --

15 A Yes, ma'am.

16 Q -- and Officer -- is it Sevor?

17 A Yes, ma'am.

18 Q Okay. Do you know if Officer Hickey is still
19 employed with the Gainesville Police Department?

20 A I don't think he is. He I think at one point
21 was, like, maybe like a reserve or something, but I
22 don't -- I don't know his current status. I know he's
23 not full time employee with the Gainesville Police
24 Department anymore.

25 Q Okay. And what about Officer Milman? Do you

1 know if he's still employed?

2 A Yes. He is.

3 Q And Officer Sevor, is he still employed with
4 GPD?

5 A Yes. He is.

6 Q Okay. Now, you said earlier that you were
7 not sure how you arrived at the -- at the location. Is
8 there anything that by reading your reports would help
9 you recall how you may have gotten to the scene?

10 A Possibly. I don't have it pulled up right in
11 front of me. Now, it might say in there whether I --
12 like I said, I believe I was notified by Officer
13 Hickey, but I don't know if there was -- if that was
14 via radio or via phone or something like that. I don't
15 know. I don't recall without having that right in
16 front of me or looking to see if it says it.

17 Q Okay. Now, when you arrived at the scene,
18 was Officer Hickey already there, or did he come after
19 you? Do you remember?

20 A I think he was already there. I'm not a
21 hundred percent on that, but I believe he was already
22 there. I don't think I was the first person to get
23 there.

24 Q Okay. Do you know if Officer Milman was
25 already there when you arrived?

1 A I'm not sure.

2 Q Okay. What about Officer Sevor, any idea?

3 A I think he was already there as well, because
4 he was in a different position than where I met with
5 Officer Hickey.

6 Q Okay. Now, when you arrived, tell me, do you
7 have -- what conversations did you have with Officer
8 Hickey?

9 A Basically, I would just -- I don't remember
10 the specifics of the conversation, but typically it
11 would be something like confirming charges, confirming
12 the location or specific apartment and then setting up
13 some kind of action plan.

14 Q Okay. Did you have any conversations with
15 Officer Milman, if you can recall?

16 A I don't recall if I did or not.

17 Q Okay. And do you -- you don't recall what --
18 do you recall whether or not you had a conversation
19 with Officer Sevor?

20 A I don't recall.

21 Q But you do recall having a conversation, at
22 least with Officer Hickey?

23 A Yes, ma'am.

24 Q Okay. And you said to set up a plan. Tell
25 me about the plan that you set up, you and Officer

1 Hickey talked about.

2 A Again, this is trying to go into the memory
3 bank.

4 Q Sure.

5 A To be as accurate and as truthful as I
6 possibly can, it was basically a plan to try to watch
7 and be in an area to watch near the apartment building
8 that Mr. McGee was seen in and seeing if he would exit
9 the apartment or if there was a way that we could get
10 him to exit the apartment.

11 Q Okay. So your goal was to get him to come
12 outside; is that correct?

13 A Yes.

14 Q Okay. Do you recall at any time in order to
15 get Mr. McGee to come outside, did you go knock on his
16 door and ask him to come outside?

17 A I did not.

18 Q Okay. Did you -- so you know or do you
19 recall -- I know it's been quite some time, but did you
20 ever see Officer Hickey go to Mr. McGee's door, knock
21 on the door to get him to come outside?

22 A I never saw that, no.

23 Q What about Officer Milman? Did he -- did you
24 see Officer Milman go to the door and knock on the door
25 to try to get Mr. McGee to come outside?

1 A No.

2 Q Okay. And what about Officer Sevor? Did you
3 at any time see Officer Sevor go to the door to knock
4 and ask Mr. McGee if he's inside, to come outside?

5 A No.

6 Q Okay. Now, when you arrived on the scene,
7 were you wearing your body-worn camera; do you recall?

8 A Yes.

9 Q And at some point, did you activate your --
10 your camera?

11 A Yes.

12 Q Okay. So then I see this a lot, but I just -
13 - as an officer, as a corporal, you can explain this to
14 me. I typically see that for the first, like, few
15 seconds of, you know, your video, there's, like, no
16 audio. Is there a reason for that?

17 A Yes. So the -- when the camera is physically
18 activated and turned on -- it is continuously
19 recording. So when the camera is activated, the -- it
20 goes back one minute prior to when it's physically
21 active, activated, and shows the recording, but there's
22 no audio within that minute.

23 Q Okay. Okay. So it goes back one minute,
24 doesn't capture any audio, but the video's running?

25 A Yes, ma'am.

1 Q Got you. Okay. Do you know on November 7,
2 2021, when you arrived, you're wearing your body
3 camera, but as far as you're aware, was the video in
4 good working order?

5 A Yes.

6 Q Okay. Had you at any time during the day or
7 that night experienced any issues with the -- the video
8 function prior to coming to Mr. McGee's location?

9 A Not that I recall.

10 Q Okay. Once you arrived there at Mr. McGee's
11 location, or where you believed Mr. McGee would be
12 located, had you experienced any difficulties or any
13 problems with the video function of your body-worn
14 camera?

15 A Not that I recall.

16 Q Okay. Now, I understand you testified that
17 you looked at and reviewed only your body-worn footage;
18 is that correct?

19 A Like I said, I may have watched other body
20 cameras, like, you know, maybe in 2021 or sometime
21 between. But as of recently and receiving this
22 notification, I've only reviewed mine.

23 Q Okay. And when was -- do you remember the
24 last time you reviewed your -- your video, not anyone
25 else's?

1 A It would have been two days ago, Monday the
2 11th.

3 Q Okay. All right. And once -- by watching
4 that, your body-worn video footage, would you say that
5 it's an accurate representation of what occurred at the
6 scene that night?

7 A Yes.

8 Q Okay. Now, did you at any time after this
9 incident prepare like a written incident report or
10 anything to document what had actually happened at the
11 scene?

12 A Yes.

13 Q Okay. And can you tell me from what you
14 recall, was your written report consistent with what
15 you saw in the body-worn video footage?

16 A Yes.

17 Q Okay. Was it exactly the same?

18 A To the best of my knowledge, yes.

19 Q Okay. And you -- you didn't see -- you
20 didn't recognize any discrepancies in your report and
21 the video?

22 A I think that they're -- the distances that
23 are in my written report were an estimation. So those
24 would -- might not be a hundred percent accurate. But
25 that was just an estimation, you know, without going

1 and measuring things out step by step, whenever I
2 created the supplemental report.

3 Q Okay. Other than that, that's the only thing
4 that you found that may have been sort of an
5 estimation?

6 A Yes, ma'am.

7 Q Okay. How soon after you -- did you prepare
8 that written incident report after the incident.

9 A It would have been like within that shift,
10 prior to me going home that night.

11 Q After. There is -- after an incident of this
12 nature where a citizen is bitten by a dog, in this
13 instance, were you placed under investigation?

14 A No, ma'am.

15 Q Okay. No IA investigation conducted?

16 A No, ma'am.

17 Q Do you know -- does the department have a
18 policy that when a dog bites someone or a citizen, do
19 you know whether or not an investigation is supposed to
20 occur?

21 A No. There's no policy that says it should go
22 to an investigation.

23 Q Okay. Now, we talked about the video
24 function. As far as you're aware, was the audio
25 function on your body-worn camera in working order that

1 night?

2 A Yes.

3 Q Okay. And prior to arriving at the scene
4 that day or that night, had you experienced any
5 difficulties or issues with the audio function on your
6 body-worn camera?

7 A No, ma'am.

8 Q Okay. Do you know whether or not the other
9 officers were wearing body-worn cameras at the time of
10 this incident?

11 A I believe they were, but that would be for
12 them to answer.

13 Q Okay. All right. But based on your
14 testimony here today, do you know whether or not they
15 were wearing their cameras and did you see that?

16 A I didn't check, but I know that -- for
17 example, like whenever I went to go review my video
18 under the case report number, there were other videos
19 in there. So there is other documented body-worn
20 camera videos under the same case number.

21 Q Okay. Now, where -- do you always wear your
22 body-worn camera on the same side, maybe left or right?

23 A Kind of like in the middle of my vest.

24 Q In the middle?

25 A Yes, ma'am.

1 Q All right. Are you wearing it -- are you
2 wearing it now?

3 A No, I'm not. I don't have my vest on.

4 Q Okay. How close would you estimate your
5 mouth is to the speaker? Fairly close?

6 A Yeah. I don't know exactly where the speaker
7 is, like if the mic is on the top or on the bottom of
8 it. But the body camera itself is probably, like, 4
9 inches. And it sits, I don't know, probably like 8, 10
10 inches below my chin. So I don't know. I have to
11 actually have a measuring tape here. But let's see.

12 Q No worries.

13 A Yeah. I'd say, like -- probably like nine
14 inches away from my mouth, maybe.

15 Q Okay. Okay. All right. Now, when you
16 watched -- when you watched your body-camera footage,
17 were you able to hear the audio fairly well?

18 A Yes.

19 Q Could you hear what's being said by some of
20 the other officers as well, the -- the three other
21 officers there, if they said anything?

22 A Not like conversationally, no.

23 Q Okay. All right. Could you hear yourself?

24 A Yes.

25 Q Okay. All right. And could you see Stern

1 during this entire video that you watched?

2 A Not the entire video. There's like a couple
3 portions of it where he's like to my left side and he's
4 not directly in the view of my camera. But for the
5 most part, yes, you can see him.

6 Q Okay. All right. When you first arrived,
7 did you have the occasion to announce that you were
8 there as a GPD officer?

9 A When I first arrived?

10 Q Yes.

11 A No, ma'am.

12 Q Okay. And at any time when you were there
13 with the other officers, did any of the officers
14 announce that they were -- they were officers with the
15 Gainesville Police Department?

16 A No.

17 Q Okay.

18 A Wait. I'm sorry. Did you say at any time or
19 when we first arrived?

20 Q When you initially arrived?

21 A Right. No. Then no, sorry.

22 Q Sure. At any time before Mr. McGee came or
23 exited his home, at some point we'll get to that, did
24 you -- and this is a slightly different question. Did
25 you announce that you were there as an officer with the

1 Gainesville Police Department?

2 A Prior to seeing Mr. McGee?

3 Q Yes. Prior to him -- prior to you even
4 seeing Mr. McGee?

5 A No.

6 Q Okay. Did you hear any of the other officers
7 tell, or at least make contact with Mr. McGee to say,
8 I'm here as an officer with the Gainesville Police
9 Department before he came out?

10 A No.

11 Q Okay. Did you at any time after Mr. McGee --
12 do you recall -- you don't have to remember the
13 specific time, but did you at any time after Mr. McGee
14 was out of his home announce that you were with the
15 Gainesville Police Department?

16 A Yes.

17 Q Okay. Did you hear any of the other officers
18 announce that they were with the Gainesville Police
19 Department?

20 A I don't recall if they did or not. I don't
21 recall hearing.

22 MS. SAUNDERS-HILL: Okay. All right. All
23 right. Now, what I'd like to do very, very
24 quickly, Matt, is I'd like to -- we've been going
25 for about maybe a little over an hour. Can we --

1 is everybody okay with, like, taking maybe a five
2 minute break?

3 THE WITNESS: Yep, I can do that.

4 MS. SAUNDERS-HILL: Okay. All right. It is
5 9:37. We can come back at, like, 10 -- I'm sorry,
6 10:37. Come back at, like, 10:42.

7 [Whereupon, a recess was taken, after which
8 the following transpired:]

9 BY MS. SAUNDERS-HILL:

10 Q Okay. Let's see here. Corporal Walsh, we
11 took a quick break, and we'll go ahead and continue
12 with the line of questioning.

13 Now, when you -- at some point when you
14 arrived on the scene, were you and other officers -- at
15 the time you started your body cam video, were you,
16 like, concealed or sort of hiding behind something
17 awaiting Mr. McGee's exit from his home?

18 A We weren't behind anything. We were kind of
19 next to, like, a privacy fence within the -- the
20 apartment complex, concealed by, like, some shadows.
21 It wasn't very well lit where we were standing, and
22 there was some trees, like, kind of like overhanging
23 us, like a canopy of trees, sort of. But we weren't
24 like, behind any, like, physical barrier or anything
25 like that.

1 Q Okay. Okay. Were you in a location where
2 you intended for Mr. McGee to see you?

3 A Not initially, no.

4 Q Okay. All right. Were you ever at any time
5 positioned so that Mr. McGee would see you?

6 A Not purposefully. That wasn't the intention
7 of our concealment.

8 Q Okay. And what was the purpose of your
9 concealment?

10 A Just that -- concealment to be out of sight
11 and to try to uphold a good tactical position.

12 Q Okay. Okay. Why did you not want Mr. McGee
13 to know that you were present if you were trying to get
14 him to come out of the house?

15 A Because he was known to be armed.

16 Q Okay. And there were, from what I
17 understand, four officers there; correct, including
18 yourself?

19 A Yes.

20 Q And including Stern?

21 A Well, if you include the dog, then it would
22 be four police officers and one dog.

23 Q Okay. Yeah. Would you consider Stern to be
24 dangerous to a human being when necessary?

25 A No.

1 Q Okay. So Stern's not a dangerous dog?

2 A No. He's not dangerous.

3 Q Okay. So can Stern -- does Stern have the
4 ability to cause serious injury and harm to a person,
5 if necessary?

6 A He has the ability to cause an injury to a
7 person; yes.

8 Q Okay. Does Stern have the ability to bite
9 someone in a place that could be -- location on the
10 body such that it could be deadly?

11 A No. The use of police K-9s for apprehending
12 criminal subjects is not ever considered deadly force.

13 Q Okay. All right. And my question is
14 slightly different.

15 Could Stern bite someone in a location such
16 that it could cause death?

17 A I don't think I'm qualified to answer that
18 question.

19 Q Okay. Could Stern bite someone on the neck?

20 A Yes.

21 Q Could Stern bite someone on the face?

22 A Yes.

23 Q Okay. All right. If Stern bit someone near
24 a jugular, could someone possibly bleed out and die?

25 A Again, I don't think I'm qualified to answer

1 that question.

2 Q Okay. All right. All right. When you
3 arrived on the scene, did -- did Officer Hickey direct
4 you as to where you needed to go, such that you were
5 concealed behind the -- the trees or the area that you
6 just described, or did you go there on your own?

7 A I believe he was already there, and, yes, he
8 told me where to meet him.

9 Q Okay. And did he tell you why he wanted you
10 to be concealed, or did you already know?

11 A I think that was a decision that we came to
12 together just knowing that the -- the charges that Mr.
13 McGee was wanted for and the -- the potential for him
14 to be armed with a firearm, we wanted to at least be
15 out of sight, to have some kind of tactical advantage,
16 if possible.

17 Q Okay. But your goal was also to get Mr.
18 McGee to come outside of the -- to exit the home;
19 correct, the residence?

20 A Yes.

21 Q Okay. All right. So why not go knock on his
22 door? With the number of officers that are there, why
23 not plan to go knock on his door and give him an
24 opportunity to come outside?

25 A I believe that Officer Hickey had already

1 made attempts to make contact at that apartment with
2 him, and he was advised that Mr. McGee was not there,
3 or there was some kind of lack of cooperation of Mr.
4 McGee coming out and presenting himself. I don't
5 believe -- he obviously did not speak to Mr. McGee, but
6 maybe another resident there who was not forthcoming
7 and would not allow him to enter the residence to look
8 for Mr. McGee or said that Mr. McGee was not present.

9 I believe that that may have happened
10 previously in the shift or maybe a different shift or
11 something like that. I'm not a hundred percent on the
12 specific details.

13 Q Okay. But to your understanding, that did
14 not occur when you were on scene; correct?

15 A When I was on scene, no, that did not occur.

16 Q Okay. And as you testified earlier, at no
17 time did you see Officer Hickey go to the door to try
18 to knock to get Mr. McGee come outside, did you?

19 A That's correct.

20 Q Okay. All right. Did you -- was there
21 anything that you did independently to engage in any
22 communications with Mr. McGee?

23 A Prior to him coming out of the apartment, no.

24 Q Yes, ma'am. Okay. All right.

25 Is there anything that you did to engage in any

1 type of de-escalation techniques before you guys wanted
2 to lure him out in the dark? Anything that you can
3 recall?

4 MR. CARSON: Object to form.

5 You can answer if you can, Corporal.

6 THE WITNESS: Yeah. I mean, he wasn't
7 present to attempt to de-escalate anything, so I
8 would say no, because for the lack of him being
9 present in there to be de-escalated.

10 BY MS. SAUNDERS-HILL:

11 Q Okay. But you never tried to get him to come
12 outside by going and knock on the door; correct?

13 A I did not.

14 Q Okay. Now, was your plan -- so that I'm
15 clear, was your plan -- your plan not only to get him
16 to come out of the house, but was it your plan to
17 arrest Mr. McGee based on a warrant?

18 A Yes.

19 Q Okay. Do you know, in your planning with the
20 other officers, did you ever talk about maybe breaching
21 the doorway if he didn't respond to the knock and
22 announce?

23 A No. We would not have done that.

24 Q Okay. Have you ever breached a doorway?

25 A I have, yes.

1 Q Okay. Under what circumstances? Do you
2 remember?

3 A When I was a SWAT operator, actually breached
4 doorways in training. Other circumstances where there
5 was probable cause to make entry to a house or with a
6 warrant to make entry to a location.

7 Q Okay. All right. So why were you called to
8 the scene with Stern? Do you know?

9 A Yes. I was called to assist, if necessary,
10 if Mr. McGee brought any level of resistance to
11 officers upon contact with them.

12 Q Okay. All right. So that was your sole
13 purpose -- your understanding of your sole purpose for
14 being there that night?

15 A To assist in arresting Mr. McGee, yes.

16 Q And utilizing Stern if you -- if necessary?

17 A Yes.

18 Q Okay. And you mentioned this just slightly,
19 but I want to be clear. So Stern would have been
20 necessary if Mr. McGee resisted in any way; correct?

21 A It could have been. I mean, that's not a
22 definite one way or the other. But Stern is a response
23 to resistance tool, and if a subject meets requirements
24 based on their resistance level, then, yes, he can be
25 utilized as a tool.

1 Q Okay. What are some other reasons to utilize
2 Stern?

3 A He is a de-escalation tool as well, and he's
4 also -- you know, we're talking about functions of his
5 job. He does firearms detection.

6 Q Okay. All right. So when Mr. McGee finally
7 -- well, let's go back just a little bit. How did it
8 turn out that Mr. McGee ended up coming out of the
9 home?

10 A Officer Hickey went to his vehicle. He was
11 familiar with Mr. McGee's vehicles, and he identified
12 Mr. McGee's pickup truck and set off the car alarm, the
13 alarm system to the vehicle.

14 Q Did you know that he was going to do that?

15 A Not prior to arriving, but once we were
16 there, he said he was going to attempt to see if he
17 could get the alarm to go off, and then he went up and
18 did it.

19 Q Do you know how he's familiar with it? How's
20 he familiar -- do you know -- do you know how he's
21 familiar with Mr. McGee's vehicle?

22 A I do not.

23 Q Okay. And so he decided. The team with you,
24 of course, did you agree that that was the best means
25 to get Mr. McGee to come out of his home by setting off

1 his alarm?

2 A It was a means to see if it would work and
3 get him out.

4 Q Okay. And did it work?

5 A Yes. He came out.

6 Q Okay. Did the alarm at some time when it
7 initially went off, did it go off? When it get off --
8 when it went off, the sound alarmed, did it go off,
9 turn off?

10 A Yes, it did.

11 Q Okay. Do you know how? Did someone turn it
12 off, do you know?

13 A Yeah. From what I recall, like, you -- we
14 saw the lights flashing on the -- on the, like, tail
15 lights of the truck and, like, indicate -- you know,
16 normally when you'd press the button on your key fob
17 to, like, reset the alarm or turn it off, we saw the
18 lights flash like that, and then shortly after is where
19 we saw Mr. McGee.

20 Q Okay. How did -- do you know how -- how did
21 Officer Hickey open the door to set the alarm off? Do
22 you know?

23 A He never opened the door.

24 Q Okay. Okay. And how -- how did he set the
25 alarm off then?

1 A I'm not a hundred percent. I can't remember
2 if he, like, tried to pull on the door handle or if he
3 was slapping his hand on the window of the car.

4 Q Okay. All right. So tell me what you
5 recall. Mr. McGee comes outside; correct, after this
6 disturbance? Or at least alarm goes off in his -- his
7 vehicle; correct?

8 A Yes.

9 Q All right. And tell me from that moment,
10 what do you recall happening? Well, he comes outside;
11 correct?

12 A Yes.

13 Q And do you -- the moment he comes outside, do
14 you see him?

15 A Not initially.

16 Q Okay. What sort of alerted you so that you
17 were able to see him and he's now visible to you?

18 A So he kind of walked into my, like, frame of
19 view. The building that he was coming from was not the
20 building that we were kind of staged in front of. He
21 was, like, a building next to it.

22 So, and forgive me with the, like,
23 directionals, because that complex is kind of, like,
24 tilted a little funny. So I want to say, like, he was
25 coming from like the southwest of where we were

1 standing, and then walked kind of out from the -- the
2 view, like the -- the privacy fence we're standing at
3 kind of cornered.

4 So it kind of initially blocked where he was
5 coming from. And there's some trees, and then he
6 walked into view kind of on -- like near the sidewalk
7 of the building that we had eyes on.

8 Q Okay. All right. So once Mr. McGee came
9 outside, at least one of your goals have been
10 accomplished; right? You wanted him to come outside?

11 A Yes.

12 Q Okay. When he came outside, did he say
13 anything to you once he saw? Well, did you say
14 anything to him once you saw him?

15 A Not initially, no.

16 Q Did you -- what did you eventually say to Mr.
17 McGee when you saw him come outside?

18 A I said his name, and then I said Gainesville
19 Police Department K-9.

20 Q Okay. How sure are you that you said
21 Gainesville Police Department, K-9?

22 A Pretty sure.

23 Q Okay.

24 A Might -- maybe said Gainesville Police K-9.

25 Q Okay. So you said his name. Tell me, how

1 did you say his name? Do you remember what you may
2 have said?

3 A Ropheal.

4 Q Okay. And once again, after you said
5 Ropheal, you said Gainesville PD K-9 or something
6 similar to that?

7 A Gainesville Police K-9, something like that.
8 As soon as I said his name, he took off running.

9 Q Okay. Mr. McGee took off running?

10 A Yes.

11 Q Where did he run to?

12 A He started to run back towards the direction
13 that he came from.

14 Q And you see that on video?

15 A If you slow it down and go frame by frame,
16 yes.

17 Q Okay. All right. Where's your dog? Where
18 is Stern?

19 A Right now?

20 Q No. Where was the -- when -- when you
21 mentioned -- when you said Ropheal, are you holding
22 Stern at this time?

23 A Yep. He's on a leash. Whenever I initially
24 call his name, Stern is kind of to my left.

25 Q Okay.

1 A My left side, which is usually like his
2 healing position.

3 Q Okay.

4 A And then once Mr. McGee started to run,
5 that's what -- Stern saw him, and that's what kind of
6 activated Stern to get out in front of me and go to the
7 end of the leash in front of me.

8 Q Okay. Were you holding him where he's fully
9 secured in maybe a stance that -- that helps you to
10 maintain control of him?

11 A At that moment, I mean, I'm holding the --
12 the leash, and, you know, it's attached to his collar,
13 which is around his neck. So he is prevented to move
14 out of a six foot -- well -- [counting] -- seven-and-a-
15 half feet, you know, my arm length away from me.

16 Q Okay. Are you holding Stern with two arms,
17 with both your hands, both your arms?

18 A No. And I rarely would.

19 Q Okay. Are you supposed to in order to
20 maintain control?

21 A No.

22 Q Okay. Let me ask you this. You said Mr.
23 McGee started running. Was he running towards you?

24 A He was running. When he initially took off
25 running, it was back towards the way that he came from.

1 So toward the apartment that he came from.

2 Q Okay. Did he have any -- did you -- did he
3 come -- did he have any weapons?

4 A I have no idea if he had weapons at that
5 point.

6 Q Did you think that he had weapons?

7 A Yes. I assumed that he was armed based on
8 the charges he was wanted for.

9 Q Okay. Did you -- okay. Did you feel
10 threatened?

11 A Can you -- like, threaten by?

12 Q Yes. If Mr. McGee was running away, were you
13 threatened that he was going to harm you? If he's
14 running as you -- as you allege, he's running back in -
15 - back towards the house or the residence. Were you
16 threatened at that point when he was running away?

17 A I didn't feel that he was a direct threat to
18 me, but I did consider him a threat to the other
19 innocent occupants of those apartments, anybody who
20 might have been in between him and the apartment he was
21 trying to go to or wherever he was trying to go.

22 And Officer Sevor was, I believe, closer to
23 his apartment, kind of concealed in some bushes to have
24 a better eye on that. So did I feel personally
25 threatened, no. But did I consider him a threat to the

1 public and to other officers; yes.

2 Q Okay. Did Officer Sevor ever come out and
3 announce himself or did he remain concealed when Mr. --
4 when Mr. McGee came out?

5 A I do not know.

6 Q Okay. What about Officer Milman?

7 A Yeah. Officer Milman was, like, behind me.

8 Q Okay. And what about Officer Hickey, where
9 was he located?

10 A He was in the same area that Officer Milman
11 and I were in.

12 Q Okay. All right. At some point -- at some
13 point, did you release Stern?

14 A Yes.

15 Q Okay. Why did you Release Stern?

16 A Because Mr. McGee was continuing his flight
17 away from me. And, again, considering the -- the
18 potential threat that he posed to innocent civilians
19 and other officers in the area, I wanted to prevent him
20 from escaping and posing a threat to anybody else.

21 Q Okay. Did you see a photo of Mr. McGee once?
22 Let me ask you this. What information had you been
23 given about Mr. McGee in terms of what he looked like?
24 Did you see a photo?

25 A Yes, I saw a photo.

1 Q Okay. When did you see the photo?

2 A Prior to arriving on scene or maybe whenever
3 I got there and met with Mr. Hickey or, sorry, Officer
4 Hickey.

5 Q Okay. All right. Did you know -- did you
6 have any identifying information in terms of how tall
7 Mr. McGee was?

8 A Would have been in the -- the -- like our
9 what we call RMS. So when you put a person's name in
10 and it pulls up their photo, their height, weight,
11 address, phone number, that type of stuff.

12 Q Okay.

13 A So, yes.

14 Q And understanding it was there, did you
15 review that, did you review that information?

16 A Yeah. Typically, whenever we pull somebody
17 up on RMS, that's all -- that's all in the system. So,
18 yes, it was available to look at.

19 Q And my question is, did you pull it up
20 individually or did Mr. Hickey show you a photo?

21 A I don't remember. I don't remember if it was
22 from on his computer or on my computer.

23 Q Okay. Did you know Mr. McGee's age or
24 approximate age?

25 A I believe I knew his date of birth. So, yes,

1 I could have done a little math there.

2 Q Okay. How did you know that this -- this was
3 actually Mr. McGee coming outside?

4 A That was the determination made by Officer
5 Hickey and the -- you know, that he had the information
6 prior. And then whenever he came out, there was, I
7 think, some kind of communication between us that he
8 was exiting the apartment. He had been seen exiting
9 the apartment.

10 Q Okay. Now, the communication between you and
11 the other officers, is that on the audio that was
12 working properly that night? Can we hear that?

13 A I'm not sure. On my -- and I wear an
14 earpiece to my radio, so if it was communicated via
15 radio, then you wouldn't be able to hear on my body
16 camera what -- what I would hear in my ear on the
17 radio.

18 Q Okay. But I would be able to hear what
19 you're saying in terms of, I guess, any response back
20 to Mr. McGee, that being the person that you need to
21 apprehend; correct?

22 A My response to Mr. McGee? I don't -- I don't
23 think I understand your question.

24 Q Your response to any of the officers who are
25 telling you that's McGee. Because you're saying that

1 they said -- they made contact with you to tell you
2 that's -- that's Mr. McGee.

3 So my question is, would I be able to hear
4 anything you may have said, if you said anything? I
5 would be able to hear that going back to those
6 officers; correct?

7 A If I said anything, but I don't -- after
8 reviewing my body camera, I don't think I said anything
9 regarding that.

10 Q Okay.

11 A I don't think there's anything to be heard
12 from me saying that. But, yes. If I communicated over
13 radio or I said anything, then yes, you would hear what
14 I was saying, but not what I heard over the radio.

15 Q Okay. And so if those other officers said
16 something to you, their body -- would you believe that
17 their body cam videos should have the audio to have
18 captured that if they said something to you?

19 A Yeah. It should. I mean, if that was said,
20 then, yes. I mean, it, you know, presumptively should
21 show that. I don't know. Like I said, I didn't watch
22 their body camera, so I'm not sure.

23 Q Okay.

24 A And I don't remember exactly if it was
25 communicated via radio that he was coming out or if,

1 you know, it was like, that's him, or -- I don't
2 remember exactly how that went. But, again, that it's
3 just -- it's been a long time, so I'm not a hundred
4 percent.

5 Q Okay. All right. So is it -- is it the case
6 that the moment you said his name, Ropheal, you
7 mentioned something about Stern? Let me be clear, did
8 -- I'm sorry. Did Stern -- did you recall whether or
9 not he was, like, moving or anything when Mr. McGee
10 came out of his home?

11 A When he initially walked out, no. I don't
12 even think Stern was looking at him, focused on him.
13 Like, when I initially saw him, I don't know that Stern
14 saw him immediately.

15 Q Okay. At any time, you notice Stern moving
16 aggressively?

17 A I don't think I would consider the way that
18 he moves aggressively, so no.

19 Q Okay. All right. And how soon after you
20 said Ropheal did you release Stern?

21 A I said, Ropheal, Gainesville Police K-9 and
22 then I released as he was going kind of like behind a
23 tree and, like, out of my sight and back toward his
24 apartment. So his name, Gainesville Police K-9 and
25 then release the leash.

1 Q So he's going back towards the tree?

2 A Right. There's a tree that was, like, kind
3 of in between where we were and where Mr. McGee was.
4 So he had come past the tree into our view. That's
5 when I called out to him. And then when he took off
6 running, he started to run, like, back behind the tree,
7 like out of sight kind of.

8 Q Okay. So with Mr. McGee running, he -- his
9 back should have been to you. So do you know where
10 Stern bit him?

11 A Stern, like, physically, where he made
12 contact with him?

13 Q Yes. Where did Stern physically make contact
14 with Mr. McGee?

15 A Yeah. He made contact with his left, like,
16 upper arm area, like, around, kind of like the elbow
17 and elbow crease area.

18 Q Okay. And can you -- and for the record, I'm
19 pointing my palm face up and arm face out. Was it in
20 the upper portion or the back portion of his arm, do
21 you know?

22 A I don't know initially, like, how he
23 contacted him. Like, it was -- you know, it kind of
24 happened a little bit of a distance away from me. And,
25 like, you know, visually, it happens pretty quick. So,

1 like, where he bit and whenever he had his grip on him
2 when I approached would have been, like, the back. So,
3 like, the back of Stern's mouth kind of around the
4 elbow.

5 Q Why didn't you stay with Stern, Corporal?

6 A What do you mean?

7 Q Why did you not stay when -- why -- if you
8 wanted to have Stern make contact with Mr. McGee, why
9 did you not stay with him to avoid him biting Mr.
10 McGee?

11 MR. CARSON: Object to form.

12 You can answer if you can, Corporal.

13 THE WITNESS: Well, I released him. So he's
14 faster than me, I'm incapable of staying with him
15 when he's running.

16 BY MS. SAUNDERS-HILL:

17 Q Sure, of course. And at the moment you
18 released him, did you know that Stern could cause
19 serious harm to an individual if he bit someone? Did
20 you know that?

21 A When I release him, I know that the intent is
22 for him to bite them physically, and there is a
23 potential for injury. Yes, I do know that.

24 Q Okay. So that's what you intended?

25 A My intent was to affect the arrest of Mr.

1 McGee and utilizing the K-9 to stop him from flight.
2 My intent is never to hurt somebody or injure somebody.

3 Q But you can foresee that if you release the
4 dog and he bites someone, it could be a serious injury.
5 You know that; correct?

6 A I knew, yes.

7 Q All right. And you knew that before you
8 released Stern; correct?

9 A Yes.

10 Q Okay. Now, what types of commands do you
11 typically give, let's say, in your training -- not even
12 training. But in real life situations and in training,
13 what are some typical commands that you would give to
14 Stern so that he -- you said he listened to you, and he
15 obeys your commands. What are some of those commands
16 to keep him under control?

17 A There's several commands. He has positional
18 commands for obedience. He has a command to apprehend
19 someone, he has a command to drop something or let
20 something go that's in his mouth, and he has a command
21 to return to me.

22 Q Okay. Let's talk about commands to apprehend
23 someone. What are those commands?

24 A The actual word that I would use with my
25 intent for Stern to apprehend someone is packen.

1 Q Packen?

2 A Yes.

3 Q Like p-o-c-k-i-n, maybe?

4 A I think it's packen. It's German.

5 Q Okay, got you. So Stern knows to go
6 apprehend someone --

7 A Yes.

8 Q -- with that term, okay. Anything else you
9 use to -- maybe use as a tool for a command for him to
10 apprehend someone?

11 A Like a command, no. That's, like, the
12 apprehension command.

13 Q Got you. What about commands to release the
14 bite from someone?

15 A That is, out.

16 Q Out, okay. What is the command -- is there
17 another command that you would give to Stern -- or at
18 least, what does the term loose mean?

19 A Loose?

20 Q Yes. Not that it's a command, but what does
21 loose mean?

22 A It means nothing to me as far as K-9.

23 Q Okay. Did you ever use the word loose this
24 night?

25 A No.

1 Q You never used it?

2 A Nope.

3 Q Okay. At some point, Stern bit and just bit
4 Mr. McGee; is that correct?

5 A Yes.

6 Q How soon after he bit Mr. McGee did you
7 arrive on the scene, get close to try to see, like,
8 what's going on? And after you recognize he had been
9 bitten, how long did it take you to get there to catch
10 up with Stern?

11 A I don't know. Maybe a second or two.

12 Q One second?

13 A Maybe two. I'd have to again look at the
14 video and kind of time it.

15 Q Okay. All right.

16 A But I was still a few steps behind him.

17 Q Okay. What about the other officers, do you
18 know if they -- how long it may have taken for them to
19 catch up with or did they come -- come and catch up
20 with -- come out of hiding and catch up with where
21 Stern was located?

22 A Yes. I believe we all kind of ran towards
23 Mr. McGee and Stern at the same time. So what? It's
24 probably like the same time frame as me. And then I
25 think Officer --

1 Q When did --

2 A Oh, sorry.

3 Q I'm sorry. I apologize. I cut you off.
4 Sorry about that.

5 A And I think Officer Sevor arrived after
6 Officer Milman and Officer Hickey and I were right
7 there.

8 Q Okay. And that's maybe one to two seconds as
9 well after Stern was released?

10 A For Sevor?

11 Q I'm sorry. For both the -- for Sevor and --
12 well, Sevor first. Was that one to two seconds?

13 A I don't know. I was already, like, getting
14 control of the dog and taking him off, so I don't know
15 exactly when Officer Sevor got to our location.

16 Q Okay. Were you the first -- as his handler,
17 first person there to try to get him off of Mr. McGee?

18 A Yes.

19 Q Okay. Did you at any time say to Stern, out?

20 A I don't think so.

21 Q Why not?

22 A Because I was trying to communicate with Mr.
23 McGee, give him instructions on what to do, and in the
24 same time, I was taking physical control to get Stern
25 off of the bite.

1 Q Okay. Have you ever been bitten by a dog,
2 Corporal?

3 A Yes, I have.

4 Q Okay. Doesn't feel good, does it?

5 A Nope.

6 Q Okay. Now, did you at anytime hear Mr. McGee
7 telling you or screaming, like, ouch, in pain, like,
8 that hurts? Do you recall that in the video?

9 A I don't know exactly what he was saying, but
10 yes, he was -- he was make -- like, verbally expressing
11 that he was in pain or discomfort, yes.

12 Q Hearing that, why did you not tell Stern out
13 immediately? Why did you not do that? Any idea?

14 A Yeah. Because when there's a suspect -- when
15 Stern is biting somebody and somebody is vocalizing
16 like that, especially when it's loud and it's dynamic,
17 it can be hard for Stern to hear my command. So it's
18 safer for Stern and for the person that he's
19 apprehending if I take physical control before just
20 trying to give him a verbal command to let go.

21 Q All while Mr. McGee is in pain, it's your
22 goal to try to take control of Stern as opposed to
23 getting Stern off of the person who's being bitten? Is
24 that -- is that what you're telling me, Corporal?

25 A I mean, like, getting physical control of him

1 is part of taking him off of the -- the apprehension.
2 So it's like part of -- when I say take control of him,
3 it doesn't mean, like, he's out of control and I need
4 to get him under control. It's physically grabbing a
5 hold of him so that I can safely and cleanly remove him
6 from the bite to not inflict any further damage to the
7 -- the subject.

8 Q But would you agree that the quickest way to
9 get your dog under control in this instance, when you
10 have a suspect, Mr. McGee, who's screaming in pain, to
11 just simply tell Stern out and he obeys you?

12 A No, that's not correct.

13 Q He doesn't obey you?

14 A No. He obeys me. But that's not the
15 quickest or safest way to do that.

16 Q Okay. So you would rather -- you said you
17 were telling Mr. McGee to -- you were giving Mr. McGee
18 commands, but not your dog?

19 A Right.

20 Q Okay. Was Mr. McGee -- did he have a weapon
21 where he was, like, beating on Stern, trying to hurt
22 Stern?

23 A I was still at that point unable to confirm
24 if he had any weapons. I didn't see him with anything
25 in his hands, but I didn't -- I was unable to search

1 him prior to the contact of the dog.

2 Q Okay. All right. All right. So at this
3 point, your concern was more about getting -- getting
4 Stern under control as opposed to getting him off of a
5 person who's being bitten?

6 MR. CARSON: Object to form.

7 BY MS. SAUNDERS-HILL:

8 Q Is that correct, ma'am? You can answer.

9 A My concern is to safely remove the dog from
10 the bite, to not inflict any further damage from the
11 person. Part of that is making sure that the subject
12 that he is biting is under physical control of law
13 enforcement.

14 Because there's a lot of factors that can
15 take place if the dog is verbally released without
16 being under physical control of the handler. So
17 there's a lot of kind of factors that play into how
18 you're going to remove the dog in every circumstance.

19 Q Okay. All right. While Stern is biting Mr.
20 McGee, mauling Mr. McGee, was he trying to flee? Was
21 he trying to get off the ground and run, do you
22 remember?

23 MR. CARSON: Object to form.

24 THE WITNESS: Yes. Stern was not mauling Mr.
25 McGee. Can you ask me the question again, please?

1 BY MS. SAUNDERS-HILL:

2 Q That is -- that is the question. If you
3 don't agree with it, that's fine. You still have to
4 answer.

5 A Your question is? Sorry, what's the
6 question? I was -- was thrown off by the mauling.

7 Q Sure. Was Stern mauling Mr. -- was -- as
8 Stern was mauling my client, Mr. McGee, was he trying
9 to get off the ground to run?

10 MR. CARSON: Object to form.

11 MS. SAUNDERS-HILL: You can answer.

12 THE WITNESS: I don't know what he was trying
13 to do.

14 BY MS. SAUNDERS-HILL:

15 Q Okay. All right. But he accomplished what
16 you desired by Biting him; correct? You did say that
17 that was your goal by releasing him; correct?

18 A You're confusing me because you were just
19 talking about Mr. McGee. Now you're talking about my
20 dog.

21 Q Yes, both. Could be both. And I will ask
22 the questions, unfortunately, you know, however they
23 come out. If you can't answer, I understand. That's
24 fine. You can just --

25 A I'm just having trouble understanding, like,

1 the question that you're asking. That's all.

2 Q My question -- and let me just rephrase it.
3 If you don't understand it, that's fine. I'm happy to
4 rephrase it.

5 Okay. We talked about -- my question is --
6 the first question was whether or not Mr. McGee was
7 trying to flee, get off of the ground and run as Stern
8 is mauling him?

9 MR. CARSON: Object to form.

10 MS. SAUNDERS-HILL: You can answer.

11 THE WITNESS: Again, I'm not sure. He was
12 moving around a lot, like, flailing his legs and
13 arms. So I don't know what his -- his goal was,
14 but he was moving. So I don't know what his
15 intent was with that.

16 BY MS. SAUNDERS-HILL:

17 Q Okay. If a dog bit you, would you move or
18 would you lie still and let the dog just hurt? I mean,
19 is that not a natural reaction to move?

20 MR. CARSON: Object to form.

21 MS. SAUNDERS-HILL: You can answer.

22 THE WITNESS: I've been bitten by dogs, and
23 unfortunately because of my training, I would stay
24 still because I know that that creates less
25 -- less trauma to me. But that's just my personal

1 answer.

2 BY MS. SAUNDERS-HILL:

3 Q Okay. All right. All right. Do you think
4 the average citizen is going to sit still or lie still
5 when they're being bit by a dog?

6 A No. Of course not. Not average, but I've
7 seen it before.

8 Q Okay. All right. And my question to you is,
9 your goal, what your -- strike that.

10 Do you know how long this incident occurred?

11 MR. CARSON: Object to form.

12 MS. SAUNDERS-HILL: You can answer.

13 THE WITNESS: The entire incident?

14 MS. SAUNDERS-HILL: Yes.

15 THE WITNESS: I don't know the time frame.

16 No.

17 BY MS. SAUNDERS-HILL:

18 Q Okay. Do you know what a bar breaker is?
19 I'm sorry, breaker bar?

20 A Yes.

21 Q Okay. What is that?

22 A It's a tool that can be utilized to assist in
23 removing a dog from a bite.

24 Q All right. What are the dimensions of the
25 breaker bar, any idea?

1 A I would be -- I would be guesstimating, but
2 it's about the size of, like, an average or like a
3 larger size, like, pocket knife, and it folds. And the
4 actual portion that is used, like, not the hand -- the
5 handle, is probably about four inches. And then the
6 actual bar portion of it that comes out of the handle
7 is probably about five inches, maybe a little more.

8 Q Okay. All right. Did you have one in your
9 possession?

10 A Yes.

11 Q All right. Did you use it that night?

12 A Yes.

13 Q Okay. When did you use it?

14 A I used it whenever I was removing stern from
15 biting Mr. McGee.

16 Q Okay. And can we see that in the video?

17 A Yes. you can.

18 Q Okay. All right. Like for you to help me
19 figure out where that's located when you used it.

20 Now, let me just -- do you know what injuries
21 Mr. McGee sustained to his arm?

22 A He had a laceration, like, in the crease of
23 his elbow, I believe is -- that's just memory.

24 Q Okay. How do you describe a laceration in
25 terms of like a superficial wound or anything, or how -

1 - tell me what your definition of a laceration would
2 be.

3 A Like a -- like a cut, like an opening in the
4 -- the skin, maybe into, like, the fatty portion or
5 muscle.

6 Q Okay. Do you -- is that akin to, like --
7 what's your rating of this injury? Do you think it
8 was, like, something that required maybe a bandage or
9 something, or a Band-Aid? Or is it something more
10 severe that may have required surgery?

11 A I'm not a doctor, so just --

12 Q Did you see the injury on the scene?

13 A Not, like, up close, no.

14 Q Okay. Did it require Mr. McGee to have to go
15 to the hospital?

16 A Yes.

17 Q Did you call for 9-1-1 dispatch to get first
18 responders there?

19 A Yes. I called for EMS.

20 Q Okay.

21 A Sorry.

22 Q That's okay. Go ahead.

23 A I was going to say, I believe that I was the
24 one who called. I'm not sure if another officer
25 requested as well, but typically it's me who requests

1 EMS whenever the dog bites somebody.

2 Q Okay. All right. Did you follow up to find
3 out anything about Mr. McGee's care once he arrived at
4 the hospital?

5 A I went to the hospital to try to conduct an
6 interview with him, I think, and I did follow up just
7 to kind of check to see or I -- there might have been
8 another officer who accompanied him and then I spoke to
9 them after the fact about, like, what -- what was going
10 on.

11 Q Okay. Did you ask hospital officials about
12 his condition, his medical condition? Do you remember?

13 A I don't -- I don't remember. Like I said, I
14 don't -- I don't remember exactly if I went to the
15 hospital. I think I did, but I don't remember, like,
16 speaking to any of the -- the doctors or anything like
17 that. I'm not -- I'm not a hundred percent.

18 Q Okay. Were you aware that he was immediately
19 taken into surgery?

20 A I was aware that he was taken into surgery.
21 I don't know, like, the immediacy of it.

22 Q Okay. When you arrived at the hospital or
23 possibly arrived at the hospital, were you able to
24 speak with Mr. McGee?

25 A Not that I recall.

1 Q Okay. All right. Were you aware that body
2 camera reveals that no one actually assisted Mr. McGee
3 for about 27, 28 seconds? Did you notice that on the
4 body cam video?

5 MR. CARSON: Object to form.

6 MS. SAUNDERS-HILL: You can answer.

7 THE WITNESS: Assisted him how? I don't know
8 what you're asking.

9 BY MS. SAUNDERS-HILL:

10 Q Going to get your dog from Mr. McGee's bite.

11 A For 27 seconds?

12 Q Yes.

13 A I don't -- I'm -- I don't believe that he was
14 not assisted, right. So, like, the dog was released,
15 the dog caught up to him. The dog made contact with
16 him, and then I immediately ran up with the other
17 officers and grabbed Stern and started the process of
18 removing him from Mr. McGee. So I would -- I would
19 consider that assisting him.

20 Q Okay. And you already testified that you did
21 that within one or two seconds?

22 A So I got to Stern and Mr. McGee like one or
23 two seconds after Stern made contact with him. Yeah.
24 I believe so.

25 Q Okay. All right. I'm going to have to kind

1 of -- we're running tight on time here. Let me ask you
2 this.

3 So did you, at some point after this
4 incident, take Stern back to your vehicle to get him
5 away from the incident after biting Mr. McGee? In
6 other words, move him away from Mr. McGee?

7 A Yes.

8 Q Okay. How long after this incident did you
9 take Stern back to the vehicle?

10 A I'm not sure.

11 Q Did you do it immediately?

12 A No. I was standing there while the officers
13 got him into handcuffs and then started giving him some
14 first aid.

15 Q Okay. All right. With Stern still there in
16 his presence?

17 A Yep.

18 Q Okay. All right. Do you know if you're
19 required to take the dog back to the vehicle after he's
20 bitten someone?

21 A Well, I always have to get him back to the
22 vehicle.

23 Q Do you have to do it immediately?

24 A No.

25 Q Okay. So you can keep him on scene after

1 having bit someone?

2 A Yes.

3 MS. SAUNDERS-HILL: Okay. All right.

4 [Whereupon, a discussion was had off the
5 record, after which the following transpired:]

6 MS. SAUNDERS-HILL: All right. Let's get
7 this started. I will mark this as -- video as
8 Plaintiff's Exhibit 1.

9 [Whereupon, Plaintiff's Exhibit Number 1 was
10 marked for identification and published for the
11 record.]

12 BY MS. SAUNDERS-HILL:

13 Q And at some point, as I said, the audio will
14 kick in. I think you said it's maybe -- I don't know
15 how far in, but maybe a minute or so?

16 A Yes, ma'am.

17 Q Okay.

18 A If it's my video. Yes, ma'am.

19 Q Okay. From this vantage point, we are now at
20 minute marker 42 seconds.

21 Are you -- do you recognize this is where
22 you're possibly standing?

23 A Yes, ma'am.

24 Q Okay. And there's something covering. Okay.

25 A That was my arm. Typically, whenever I talk

1 on my radio, and I go up to my microphone sometimes I
2 block it.

3 [Video continues]

4 BY MS. SAUNDERS-HILL:

5 Q Okay. Let me ask you -- I want to go back
6 just for a second and ask you if you recognize the
7 voice that kicks in there. Is that your voice?

8 A Yes.

9 Q And is that Stern that's with you, the animal
10 that's depicted here in the photo -- in the video?

11 A That's him in the kind of motion there. And
12 just before, when you were showing it, he was not in
13 view.

14 Q Okay. Now, can you tell me -- I'd like to --
15 let me see here. I want to go back because I want you
16 to -- let me turn the volume up here just a little bit.
17 I want you to tell me, and I'm going to stop it at a
18 minute, three seconds.

19 And let me just represent for the record that
20 this is Axon body camera marked as 2021-11-07. And
21 it's Axon Body 3 X6031761. I think that's everything.
22 I think there were some more numbers there. I'm sorry.
23 X603761V.

24 I'm going to -- I'm stopped at 1:03, but I'd
25 like to -- I want you to tell me where Mr. -- we're

1 going to go a little bit. Where in this -- and it's
2 kind of hard with your hands there now, but where is it
3 that you see Mr. McGee running back into the home?

4 MR. CARSON: Object to form.

5 [Video continues]

6 BY MS. SAUNDERS-HILL:

7 Q Okay. Did you hear someone say, I'm on the
8 ground?

9 A No.

10 [Video continues]

11 BY MS. SAUNDERS-HILL:

12 Q So at this point, we stopped at minute marker
13 1:31, one minute, 31 seconds. Had you used the term
14 out as a command to get stern off of Mr. McGee?

15 A No.

16 Q Okay. And you had -- you're giving Mr. McGee
17 directives to stop moving; is that correct? Is that
18 what I hear?

19 A Yeah. I told him to stop kicking his legs.

20 Q Okay. But no commands to Stern?

21 A Correct.

22 [Video continues]

23 BY MS. SAUNDERS-HILL:

24 Q I've stopped at 2 minutes, 17 seconds. Do
25 you know exactly when you may have been able to get

1 back to -- did you ever get back to Mr. McGee to assess
2 his injuries?

3 A Like after putting the dog up or --

4 Q At any point, whether having put the dog back
5 up or not. Because at this minute marker 2:17, the dog
6 is still not put back into your vehicle; correct?

7 A Right.

8 Q Okay. So did you at any time -- I see the
9 officers there, three officers who were there. Did you
10 at any time go over to assess Mr. McGee's injuries?

11 A No. I didn't re-approach him because I still
12 had Stern with me.

13 Q Okay. Do you recognize this officer that
14 I'm pointing to the far left at minute marker 2:17?

15 A Yes.

16 Q Who is that?

17 A That's Officer Milman.

18 Q Okay. And the officer in the middle, who is
19 this? Do you recognize this person?

20 A That's Sevor.

21 Q Okay. And is this Walsh?

22 A No, I'm Walsh. That's Hickey.

23 Q I'm sorry. I apologize. This is Hickey?

24 A Yes, ma'am.

25 MS. SAUNDERS-HILL: Okay. All right.

1 Starting again at 2:17.

2 And I think what I'm going to have to do here
3 is possibly talk with counsel, because I don't
4 think that I can finish with Corporal Walsh today.
5 I'm probably going to need maybe another half hour
6 to an hour with her, and we may have to reschedule
7 that at a later date.

8 MR. CARSON: I'd prefer to get Corporal Walsh
9 done today if we can, even if it's at then expense
10 of rescheduling the next deponent, especially if
11 that's all you have left to do. Well, I don't
12 know if the next person's going to be willing to
13 move forward in time. We can check and see. Let
14 me try to see.

15 Can we go off the record for a moment?

16 [Whereupon, a recess was taken, after which
17 the following transpired:]

18 MS. SAUNDERS-HILL: Okay. All right. We
19 just had a quick break. And after deposing
20 Corporal Walsh, we're going to continue her
21 deposition after we take the next witness'
22 testimony, Mr. Bradley, because he is present here
23 and more time is needed with Corporal Walsh.

24 So she is going to -- we'll resume her
25 deposition and continue it after the next witness.

1 So I just want to place that on the record.

2 Are you okay with that, Mr. Carson?

3 MR. CARSON: That sounds great. Thank you.

4 MS. SAUNDERS-HILL: Thank you.

5 [Whereupon, a recess was taken, after which
6 the following transpired:]

7 MS. SAUNDERS-HILL: Okay. Corporal Walsh, we
8 are back on the record after taking a quick break
9 here. All right. Let's see here we were before
10 we took the break. We were taking a look at the
11 video. And let's go back to that. See if I can
12 pull it up here. Let me know when you're able to
13 see the video before you. Let's see here.

14 Okay. So I think we left off at the 2
15 minute, 17 second mark.

16 [Whereupon, Plaintiff's Exhibit Number 1 was
17 published for the record.]

18 BY MS. SAUNDERS-HILL:

19 Q And do you recognize Mr. McGee in this video
20 at 2 minutes, 17 seconds at that mark?

21 A Yes, ma'am.

22 Q Okay. And where is Mr. McGee at this time?

23 A He's wearing the white shirt, laying on the
24 ground.

25 Q Okay. And where are you stationed in

1 relation to where Mr. McGee is located?

2 A You can see my silhouette, so I'm right
3 behind the silhouette.

4 Q Okay. And for the record, is Mr. McGee's
5 body partially on a sidewalk and his body's partially
6 off of the sidewalk?

7 A Yes.

8 Q Okay. Are you able to see any blood on Mr.
9 McGee's white shirt?

10 A Yes.

11 Q Okay. And is the blood on the left side of
12 his body or the right side of the body based on how
13 he's positioned?

14 A Looks like it says left.

15 Q Okay. Going to start the video up again.
16 And before I do this, tell me, do you remember where
17 Mr. McGee may have been coming from in this video?
18 Somewhere so that I can -- you can help me understand
19 where he may have come from when you initially saw him?

20 A Yes.

21 MR. CARSON: Object to form.

22 THE WITNESS: Sorry.

23 MR. CARSON: You can answer.

24 THE WITNESS: So if you're looking from this
25 still shot of the video, it would have been from,

1 like, out of frame to the left.

2 BY MS. SAUNDERS-HILL:

3 Q And I'm pointing to the far left of this
4 video frame. Are we talking somewhere over here?

5 A Yeah.

6 Q Okay. And to the best of your recollection,
7 what's over here to this left side? Do you remember?

8 A I think this sidewalk continues. There's a
9 few more trees and then another apartment building off
10 to the left If you were to keep panning down.

11 MS. SAUNDERS-HILL: Okay. All right. All
12 right. We're going to go ahead and continue here.

13 [Video continues]

14 BY MS. SAUNDERS-HILL:

15 Q Did you at any time hear Mr. McGee say: Oh,
16 my God. I can't feel my hand?

17 A Yes.

18 Q Okay. We're stopped at 2:29. Moving
19 forward.

20 [Video continues]

21 BY MS. SAUNDERS-HILL:

22 Q Did you at any time hear -- we stopped it,
23 for the record, 2 minutes, 38 seconds.

24 Did you hear Mr. McGee say: Oh, God. It
25 hurts so bad?

1 A Yes.

2 [Video continues]

3 BY MS. SAUNDERS-HILL:

4 Q And I'm going to stop there at the three-
5 minute marker.

6 Are you still president on the scene with
7 Stern, holding Stern?

8 A Yes.

9 Q Are you making any commands to Stern at this
10 time?

11 A No.

12 Q Okay. And you're just visibly watching the
13 officers attend -- and, well, actually they're with Mr.
14 McGee in this frame; is that correct?

15 A Yes.

16 [Video continues]

17 BY MS. SAUNDERS-HILL:

18 Q I'm stopping at three minutes, 14 seconds.
19 The way that looking at this frame is Mr. McGee
20 position such that he is facing you?

21 A Yes.

22 Q Okay. What is Stern doing at this time, if
23 you can recall?

24 A I think I had him between my legs, so he's
25 standing like underneath me.

1 Q Okay. But Stern is facing Mr. McGee at this
2 time from what you can recall?

3 A Yes.

4 [Video continues]

5 BY MS. SAUNDERS-HILL:

6 Q Did you in this frame hear Mr. McGee say that
7 he wasn't going to run and he got on the ground? Do
8 you hear that?

9 A I heard that.

10 Q And do you hear one of the officers tell Mr.
11 McGee to not think about that right now and --

12 A Yes.

13 Q -- the slow breathing? Okay.

14 I'm going to continue. I stopped at 3:30,
15 going to continue. And as I continue, do you see blood
16 anywhere coming from the wound?

17 A Yes.

18 [Video continues]

19 BY MS. SAUNDERS-HILL:

20 Q I stopped at 3:56. Did you at any time
21 during this frame hear, or prior to this frame hear Mr.
22 McGee ask what did he do?

23 A Yes.

24 [Video continues]

25 BY MS. SAUNDERS-HILL:

1 Q Did you in this frame before stopping this
2 frame, did you hear Mr. McGee ask who had the dog and
3 where is the dog?

4 A I heard him ask who had the dog, which
5 officer had the dog.

6 MS. SAUNDERS-HILL: Okay. And I'm going back
7 to 4 minutes, 10 seconds.

8 [Video continues]

9 BY MS. SAUNDERS-HILL:

10 Q In the frame before stopping it, did you hear
11 Mr. McGee say that he got on the ground?

12 A I heard that, yes.

13 Q And when he asked who had the dog, did you
14 hear him? Did you respond by saying that you had the
15 dog?

16 A Yes.

17 [Video continues]

18 BY MS. SAUNDERS-HILL:

19 Q We're stopping at the frame 5:08. Did you
20 hear Mr. McGee ask why the dog attacked him?

21 A I heard him say, why did you let him go and
22 attack me.

23 Q Okay. All right. You heard him say, why did
24 you let the dog go to attack me?

25 A I heard him say, why did you let him go and

1 attack me, I believe is what I heard.

2 [Video continues]

3 BY MS. SAUNDERS-HILL:

4 Q Okay. It stopped at the 5:24 mark. Can you
5 tell me, it looks -- appears as if you're -- you're
6 moving in this frame or right before I stopped. Do you
7 know where -- where are you going?

8 A I'm going back to my car.

9 [Video continues]

10 BY MS. SAUNDERS-HILL:

11 Q And I've stopped at the 6:02 mark. And I
12 asked you this earlier. But Corporal, why did you feel
13 the need to stay on the scene after Stern had bit Mr.
14 McGee, instead of taking Stern back to your vehicle
15 right away?

16 A Just to make sure that Mr. McGee was secured
17 in handcuffs and he was given the first aid attention
18 that he needed and make sure that, you know, there was
19 no more resistance or anything like that prior to going
20 back to my car.

21 Q Okay. Tell me, when at any time did you see
22 Mr. McGee resisting?

23 A Whenever I called out his name and he took
24 off running.

25 Q Okay. All right. Are you able to point out

1 to me exactly when you saw -- if I were to go back in
2 this video -- and you've watched this, I'm not really
3 sure if you have a minute marker. But can you help me
4 determine when and where in this video Mr. McGee is
5 running from you?

6 A Sure. Give me one second.

7 Q Sure.

8 A Right about the 1:06 mark.

9 MS. SAUNDERS-HILL: Okay. All right. Let's
10 go -- what I'd like to do, I'm going to -- let's
11 finish this, then we'll go back to the 1:06 mark.

12 [Video continues]

13 BY MS. SAUNDERS-HILL:

14 Q Are you at your vehicle yet?

15 A No.

16 Q Your vehicle is this far away from where you
17 were located?

18 A Yes.

19 Q Why did you park on this side?

20 A So that I could approach tactically.

21 Q So you were trying to conceal your vehicle on
22 the other side as well?

23 A Yes.

24 MS. SAUNDERS-HILL: Okay. So we've -- this
25 entire video is 7 minutes, 15 seconds, and we're

1 going back to the 1:06 marker. Actually, we'll
2 start at the 1:02, get a little bit of a lead time
3 there.

4 [Video continues]

5 BY MS. SAUNDERS-HILL:

6 Q Okay. So at the 1:06 marker, are you able to
7 see Mr. McGee?

8 A Yes.

9 Q Okay. And at this point, what is he -- and
10 I'm going to do my best to represent this for the
11 record. Where is he? Is this Mr. McGee from what you
12 can see?

13 A Yeah. I believe so.

14 Q Okay. I'm going to try to enlarge it just a
15 little bit here. Okay. Okay. Now, if you're able to
16 see this, does it appear as if Mr. McGee's arms are up
17 in the air?

18 A No, I can't -- I can't really tell, to be
19 honest with you, but it doesn't --

20 Q Okay. All right. All right. Do you see the
21 figure there?

22 A I do.

23 Q Sort of a vertical body there?

24 A I see. I mean, it's -- it's hard to tell
25 what it is. Like, I know that that's him from the

1 video from watching it, but position that he's in, it's
2 like, I can't tell from this still shot right here.

3 Q Sure. Do you see the bottom? For the
4 record, I'm pointing to a figure that's in the picture
5 that's allegedly Mr. McGee.

6 And do you see my cursor at the bottom here?

7 A I do.

8 Q Okay. And do you see my cursor right about
9 there?

10 A Yes.

11 Q Okay. And from here, from the top where I
12 stop down to the bottom, do you see a vertical figure?

13 A I do.

14 Q Okay. Now, from here, do you see that my
15 curse is over to the right just a little, just a bit?

16 A I do.

17 Q And can't really see over here, but do you
18 see that that vertical figure has somewhat of a
19 protrusion outward?

20 A I see. Yeah. Yes.

21 Q Okay. I'm going to try to do the same thing
22 I did earlier. Move to this very, very slowly.

23 Q Okay. All right. Do you see something that
24 appears to be black bottom, white top?

25 A Yes.

1 Q Okay. Do you see something that's protruding
2 upward?

3 A Yes.

4 Q From the side.

5 A Kind of at an angle, not directly up.

6 Q Sure. Would you say that's an arm?

7 A I don't know what that is. I can't say.

8 Q All right. But you recognize that as being
9 Mr. McGee or someone you believe to be Mr. McGee?

10 A Yes.

11 Q Okay. Okay. All right. At this point,
12 where -- do you see what's -- can you -- are you able
13 to tell what's happening here? Is there -- I do see
14 here. Is there a light that comes on here?

15 A Yes.

16 Q Okay. Now, has -- is Stern loose at this
17 point?

18 A I don't -- I don't think so. I don't think
19 that's him at that point. I think he's still in front
20 of me at the bottom. I'm not -- the little cursor
21 thing's blocking it.

22 Q I'm sorry. Let me. I don't know if I can
23 move this. Let's see. Oh, yeah. I can get that out
24 of the way.

25 A Yeah. He's still in front of me right there.

1 Q And the light that comes on, do you know what
2 that is?

3 A I believe it's a flashlight.

4 Q Okay. All right. And do you -- do you see
5 Mr. McGee there still?

6 A Yep.

7 Q All right. Let's move forward. And this --
8 this is a -- you believe it to be your flashlight?

9 A I don't think it's mine. I think it's one of
10 the other officers' flashlights.

11 Q Okay. And so the officer -- you testified
12 earlier, there's at least one officer behind you;
13 correct?

14 A Yes.

15 Q And which officer was that?

16 A Milman, I think, was right behind me. And
17 then I think Hickey was to the side. I don't know
18 their positionings exactly, but they were both kind of
19 in that same area as me.

20 Q Okay. And where in this area can you point
21 me to -- if you remember, where was Mr. McGee's vehicle
22 that had the alarm tripped?

23 A So if you look -- so that -- yeah. Your
24 cursor, move your cursor up a little bit. I think
25 that's -- I think that's it right there.

1 Q In here somewhere?

2 A Yeah. I think that's his vehicle.

3 Q All right. All right. Let's move forward
4 here. Let's see here.

5 All right. Are you able to still see Mr.
6 McGee in this frame at this point?

7 A A little bit. I mean, because I know, like,
8 where he's at in there. But, no. He's -- he's -- no,
9 he's over more. No. That's just a light there. It's
10 over to the right, a little bit of that.

11 Q Okay. All right. And so you're saying that
12 this is no longer a person. White shirt, black bottom
13 that's not --

14 A Yeah. No, that's not him.

15 Q Okay. All right. Do you know what -- what
16 this -- we're now at 1:06, later into 1:06. But let me
17 just make this -- if I can make this a little bit
18 clearer, because it's getting a little bit grainy.

19 All right. 1:07. Do you recognize Mr. McGee
20 here?

21 A Yep.

22 Q Okay. Now let me ask you a question. Do you
23 know if Mr. McGee is going -- is this the sidewalk here
24 where Stern bit him? There's a --

25 A I mean, it's connected, but that's not the

1 exact location.

2 Q Okay. But is this the sidewalk?

3 A That is a sidewalk.

4 Q Okay. All right. And do you recognize this
5 as Mr. McGee?

6 A Yes.

7 Q Okay. All right. And do you know what Mr.
8 McGee -- do you -- do you know what Mr. McGee is doing
9 at this point?

10 A Yes, he's running away.

11 Q Okay. You're saying he's running away?

12 A Yes. That's what he was doing at the time.

13 Q Okay. All right. Do you know if Mr. McGee
14 is going to the ground after you've given a command?

15 A He is not at that point, no.

16 Q Okay. All right. And you're alleging he's
17 running; correct?

18 A He was running, yes.

19 Q Okay. Now, do you see Stern in the picture?

20 A Yes.

21 Q You've already released Stern?

22 A Let's see. I've got him here. I've got him
23 on leash in this frame.

24 Q Okay.

25 A I think this is like, as I'm releasing.

1 Yeah. I think that that shot you just had, I think, is
2 my hand opening up to release the leash.

3 Q Okay. Now, do you know if Mr. McGee, was --
4 if he was running, was he able to escape Stern's bite?

5 A He attempted. I think he attempted. Again,
6 that's just kind of, like, speculative from my vantage
7 point at the -- in the situation, because he changed
8 directions a couple times as Stern was released and
9 making his way to him.

10 Q Okay. Okay. Do you think the average
11 citizen, if they see a dog coming, you think they're
12 going to stay there and let the dog bite them or
13 they're going to try to get away from the dog?

14 A Again, that's -- that's speculation. I don't
15 know what average people would do.

16 Q Okay. It's a dog; right?

17 A That is correct.

18 Q Okay. All right. Do you think everyone is
19 fond of Stern or some people could be afraid of Stern?

20 A Some people could be afraid of Stern. Some
21 people are afraid of my Pomeranians.

22 MS. SAUNDERS-HILL: Let me see here. Time is
23 moving forward. Let me just -- I'd like to show
24 you -- I think I marked that as -- I did Mark that
25 as Plaintiff's Exhibit 1.

1 I'd like to show you what I'm going to mark
2 as Plaintiff's Exhibit 2. See here.

3 [Whereupon, Plaintiff's Exhibit Number 2 was
4 marked for identification and published for the
5 record.]

6 BY MS. SAUNDERS-HILL:

7 Q Okay. Are you able to see the document
8 before you?

9 A Yes.

10 Q I'll enlarge it. It's probably pretty small.
11 I can get it a little bit larger for you. Let's see
12 here. Get that out of the way.

13 Is that a little better?

14 A Yeah. I can see it.

15 Q Okay. All right. So I'll represent to you -
16 - this is Exhibit 2, but I'll represent that this is --
17 says at the top of this document that it's an incident
18 investigative investigation report. Have you ever seen
19 a report like this before?

20 A Yes.

21 Q Okay. Is this an incident report that you
22 were able to view prior to your deposition here today?

23 A Yes. But not in this format.

24 Q Okay. All right. Do you know who prepared
25 this report or did you prepare this report?

1 A I'm not -- I don't know without looking.
2 Like, I don't know which form of the report. Oh, yeah,
3 there you go. Hickey. Says, right, Officer ID Hickey.

4 Q All right. So do you know, being that
5 there's -- that Officer Dickey's name is here, did he -
6 - he prepared this incident investigation report?

7 A Yes.

8 Q Okay. All right. Did you complete a report
9 similar to this?

10 A Yes.

11 Q Okay. And --

12 A I did like a -- sorry. I did a supplemental
13 report. So it's not a -- it should be a portion of
14 that incident report.

15 Q Okay. So you -- you didn't. There's not
16 like an -- like a separate incident report, but there's
17 a supplement to this report?

18 A Yes, ma'am.

19 Q Okay. All right. So it says that the arrest
20 -- the assisting officers are A.C. Milman, C.E. Walsh
21 and E.D. Sevor. Are you the C.E. Walsh that's
22 mentioned here, Badge Number 0992?

23 A Yes, ma'am.

24 Q Okay. Is that still your badge number as of
25 today?

1 A Yes.

2 Q Okay. Now, let's see here. This says here -
3 - I'd like to scroll. I'd like to scroll down to this
4 narrative where it says, announcements were given to
5 McGee of the presence of the Gainesville Police
6 Department. Well, let me back up:

7 At approximately 052 hours, contact was made
8 with McGee on the north side of the building of
9 Building 19.

10 Do you see that?

11 A I see it.

12 Q Okay. You didn't make contact with McGee on
13 the north side of Building 19, did you?

14 A I'm not sure the building number. This is
15 Officer Hickey's report. So I didn't write this, so
16 I'm not sure.

17 Q Okay. Okay. Let me ask you this. It says
18 announcements were given to McGee of the presence of
19 the Gainesville Police Department. Do you -- you
20 didn't make any announcements to McGee, did you? Or
21 that was this when you said you announced after you
22 called his name?

23 A Right. After I called his name and then I
24 said Gainesville Police.

25 Q Okay. All right. And this says here that

1 McGee turned and ran towards his apartment. Is that
2 what you've testified to here today?

3 A Initially, that's where he started to turn.
4 But, again, this is Officer Hickey's report.

5 Q Okay. All right. So this is a case
6 supplemental report dated, let's see here, 11/8/2021 at
7 2:41:12 on Monday. The investigator is C.E. Walsh,
8 Badge Number 0992. Are you the C.E. Walsh that's
9 listed here?

10 A Yes, ma'am.

11 Q Okay. And the supervisor is C.R. Owens,
12 Badge Number 661?

13 A Yes.

14 Q Okay. All right. And there's a narrative
15 here that says that you were -- and I won't read all
16 this, and I'm happy to have you read it. But is this
17 the narrative or the supplement that you read in order
18 to prepare for your deposition here today?

19 A Yes.

20 Q Okay. All right. So this says that -- and
21 I'm going to -- I'm not going to go through all of it,
22 but I'm going to get to the some pertinent portions
23 here. You say that -- here, that -- and did you write
24 this? You prepared this yourself?

25 A Yes.

1 Q Okay.

2 I met with Officer Hickey at the location
3 near Building 21. He advised me that Ropheal
4 McGee was at the apartment, had an active felony
5 warrant out for Alachua County.

6 Is that what Officer Hickey told you?

7 A Yes.

8 Q Okay. Do you notate anywhere here that you
9 reviewed RMS to know who you were looking for?

10 A I don't -- I don't see it in this view right
11 here that I see.

12 Q Okay. All right. It says here that:

13 The two were already in position when I
14 made my way toward the apartment building 15
15 with K-9 Stern on a six foot lead.

16 Tell me, what does it mean to have K-9 Stern
17 on a six-foot lead?

18 A That's the length of the leash that he was
19 attached to.

20 Q Okay. All right. So this says Officer Sevor
21 -- and I know you, you can't speak for Officer Sevor,
22 but -- Sevor, I'm sorry, Officer Sevor advised that he
23 did not see anyone from his vantage point.

24 Is that what you recall?

25 A Yes. That's what was documented; yes.

1 Q Okay. All right. So from what Officer Savor
2 told you, where he was located, he couldn't see
3 anything or anyone?

4 A According to my report, yes. He said he did
5 not see anyone from the vantage point he was at.

6 Q Okay. All right. So at the time Mr. McGee
7 came out to his truck, you said:

8 He moved closer to our position and into a
9 well-lit area.

10 Where was this well-lit area that he moved
11 into? Do you recall?

12 A And that -- that view that you pointed out
13 earlier on the video, like by the sidewalk.

14 Q Okay.

15 A So the side -- sorry. The sidewalk is pretty
16 well lit in that area.

17 Q Okay. All right. So you say here that he
18 began to crouch slightly, crouch and look over toward
19 our position as if he saw us.

20 When did Mr. McGee do that in the video? Do
21 you recall ever seeing that?

22 A I don't know if the video captures that
23 action, but it was just prior to me calling out to him.

24 Q Okay. But we just saw him standing outside
25 in the video, just standing there; correct, before you

1 called his name?

2 A On one portion of the video, yes. That's
3 what we saw.

4 Q Okay. And so were -- did you record
5 something prior to the video, what we witnessed here
6 today? Was there something else?

7 A No, there's no other recording.

8 Q Okay. All right. So we're not able to
9 determine whether or not -- is it your testimony today
10 that I'm not able to see where he began to slightly
11 crouch and look over as if he saw you all?

12 A Like on the video?

13 Q Yes.

14 A Yeah. I think that there's something --
15 there's some things that the video doesn't capture.

16 Q Okay. So, but if you write this report and
17 there's a body-worn video camera footage during the
18 timing that you were there, is it true that your
19 written version and the video should be consistent?

20 A Yes. They should be consistent. But I don't
21 -- I don't write my reports as like a dictation of the
22 video because, again, the body-worn camera videos don't
23 always show everything that you see in that moment.
24 You know what I mean?

25 So the report is completed pretty immediately

1 after the incident occurs, and then the body-camera
2 video can be used to verify. Or if the body camera
3 adds anything that wasn't seen, then it can be used to
4 assist in supplementing the report. But it's not a
5 strict narration of what the video shows because that
6 can cause inaccuracies.

7 Q Okay. But you would agree with me that if
8 you're going to write something in your report and
9 there's a body-worn camera, I should be able to see
10 what you've written in your report? Would you agree?

11 A No. Absolutely not.

12 Q Okay. Why not? If you write it here and
13 there's a video, I should be able to see it; correct?
14 Or if not, tell me why --

15 A No.

16 Q -- I'm not going to see what's here. Because
17 this is -- let me just make sure I'm clear.

18 This is what you said you saw and what
19 happened; correct? You saw him crouch down; right?
20 And if that's what you said you saw, then we were -- we
21 just looked at the video, I should be able to see that;
22 correct?

23 A No. That's not -- that's not accurate.
24 Because, again, the video doesn't depict exactly what I
25 can see sometimes, right. My vision is sometimes

1 better than the video, depending on lighting and things
2 like that. The video is pretty true to, like,
3 lighting. However, like you saw with the flashlight,
4 sometimes it'll wash things out that I could see. But
5 you cannot see on the video.

6 So just because the video doesn't show
7 something, I'm still going to narrate or dictate in my
8 report exactly what I saw in that moment, regardless of
9 if you can see it clearly on my video or not.

10 Q Okay. All right. All right. And then you
11 say here that Mr. McGee is about 30 -- let's see. Is
12 he about 30 feet away? I'm sorry. Ten feet away from
13 your position of concealment? Is that --

14 A Ten yards?

15 Q I'm sorry, ten yards?

16 A Yeah. That's what it says. And like I said
17 earlier, you know, the distances were just an
18 approximation. I did not actually measure them out, so
19 those were just an approximation as I wrote my report.

20 Q Okay. Okay. Okay. All right. All right:

21 Just as Stern reached Mr. McGee, he turned
22 towards us and raised his left hand.

23 Is that what -- what you -- what happened?
24 Did he turn and raise his left hand?

25 A That is what I saw, but I do not believe you

1 can see it on the body camera. So back to the point of
2 documenting what I see and not just what the -- the
3 body-camera documents.

4 Q Okay. All right. You attempted to recall
5 Stern, but he had already apprehended Mr. McGee, that's
6 not a true statement, is it, Corporal Walsh?

7 A That is true.

8 Q All right. It's true that you attempted to
9 -- you attempted to recall Stern?

10 A Yes.

11 Q Okay. We've already established that you
12 never gave a command to Stern; correct? Remember your
13 earlier testimony, you said you did not say out?

14 MR. CARSON: Object to form.

15 THE WITNESS: Right. But out is not my
16 recall command.

17 BY MS. SAUNDERS-HILL:

18 Q Okay. What is what -- what you gave me -- I
19 asked you for the commands earlier, and you -- I asked
20 you what was the command to have him return or release
21 his bite, you said out. And I asked you, what other
22 commands would you use.

23 MR. CARSON: Object to form.

24 MS. SAUNDERS-HILL: You can answer.

25 THE WITNESS: You're right. you did ask me

1 that. And I told you that his command to release
2 is out. But that's not what you're asking me now.

3 BY MS. SAUNDERS-HILL:

4 Q Okay. What is the command to have him to
5 recall? What -- what do you mean, attempt to recall?

6 A That means he is away from me and I am
7 calling him back to me.

8 Q And what did you -- what -- what language
9 would I hear -- did I hear in the video where you
10 attempted to recall Stern?

11 A I believe it's German, if you're talking
12 about the language.

13 Q Okay. You said it's German. It's German in
14 terms of the word or German in terms of the command?
15 That's a German command?

16 A The command that I'm using is a German
17 command.

18 Q Okay. And is that the one that you gave me
19 earlier? What's that command once again?

20 A Which command? The command to have him come
21 back to me?

22 Q Yes, ma'am. The attempt to recall.

23 A That is foos.

24 Q Okay. Can you spell that for me?

25 A It's like f-o-o-s, foos.

1 Q And you -- during this video, you said foos?

2 A Yes.

3 Q Okay. And so if I listen to that again, am I
4 going to hear that?

5 A Yes.

6 Q I'll hear that. Okay. When did you do that?

7 A I don't know the time on the video marker. I
8 mean, I could point it out to you whenever I say it,
9 but it was obviously after I had released Stern and as
10 he was making physical contact with Mr. McGee.

11 Q Okay. All right. All right. You say that
12 you continue to run toward McGee with Officer Milman
13 and Officer Hickey. Were you running towards -- at
14 this time, had Stern already bitten or locked down on
15 Mr. McGee's body?

16 A Yes.

17 Q Okay. Were you running towards Stern or
18 you're running towards Mr. McGee or both?

19 A Both. They're together.

20 Q Okay. All right. At any time, you said you
21 gave Mr. McGee -- when you say I gave him verbal
22 instructions to be still, are you referring to Mr.
23 McGee?

24 A Yes.

25 Q Okay. All right. Is this still a -- is this

1 a continuation of your report here?

2 A Yes.

3 Q Okay. All right. Who is Officer Ripley?

4 A Officer Dalton Ripley.

5 Q Okay.

6 A He was another patrol officer working that
7 night.

8 Q Okay. He rode in the ambulance with Mr.
9 McGee?

10 A Yes.

11 Q Okay. And you did, in fact, go over to
12 Shands after completing an animal bite report?

13 A Yes.

14 Q But you never provided -- did -- you said you
15 never did an incident report, just a supplemental to
16 this report; correct?

17 A Well, the -- that's what you're looking at
18 right now, is a supplemental report.

19 Q Okay. But no separate report that -- your
20 own report as Officer? Hickey prepared a report and
21 someone supplemented -- you just supplemented his?

22 A Right. This is my report. In this case, is
23 the supplement to his report under the case report
24 number.

25 MS. SAUNDERS-HILL: Okay. All right. I'll

1 do something really quickly. I'm going to share
2 with you what I have marked as Plaintiff's Exhibit
3 3, or I'm going to mark it as Plaintiff's Exhibit
4 3. Tell me where you can see the document before
5 you -- and I'm happy to enlarge it just a little
6 bit.

7 [Whereupon, Plaintiff's Exhibit Number 3 was
8 marked for identification and published for the
9 record.]

10 BY MS. SAUNDERS-HILL:

11 Q Are you able to see the document?

12 A Yes.

13 Q Let me get it a little bit larger here.

14 Okay. I'll represent to you this is the
15 Gainesville Police -- at the top it says, Gainesville
16 Police Department Internal Affairs Employee Resume
17 Police Officer Casey Ellen Walsh. Are you the officer
18 who's notated here?

19 A Yeah. Can you scroll back up real quick?

20 Q Sure.

21 A To the top?

22 Q Yeah.

23 A Internal affairs resume. Okay. All right.
24 I just wanted to clarify what we were looking at here.

25 Q Okay. And you've already testified that

1 there was no IA done as a result of this incident with
2 Mr. McGee; is that correct, that you're aware of?

3 A Not that I recall.

4 Q Okay. All right. And as of October 29,
5 2019, there was an IA for a police encounter that was
6 for improper conduct that was unfounded?

7 A Yes.

8 Q You recall that?

9 A I don't know what case that is, but I mean,
10 I'm looking at what you're looking at. So that's
11 what's documented, yes.

12 Q Okay. And There was another IA investigation
13 20-020, May 5th, 2020, where the allegation was an
14 improper arrest. That was unfounded?

15 A Yes, ma'am.

16 Q See it here, okay.

17 And there's another IA investigation, June
18 22nd, 2022, where the allegation was a traffic
19 enforcement violation, where you're exonerated?
20 November 2, 2022.

21 A Yes.

22 Q Okay. And then there's another April 20,
23 2020. I'm sorry. Yes. April 20, 2022, for excessive
24 force that was unfounded on March 6th, 2023. Do you
25 see that?

1 A Yes.

2 Q You recall that?

3 A I don't. Not without looking at the -- I
4 don't remember them by the numbers.

5 Q Okay. Have you ever been suspended?

6 A No, I don't think I have ever.

7 Q Been disciplined in any way?

8 A I think I've gotten some written. Written
9 warnings, sorry.

10 Q That's okay. I'm sorry.

11 Any counselings, verbal counselings?

12 A Yes. I believe so.

13 MS. SAUNDERS-HILL: Okay. All right. I'm
14 going to enter this as Plaintiff's Exhibit 3. And
15 just a few more questions here we should be able
16 to wrap up.

17 BY MS. SAUNDERS-HILL:

18 Q Have you had any -- I think we talked about
19 this earlier. Have you had any situational awareness
20 training, knowing what's going on at a given time?

21 A Yes.

22 Q Okay. Were you in full control the night of
23 this incident to know what was really happening?

24 A Yes.

25 Q Okay. So when you indicate that Mr. McGee

1 was moving on the ground, did you consider that to be
2 Mr. McGee is resisting?

3 A Can you -- can you clarify the question? I'm
4 sorry.

5 Q Sure. The dog is biting Mr. McGee at some
6 point, and you said that he was moving his legs, and
7 your report said that he was flailing. Is that -- do
8 you consider that to be unusual with, you know, an
9 ongoing dog bite?

10 A No. That's not unusual.

11 Q Okay. So would you consider that to be,
12 like, Mr. McGee is resisting or just moving as a result
13 of the dog biting him? He's saying it's hurting. I
14 mean --

15 A No. I -- yeah. No. I think that it was the
16 result of the dog. I didn't consider that him like --
17 I wouldn't say he was fighting the dog or anything like
18 that.

19 Q Okay. All right. From the time -- from the
20 -- the time the dog Stern bit Mr. McGee, did he ever
21 move, like, from that position to, like, another
22 location or was he always in that position as we saw on
23 the video?

24 A Like, his mouth or his body?

25 Q His body. In other words, did you ever

1 witness Mr. McGee moving from the location where Stern
2 bit him, trying to get away or crawling away to another
3 location or it all kind of happened there?

4 A So I'm sorry, I thought you were asking me if
5 my dog moved initially.

6 Q So I'm sorry. I apologize. Mr. McGee. From
7 the time Stern bit Mr. McGee on the sidewalk and he
8 went down, he was on the ground, okay, did you ever
9 notice Mr. McGee moving from that location on the
10 sidewalk and the ground to another location, trying to
11 escape, once he was on the ground?

12 A While the dog was biting him?

13 Q While the dog was biting him, yes.

14 A No. No. Not at -- like, when he was on the
15 ground and the dog was biting him, from what I recall,
16 he was, like, in the same place.

17 Q Okay. All right. All right. Are you aware
18 of any policies that the City of Gainesville Police
19 Department has about how you're supposed to respond to
20 resistance? Have you recently read any of those? Do
21 any of the policies exist, do you know?

22 A Response to resistance policies?

23 Q Yeah.

24 A Yes. They exist.

25 Q Okay. Tell me what you know about those

1 policies. Help me understand what they mean.

2 A Is there a specific policy you have a
3 question about? Because there's multiple policies.

4 Q Generally. Generally. What is the -- what
5 is -- what is an officer's -- give me your broad
6 understanding of what a response to resistance policy
7 is.

8 A Right. So response to resistance policy is
9 that an officer is allowed to use the reasonable force
10 necessary to affect an arrest based on the totality of
11 circumstances presented to them at the time.

12 Q Okay. Who, if you remember, was closest to
13 Mr. McGee or was there an officer closer to Mr. McGee
14 than you were?

15 A I'm not sure.

16 Q Okay. Do you not know where the officers --
17 other officers were positioned? Because you're --

18 A I mean, the other -- right. The other two
19 officers were beside me, but Officer Sevor was at a
20 different spot in the -- in the apartment complex. So
21 I don't know the distance between him and Mr. McGee and
22 who -- which one was closer between me and him.

23 Q Okay. Was he -- do you know whether or not
24 he was closer to Mr. McGee?

25 A I don't know.

1 Q Okay. So in this case, it is your testimony
2 today that the best means to take Mr. McGee down was
3 use of your -- your dog Stern in that moment?

4 A Yes. I believe that was the appropriate tool
5 and decision to make.

6 Q Have you ever released Stern on any other
7 individual?

8 A Yes.

9 Q Okay. When was the last time you did that?
10 prior to this incident?

11 A Can you clarify your question?

12 Q Sure. Before November 7th, 2021, had you
13 ever released Stern on any individual?

14 A Yes.

15 Q Okay. How -- at what point or how much
16 earlier had you released Stern on another individual
17 before November 7th, 2021? Your best guess.

18 A Maybe a couple months. Maybe. I don't know
19 when the -- the one prior to that was. So, like,
20 release, I think in the -- like, the beginning of 2021,
21 I had an apprehension where he was physically released
22 to apprehend somebody.

23 Q Okay. And was --

24 A And --

25 Q I'm sorry. Go ahead. I apologize.

1 A I think it was February, but I'm not a
2 hundred percent on that.

3 Q Okay. Was the suspect or the individual you
4 released Stern to apprehend, was that individual
5 African-American or Caucasian?

6 A He was black.

7 Q Okay. All right. African-American black?
8 Meaning black?

9 A Yes.

10 Q Okay. African-American?

11 A I don't -- I don't know the -- I mean, as far
12 as race, black. Yes, ma'am. I don't know what is his
13 -- his background is or anything like that.

14 Q Okay. And any other time before that, before
15 the February time frame that you released Stern to
16 apprehend someone?

17 A Before February, as far as a release to
18 apprehend someone, no.

19 Q Okay. What about anytime after November 7th,
20 2021, have you released Stern to apprehend someone?

21 A Yes.

22 Q And in that under -- in that occasion or on
23 that occasion, did Stern make contact with the
24 individual?

25 A Yes.

1 Q Okay. And where did Stern bite the
2 individual?

3 A There's more than one, so there's different,
4 like, locations of him biting people. So there's --

5 Q Okay.

6 A This would be after 2021.

7 Q Yes. Do you remember or know approximately
8 how many times you released Stern to bite -- apprehend
9 and bite someone.

10 A So the times that I have released him to bite
11 someone, I don't know the specific number.

12 Q Okay. Okay. More than once?

13 A Yes.

14 Q What about more than five times?

15 A I'm not sure. Again, to release him to bite
16 someone, like let go of his leash and allow him to go
17 after someone off leash, I don't know the exact number.

18 Q Okay. And my question is, do you know if it
19 was more than five?

20 A I don't know without looking at documentation
21 and having it right in front of me.

22 Q All right. Now, before November 7th, 2021,
23 do you know approximately how many times you may have
24 released Stern to apprehend someone?

25 A One time. Release and apprehend someone one

1 time.

2 Q And on that occasion, the February -- we're
3 talking about the February 2021 time frame?

4 A Yes.

5 Q Okay. Did Stern make contact with the
6 individual?

7 A Yes.

8 Q Did he bite the individual?

9 A Yes.

10 Q Where did -- do you recall where he bit the
11 individual?

12 A Yeah. Like upper back side of his arm, like
13 armpit area.

14 Q Okay. Were you involved in the incident --
15 an incident involving Terrel Bradley? Does that name
16 ring a bell?

17 A I am familiar with the name Terrell Bradley.
18 I was not involved in any incidents. I have never had
19 any contact with him on or off duty. I do not know
20 him. I've never been a part of any arrest procedure or
21 anything that has to do with him.

22 Q Okay. Do you know if anyone within your K-9
23 unit may have made contact with Mr. Bradley, Terrell
24 Bradley, or have you come to learn that?

25 A No one -- no one within our current K-9 unit,

1 I believe, had contact. I don't -- I don't -- I don't
2 know. You'd have to ask them, though.

3 Q Okay. And you said that you're not aware of
4 any period of time where the City of Gainesville may
5 have disbanded their K-9 unit?

6 A Right. The K-9 unit was never disbanded.

7 Q Okay. Were you ever aware of any concerns
8 from the public, the community, about the number of dog
9 bites that were occurring with the Gainesville Police
10 Department's K-9 Unit?

11 A Prior to November 7th, 2021, no.

12 Q Okay. What about after November 7th, 2021?

13 A Yes.

14 Q Okay. And as a result of that, the
15 complaints from citizens, do you know if -- was that a
16 result of the City of Gainesville making changes to its
17 K-9 unit?

18 MR. CARSON: Object to form.

19 THE WITNESS: Yeah. I'm not -- I'm not sure.
20 That, to me, kind of seems like a chicken or an
21 egg question. So I need a little bit of
22 clarification.

23 BY MS. SAUNDERS-HILL:

24 Q Do you know, are you aware of after the
25 November 7th, 2021 time frame, were there any changes

1 made to the City of Gainesville Police Department's K-9
2 Unit? Your policies, your procedures, how you did your
3 job?

4 A Were there changes after November 7th, 2021?
5 That's the question?

6 Q Yes.

7 A Yes. there was. Sorry.

8 MS. SAUNDERS-HILL: Okay. No worries.

9 I'm going to mark the document before you as
10 Plaintiff's Exhibit 4.

11 [Whereupon, Plaintiff's Exhibit Number 4 was
12 marked for identification and published for the
13 record.]

14 BY MS. SAUNDERS-HILL:

15 Q Have you ever seen this document before?
16 It's a news -- I'll represent that -- it's a newspaper
17 article that -- with the headline, Gainesville Police
18 K-9 Attacks Homeless Woman. Do you see that?

19 A I see it.

20 Q All right. Had you ever seen this before?
21 Had you heard about this?

22 A Have I heard about the incident or have I
23 heard about the article?

24 Q Have you heard about the incident? Are you
25 aware of this?

1 A I believe I'm familiar with the incident.

2 Q Okay. Were you involved in this incident?

3 A Yes.

4 Q Okay. All right. Is this the incident that
5 occurred after the 2020 -- November 7th, 2021 time
6 frame?

7 A Yes.

8 Q Okay. And this is -- was this an instance
9 where you released the dog to apprehend an individual?

10 A No.

11 Q Okay. Tell me about this one.

12 A What would you like to know?

13 Q Tell me what you know about it since you were
14 involved.

15 A I know that the dog wasn't released to
16 apprehend this individual.

17 Q Okay. Was the dog released at all?

18 A No. The dog was never released.

19 Q Okay. Do you know, did the dog attack a
20 homeless woman? Are you aware of that?

21 A He did not attack a homeless woman.

22 MS. SAUNDERS-HILL: Okay. I'm going to mark
23 this as Plaintiff Exhibit, I said 4. And there's
24 one more exhibit I'd like to show you, final one.
25 I'm going to mark this as Plaintiff's Exhibit 5.

1 Tell me when you're able to see the document
2 before you.

3 [Whereupon, Plaintiff's Exhibit Number 5 was
4 marked for identification and published for the
5 record.]

6 THE WITNESS: Coming up here.

7 BY MS. SAUNDERS-HILL:

8 Q And while I'm pulling this up, what other
9 forms of restraint have you used on citizens or, I
10 guess, suspects in this case, other than using Stern?

11 A Restraint?

12 MR. CARSON: Object to form.

13 THE WITNESS: I'm sorry. What's -- like
14 restraint?

15 BY MS. SAUNDERS-HILL:

16 Q Yes. Yes. Other means that are lesser --
17 lesser means to cause serious injury or bodily harm.
18 Are there any others?

19 MR. CARSON: Object to form.

20 MS. SAUNDERS-HILL: You can answer.

21 THE WITNESS: Well, lesser means goes into,
22 like, the -- the level of force or resistance
23 presented. So on account of that and
24 understanding the continuum, I would say, you
25 know, if someone is completely compliant, me just

1 using my hands and placing handcuffs on them would
2 be a lesser form than a police K-9 apprehension.

3 BY MS. SAUNDERS-HILL:

4 Q Why didn't you just tase Mr. McGee?

5 A I was too far away from him. It wouldn't
6 have reached.

7 Q Okay. Why didn't you just get closer to him?
8 Why don't you just hold your dog, walk over to him, and
9 then tase him?

10 A I'm not that fast.

11 Q Okay. When was the last time you had a
12 physical examination?

13 A Like a -- like by a doctor?

14 Q You're -- you're a patrol officer; correct?
15 K-9 officer; correct?

16 A I am.

17 Q Okay. And do you have to be physically fit
18 for your position?

19 A Yes.

20 Q Okay. And when you say you're not that fast,
21 we saw from the video that Mr. McGee didn't run very
22 far; correct? In your words, he ran, but he didn't go
23 very far; correct?

24 A He ran. Yes. He ran and he did not get very
25 far. That's correct.

1 Q Okay. So is it your position that you -- and
2 after calling his name, you didn't have enough time to
3 hold your dog and run over with Stern, even if it's not
4 running fast? Go over with Stern to Mr. McGee to --
5 holding him, go over to Mr. McGee and then get close
6 enough to tase him if you needed to?

7 A No, I would not have done that.

8 Q Okay. Why not?

9 A Well, there were a lot of reasons. In this
10 case, the way that he initially took off running was,
11 again, out of sight. I would have lost visual contact.
12 I would not have been able to confirm target
13 acquisition on him and neither would Stern. So I
14 wanted to, you know, keep my eyes on him and not lose
15 visual contact.

16 And also, like I said, he was running towards
17 other apartment buildings that, you know, he could have
18 ran into anybody's apartment at that point. He could
19 have went into an innocent person's apartment and put
20 them at risk. So I'm not going to run up to someone,
21 and especially not with my dog on leash in my hand,
22 pull out a taser and apply a taser in a situation.

23 There's different tools for different
24 situations, and in this case, I chose the dog as the
25 tool, and it was effective.

1 Q Okay. And you -- we noted that -- we
2 understand it was effective. And you accomplished your
3 goal because Mr. McGee suffered very, very serious
4 injuries; is that correct?

5 MR. CARSON: Object to form.

6 THE WITNESS: My goal was never to injure Mr.
7 McGee, so my goal was to place him under arrest.
8 So that's what I mean by it was effective. It
9 stopped him from running and we were able to place
10 him under arrest.

11 BY MS. SAUNDERS-HILL:

12 Q But we've already established that you knew
13 that if the dog made contact with him, he could be
14 injured. We've already established that; correct?

15 A Right. But there's a propensity for someone
16 to be injured if you pepper spray them or if you run up
17 to them and tase them. So that -- that is always the
18 case whenever we're encountering someone who is
19 offering resistance.

20 Q Okay. So it's your testimony today that Mr.
21 McGee was offering resistance?

22 A Yes.

23 Q Okay. Pepper spray wouldn't have sent him
24 into emergency surgery, would it have done so?

25 A I don't know. It could have.

1 Q Not likely? Not likely he would have to go
2 into surgery; correct?

3 A It could have. I'll just leave it at that.

4 Q Okay. Okay. And I know you're not a medical
5 professional, but since you said that he -- it could
6 have, tell me how -- how pepper spray would have caused
7 him to have to have surgery.

8 A Sometimes people have allergic reactions. I
9 mean, hey, it could have temporarily blinded him and he
10 could have impaled himself on something. I mean,
11 there's -- there's a lot of what ifs to have to
12 consider in a very short amount of time when you're
13 making these decisions.

14 Q Okay. And the taser, tell me how he could
15 have ended up with the injuries he sustained if you
16 tased him and ended up in emergency surgery.

17 MR. CARSON: Object to form.

18 THE WITNESS: Again, we can play the what-if
19 game. You know, he -- if the taser was effective,
20 he could have fallen. He could have -- because of
21 the temporary muscular inner interruption, he
22 could have fallen and struck his head on a
23 sidewalk. Hit it on something else hard.

24 There's -- there's a lot of what ifs whenever
25 you're involved in a response to resistance that

1 you kind of have to weigh, like I said, in a very
2 short, you know, millisecond period of time.

3 BY MS. SAUNDERS-HILL:

4 Q All right. Well, do you think you could have
5 controlled your dog a little bit better?

6 A I think I did a pretty good job controlling
7 my dog.

8 Q But you released him; correct?

9 A I let him go, yes.

10 Q Okay. So that's not controlled, is it?

11 MR. CARSON: Object to form.

12 THE WITNESS: Actually, per Florida
13 Department of Law Enforcement certification for
14 K-9s, for police K-9s that work patrol functions,
15 you are required to show control. And all of the
16 control work that you show in that certification
17 is off leash.

18 MS. SAUNDERS-HILL: Okay. All right. I'm
19 going to stop here, ma'am, and I'm going to check
20 my notes. I think we may be done for the day.
21 Give me a couple of minutes.

22 THE WITNESS: Okay.

23 MS. SAUNDERS-HILL: If we can go off, I may
24 be done. And there may be some follow-up
25 questions for you from your attorney. Give me one

1 second here.

2 [Whereupon, a recess was taken, after which
3 the following transpired:]

4 MS. SAUNDERS-HILL: Okay. Corporal Walsh, I
5 wanted to ask you one question.

6 I'm going to mark this as Plaintiff's Exhibit
7 6.

8 [Whereupon, Plaintiff's Exhibit Number 6 was
9 marked for identification and published for the
10 record.]

11 BY MS. SAUNDERS-HILL:

12 Q Do you recognize this document before you?
13 I'll give you a chance to just skim it.

14 A No.

15 Q Okay. The heading here, it's an article,
16 says, Gainesville Police Department reinstates K-9 Unit
17 after month hiatus.

18 My question is, do you recall this month
19 hiatus?

20 A Yes.

21 Q Okay. All right. And tell me what was going
22 on during this month hiatus? And in other words, were
23 you -- do you know if the K-9 unit was in operation or
24 what was going on at this time?

25 A I don't. I'm going to be honest with you, I

1 don't read the Alligator, so I don't know what this,
2 like, article says. I can only tell you what I was
3 told and informed of as per, you know, my commands, my
4 chain of command and command staff.

5 Q Okay.

6 A So during that time, there was some requests
7 for some investigation into the operations of the K-9
8 unit at the Gainesville Police Department.

9 Q Okay.

10 A And during that time, there was like some
11 transitions in leadership within the department as
12 well.

13 MS. SAUNDERS-HILL: Okay. I'm going to mark
14 this as Plaintiff's Exhibit 7. Tell me if you can
15 see the document before you enlarge that just a
16 little bit.

17 [Whereupon, Plaintiff's Exhibit Number 7 was
18 marked for identification and published for the
19 record.]

20 BY MS. SAUNDERS-HILL:

21 Q Have you ever seen this before?

22 A Is this the Alachua Chronicle?

23 Q Yes. It is.

24 A Yes. I think I have seen this before.

25 Q Okay. And the headline here says:

1 GPD changes selection criteria for specialty
2 units after officer who should have been
3 disqualified is selected to K-9 unit.

4 What do you know about that?

5 A Not a lot. I don't have the -- I'm not the
6 person who changes and, you know, does anything as far
7 as like policy or operations. That's above -- above
8 me.

9 Q Understandable. My question, a slightly
10 different question.

11 What do you know about this, if anything?
12 Not that -- I understand you may not be in a decision
13 making position, but what do you know about this, if
14 anything? If you don't know anything, that's fine.

15 A I don't know. I think I -- like I said, I
16 believe I've read the article, but obviously it's over
17 two years old, so I think it was after that. I don't
18 remember exactly what they're talking about. I know
19 they're not talking about me, so I don't -- I don't
20 know exactly --

21 Q Do you know --

22 A -- what this is referring to.

23 Q Okay. Do you know who they're talking to?
24 Who the officer could be?

25 A The K-9 handler that was selected after a

1 policy change?

2 Q Yes.

3 A Yes.

4 Q Okay. And what's the -- the officer's name?

5 A I believe it is referencing Officer -- former
6 Officer Maurquice Miller.

7 Q Okay. And is Officer Miller still with the
8 department as far as you know?

9 A No. He's not.

10 MS. SAUNDERS-HILL: Okay. All right. And I
11 would like to mark this as Plaintiff's Exhibit 8.
12 I think I'm on 8. And we'll go through this
13 really, really quickly. Tell me when you see this
14 and if you recognize this document.

15 [Whereupon, Plaintiff's Exhibit Number 8 was
16 marked for identification and published for the
17 record.]

18 BY MS. SAUNDERS-HILL:

19 Q Are you able to see the document before you?

20 A Yes.

21 Q Okay. This is -- I'll represent that this is
22 -- well, it's a composite exhibit. Looks like it's
23 about 17 pages long. It's a Gainesville Police
24 Department general order it's response to resistance,
25 formerly titled use of force. Have you seen this

1 response to resistance policy before?

2 A Yes.

3 Q Okay. I'm going to scroll down to the date
4 here. It says that it was issued July 1st, 1998. Do
5 you see that?

6 A I see that.

7 Q And the revision date is March 17th, 2021.
8 Do you see that?

9 A Yes.

10 Q And this would have been within at least a
11 year or months prior to the November 7th, 2021 time
12 frame?

13 A Yes.

14 Q Okay. All right. And the purpose of this
15 policy says that the GPD or the Gainesville Police
16 Department's highest priority is safeguarding the life,
17 dignity and liberty of all persons. Do you see that?

18 A Yep.

19 Q Okay. I'm going to scroll down and see.
20 Have you take a look at -- can you read (B) for me
21 here, Establish Communication?

22 A Establish communication:

23 Communication with non-compliant subjects is
24 most often effective when officers establish
25 rapport, use the proper voice intonation, ask

1 questions and provide advice to diffuse conflict
2 and achieve voluntary compliance before resorting
3 to force options.

4 Q Okay. And again, I think we established that
5 there was no method of communication with Mr. McGee at
6 the time of your arrival, was there?

7 A Prior to my arrival, there was no
8 communication.

9 Q If I can have you read (C), which actually
10 goes to the next page here. And you can just stop
11 there. I'll show both of them there, de-escalation.

12 A Okay.

13 Officer shall, when feasible, employ
14 de-escalation techniques to decrease the
15 likelihood of the need to use force during an
16 incident and to increase the likelihood of
17 voluntary compliance.

18 Officers who act to de-escalate an incident
19 which can delay taking a subject into custody
20 while keeping the public and officers safe will
21 not be found to have neglected their duty. They
22 will be found to have fulfilled it.

23 Q Okay. And can you read (F) for me, please?

24 A Duty to intervene:

25 When in a position to do so, Officers shall

1 intervene when they know or have reason to know
2 that another officer is about to use or is using
3 unnecessary force. Officers shall promptly report
4 any use of unnecessary force and the efforts made
5 to intervene to a supervisor.

6 Q Okay. Do you believe you follow those
7 policies?

8 A Absolutely.

9 Q Okay. But you just indicated that you didn't
10 communicate with Mr. McGee before unleashing your dog,
11 did you?

12 A Yeah. I called out to him before I let my
13 dog go.

14 Q Did you establish communication with him
15 before you released the dog?

16 A Yes.

17 Q Okay. Did you go knock on his door to
18 establish communication with him before you released
19 the dog?

20 A No.

21 MS. SAUNDERS-HILL: Okay. All right. And I
22 would like, and I do promise you, this is my last
23 document, assure you that. I'm going to mark this
24 as Plaintiff's Exhibit 9.

25 [Whereupon, Plaintiff's Exhibit Number 9 was

1 marked for identification and published for the
2 record.]

3 BY MS. SAUNDERS-HILL:

4 Q Tell me whether you can see the document
5 before you.

6 A Okay, here it is.

7 Q I can certainly enlarge it for you. Let me
8 get that a little bit larger. Are you able to see it?

9 A Yes.

10 Q Okay. And I'll represent to you the -- this
11 is the City of Gainesville agenda item report. And for
12 the record, it is Bates stamp produced to us by the
13 Defendant, City of Gainesville. McGee Bates Stamp
14 Number 001884 through Bates Stamp Number 001887. Let
15 me go back to the top.

16 Corporal, have you ever seen this agenda item
17 report?

18 A I'm not sure if I have or not.

19 Q Okay. Do you ever attend the City of
20 Gainesville's Commission meetings?

21 A I try not to.

22 Q Okay. I'll represent to you that this is an
23 agenda item that was dated March 27, 2023. The
24 department is the Gainesville Police Department. And
25 the title of this agenda item is 2023-308 GPD K-9 Unit

1 update (B). And this says that the description is:

2 The status update on the motion approved by
3 the City commission at the special meeting held on
4 November 16, 2022 regarding the Gainesville Police
5 Department's K-9 Unit and feedback from a
6 community meeting held on March 14, 2023.

7 Do you see that?

8 A Yes.

9 Q I'd like to just scroll over just a little
10 bit. I'm happy to have you read any of this, but I do
11 want to ask you if you are aware of something on the
12 last page here. There's a section on Page 3 of 4.
13 It's a four page document, but Page 3 of this says that
14 additional action taken since the November 20, November
15 16, 2022 special meeting. It says here under Paragraph
16 1:

17 Limited deployment of the K-9 unit. Due to
18 staffing and the need for additional training, the
19 K-9 unit has temporarily been placed in a limited
20 deployment status. At this time a K-9 officer can
21 only be deployed with approval from Chief Scott.
22 The city is also receiving additional support from
23 the Alachua County's Sheriff's Office K-9 Unit.

24 Were you aware that at this time that's
25 mentioned here after this meeting that the K-9

1 unit was placed in a limited deployment status?

2 A Yes.

3 Q Okay. And you were employed with the
4 department at that -- the police department at that
5 time?

6 A Yes.

7 Q Okay. And then it says further:

8 A determination on whether to return the unit
9 to full active status would be made by the city
10 manager when proper and up to date policies,
11 procedures and protocols for the unit are
12 finalized and in place.

13 Do you see that?

14 A Yep.

15 Q And Number 2 says:

16 When fully trained staff and K-9s are ready
17 per national best practices.

18 Do you see that?

19 A Yes.

20 Q Okay. And Number 3 says:

21 Opportunities for public input have been
22 provided to our neighbors.

23 See that?

24 A Yep.

25 Q And: When the City Commission is informed as

1 to the status of the unit.

2 Do you see that?

3 A Yes.

4 Q Okay. So at some point, the K-9 unit was
5 placed on some sort of limited status.

6 Do you know if the K-9 unit has been returned
7 to full status?

8 A Yes. It has.

9 Q Okay. Do you know when that happened?

10 A I don't know the exact date, but after that
11 meeting and all of that, I think sometime in like, end
12 of '23, I want to say.

13 Q Okay. And do you know whether or not this
14 occurred -- these actions were taken as a result of the
15 number of K-9 bites that were taking place and the
16 complaints from the community?

17 A I wasn't privy to those meetings and
18 interactions, so I don't know what ultimately made the
19 decisions or who made those decisions.

20 Q Okay. Now, one last question for you. If I
21 -- as far as you know, are you aware of who would be
22 able to answer questions about the Gainesville Police
23 Department's K-9 Unit, operations of the K-9 unit? If
24 you're not that person, who is it?

25 A Well, I think it depends on what questions

1 you're trying to ask. So as far as operation goes --

2 Q Policy?

3 A Yeah. Like, I don't -- you know, changing
4 policies and stuff, that would -- that would go up to
5 -- I believe when all those policy changes were made,
6 that was like command staff level. So like Major
7 Kernick, Chief Scott, those people ultimately were the
8 ones who did the, like, seal of approval of the policy
9 changes and things like that.

10 Q Got you. What about your supervisor, current
11 supervisor now, Captain Owens?

12 A No.

13 Q I'm sorry, that was before the hyphenated
14 officer. Apologize for that.

15 A Sergeant Dylan Hayes-Morrison currently is.
16 Yeah. You would have to ask him what his involvement
17 was in the policy changes and things like that because
18 again, I wasn't privy to those.

19 Q Sure.

20 A And then prior to him would have been
21 Sergeant Charles Owens, who was the -- the sergeant at
22 the time of all that, the -- the article and the city
23 commission meeting thing that you pulled up.

24 Q Okay. Who runs the K-9 Unit now? Who's over
25 that K-9 Unit? Your unit. Who's your supervisor.

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C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF SEMINOLE:

I, Melissa Copenhaver, Court Reporter and Notary Public, State of Florida at Large, do hereby certify that I reported the videoconference deposition of CASEY WALSH, and that the said witness was first duly sworn by me.

I further certify that the foregoing pages numbered 3 through 147, inclusive, prepared under my direction and supervision, constitute a true, complete and accurate transcript of said witness to the best of my skill and ability.

I further certify that I am not of counsel for, nor related to any party herein or attorney involved herein, nor am I financially interested in the outcome of this action.

WITNESS MY HAND this 23rd day of September 2025.

Melissa Copenhaver

MELISSA COPENHAVER
For the Record Reporting, Inc.
Court Reporter, Notary Public,
State of Florida at Large
Commission Number HH 562022
Expiration September 28, 2028

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SUBSCRIPTION OF DEPONENT

I, CASEY WALSH, have read the foregoing
videoconference deposition given by me on August
13, 2025, in Tallahassee, Florida, and the
following corrections, if any, should be made in
the transcript:

PAGE LINE CORRECTION AND REASON

Subject to the above corrections, if any, my
testimony reads as given by me in the foregoing
videoconference deposition.

SIGNED this _____ day of _____ 2025.

CASEY WALSH