

EXHIBIT 16

Ropheal Mcgee
August 27, 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

CASE NO. 1:25-cv-00036-AW-HTC

ROPHEAL MCGEE, JR.,

Plaintiff,

vs.

CITY OF GAINESVILLE, FLORIDA,
and CASEY WALSH, in her individual
capacity,

Defendants.

_____ /

DEPOSITION OF

ROPHEAL MCGEE, JR.

Wednesday, August 27, 2025
12:08 p.m. - 2:00 p.m.

LOCATION: Lexitas
305 NE First Street
Gainesville, FL 32601

Stenographically Reported by:
Nancy Stephenson

Job No.: 418792

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1 APPEARANCES:

2

3 On behalf of CITY OF GAINESVILLE,
4 FLORIDA, and CASEY WALSH:

5

6 Sniffen & Spellman, P.A.
7 123 North Monroe Street
8 Tallahassee, Florida 32301
9 (850) 205-1996

10

11 BY: MATTHEW J. CARSON, ESQ.
12 mcarson@sniffenlaw.com

13

14 On behalf of ROPHEAL MCGEE, JR.:

15

16 Marie A. Mattox, P.A.
17 203 N. Gadsden Street
18 Tallahassee, Florida 32301
19 (850) 383-4800

20

21 BY: FARNITA SAUNDERS HILL, ESQ.
22 farnita@mattoxlaw.com

23

24 ALSO PRESENT: CASEY WALSH

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1 Proceedings began at 12:08 p.m.:

2 THE STENOGRAPHER: All right, sir, if you'd
3 raise your right hand for me, please.

4 Do you swear that the testimony you're
5 about to give will be the truth, the whole
6 truth, and nothing but the truth?

7 THE WITNESS: Yes, ma'am.

8 THE STENOGRAPHER: Okay, thank you.

9 Thereupon,

10 ROPHEAL MCGEE,
11 having been first duly sworn, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. CARSON:

15 Q. Good afternoon.

16 A. Good afternoon.

17 Q. My name is Matt Carson, I'm with the law
18 firm of Sniffen & Spellman and we represent the
19 defendants in this action, City of Gainesville and
20 Corporal Casey Walsh. You and I have never met
21 before, correct?

22 A. No, sir.

23 Q. That's correct?

24 A. Yes, that's correct.

25 Q. Okay. Can you state your full name for the

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1 record, please?

2 A. Ropheal McGee, Jr.

3 Q. And Ropheal is R-O-P-H-E-A-L, correct?

4 A. Yes.

5 Q. Okay. Have you ever had your deposition
6 taken before?

7 A. No.

8 Q. Okay. I'm going to go over a couple of
9 rules that will hopefully help us get through today
10 quickly.

11 First, as you can see we have a court
12 reporter at the end of the table. She's taking down
13 everything I say, everything you say, everything your
14 attorney says. And she's great at her job, she's the
15 only one in this room that can do it. But as good as
16 she is, she can only take down one person at a time,
17 so it's real important that you wait until I'm done
18 asking my question before you start giving your
19 answer, and I will give you the same courtesy of
20 letting you finish your answer before I ask my next
21 question. Does that seem fair?

22 A. Yes.

23 Q. Okay. I'm going to ask you questions from
24 time to time that call for a yes or a no response.
25 When people talk freely sometimes they'll say uh-huh,

1 or uh-uh, or they'll just shake their head. That
2 doesn't result in a good transcript. And so if I
3 ever ask you a question that calls for a yes or a no
4 and you nod or you say uh-huh, I may ask you, "Was
5 that a yes or was that a no?" I just don't want you
6 to think I'm rude, I'm just doing that to make sure
7 we get your response accurate. Is that fair?

8 A. Yes.

9 Q. I don't anticipate going too long today,
10 but if at any point you need to take a break or,
11 Madam Court Reporter, you need to take a break,
12 please let me know. I have a very bad habit of
13 starting and just going, and I don't want anyone else
14 in the room to be uncomfortable. All right?

15 A. Yes.

16 Q. Okay. Have you taken any drugs, alcohol,
17 prescription medication, anything that would impact
18 your ability to give deposition testimony today?

19 A. No.

20 Q. Is there any reason you can't give truthful
21 deposition testimony today?

22 A. No.

23 Q. What's your date of birth?

24 A. .

25 Q. What's your current address?

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1 A. [REDACTED] e 7

2 Gainesville, Florida 32608.

3 Q. What apartment?

4 A. [REDACTED].

5 Q. How long have you lived there?

6 A. About nine months.

7 Q. Where did you live before that?

8 A. Before that I was currently staying with my
9 mom.

10 Q. And where is that?

11 A. Let me get the correct address. I've got
12 to get the correct address. She honestly just moved
13 there. Is there any way I can look at my phone --

14 Q. No, I don't want you to look, but let
15 me ask you this. Is she in an apartment, a
16 neighborhood --

17 A. Oh, it's an apartment.

18 Q. Okay. What apartment complex?

19 A. It's called [REDACTED]

20 Q. And how long did you live with your mom in
21 [REDACTED]?

22 A. For about a year.

23 Q. Where did you live before that?

24 A. Before that I was staying at [REDACTED]
25 Place -- well, basically the same -- well, [REDACTED]

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1 Place, but it was Apartment [REDACTED]

2 Q. Okay. And how long you stay at

3 [REDACTED]

4 A. About a -- roughly -- about roughly a year
5 and a half.

6 Q. And where did you live before that?

7 A. And before that I was at [REDACTED]

8 [REDACTED].

9 Q. Same place, same apartment complex?

10 A. Oh, no, not [REDACTED].

11 It's on the same road but it's a different complex.

12 Q. [REDACTED] -- I'm going to ask you to
13 say it again. You said [REDACTED] --

14 A. [REDACTED] [REDACTED]

15 [REDACTED] It has two addresses; there's an address
16 off [REDACTED] and there's also an address off
17 [REDACTED]. It got two entrances.

18 Q. So you currently live in [REDACTED] You
19 lived with your mom for about a year. And prior to
20 that you lived at [REDACTED]

21 A. No.

22 Q. Okay.

23 A. I currently live in the [REDACTED] Apartment

24 [REDACTED]

25 Q. What apartment complex is that?

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1 A. That's [REDACTED]

2 Q. [REDACTED] Okay. All right.

3 Going back a few years when you were at
4 [REDACTED], what apartment
5 did you live in?

6 A. I think that was building -- I can't
7 remember the building, but it's the building that it
8 occurred at.

9 Q. Okay. Were you leaving in [REDACTED]?

10 A. Yes, that's what it is. There's so many
11 buildings out there. I apologize.

12 Q. No worries. And so [REDACTED] how
13 long did you live there?

14 A. About -- about a year also. About a year.

15 Q. And you were living there with your then
16 girlfriend?

17 A. Yes.

18 Q. And what was her name?

19 A. [REDACTED].

20 Q. Can you spell that?

21 A. Well, it's [REDACTED]

22 (sic). [REDACTED] (sic).

23 Q. [REDACTED]?

24 A. Yes.

25 Q. Is she still your girlfriend?

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1 A. No.

2 Q. When did you all break up?


3 A. Roughly about two years ago. Roughly
4 about, yeah, one or two years ago.

5 Q. So the event that brings us here today took
6 place in 2021.

7 A. Yes.

8 Q. You stayed with  or another year or
9 so after that?


10 A. Yes.

11 Q. Okay. Were you staying with her at
12  full time at the time of this
13 incident?


14 A. No.

15 Q. Okay. Where else were you leaving at the
16 time?

17 A. Stayed with my mom. I was just back and
18 forth.

19 Q. Was your mom at th  at
20 that time?

21 A. Yes.

22 Q. Has your mom been at  since
23 at least 2021?

24 A. Yeah, towards the end is all I can say,
25 like the end of '21.

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1 Q. [REDACTED] as she in the same apartment at the
2 time of this incident as she is now?

3 A. Yes, she is.

4 Q. Your current place of residence at [REDACTED]
5 [REDACTED], does anyone live with you?

6 A. No, sir.

7 Q. Have you ever been married?

8 A. No, sir.

9 Q. Do you have any children?

10 A. Yes, sir.

11 Q. How many children do you have?

12 A. I have one son.

13 Q. What's his name?

14 A. [REDACTED].

15 Q. Okay. How do you spell the first name?

16 A. [REDACTED]

17 Q. Where does he live? I don't need an
18 address but --

19 A. He lives with his mother.

20 Q. Okay. In Gainesville?

21 A. Yes.

22 Q. What's his mother's name?

23 A. [REDACTED]

24 Q. How do you spell that?

25 A. [REDACTED]

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1 Q. 

2 A. Yes.

3 Q. How old is your son?

4 A. Two years old.

5 Q. All right. Did you review anything in
6 advance of today's deposition?

7 A. Yes.

8 Q. What did you review?

9 A. The document on my lawsuit.

10 Q. Can you give me more detail?

11 A. Just the document showing that I have a
12 lawsuit with the state of -- with Gainesville and the
13 officer.

14 Q. Okay. I'm going to show you what we're
15 going to mark as Exhibit 1 to your deposition.

16 (Defendants' Exhibit 1 marked for
17 identification.)

18 BY MR. CARSON:

19 Q. Is that the document that you reviewed?

20 A. Yes.

21 Q. Okay. So Exhibit 1 is the Complaint, it's
22 document one in Case No. 1:25-cv-36. Did you review
23 anything else other than the Complaint?

24 A. No.

25 Q. Is everything in the Complaint true and

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1 accurate?

2 A. To my knowledge.

3 Q. Is there anything that you read in
4 reviewing that document that is not true?

5 A. No.

6 Q. What's your education background?

7 A. High school. Just 12th grade.

8 Q. Graduated high school?

9 A. Well, I didn't graduate, I kind of got my
10 GED but...

11 Q. Where did you go to high school?

12 A. Eastside High School in Gainesville,
13 Florida.

14 Q. You didn't walk?

15 A. No.

16 Q. Okay. Where did you get your GED from?

17 A. Online at -- it was kind of -- Siatech
18 School.

19 Q. Anything after your GED?

20 A. No, sir.

21 Q. All right. Starting around 2021 let's talk
22 about your employment. Were you employed at the time
23 of this incident?

24 A. Yes, sir.

25 Q. And what were you doing?

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1 A. I was working for Precision Glass and I was
2 -- my title basically -- like a warehouse. So I
3 used to help load and cut the different glasses for
4 the other people to take out and install.

5 **Q. What kind of glass?**

6 A. Storefront and commercial and residential.

7 **Q. Anywhere else?**

8 A. That I worked at during that time?

9 **Q. Yes, sir.**

10 A. No, sir.

11 **Q. Were you able to continue working with**
12 **Precision Glass after this incident?**

13 A. No, sir.

14 **Q. Why not?**

15 A. Because due to my arm injury it calls for a
16 lot of heavy lifting and they only had like a spot in
17 the warehouse for that so...

18 **Q. Did you work at all after this injury at**
19 **Precision Glass?**

20 A. No, sir -- well, I did. I came back again
21 with them once I got a little healed in 2023. And I
22 worked for them doing like light duty work for about
23 six months.

24 **Q. So that was approximately two years after**
25 **this incident?**

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1 A. Yeah.

2 **Q. Were you able to do the light duty?**

3 A. Yes, for a while. Then I end up finding a
4 better job that requires less physical labor.

5 **Q. And where is that?**

6 A. I work -- one was StateServ, it's a hospice
7 company where we deliver oxygen concentrators to
8 hospice patients. Then from there it's my current
9 job I'm at now, it's still the same service it's just
10 a different hospice company, it's Haven Hospice. We
11 deliver oxygen and concentrators and beds for
12 patients that's on hospice service leaving the
13 hospital.

14 **Q. Is that full time?**

15 A. Yes, sir.

16 **Q. Did you work at all after this incident
17 before returning to Precision Glass in 2023?**

18 A. No, sir.

19 **Q. Okay. Did you try to find work between
20 this incident and returning to Precision Glass in
21 2023?**

22 A. Yes, I did. But it was kind of hard
23 finding like a lot of work that wasn't too much
24 physical so...

25 **Q. I'm going to ask you something that might**

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1 seem personal but I'm going to ask it anyway. Were
2 you also selling drugs at the time of this incident?

3 A. No, sir.

4 Q. Okay. Didn't you tell law enforcement that
5 the gentleman who had the sworn complaint out against
6 you was someone that you sold drugs to?

7 A. No, I haven't said that.

8 Q. Okay. Have you ever sold drugs?

9 A. No, sir.

10 Q. Okay. Have you ever been arrested?

11 A. Yes, sir.

12 Q. Okay. How many times?

13 A. Twice.

14 Q. What was the first one?

15 A. I was 15 years old and I had a fight in the
16 neighborhood with me and my other friends and I was
17 arrested for it.

18 Q. Where was that?

19 A. In Duval Heights neighborhood.

20 Q. Where is that?

21 A. On, I would say, 26th Terrace, Gainesville,
22 Florida.

23 Q. Were you living there at the time?

24 A. Yes, I was living in the neighborhood at
25 the time.

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1 Q. And what happened after that arrest?

2 A. I was put on probation. Then -- yeah, I
3 was put on probation. Then I got a referral at
4 school and they placed me in a -- I think it was like
5 a six-month juvenile program. And I got finished
6 with that and everything possible was done and they
7 withhold my adjudication and everything.

8 Q. Six-month juvenile program, what was that?

9 A. It was at Fort Walton Beach, Florida. It
10 was just kind of like a camp, I guess, for boys.

11 Q. So you moved out there, lived in Fort
12 Walton beach for six months?

13 A. No. My mom -- my mom -- my mom basically
14 told my probation officer to try to find somewhere
15 for me to, you know -- at the time, because I was
16 going through like a -- you know, just going through
17 that situation, and they decided that it would be
18 best if I go there because they got a lot of
19 different programs and it helped me out.

20 Q. But my question is you lived out in Fort
21 Walton Beach for six months?

22 A. Oh, yes, I did, because I was in the
23 program.

24 Q. So the program was residential?

25 A. Yes.

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1 Q. Okay. And then you said you were arrested
2 one other time?

3 A. Yes.

4 Q. When was that?

5 A. With this incident.

6 Q. Okay. All right. Do you recall other
7 criminal charges ever being filed against you?

8 A. Yes.

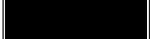
9 Q. Okay.

10 A. But there was never no charge or nothing
11 with it.

12 Q. What can you tell me about that?

13 A. I honestly can't tell you nothing. I -- I
14 just know one time I had a charge filed and I was
15 asking about it. Then when I kind of looked it up it
16 said it was dropped so I couldn't even know like
17 what's the full details of it.

18 Q. Do you know somebody named 

19 ?

20 A. Yes.

21 Q. Who is that?

22 A. That was a friend of my brother's.

23 Q. Okay. And what's your brother's name?

24 A. 

25 Q. Did you ever live with Mr. ?

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1 A. No.

2 Q. When was the last time you spoke with

3 Mr. [REDACTED]?

4 A. Over -- it had to be over -- at least over
5 seven years, I think. The last time I spoke to him
6 was 2019 -- well, that's not over seven years, but I
7 think the last time I spoke to him was at least about
8 2019.

9 Q. Okay. Where does Mr. [REDACTED] live?

10 A. I have no idea.

11 Q. Did you ever live at [REDACTED]

12 [REDACTED]

13 A. Yes.

14 Q. Okay.

15 A. That's [REDACTED] address I was trying to
16 describe, yeah.

17 Q. The other [REDACTED]

18 A. Yeah.

19 Q. Did you live in Apartment [REDACTED]

20 A. That I'm not sure because kind of how the
21 buildings is there's so many different numbers. So
22 probably have to -- I haven't been there in so long
23 to really see what the building -- because the
24 numbers like are all different so I kind of never
25 really knew it by the numbers, just kind of by the

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1 building.

2 Q. Okay. Did you ever talk to Mr. [REDACTED] about
3 criminal charges that were against you in 2019?

4 A. No, sir.

5 Q. Okay. Have you ever seen the sworn
6 complaint that was filed against you and Mr. [REDACTED] in
7 2019?

8 A. Yes. Yeah, like I said, I seen that.

9 Q. So you're familiar with what was alleged in
10 that sworn complaint?

11 A. Yes.

12 Q. The allegations are, and I'm paraphrasing
13 here, was that Mr. [REDACTED] told law enforcement that he
14 and you went to Pensacola and purchased or brought
15 back an ounce of heroine and one and a quarter pound
16 of methamphetamine. Are you aware that he told law
17 enforcement that?

18 A. Yes, I read it in a report.

19 Q. Is that true?

20 A. No, sir.

21 Q. Why did Mr. [REDACTED] say that?

22 MS. HILL: Form. You can answer if you
23 know.

24 A. I have no idea. Probably trying to get out
25 of trouble. I honestly don't know.

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1 Q. How would that get him out of trouble?

2 MS. HILL: Form. You can answer.

3 A. I have no idea.

4 Q. Okay.

5 All right. Other than this lawsuit have
6 you ever sued someone or been sued by someone?

7 A. No, sir.

8 Q. Okay. I want to look at this Complaint,
9 Exhibit 1, with you. If you could, point -- well,
10 I'll point your direction. If you could, please,
11 turn to page two.

12 A. (Complies.)

13 Q. Near the bottom it says Statement of the
14 Ultimate Facts. "On November 7, 2021, Plaintiff was
15 within his residence when he heard his car alarm go
16 off." Is that true?

17 A. Yes, sir.

18 Q. Okay. The second sentence says, "Plaintiff
19 went to check on his vehicle, he heard Defendant
20 City's agents yell for him to get on the ground." Is
21 that true?

22 A. Yes.

23 Q. Okay. What did you hear Defendant City's
24 agents yell to you?

25 A. I heard, "Ropheal," and I heard, "Get on

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1 the ground."

2 Q. Did you know they were Defendant City's
3 agents?

4 A. You said did I know them?

5 Q. Did you know that they were agents of the
6 City of Gainesville?

7 A. No, sir, did not because they said
8 "Ropheal" first so I didn't know who was calling my
9 name. Then they said, "GPD. Get on the ground." So
10 after that then I kind of, you know... But the first
11 thing was just my name so I didn't know who was
12 calling me.

13 Q. What did you do when you heard your name?

14 A. Well, I was already stopped and it kind of
15 happened quick. I heard my name and I looked towards
16 my truck again, and then after that I heard, "Get on
17 the ground." And I threw my hands up and said, "I'm
18 getting on the ground."

19 Q. Okay. Did you do anything else before you
20 threw your hands up?

21 A. No.

22 Q. Did you do anything else before you got on
23 the ground?

24 A. No.

25 Q. So you heard agents call your name?

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1 A. Yes.

2 Q. You heard agents tell you to get on the
3 ground?

4 A. Yes.

5 Q. You heard agents say "GPD"?

6 A. Yes.

7 Q. You understood that that meant they were
8 law enforcement?

9 A. Yes.

10 Q. And then you got on the ground?

11 A. Yes.

12 Q. Okay. And the rest of that sentence after,
13 quote, "He heard Defendant City's agents yell for him
14 to get on the ground to which he complied." So
15 that's true, you heard, "Ropheal," "Get on the
16 ground," "GPD," and you got on the ground --

17 A. Yes, sir.

18 Q. -- correct?

19 A. Yes, sir.

20 Q. Okay. I heard your answer, I just wanted
21 to --

22 A. Oh, I'm sorry.

23 Q. No, no, no, no. And that's why I said at
24 the beginning I don't want to you think I'm rude, I'm
25 just going to make sure that our court reporter gets

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1 it clearly.

2 The next line in paragraph seven, "As
3 Plaintiff was lying down on the ground on his stomach
4 he was attacked by a canine in the custody of
5 Defendant Walsh." And I'm going stop there. Is that
6 true?

7 A. I was -- I was already bitten before I was
8 on the ground. So I wouldn't say -- like how it's
9 explained here it makes it sound like I'm the ground
10 and then got bit. It was all in one. Like as I'm
11 getting bit I'm falling on the ground.

12 Q. Okay. Were you starting to get on the
13 ground before you were bit?

14 A. Yes, I was in the motion with my hands up
15 heading towards the ground.

16 Q. Okay. I'm going to ask you to go to
17 paragraph eight. It's on the next page.

18 A. (Complies.).

19 Q. "Because plaintiff had already complied
20 with commands to get on the ground at the time the
21 canine was released to attack him, no force was
22 necessary." And I'm going to stop there. Had you
23 already complied with commands to get on the ground?

24 A. Yes.

25 Q. How had you complied with commands to get

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1 on the ground?

2 A. I threw my hands up and was leaning towards
3 the ground.

4 Q. Okay. Were you on the ground?

5 MS. HILL: Form. You can answer if you
6 can.

7 A. I was on the motion of heading towards the
8 ground.

9 Q. All right. Can you describe it in any more
10 detail than that?

11 A. Really I guess in the motion of just
12 leaning forward.

13 Q. And I appreciate you showing me but that's
14 not going to show up on the transcript and so I think
15 we need to figure out a way to describe what you're
16 doing.

17 A. Okay. In the motion of heading towards the
18 ground. That's the best way I can explain it.

19 Q. Were you bending at the waist?

20 A. No, I was bending at the top. Like the top
21 of my body was down, like going down.

22 Q. Okay. So you were kind of curling your
23 back?

24 A. Yes.

25 Q. Okay. You said your arms were in the air?

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1 A. Yes.

2 Q. Okay. There's three videos I'm going to
3 attach to your deposition and I'll send them to you,
4 Madam Court Reporter, by email at the conclusion.
5 One of them is Officer Ripley's body-worn camera, one
6 of them is Sergeant Pandak's body-worn camera, one of
7 them is Corporal Walsh's body-worn camera. I'm going
8 to show them to you now.

9 A. Yes, sir.

10 Q. Not in their entirety. I'm going to show
11 you snippets because there's things that you say in
12 these videos and I want to confirm that what you were
13 saying at that time was true.

14 MR. CARSON: This is what I was trying to
15 get up on my laptop but was unable to do.

16 All right, the first one, and we'll mark
17 this as Exhibit 2, this is Sergeant Pandak's
18 body-worn camera. I'm going to start right
19 around the 30 second mark.

20 (Video played.)

21 MR. CARSON: All right. So that was
22 roughly the 30 second mark to roughly the
23 six minute and nine second mark.

24 BY MR. CARSON:

25 Q. Do you remember talking to Sergeant Pandak

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1 that day?

2 A. Honestly I was -- when I got in there I was
3 so heavily medicated I don't even remember none of
4 that. Like as soon as I got in they gave me so much
5 medicine, so much like pain pills and medicine, I
6 honestly don't even remember nothing I said in that.
7 Like as soon as I got in the ambulance they kind of
8 was like pumping me with medicine for the pain. Then
9 when I got in there I had so much different medicine
10 I literally don't remember none of that. I don't
11 even remember who I kind of talked to when I was in
12 the hospital.

13 Q. Okay. So they gave you in medicine in the
14 ambulance?

15 A. And also in the hospital.

16 Q. Okay. What medicine did they give you in
17 the ambulance?

18 A. I don't know the correct name but I know it
19 was something for pain. I don't know if it was like
20 methadone or oxycodone or whatever they give for pain
21 because I was telling them I was in excruciating
22 pain. So they gave me like a bunch of medicine and
23 it kind of like was having me in and out.

24 Then once I got also into the hospital I
25 got medicine again and it was like kind of off --

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1 like in and out. Like I -- it's so crazy, when you
2 listen I don't even remember nothing I said. I think
3 I was really heavily medicated during that time.

4 **Q. Okay. Have you looked at that video**
5 **before?**

6 A. No, I never seen that video.

7 **Q. Do you know when that video was taken?**

8 A. I guess it had to be when I made it to the
9 hospital because I was in the hospital bed.

10 **Q. Is everything that you said to Sergeant**
11 **Pandak true?**

12 A. No.

13 **Q. Okay. What was not true?**

14 A. The thing about the -- the thing about me
15 talking to the state attorney, Tony Jones my third
16 cousin, it -- like I say, I was kind of heavily
17 influenced so...

18 **Q. Is Tony Jones your third cousin?**

19 A. No, he's not. I don't even know why I
20 would say that.

21 **Q. So you told Sergeant Pandak that they were**
22 **hiding in the bushes and said, "Ropheal, get on the**
23 **ground." That's true, correct?**

24 A. Yes, that's true.

25 **Q. You said, "I dropped to my knees and threw**

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1 **my hands up." Is that true?**

2 A. I remember throwing my hands up and
3 dropping, but I wouldn't say I was literally on my
4 knees while they was running up to me.

5 **Q. Okay. You said you dropped to your knees a**
6 **number of times. Now you're saying that that's not**
7 **true?**

8 A. Well, how I stated -- what I'm saying, what
9 I stated, what I stated in there is not true. But
10 when I was dropping down it happened so quick, but I
11 was just dropping. It was milliseconds of, you
12 know...

13 **Q. Were you on your knees at any point before**
14 **the dog made contact with you physically?**

15 A. I was on the verge of going down so I
16 can --

17 **Q. Your knees were bent?**

18 A. Yes, my knees was bent on the verge of
19 going down.

20 **Q. Do you remember high school geometry**
21 **measuring angles?**

22 A. Yes.

23 **Q. Okay. Were you knees at a 90-degree angle,**
24 **or more or less than a 90-degree angle?**

25 A. I'd say probably -- yeah, close to it

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1 because I'm like crunching down, bending down like
2 this. So I can say...

3 Q. The way you were just motioning with your
4 body is almost like you were, what, a good foot, two
5 feet, shorter than you are if you were standing
6 straight up?

7 MS. HILL: Form.

8 BY MR. CARSON:

9 Q. Is that accurate?

10 MS. HILL: You can answer.

11 A. Yes. I was on the verge of going down so I
12 was lowering my body.

13 Q. Okay. And that's at the moment that the
14 K-9, the dog, made contact with you physically?

15 MS. HILL: Form. You can answer.

16 A. Yes, all that was during the same time.
17 Like as soon as I heard, "Get on the ground," I
18 started getting on the ground. But, like I say, on
19 the verge of me getting on the ground I was hit and
20 some officers, so it was like -- it was all in the
21 same motion.

22 Q. Okay. You said -- you know, you told
23 Sergeant Pandak, "I didn't run. I wasn't going to
24 run at all." Is that true?

25 A. Yes, I did tell him that.

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1 Q. It's true you told him that, but is it true
2 that you didn't run and you weren't going to run?

3 A. Yes, that is true, I didn't run and I
4 wasn't going to run.

5 Q. You also told Sergeant Pandak, "I was on
6 the ground." Is that true?

7 A. Well, in that incident I was on the ground.

8 Q. Okay. You said, "When they said, 'Get on
9 the ground' I dropped straight to my knees. I was on
10 the ground." That's what you said around the two
11 minute 45 second mark of the video. Is that true?

12 A. No, I wasn't on my knees at that time.

13 Q. Okay. You said you used to do Gainesville
14 Explorers?

15 A. Well, I wasn't full time but I have did
16 community service with them.

17 Q. Okay. What kind of community service and
18 when?

19 A. When I was a kid part of my probation they
20 used to have us go around and just like pick up trash
21 and stuff for like community service hours.

22 Q. So you were never a member of the
23 Gainesville Police Explorers?

24 A. No. No, I wasn't.

25 Q. All right. And then towards the end of the

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1 video you said, "I'm going to be honest with you, the
2 guy was buying weed from me."

3 A. You said was that true or is that what I
4 said?

5 Q. That's what you said.

6 A. Yes.

7 Q. Is it true?

8 A. No.

9 Q. Okay. Why would you tell law enforcement
10 that the guy was buying weed from you if it wasn't
11 true?

12 MS. HILL: Form. You can answer.

13 A. Like I said, I was heavily -- I don't
14 remember nothing I said, but I know I was very
15 heavily induced by a lot of drugs so I don't know
16 what could I have said or why did I even say it.

17 Q. Okay. So let's talk about the incident
18 that led to the sworn complaint against you.

19 Do you remember the name of the gentleman
20 that made the sworn complaint against you?

21 A. I just know -- I just remember Chad.

22 Q. Okay. How did you know Chad?

23 A. Just through different -- through different
24 type of work.

25 Q. What kind of work?

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1 A. Like he used to cut grass and fix on cars
2 and stuff.

3 **Q. Did he cut your grass?**

4 A. No, he never cut my grass. He used to do
5 tune-ups on my truck for me.

6 **Q. Okay. Where did Chad live?**

7 A. That I don't even remember.

8 **Q. Okay. Did Chad know where you lived?**

9 MS. HILL: Form. You can answer.

10 A. That I don't -- I don't remember. He could
11 have or he couldn't. I don't remember, it was kind
12 of a long time ago.

13 MR. CARSON: Let's go ahead and mark
14 Sergeant Pandak's video as Exhibit 2.

15 We'll mark Officer Ripley's body-worn
16 camera video as Exhibit 3.

17 We'll mark Corporal Walsh's body-worn
18 camera as Exhibit 4. And we'll get to those
19 shortly.

20 (Defendants' Exhibits 2, 3, and 4 to be
21 marked for identification.)

22 MR. CARSON: And this will be 5.

23 (Defendants' Exhibit 5 marked for mark
24 identification.)

25 MR. CARSON: Exhibit 5 is Bates numbered

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1 City of Gainesville-McGee 000152 through 168
2 inclusive.



3 BY MR. CARSON:

4 Q. Mr. McGee, have you ever seen that document
5 before? I'm going to give you a minute to kind of
6 thumb through it.

7 A. No, I've never seen this document.

8 Q. Okay. On the first page there's a victim,
9 it's in the top half of the page, there's a Chadwick
10 Paul Earnest named as the victim. As far as you know
11 is that the Chad you were talking about?

12 A. Yes.

13 Q. Okay. And it has his address at 
14  Does that help you remember
15 where he might have lived?

16 A. A little bit, but I kind of -- I don't
17 really know exact his physical address. I don't
18 know.

19 Q. You're familiar with what Chad told law
20 enforcement about his interactions with you that led
21 to this sworn complaint, correct?

22 A. Oh, yes.

23 Q. Okay. What were those?

24 A. I'm not full to the full detail of it
25 because I really didn't look at the whole discovery,

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1 but I know it was some fact of like I had to take
2 something because they said it was an armed robbery.

3 Q. Did you ever take something from him?

4 A. No.

5 Q. When was the last time you talked to Chad?

6 A. Years. I can't even -- it been over --
7 been over five, six years.

8 Q. Was the last time you talked to Chad before
9 this event?

10 A. Yes.

11 Q. Okay. Chad alleged that you held him at
12 gunpoint, didn't he?

13 A. Yes, that's what he alleged.

14 Q. Did you hold him at gunpoint?

15 A. No, sir.

16 Q. Okay. Did you ever tell Chad that you
17 would kill him?

18 A. No, sir.

19 Q. Did you ever punch Chad?

20 A. No, sir.

21 Q. Was there any sort of physical altercation
22 between you and Chad at all?

23 A. No, sir.

24 Q. Do you have any idea why he would have said
25 that.

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1 MS. HILL: Form.

2 A. No, sir.

3 Q. You had in your possession at that time, or
4 at least you owned or had access to, a nine
5 millimeter handgun, correct?

6 A. Yes, sir.

7 Q. Did you bring that with you when you met
8 with Chad?

9 A. No, sir.

10 Q. Okay. Are you familiar or aware that Chad
11 led law enforcement to Apartment [REDACTED]

12 A. Yes, sir.

13 Q. How did you know that?

14 A. They made contact with [REDACTED] and
15 she told me.

16 Q. Where were you when they made contact with
17 [REDACTED]

18 A. I physically don't remember.

19 Q. Okay. And law enforcement searched
20 apartment [REDACTED] that day, didn't they?

21 A. Yes.

22 Q. They found a nine millimeter black handgun,
23 didn't they?

24 A. Yes.

25 Q. Was that your handgun?

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1 A. Yes.

2 Q. Okay. And are you aware that Chad told law
3 enforcement that's the gun or matches the description
4 of the gun that he alleges you held him at gunpoint
5 with?

6 A. No, I didn't know that.

7 Q. Okay. Law enforcement located a number of
8 other items of contraband that they seized that day.
9 Are you aware of that?

10 A. Oh, yes, sir.

11 Q. Okay. They seized the nine millimeter
12 handgun, correct?

13 A. Yes.

14 Q. They seized an AR-15 rifle, correct?

15 A. Yes.

16 Q. Was that your rifle?

17 A. Yes.

18 Q. Okay. Did you ever recover the handgun?

19 A. No.

20 Q. Did you ever recover the rifle?

21 A. No.

22 Q. Why not?

23 A. Because actually I tried to, like during
24 the time when the charges got dropped, and I tried to
25 but after they got dropped I guess they was like --

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1 something with the state can, I guess, hold -- hold
2 it for six months and stuff. And after that I kind
3 of just -- you know, I got on a, you know, righteous
4 path in my life to where -- you know, they were
5 legally owned, where I don't just buy firearms no
6 more.

7 Q. So you don't own a firearm right now?

8 A. No, no.

9 Q. That's correct?

10 A. Yes.

11 Q. Okay. Police seized a baggie of MDMA.

12 Were you aware of that?

13 A. No.

14 Q. Was that your MDMA?

15 A. No.

16 Q. Were you aware that there was MDMA in

17 ?

18 A. No.

19 Q. The police seized \$2,000 in cash. Were you
20 aware that they seized \$2,000 in cash?

21 A. No.

22 Q. Was that your cash?

23 A. No.

24 Q. Okay. It was found in socks. Were you
25 aware there was cash stuffed in socks in that

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1 apartment?

2 A. No, sir.

3 Q. Did anyone else live in that apartment
4 other than you and 

5 A. Well, you know, we had kind of a -- well, I
6 wouldn't know the physical person or the physical
7 people, but our relationship was kind of on and off
8 so... And that was her full apartment with her lease
9 and everything. I was just, you know, over there so,
10 you know, when I'm gone I don't know if, you know,
11 she have another guy over there.

12 Q. The police located and seized a grinder.
13 Were you aware of that?

14 A. No, sir.

15 Q. Was that your grinder?

16 A. No, sir.

17 Q. Police located and seized a scale found in
18 the kitchen. Were you aware of that?

19 A. No, sir.

20 Q. Okay. Multiple cannabis joints were also
21 located throughout the residence. Were any of those
22 yours?

23 A. No, sir.

24 Q. One was found in your vehicle. Was that
25 one yours?

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1 A. Yes, the one in my vehicle.

2 Q. So the guns were yours?


3 A. Yes.


4 Q. But the drugs and the money that were found
5 near the guns, those weren't yours?

6 A. No, sir.

7 Q. That's true?

8 A. Yes, sir.

9 Q. All right. When di  -- I'm going
10 to take one step back.

11 You learned that law enforcement was at
12 Apartment  searching the residence, correct?

13 A. No, I learned after the fact.

14 Q. Okay. You learned after law enforcement
15 was already gone?

16 A. Yes.

17 Q. How did you learn that that had happened?

18 A. She called and informed me the next day.

19 Q. The next day?

20 A. Yeah.

21 Q. Okay. Where did you sleep that night?

22 A. I can't remember.

23 Q. Okay. What did she tell you?

24 A. She said, "You probably need to call the
25 state attorney or the police. They came over here

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1 office and at the moment they said I didn't have a
2 warrant. And then after that I didn't understand, I
3 just kept going on with my life, going to work and...

4 **Q. Were you concerned at all that law**
5 **enforcement had seized a handgun and a rifle**
6 **belonging to you?**

7 A. No, because I know that they're legally
8 mines and I legally got them the right way so I know
9 I wasn't kind of...

10 **Q. So I own weapons, and if law enforcement**
11 **came to my house and seized my weapons I would want**
12 **to know more than that. I would probably not be**
13 **satisfied in just going on with my life.**

14 A. Well --

15 MS. HILL: Form. Is there a question,
16 counselor, or was that a comment?

17 MR. CARSON: I wasn't done before you
18 entered your objection and the witness started
19 to answer.

20 MS. HILL: Okay.

21 BY MR. CARSON:

22 **Q. Can you explain to me why, according to**
23 **your testimony, you had very little, if any, concern**
24 **about law enforcement seizing your weapons?**

25 A. Well, because honestly I was making a plan

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1 on going to GPD to talk to them to see what was
2 fixin' to happen about them.

3 Q. Okay. What was your plan?

4 A. To contact -- well, I think I was fixin' to
5 contact the evidence and just, you know, see what was
6 going on, how I could retrieve my firearms.

7 Q. When were you going to do that?

8 A. I would say as soon as possible.

9 Q. Because they seized them on October 25th,
10 2021, at approximately 6:00, and the event that
11 immediately preceded your arrest took place on
12 November 7, 2021.

13 A. Yes.

14 Q. So did you contact Gainesville Police
15 Department --

16 A. No, I only contact the state attorney
17 office.

18 Q. Okay. You said you were going to contact
19 Gainesville Police Department.

20 A. Yes.

21 Q. And I said, "When?" and you said, "As soon
22 as possible."

23 A. Like I say, I kind of -- because when I
24 contacted the state attorney and told them about it
25 and they was like -- they couldn't see the sworn

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1 complaint or none of that, I just -- you know, I
2 thought it was -- I thought everything was just going
3 to be okay.

4 Q. All right.

5 MR. CARSON: We've been going about an
6 hour. Can we take a break?

7 (Brief recess held.)

8 MR. CARSON: Back on the record.

9 BY MR. CARSON:

10 Q. Mr. McGee, we were talking about -- we had
11 talked a little bit about this sworn complaint that
12 was made out against you by a fellow you knew as
13 Chad. You deny there being any physical altercation,
14 you deny threatening him with a handgun. As we sit
15 here today do you have any explanation as to why he
16 would have reported the things he reported to law
17 enforcement?

18 A. No, sir.

19 Q. I'm going to show you another video, I'm
20 going to show you Officer Ripley's body-worn camera
21 footage. Give me a second to cue it up.

22 I'm going to show you the beginning of the
23 video.

24 (Video played.)

25

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1 MR. CARSON:

2 Q. This is taken inside of an ambulance,
3 correct?

4 A. I can't really see it.
5 (Video played.)

6 A. (Continuing) Oh, yeah.

7 Q. Is that correct?

8 A. Yes.

9 Q. Okay. Do you remember riding in the
10 ambulance?

11 A. I really don't. After -- after I kind of
12 went once like -- like once the ambulance arrived I
13 kind of don't really remember -- I just like remember
14 getting in and they trying to like sedate me to calm
15 down or -- I wouldn't say sedate. They were trying
16 to calm me down and that's like the last thing I
17 remember.

18 Q. They didn't give you any medicine in the
19 ambulance, did they?

20 MS. HILL: Form. You can answer. Actually
21 asked and answered. You can go ahead.

22 A. To my knowledge I think they did because I
23 don't know if they was hooking IVs and I was telling
24 them I was heavily in pain and I remember like I got
25 something or...

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1 **Q. Your testimony is you think you might have**
2 **got something through an IV?**

3 A. Well, I know -- I know that I have got
4 something. I don't know if it was in there or in the
5 hospital, but I know they was like, "We going to give
6 you something for your pain." I just remember that.
7 I can't -- it was so long ago and, you know, there
8 was a lot going on. But I just remember like I was
9 keep telling them I'm in extremely pain and they was
10 like, "Oh, we got you, we going to get you something
11 for your pain." And that's kind of like what I
12 remembered.

13 **Q. That's a conversation you had with the**
14 **emergency medical personnel in the ambulance?**

15 MS. HILL: Form.

16 A. I really don't remember because it was so
17 long ago.

18 MR. CARSON: We're going to go to the seven
19 minute mark.

20 (Video played.)

21 MR. CARSON: I'll stop at the seven minute
22 40 second mark.

23 BY MR. CARSON:

24 **Q. Again you said, "I dropped to my knees and**
25 **they still let the dog go." Is that true?**

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1 MS. HILL: Form, asked and answered. You
2 can answer again.

3 A. You say is it true that that's what I said
4 on the video?


5 Q. No, that is what you said on the video.
6 But is it true that you dropped to your knees and
7 they still let the dog go?

8 MS. HILL: Same objection. You can answer.

9 A. Well, it happened all in milliseconds, like
10 I said in the first statement. I remember dropping
11 to the ground and like all at once the dog and the
12 officers grabbed me.

13 Q. Okay. You knew there was a sworn complaint
14 against you, correct?

15 MS. HILL: Form. You can answer.

16 A. Well, I knew that  said the police
17 came over, but I didn't have physical proof that it
18 was a sworn complaint or a bench warrant.

19 Q. But you had talked to lawyers about the
20 criminal case against you prior to this event, hadn't
21 you?

22 A. No.

23 Q. You didn't talk to a lawyer that said, "We
24 can beat this"?

25 A. No.

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1 MR. CARSON: I'm moving forward to the
2 eight minute 30 second mark.

3 (Video played.)

4 MR. CARSON: All right. Stopping at eight
5 minutes and 38 seconds.

6 BY MR. CARSON:

7 Q. You said, "I stopped because I know there's
8 a sworn complaint." Does that help refresh your
9 recollection as to whether you knew there was a sworn
10 complaint at this time?

11 A. Oh, once the -- basically once the -- you
12 know, all the stuff happened I kind, you know, put it
13 together like there must be a, you know, sworn
14 complaint.

15 Q. Your exact words were, "I stopped because I
16 know there's a sworn complaint."

17 A. Yeah, them was my words.

18 Q. Okay. Was that true, is the reason you
19 didn't run from law enforcement, is the reason you
20 stopped, because you knew there was a sworn
21 complaint?

22 MS. HILL: Form. You can answer.

23 A. No, the reason I stopped because I knew it
24 was police officers and they asked me to get on the
25 ground.

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1 Q. Okay. Is that why you didn't run?

2 A. Well, that's -- I didn't run, I wasn't
3 going to run. But I -- once the police -- once the
4 police basically spoke and said they was police I
5 just threw my hands up.

6 MR. CARSON: I'm starting again at the
7 eight minute 38 second mark.

8 (Video played.)

9 BY MR. CARSON:

10 Q. Again you said, "I'm on my knees."

11 A. (Nods head in the affirmative.)

12 Q. But your testimony today is you weren't on
13 your knees; you were getting on your knees?

14 A. No, no. Like it was all -- because it was
15 milliseconds so in my mind I probably thought I was
16 on my knees because I was on -- you know, on the
17 verge of on the ground so I know -- you know, that's
18 probably why I said that, because it was all
19 milliseconds of time.

20 MR. CARSON: The next video is Corporal
21 Walsh's body-worn cam footage which I believe
22 we've marked as Exhibit 4.

23 BY MR. CARSON:

24 Q. Have you watched any body-worn camera
25 footage related to this incident?

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1 A. Yes, when I was present on a Zoom call for
2 the -- on August 27th. That was my first time ever
3 seeing any of the incident.

4 **Q. That's when the other police officers and**
5 **Corporal Walsh were being deposed?**

6 A. Yeah. Yes, that's correct, on August 27th?

7 **Q. I was on that Zoom call, right?**

8 A. Yeah, yeah, yeah. That was my first time
9 because when she was playing it that was my first
10 time ever seeing it.

11 MR. CARSON: I'm going to start at one
12 minute 40 seconds.

13 (Video played.)

14 MR. CARSON: I'm stopping at the three
15 minute four second mark.

16 BY MR. CARSON:

17 **Q. You asked for someone to call your mother**
18 **to call your lawyer?**

19 A. (Nods head in the affirmative.)

20 **Q. Correct?**

21 A. Correct, I said that.

22 **Q. Who was your lawyer?**

23 A. I didn't have one. I just -- I just was
24 making a statement.

25 (Video continued playing.)

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1 MR. CARSON: Stopping at the three minute
2 29 second mark.

3 BY MR. CARSON:

4 Q. You said, "I got on the ground. I was on
5 the ground." But as you sit here today your
6 testimony now is, "I was getting on the ground." Is
7 that correct?

8 MS. HILL: Form.

9 A. I was already -- because from the video,
10 the reason I said I was on the ground because as they
11 were still -- it was the motion of getting on the
12 ground, but, like I say, it was milliseconds. So as
13 I'm getting on the ground I'm getting bit and dogged
14 and I was -- while I was on the ground they was still
15 trying to get it off. That's why I was like, "I was
16 on the ground." I'm on the ground while the dog was
17 still biting me.

18 Q. Okay. I can let this play, but I can tell
19 you there are two more times where you say, "I got on
20 the ground."

21 A. Yes.

22 Q. Which makes it -- the inference is that you
23 got on the ground before the dog bit you, not you got
24 on the ground after or as the dog was biting you.

25 A. Well, I was on the verge of -- like I say,

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1 it's milliseconds, like literally milliseconds. So
2 when they said -- when they said, "Get on the
3 ground," it was milliseconds. Like when they said,
4 "Get on the ground," I said, "I'm getting on the
5 ground," and like this. But as I'm getting like this
6 they already on contact with me. So it was like --
7 in my mind that was getting on the ground, because
8 I'm getting on the ground --

9 Q. Yeah, you didn't say, "I was getting on the
10 ground." You said, "I was on the ground. I was on
11 the ground. I got on the ground. I was on the
12 ground."

13 A. At that moment my adrenaline was rushing so
14 I can -- you know, I can see probably why I was
15 screaming that. But in my mind that's what I really
16 meant, that, you know...

17 Q. In the 24 hours prior to this incident had
18 you consumed any alcohol, drugs, illegal drugs, or
19 prescription drugs?

20 A. No.

21 Q. I'm not going to try to find them but there
22 are a number of other parts of these videos where you
23 talk about having spoken to a lawyer about the sworn
24 complaint. Now as you sit here today you say, "I
25 didn't have a lawyer and I didn't know there was a

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1 **sworn complaint." I'm trying to figure out why you**
2 **would have said those things.**

3 A. I think just -- just on the verge of just
4 adrenaline rushing, just, you know, making just --
5 just making -- as far as, like I said, my adrenaline
6 rushing, I never been through that, and I feel like
7 my mind just was everywhere so I was just -- you
8 know, just constantly saying stuff.

9 **Q. Tell me about the time you were shot.**

10 A. Well, I was going to visit this sweet lady
11 named Miss Smalls in the Duval community. And when I
12 was going to up to visit her as I was -- her
13 grandsons and stuff, they're pretty younger age, very
14 younger than me, and, you know, as I was just coming
15 to see her, as I step outside I guess they had some
16 type of thing going on and somebody just rode by and
17 shot up her house. And I was struck in the leg with
18 a stray bullet. And another girl who was also there
19 visiting Miss Smalls, because that was her auntie,
20 she was shot in the shoulder.

21 **Q. Did they ever figure out who shot?**

22 A. No.

23 **Q. Did you receive any sort of medical**
24 **treatment for your injury?**

25 A. Yeah. I had to have surgery and I had to

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1 get a titanium rod placed in my leg.

2 **Q. Which leg?**

3 A. It was my right leg.

4 **Q. Titanium rod whereabouts?**

5 A. From my knee to my ankle.

6 **Q. Now do you still have both bones in your**
7 **lower leg?**

8 A. I think so. Yeah, I still got both bones.
9 I think they just dropped the rod in. I'm not sure,
10 but yeah.

11 **Q. Were you in a wheelchair for a bit?**

12 A. Oh, yeah, I was -- well, yeah, I was -- I
13 really just stayed on the couch. But, yeah, it took
14 a couple of months to recover because I had to have
15 surgery on my knee and I couldn't bend my knee for
16 about a month, eight weeks.

17 **Q. When did this all happen?**

18 A. July of 2023. I don't know the exact date
19 but I think either -- yeah, it happened in July.

20 **Q. Okay. So is that about the time you**
21 **returned to Precision Glass to try to work or was it**
22 **before or after that?**

23 A. Yes, I was actually working for Precision
24 Glass during that time and I had to stop working
25 again due to another injury.

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1 Q. Okay. And then ultimately you got on with
2 StateServ after that?

3 A. Yeah, after I healed up I -- because it's
4 more of a -- just driving delivering oxygen to the
5 hospice patients and it was less physical so that's
6 when I started doing the hospice work. And I've been
7 doing that since then.

8 Q. Do you have any nicknames that you're known
9 by?

10 A. People call me Roph, high school, just an
11 abbreviation from Ropheal.

12 Q. Did anybody ever call you Roph Racks?

13 A. I used to use that as a -- I think a social
14 media name.

15 Q. You don't anymore?

16 A. No.

17 Q. Did anyone ever call you Phealt?

18 A. No. My mom and close people call me
19 Pheal.

20 Q. Okay. Why do they call you Pheal?

21 A. I guess it's an abbreviation for Ropheal.

22 MR. CARSON: Give me ten minutes.

23 (Off record at 1:28 p.m. until 1:45 p.m.)

24 MR. CARSON: All right, Mr. McGee, I have
25 no further questions for you.

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1 THE WITNESS: Yes, sir.

2 MR. CARSON: All right, thank you.

3 MS. HILL: I just have a few follow-up
4 questions for you, Mr. McGee.

5 CROSS-EXAMINATION

6 BY MS. HILL:

7 Q. Now, you were asked several questions
8 earlier about statements that you made, one of which
9 was a statement that you made regarding whether or
10 not you were on the ground or headed to the ground.
11 Do you remember that line of questioning?

12 A. Yes.

13 Q. Okay. You had an opportunity to watch the
14 video, the body cam video, from Defendant Walsh
15 during the depositions -- of her deposition, correct?

16 A. Yes.

17 Q. And that was your first time watching that
18 video?

19 A. Yes.

20 Q. Did you want to see the video prior to that
21 day?

22 A. No, ma'am.

23 Q. Why not?

24 A. It was very traumatic. I honestly didn't
25 want to see the one of me screaming but I know

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1 there's a process I've got to take.

2 Q. Okay. Now, after having watched that
3 video, whether you were on the ground or nearly to
4 the ground, did you recall that that dog had been
5 unleashed?

6 A. Yes.

7 MR. CARSON: Object to form.

8 BY MS. HILL.

9 Q. Did you recall that the dog was unleashed
10 after your name had been called -- the moment your
11 name was called the dog was unleashed?

12 MR. CARSON: Object to form.

13 A. Yes.

14 Q. And when you heard your name called did you
15 comply?

16 A. Yes.

17 Q. Okay. Now, did you recall whether or not
18 there were some other officers nearby when you came
19 out of your apartment?

20 A. No.

21 Q. Okay. At what point did you realize other
22 officers were very, very close to you?

23 A. Once they said, "Get on the ground," and I
24 said, "I'm getting on the ground," I seen two
25 officers and a dog running towards me.

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1 Q. Okay. And did the officers make contact
2 with you near in time that the dog also started to
3 bite you?

4 A. Yes, it was all in one.

5 Q. Okay. Do you recall testimony during the
6 officers' depositions where there was some
7 allegations that you turned around and you were
8 running back towards your apartment?

9 A. Yes, I heard the allegations.

10 Q. Did you ever turn and try to flee or run
11 from the scene?

12 A. No, ma'am.

13 Q. Okay.

14 A. Once I heard, "Get on the ground," I threw
15 my hands up and repeated, "I'm getting on the
16 ground."

17 Q. When you exited your home did you have any
18 weapons in your hands?

19 A. No. I had a Roku remote control, because I
20 was watching TV, in my pocket. That's it. And my
21 cell phone.

22 Q. But you never had anything that was visibly
23 displayed in your hands?

24 A. Oh, no.

25 Q. You also testified about an incident where

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1 you were shot as a result of a stray bullet in your
2 foot. Is that correct?

3 A. It was like lower leg.

4 Q. Lower leg, okay. And was that a Miss
5 Smalls?

6 A. Yes, that's whose residence it happened at.

7 Q. Okay. Why were you -- well, first of all,
8 who is Miss Smalls?

9 A. That's a wonderful old lady that when I was
10 a kid she paid for me to do her yard and feed me and
11 stuff and so I just always had that -- she's not a
12 family member of mine, I just always just had a
13 relationship because she getting old to where I just
14 go and check up on her and see how she's doing.

15 Q. Is that why you were at her house that day?

16 A. Yes.

17 Q. Do you recall when you were in the
18 ambulance whether or not the emergency medical
19 technicians provided you anything to alleviate your
20 pain?

21 A. I can't remember vividly, but I know that I
22 was just -- I know I was screaming I was in pain.
23 And as I was getting on the stretcher like, "We got
24 you."

25 Q. What about at the hospital, do you recall

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1 receiving any medication --

2 A. Oh, yes, at the hospital, yes. I don't
3 know what kind, but, yes, they gave me several
4 medicines for pain.

5 Q. Now, you listened to a recorded statement
6 that you may have given to an officer at the
7 hospital.

8 A. Yes.

9 Q. Do you recall listening to that recorded
10 statement?

11 A. Yes, I recall listening to it.

12 Q. Okay. Do you know whether or not that
13 recorded statement was taken before or after you had
14 surgery?

15 A. Like I say, I -- I really can't say
16 vividly, but I know my arm was wrapped up so I don't
17 know if it was after I came from the operation or
18 before, because I know for a minute they had to wrap
19 it up and I took like some medicine for it because I
20 was going to do anesthesia and stuff and they had to
21 let it sit. So I vividly don't know if that was
22 before I went to the operation or when I was out of
23 the operation. But as me looking at the video, I
24 know I was wrapped up so I really can't tell if it
25 was before or after.

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1 Q. Well, before or after, you were questioned
2 by an officer while you were medicated there at the
3 hospital, correct?

4 A. Yes.

5 Q. Okay. Did you have any family members --
6 well, strike that.

7 The officers came to the hospital to
8 question you, correct?

9 A. Yes.

10 Q. Do you know whether or not -- do you recall
11 making contact with maybe any family members, your
12 mother or father?

13 A. No.

14 Q. Did anyone come to see you?

15 A. No.

16 Q. Okay. Do you know why no one came to see
17 you?

18 A. The officers said that I wasn't allowed to
19 -- I guess they weren't allowed to say where I was
20 or I wasn't allowed to make a phone call or contact.

21 Q. Okay. But the officer made contact with
22 you?

23 A. Yes.

24 Q. To ask you questions about the event?

25 A. Yes.

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1 Q. Did you have a chance to ever see your
2 mother or any family members?

3 A. Once I made it to the county jail after
4 surgery and stuff, because I think I was there for
5 roughly -- I can't vividly say -- I know it was at
6 least two to three days that I was there. Then once
7 I made it to the county I called my mom during
8 booking and let her know what was going on.

9 Q. Okay. And for the record, Mr. McGee is
10 dressed with a polo shirt, short sleeved. I'd like
11 to ask Mr. McGee to allow me to take a look at his
12 arm, I'd like to see his arm.

13 A. (Complies.)

14 Q. And for the record -- well, where exactly
15 did the dog bite you?

16 A. In this area and right here toward like my
17 muscle.

18 Q. Okay.

19 A. And then I have also a marking right here.

20 Q. For the record, Mr. McGee is pointing to
21 his left arm in the -- towards the elbow kind of
22 armpit area.

23 A. Well, not armpit.

24 Q. I'm sorry, not the armpit. The upper --
25 the front portion and the back portion of his elbow.

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1 Why do you have -- do you know why you have
2 marks on the back of your elbow?

3 A. Yeah, because the dog's teeth came -- you
4 know, his mouth, so I guess his teeth made contact on
5 both ends.

6 Q. Okay. Did the dog make contact with you,
7 and in this case K-9 Stern, did the dog make contact
8 with you from the back or from the front?

9 MR. CARSON: Object to form.

10 BY MS. HILL:

11 Q. Do you recall?

12 A. Ummm --

13 Q. I mean, did the dog bite as you were
14 running away or as you were facing the dog?

15 A. Facing.

16 Q. Okay. So you made no attempt to run away?

17 A. No.

18 Q. Okay. Tell me, do you have any permanent
19 damage to your arm?

20 A. Yes.

21 Q. And what's the permanent damage, if you
22 know?

23 A. I'm missing some of my muscle up here and
24 also part of my tendons. So now naturally, like say
25 if I lift ten pounds with this one, this one

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1 naturally going to feel like, you know, 15 pounds.
2 It's going to feel heavier because, you know, I don't
3 have a hundred percent of my muscle. And with the
4 muscle being ripped, ripped out, it can't --
5 basically like they kind of explained, said it can't
6 grow -- you only can rebuild like torn muscles. So
7 it's like a piece of my muscle is gone. So it's --
8 everything is physically heavier on this end. And
9 this is really my dominant hand so...

10 Q. So you write with your left hand?

11 A. Yes.

12 Q. All right. Can you possibly have any
13 cosmetic surgery or plastic surgery to repair the
14 appearance of your arm?

15 A. No.

16 Q. Okay. How are you impacted today in terms
17 of dogs? Do you like dogs?

18 A. Well, no, I have -- I have grown an anxiety
19 of them and it just -- I don't know, it just trigger
20 me in a way. But I wouldn't say I just hate them, I
21 just have anxiety for them, I built an anxiety for
22 dogs.

23 Q. Okay. Do you ever have to -- well, tell me
24 how they has changed your life having the scar, from
25 not having the scar to now having this type of scar

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1 on your arm.

2 A. Well, physical, like I say, it allowed me
3 to -- now I've got to find certain jobs that's not
4 super labor because just using this arm it, you know,
5 make pain every day. And it be tightening my
6 muscle.

7 But outside of the pain, just the mental
8 embarrassment of every person I meet they look at the
9 scar and they ask me what happened. And I tell them
10 what happened and, you know, some people, you know,
11 understand and stuff and some people judge me like,
12 you know, you got bit by a dog, what you did? And
13 look at me as a way that, you know, it really affects
14 me sometimes because -- like even with talking to
15 women or just trying to talk to people, it like --
16 like they put a stereotype type of judgment, like I'm
17 -- like I did -- like I deserved it or did something
18 bad. Like sometimes I be embarrassed to where I got
19 to wear like long sleeves. And just constantly just
20 everybody like -- basically everybody I meet because
21 like it's so noticeable they just, you know, ask.
22 And, you know, with me trying -- with me being a man
23 of God, I tell the truth, tell them what happened,
24 and then it's just -- just it's being judged every
25 day. I feel like the mental judgment and what it did

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1 to my confidence like hurts me more than anything
2 because it's something like literally I deal with
3 every day. Like I can go to the gas station and say,
4 "How you doing, beautiful?" and have a quick
5 conversation and then, "Hey, man, what happened to
6 your arm?" Or, "How you doing? Nice to meet you.
7 I'm Ropheal," and the conversation end up to, "What
8 happened to your arm?" and now people get a -- you
9 know, some people -- you know, everybody don't think
10 like that, but some people like kind of put a
11 perception on me of just meeting me because I said I
12 got attacked by a police dog. I feel like dealing
13 with that for the rest of my life -- because through
14 the pain, you know, you can kind of try to deal with
15 it, but that mental just hurt me every day. Like I
16 kind of almost teared up just thinking about it now
17 like...

18 Q. Okay.

19 MS. HILL: I don't think I have anything
20 further for you, Mr. McGee. Mr. Carson may have
21 some follow-up for you.

22 REDIRECT EXAMINATION

23 BY MR. CARSON:

24 Q. Are you left-handed or right-handed?

25 A. Left-handed.

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1 Q. What shoes were you wearing at the time of
2 the incident?

3 A. Nike slides.

4 MR. CARSON: I have no further questions.

5 MS. HILL: He'll read.

6 MR. CARSON: I would like to order one
7 plain pdf. No bells and whistles whatsoever.
8 The plainest possible document that you can
9 deliver. Please and thank you.

10 MS. HILL: I'll hold off on ordering
11 today.

12 (Proceedings concluded at 2:00 p.m.)

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Ropheal Mcgee
August 27, 2025

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF ALACHUA

I, the undersigned authority, certify that
ROPHEAL MCGEE, JR. personally appeared before me on
August 27, 2025, and was duly sworn.

WITNESS my hand and official seal this 31st
day of August, 2025.



NANCY STEPHENSON
COURT REPORTER
Commission # HH 494337
Expires: May 23, 2028

Ropheal Mcgee
August 27, 2025

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REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF ALACHUA

I, Nancy Stephenson, certify that I was authorized to and did report by stenograph the deposition of ROPHEAL MCGEE, JR.; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenograph notes.

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

DATED this 31st day of August, 2025.

NANCY STEPHENSON
COURT REPORTER

Job No. 418792

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August 31, 2025

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ROPHEAL MCGEE, JR.
C/o Marie Mattox, P.A.
Farnita Saunders Hill, Esq.
Farnita@mattoxlaw.com

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RE: McGee, Jr., v. City of Gainesville and Walsh
Case No. 1:25-cv-00036-AW-HTC

6

Deposition of Ropheal McGee, Jr., August 25, 2025

7

The transcript of the above proceeding is now
8 available and requires signature by the witness.

9 Please email fl.production@lexitaslegal.com for
10 access to a read-only PDF transcript and PDF-fillable
errata sheet via computer.

11 Once the errata sheet is completed, please print,
sign, and return the errata sheet to the email
12 address listed below for distribution to all parties.
If you are in need of assistance, please contact
13 Lexitas at 888-811-3408.

14 If the witness does not read and sign the transcript
within a reasonable amount of time, the original may
15 be filed with the Clerk of the Court.

16 If the witness wishes to waive his signature now,
please have the witness sign in the blank at the
17 bottom of this letter and return a copy of same to
the address listed below.

18 
Very truly yours,

19

20 Nancy Stephenson
Lexitas
21 fl.production@lexitaslegal.com

22 I do hereby waive my signature.

23

24 _____
Ropheal McGee, Jr.

25 Job No. 418792