

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CRIMINAL DIVISION JURISDICTION

CASE NO. F15-19462

THE STATE OF FLORIDA,

Plaintiff,

vs.

EVERTON RAMSAY,

Defendant.

Original

FILED FOR RECORD
2016 NOV - 1 AM 9:41
CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY FLA
CIRCUIT CRIMINAL DIV

DEPOSITION

OF

EH

STATE ATTORNEY'S OFFICE
1350 NW 12TH AVENUE
MIAMI, FLORIDA 33136

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AUDITED BY

FRIDAY, AUGUST 26, 2016

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APPEARANCES

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FOR THE STATE:

STEVEN MITCHELL, ASA.
STATE ATTORNEY'S OFFICE
1350 NW 12TH AVENUE
MIAMI, FLORIDA 33136

FOR THE DEFENDANT:

GREG GONZALEZ, ESQ.,
REGIONAL COUNSEL
401 NW 2ND AVENUE
SUITE S-326
MIAMI, FLORIDA 33128

I N D E X

WITNESS	DIRECT	CROSS
EH	3	--

E X H I B I T I N D E X

NO EXHIBITS WERE MARKED

1 THEREUPON:

2 EH,

3 a witness named in the notice heretofore
4 filed, having been first duly sworn, deposes
5 and says as follows:
6

7 DIRECT EXAMINATION

8 BY MR. GONZALEZ:

9 Q. Please give us, your name.

10 A. EH.

11 Q. What is your date of birth?

12 A. 4/29/01.

13 Q. How old are you, E?

14 A. Fifteen.

15 Q. Who do you live with?

16 A. My grandmother.

17 Q. In what area, do you live in?

18 Don't give me your address.

19 A. Miami.

20 Q. Are you still in school?

21 A. Yeah.

22 Q. What school, do you attend?

23 A. I ain't still--I got home school.

24 Q. You're in home schooling?

25 A. Yeah.

1 Q. What grade are you, roughly?

2 A. Tenth.

3 Q. And, where were you born?

4 A. Miami.

5 Q. Have you ever given, a deposition
6 before?

7 A. No. No. No. No.

8 Q. Okay. Well, you're under oath. That
9 means, you have to tell the truth.

10 A. Yeah.

11 Q. We spoke a little bit off of the
12 Record, before we started?

13 A. Yeah.

14 Q. I didn't get the impression, that you
15 wanted to lie in anyway; right?

16 A. Yeah.

17 Q. Prior to me going on the Record, and
18 asking you any questions, you had an opportunity
19 to meet with the Assistant State Attorney Steve
20 Mitchell; correct?

21 A. Yeah.

22 Q. And, you listened to the statement,
23 that you previously gave to the police?

24 A. Yeah.

25 Q. Is your memory refreshed, so you are

1 able to tell us the event that happened, as a
2 witness in this case?

3 A. I ain't get, what you're trying to
4 say.

5 Q. You've been listed as a witness, in
6 this case.

7 A. Okay.

8 Q. Do you feel, you're ready to talk
9 about what it is, that you have to say about what
10 you saw?

11 A. What happened?

12 Q. Yes, what happened.

13 Do you feel, that you are ready to
14 talk about that?

15 A. Yeah.

16 Q. I have to ask every witness, this
17 question. So, don't take offense to it.

18 Have you ever been charged, with a
19 crime?

20 Ever been taken to adult Court; right?

21 A. Yeah.

22 Q. Have you ever been placed in a
23 program, through Juvenile Court?

24 A. Nope.

25 Q. Have you ever been arrested?

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A. Yeah.

Q. How many times, would you say that you have been arrested?

A. Like, five. Something, like that. Six.

Q. So, about six times?

A. Yeah.

Q. What is the most serious thing that happened?

Were you put on probation?

A. Nope. House arrest.

Q. The times that you were arrested, were you arrested along with anybody that is involved in this case?

A. Oh, no. No. No. No.

Q. The times that you were arrested, were any of the victims on those cases, did they have anything to do with this case?

A. No, Sir.

Q. In any way, shape, or form, did your arrest have anything to do with this case?

A. No, Sir.

Q. Are you on some type of supervision from DJJ, right now?

A. No, Sir.

1 Q. So, you're free?

2 A. Nope.

3 Q. Have you been promised anything, in
4 order to testify in this case?

5 Have you been offered money?

6 Were you promised, that they were
7 going to drop charges?

8 A. No, Sir.

9 Q. Nothing like that?

10 A. Nope.

11 Q. Thank you, for answering those
12 questions.

13 A. Yeah.

14 Q. I want you to start from the
15 beginning, please.

16 A. Start right now?

17 Q. Start right now.

18 What happened?

19 A. I was walking to the park at Liberty
20 Square. Walking to that park, cause I was going
21 to football practice that day. Once I got to the
22 park, they say, the coach said we ain't have no
23 practice. So, I went for no reason.

24 But, when I got to the park, Reese was
25 walking up. He got to the park.

1 Q. Reese?

2 A. Yeah. We met up. We met up. And, we
3 went to my dog Dread, on 55th and 11th. We went
4 to his house. Chilled a little bit there. We
5 chilled.

6 After that, Reese wanted to walk to the
7 store. A matter of fact, we walked to the park
8 before we walked to the store. We walked to that
9 park. We chilled for a little bit. We walked
10 by--we walked to the park.

11 After that, we left the park to go to
12 the store on 54th and 13th. We left to go to
13 that store. We went to the store and he bought
14 Black and Mild and chips. A pack of Milds and
15 chips.

16 We was coming out of the store. And,
17 they was barbecuing on the side of the store.
18 People was out there. There was some people out
19 there. As soon as we walked out of the store,
20 like once we walked past the first apartment, the
21 first apartment was right on the side of the
22 store. The next thing that you know, three boys
23 came out.

24 They come out and they was following
25 us. I was asking Reese questions about them. I

1 ain't know who they was. I ain't known none of
2 them. I ain't seen none of them. And, I'm
3 asking Reese, you know these niggas. Stuff like
4 that. He was in jail with one of them and he
5 beat him. I don't know which one he meant.

6 So, we was walking and talking, you
7 know, like.

8 Q. I'm going to stop you there. I just
9 want to make sure, I have it right.

10 A. Yeah.

11 Q. You said, do you know these boys.

12 A. Yeah.

13 Q. And, he was in jail with one of them.

14 And, he beat him.

15 A. Yeah.

16 Q. So, in your mind, and correct me if
17 I'm wrong, you felt that there was going to be
18 trouble. But, now you know why there's trouble--

19 A. Yeah.

20 Q. --because, he beat this one boy?

21 A. Yeah.

22 Q. So, what happened next?

23 A. He said, he was in jail with one of
24 them and he beat him. So, we go to the crossing
25 lane. Then, they goes to the crossing lane

1 behind us.

2 So, that's when I knew, something was
3 up. So, they went to follow us. They go and
4 follow us. So, I say, Reese, what's up. And,
5 I'm getting ready to run back to the store. That
6 was across the street. And, he's like, no, I
7 ain't going to the store. He ain't running to
8 the store.

9 So, we stopped. We stopped. And, we
10 stood there. And, he got closer. One was
11 clutching. So, they are getting closer and
12 closer.

13
14 MR. MITCHELL: He was clutching?

15 THE WITNESS: Yeah, one was clutching.
16 And, they get closer and closer. And, one
17 says, ain't I in jail with you. And, Reese
18 is like, yeah.

19 So, I'm telling Reese I'm going back
20 in the store. So, he like--I ran back to the
21 store. I'm at 54th and 14th. I ran back by
22 myself. I ran to the store.

23 As soon as I ran in the store, I heard
24 the shot.

25

1 BY MR. GONZALEZ:

2 Q. Just so I'm clear, in the story that
3 you are telling us, your testimony--

4 A. Yeah.

5 Q. --your testimony that you are giving,
6 the person who was clutching, is the same person
7 that your friend said he beat?

8 A. I don't know, which one of them it
9 was. He ain't telling me it was one of them that
10 he beat.

11 Q. I understand.

12 He said that he beat, one of those
13 three?

14 A. Yeah.

15 Q. He was referring to one of them, but
16 there wasn't enough time for you to specifically
17 know, which one he was talking about; correct?

18 A. Yeah.

19 Q. Is it fair to say, your mind was to
20 get out of danger?

21 A. Yeah.

22 Q. You really weren't trying to get to
23 the bottom of what it was about?

24 A. Yeah.

25 Q. You knew there was enough reason to

1 get out--

2 A. Yeah.

3 Q. --because, something bad was going to
4 happen?

5 A. Yeah.

6 Q. Describe to me, the person who was
7 clutching?

8 A. He had on a black skully. White, a
9 rod (phonetic). That's all I know. His pants,
10 his shoes, ain't paying attention to it. I
11 didn't pay attention, to known of that.

12 Q. Did you see his face?

13 A. He had a mustache. He had a little
14 hair on his face.

15 Q. Did the police ever ask you, to
16 identify him in a photo lineup?

17 A. Yeah.

18 Q. Did you identify him, in the photo
19 lineup?

20 A. No.

21 Q. Why?

22 A. There was so many pictures of people.
23 The police was telling me that the skully hat,
24 that there were dreads under it. I ain't know
25 that.

1 Where was I at?

2 Q. We were talking about identification.

3 A. Yeah, so, they were telling me--every
4 picture--no, it ain't him. It ain't him.

5 Q. Did you feel, that you had to make an
6 identification?

7 You said that he had a mustache.

8 Did you get to see his face?

9 A. Yeah. Yeah. I seen his face and all
10 of that.

11 Q. Do you think, if you saw his face
12 again, you would know who it is?

13 A. Maybe.

14 Q. That's fair.

15 So, the bottom line is: You could not
16 ID the person, to the police?

17 A. Yeah.

18 Q. What about the other two guys?

19 A. One was black. He had on all black.
20 He had a low boy.

21 Q. What about the third person?

22 A. I wasn't paying attention to.

23 Q. So, if we say black, white, Hispanic--

24 A. He was black, too. All of them was
25 black.

1 Q. --but, as far as features go, you
2 don't know?

3 A. Yeah.

4 Q. You don't know?

5 A. I don't know.

6 Q. It's fair to say, the bottom line is:
7 You wanted to get out of danger?

8 You wanted to get out of there?

9 A. Yeah.

10 Q. You didn't look back, when you were
11 running into the store?

12 A. Yeah.

13 Q. You heard the gunshots?

14 A. Huh-uh.

15 Q. What happened, when you heard the
16 gunshots?

17 A. After I heard the gunshots, I ran out
18 of the store. Well, I peaked out of the store
19 first. Like, to see where they was going to run
20 at. Once, I see they ran back across from me,
21 that's when I ran out of the store to Reese.

22 Q. And, did you see the body on the
23 street?

24 A. Yeah.

25 Q. Did you see the guy who was clutching,

1 running away?

2 A. Yeah.

3 Q. What else, did you see?

4 A. Once they got across, from where they
5 first started from, that's when they started
6 walking.

7 Q. Then, what happened?

8 A. After that, I stayed on the scene
9 until the ambulance came. After that, I left.

10 Q. Then, what happened?

11 A. After that, I went back to Peewee. I
12 told my dog Peewee. And, he went telling--cause
13 he knew his momma. He went to tell her. That's
14 when everybody found out. Everybody found out.

15 Q. Then, what happened?

16 A. That was it.

17 Q. When did the police come, to speak
18 with you?

19 A. I don't remember.

20 Q. Was it a day, two days, three days
21 later?

22 Or, was it the same day?

23 A. It wasn't the same day. But, I don't
24 remember. But, it wasn't the same day.

25 Q. So, we talked about this; right?

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A. Yeah.

Q. You heard your statement today, the one that you gave to the police?

A. Yeah.

Q. Is there anything else, that you want to include with what you said here today?

A. No, Sir.

Q. If you come back for a Trial, and I ask you to tell me your testimony, what you saw, what you heard--

A. Trial?

Q. --yeah, if you come back?

A. Yes, Sir.

Q. Would you say the same things again?

A. Yes, Sir.

Q. Is there any need, to add to it?

A. No, Sir.

Q. Is there any need, to take away from it?

A. No, Sir.

Q. Everything that you said here today, is the truth?

A. Yes, Sir.

Q. You understood, all of the questions that I asked you?

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A. Yes, Sir.

Q. Have I been respectful, to you?

A. Yes, Sir.

Q. And, throughout this deposition, Mr. Mitchell has been in the room with you?

A. Yes, Sir.

Q. Do you feel, that you've been threatened in any way by me?

A. No, Sir.

Q. Thank you, for coming in. And, we are going to reserve your right to read this transcript.

MR. MITCHELL: I have one question.

Do you know, if you have an open juvenile case right now, for marijuana possession?

THE WITNESS: I do. I ain't gone to Court for it yet.

MR. MITCHELL: I'm just asking. He has the right to know, anything that you might have opened.

I'm not saying, that makes you wrong or anything. I just needed to know that. I don't have any other questions. Thank you,

1 for coming in.

2 MR. GONZALEZ: That's all that I have.

3 Thank you.

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6 (The deposition concluded. And,
7 the reading of the transcript was
8 not waived).
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CERTIFICATE OF OATH

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STATE OF FLORIDA:

SS.

COUNTY OF DADE:

I, the undersigned authority, certify
that EH, personally appeared before me and was
duly sworn.

WITNESS my Hand and Official Seal this
26TH day of AUGUST, 2016.

Heidi Schlamowitz
Court Reporter - State of Florida
Commission No. FF073231
Expires: 11/25/2017

REPORTER'S CERTIFICATE

STATE OF FLORIDA:

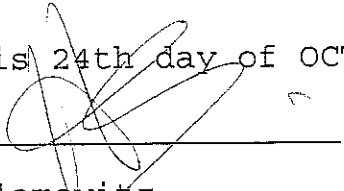
SS.

COUNTY OF DADE:

I, Heidi Schlamowitz, Court Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to and did report the deposition of EH, a witness called by the DEFENDANT in the above styled cause; that the reading and signing of the was not waived by the witness; that the foregoing pages, numbered from 1 to 20, inclusive, constitute a true and complete Record of my stenographic notes.

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

Dated this 24th day of OCTOBER, 2016.


Heidi Schlamowitz