

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

STATE OF FLORIDA,

PLAINTIFF,

-VS-

SEAN CASEY,

DEFENDANT.

CASE NO. 01-007975

DEPOSITION OF:

OFFICER RANDOLPH SMITH

July 10, 2003

Thursday, 11:00 a.m.

Taken on behalf of the Defendant at the Public Defender's Office, 1320 Northwest 14th Street, Miami, Florida, pursuant to Notice of Taking Deposition.

APPEARANCES:

KATHERINE FERNANDEZ RUNDLE, State Attorney, by JOHN GRANOFF, Assistant State Attorney, on behalf of the State.

MICHAEL HABER, Esquire, for MILTON HIRSCH, Esquire, on behalf of the Defendant.

I N D E X

WITNESS

DIRECT

CROSS

Off. Randolph Smith

3

---

E X H I B I T S

None

THEREUPON:

OFFICER RANDOLPH SMITH

was called as a witness, and having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HABER:

Q. Could you please state your name for the record?

A. Randolph Smith.

Q. ID?

A. 581, my ID number is 581.

Q. And how long have you been with Miami Beach Police Department?

A. Since November 26th, '94.

Q. Your present assignment?

A. I'm detached and I work with the PAL, Police Athletic League.

Q. And how long have you been doing that?

A. About a week.

Q. Prior to last week what were you doing?

A. I was with the Junior Police Academy. I'm with SRO, School Resource Officer.

Q. You're officer friendly?

A. Yes, in the schools.

Q. Prior to being officer friendly, what were

you doing?

A. Patrol.

Q. Uniform?

A. Yes, and FTO.

Q. Field Training Officer?

A. Right.

Q. And is that what you were doing back in March of '01, uniform patrol?

A. Yes, sir.

Q. Were you also a field training officer at the time?

A. Yes, sir.

Q. Were you training anyone at that time?

A. Yes, sir.

Q. Who were you training?

A. Mariana Jomarron.

Q. That would be Jomarron if you just read it without the proper enunciation?

A. AK home alone, that's her nickname.

Q. You had occasion to become involved in the case of State versus Sean Casey, C-A-S-E-Y; is that correct?

A. Yes, sir.

Q. How did you get involved in that case?

A. I was advised by a call from the dispatch

1 that stated we need for you to respond to the  
 2 location of where Sean Casey would be located and  
 3 notify.  
 4 Q. Locate and notify?  
 5 A. Right, locate and notify.  
 6 Q. What does that mean, locate and notify?  
 7 A. That meant that they wanted to know the  
 8 whereabouts of this certain person.  
 9 Q. So you're supposed to locate him and notify  
 10 dispatch that you found him?  
 11 A. Right, and they gave me the location.  
 12 Q. And that was his residence?  
 13 A. Yes.  
 14 Q. In Forte Towers?  
 15 A. Yes, sir.  
 16 Q. And you were with Officer -- let's just  
 17 call her M.J.  
 18 A. Okay.  
 19 Q. Meaning Jomarron.  
 20 A. Jomarron.  
 21 Q. Let the record reflect that M.J. is Officer  
 22 Jomarron.  
 23 So you and M.J. respond. Who's driving?  
 24 A. I believe she was driving.  
 25 The first week it was me 'cause I had to test

1 the type of vehicle.  
 2 Q. So you believe that they might have told  
 3 you that you were going to locate a possible suspect  
 4 in a hit and run?  
 5 A. Yes, sir.  
 6 Q. You were not aware that this was a traffic  
 7 fatality?  
 8 A. No.  
 9 Q. Are you certain of that?  
 10 A. Positive.  
 11 Q. How do you know that you weren't aware of  
 12 that?  
 13 A. Because I know.  
 14 Q. Were you ever made aware of that?  
 15 A. No.  
 16 Q. To this day you were never made aware of  
 17 that?  
 18 A. I was made aware of it after I saw it on  
 19 the news.  
 20 Q. Okay, when did you see it on the news?  
 21 A. That evening.  
 22 Q. So up until that entire morning -- well,  
 23 let me back up.  
 24 Approximately what time did you respond to the  
 25 residence?

1 out her driving first, but I believe she was driving  
 2 after that.  
 3 Q. Are you guys the only unit dispatched to  
 4 the house?  
 5 A. No, another FTO officer is Eddie DeCampo  
 6 and his trainee is Henson, I don't know what his  
 7 first name is.  
 8 Q. And do the four of you arrive at the same  
 9 time?  
 10 A. Yes.  
 11 Q. Together?  
 12 A. Yes.  
 13 Q. Park out front, go upstairs together in the  
 14 same elevator?  
 15 A. Yes.  
 16 Q. Were you provided any information at this  
 17 time prior to going up to the apartment apart from  
 18 dispatch saying hey, I need a locate and notify?  
 19 Did they tell you why they needed to locate and  
 20 notify, did they tell you who you were supposed to  
 21 notify, were you given any information at all other  
 22 than this is what you need to do?  
 23 A. No, and I believe they said that it was  
 24 someone that could have been a suspect that was  
 25 involved in a hit and run accident and they gave me

1 A. From the report, 10:00. You know, I have  
 2 to use my recollection from the report.  
 3 Q. That's fine, and you've had an opportunity  
 4 to review your report?  
 5 A. Yes.  
 6 Q. And let me just ask you quickly: Is this  
 7 the only report that you prepared in this case or  
 8 that you are part of in this case that you know of?  
 9 A. Yes, that's it, this solely.  
 10 Q. A two page narrative with M.J. and your  
 11 name on it?  
 12 A. Yes, sir.  
 13 Q. That's the only report that you're aware  
 14 of?  
 15 A. Yes.  
 16 Q. According to that report, what time did you  
 17 arrive?  
 18 A. May I see the report?  
 19 Q. Yeah, it's all yours, go nuts.  
 20 A. 10:51 a.m., approximately.  
 21 Q. So you got the call, the dispatch sometime  
 22 before 10:51, would that be accurate?  
 23 A. Yes, maybe like five minutes before.  
 24 I was in the south end and I believe the  
 25 accident occurred in the north end, so we had two

1 different channels so that's why I wasn't even aware  
2 of, you know, if it was a fatality or whatever.

3 Q. I understand. So let's say just to round  
4 off numbers and I'm not locking you into this, but  
5 say approximately a quarter to 12:00 is when you get  
6 the dispatch to do the locate and notify and they  
7 tell you or you believe they may have told you that  
8 it was a possible suspect in a hit and run.

9 You get there at 10:51, you make contact with  
10 the defendant, we'll talk about what happened in a  
11 minute, but you go through the whole litany with what  
12 occurs at the house and the defendant is ultimately  
13 transported, ultimately at some point you wash your  
14 hands of your involvement in this matter and it's not  
15 until later that day when you're off-duty and you're  
16 at home watching TV on the news that you find out  
17 that this was a fatality?

18 A. Yes.

19 Q. That's accurate?

20 A. Yes.

21 Q. You arrive at approximately 10:51 and you  
22 and M.J. and DeCampo and Henson all ride up in the  
23 elevator together; is that correct?

24 A. Yes.

25 Q. You're all in uniform?

1 they don't have to, correct?

2 A. Right.

3 Q. And either way you don't know what they  
4 did?

5 A. Right.

6 Q. And obviously they didn't tell you that  
7 they knew it was a fatality, correct?

8 A. No.

9 Q. 'Cause then you would have known it was a  
10 fatality?

11 A. Thank you.

12 Q. Okay. The four of you go up the elevator,  
13 what happens?

14 A. We go up the elevator, we knock on the door  
15 and it's a period of time, you know, where no one  
16 responds and we keep knocking, and eventually Mr.  
17 Casey answered the door and that's when we asked him

18 about his vehicle, did he know the whereabouts of his  
19 vehicle and he responded why, is my vehicle stolen.

20 Q. Let me back up. How long approximately  
21 were you knocking on his door?

22 A. From my estimate about ten minutes.

23 Q. Did you know whether he was home or not?

24 A. No.

25 Q. Who was knocking on the door?

1 A. Yes.

2 Q. And as far as you know, do DeCampo and  
3 Henson also have the same information as you?

4 A. I don't know.

5 Q. Are they also south end units?

6 A. Yes.

7 Q. So do you have any reason to believe they  
8 have other information?

9 A. I don't know, all I know is what occurred  
10 with me.

11 Q. With the frequency that you're on are you  
12 able to switch to another frequency at your leisure?

13 A. Basically when someone asks me to change  
14 channels to the north end or something like that.

15 Q. So you can?

16 A. Right.

17 Q. But you had no reason to do that?

18 A. Right.

19 Q. And as far as you know, DeCampo and Henson  
20 are also south units?

21 A. Yes.

22 Q. So they are on the channel that you're on,  
23 correct?

24 A. Right.

25 Q. And similarly they can switch to north, but

1 A. M.J., I was, that's all I can remember.

2 Q. Were you knocking normally, were you  
3 pounding on the door, were you using an object to  
4 knock on the door, were you ringing the doorbell?

5 A. It was progressive; a knock, then nothing  
6 happens, then an ASP, you know, you hit on the door  
7 like that with the ASP instead of breaking your  
8 knuckles.

9 Q. So is it fair to say that you were being  
10 relatively loud in trying to rouse him?

11 A. Right, because eventually I think after  
12 five minutes we actually heard noises inside the  
13 house so that's what made me like knock even louder  
14 because maybe he didn't hear, and later on he told us  
15 that he was in the shower and his hair was wet; it's  
16 coming to me now.

17 Q. When he answered the door, his hair was  
18 wet?

19 A. Yeah, his hair was wet.

20 Q. What was he wearing?

21 A. I don't remember.

22 Q. Do you recall if he was wearing a bathrobe  
23 or clothing?

24 A. No, he had on clothing, but you can tell  
25 that presumably he did come out the shower because

1 his hair was wet and he stated that, too.  
 2 Q. When ultimately he answered the door, what  
 3 happened?  
 4 How did he answer the door, did he say who is  
 5 it, did he open it, did he see through a peephole do  
 6 you know?  
 7 A. He asked who was it and we told him Miami  
 8 Beach Police and he opened the door and then that's  
 9 when we questioned him about his vehicle, we asked  
 10 him about his vehicle.  
 11 Q. How did that occur, he opened the door?  
 12 A. Right and said officers, may I help you,  
 13 you know, one of those general greetings and that's  
 14 when we asked him about his vehicle, did he know the  
 15 whereabouts of his vehicle.  
 16 Q. Who asked him?  
 17 A. I did.  
 18 Q. And you asked him from outside the door?  
 19 He's inside the door, you're outside the door?  
 20 A. He let us in.  
 21 Q. How did that happen?  
 22 A. He said officers, may I help you, we said  
 23 yes, we just wanted to ask you about the whereabouts  
 24 of his vehicle and that's when he let us in.  
 25 Q. Did he say come on in, have a seat, how did

1 A. He responded that why, is my vehicle stolen  
 2 and then he stated it should be downstairs in the  
 3 parking lot where he parked at, and that's when  
 4 DeCampo and Henson went downstairs to look for it or  
 5 to verify if it was there.  
 6 Q. He told DeCampo and Henson which spot it  
 7 would be parked in, which was his assigned spot?  
 8 A. I don't know about assigned spot.  
 9 Q. Do you know if they have assigned spots in  
 10 that building?  
 11 A. No, I don't.  
 12 Q. When you advised him that you were there to  
 13 discuss the location of his vehicle, did you advise  
 14 him that his vehicle had been involved in a hit and  
 15 run accident?  
 16 A. No.  
 17 Q. Why?  
 18 A. Because I was just there to find out did he  
 19 know the location of his vehicle.  
 20 After that he started talking.  
 21 Q. But you did not tell him you were aware  
 22 that the car was involved in a hit and run?  
 23 A. Right.  
 24 Q. And you did not provide him with that  
 25 information?

1 it go?  
 2 A. Of course, you know, he told us come in.  
 3 He asked us to come in.  
 4 Q. So you go in and what do you do?  
 5 A. And then that's when he asked us was his  
 6 vehicle stolen.  
 7 Was his vehicle stolen, that's what he asked us.  
 8 Q. You advised him that you were there to  
 9 check on the whereabouts of his vehicle; is that  
 10 correct?  
 11 A. Right.  
 12 Q. Do you remember exactly how you said that?  
 13 A. No, I don't. I remember I asked him that,  
 14 but it was a normal question.  
 15 It wasn't like you better tell me where your car  
 16 is, you know, it wasn't like that.  
 17 Q. Well, what I want to know is did you say to  
 18 him we're here to ascertain the location of your  
 19 vehicle or did you say to him do you know where your  
 20 vehicle is, if you recall how it is that you  
 21 initiated that conversation with him?  
 22 A. It was more like a question, like do you  
 23 know the whereabouts of your vehicle, do you know  
 24 where your vehicle is.  
 25 Q. And he responded?

1 A. He was a suspect in a hit and run.  
 2 Q. Does your report indicate and I'm referring  
 3 to line four and going on to line five and six,  
 4 quote, who is the alleged owner of a BMW that was  
 5 involved in a hit and run; is that correct?  
 6 A. Right.  
 7 Q. So you knew that his car was involved in a  
 8 hit and run?  
 9 A. Alleged owner. This is afterwards. This  
 10 is done afterwards, she's like stating afterwards  
 11 what happened.  
 12 In other words, she's saying who he is  
 13 afterwards.  
 14 Q. So you're telling me that when it says in  
 15 this report that at approximately 10:51 reference a  
 16 locate and notify of the whereabouts of a Sean Casey  
 17 date of birth who is the alleged owner of the BMW  
 18 that was involved in a hit and run that you did not  
 19 have that information at that time and she just  
 20 filled this in?  
 21 A. No, he told us that he was the owner of the  
 22 vehicle.  
 23 Q. You didn't know he was the owner of the  
 24 vehicle?  
 25 A. This was a locate and notify this alleged

1 person. I don't know what vehicle he was driving.  
 2 If they said it was a BMW, I wouldn't know what  
 3 color, all I'm doing is finding out is this person  
 4 here.  
 5 Q. You've already told me that you knew when  
 6 you went to that house that the person that you were  
 7 looking for in the locate and notify was the owner of  
 8 a vehicle that was used in a hit and run or involved  
 9 in a hit and run?  
 10 A. Right, from dispatch.  
 11 Q. You were aware of that, correct?  
 12 A. Right, from dispatch.  
 13 Q. That's all I'm asking you.  
 14 You were aware of it, but you did not make him  
 15 aware that his vehicle was involved in a hit and run,  
 16 correct?  
 17 A. Not at the time because he was talking to  
 18 me, he started uttering.  
 19 Q. Well, but when you showed up at his house,  
 20 he didn't open the door and start blurting out  
 21 statements to you; is that correct?  
 22 A. No.  
 23 Q. He only spoke to you in response to your  
 24 statement to him that you were there to talk about  
 25 his car's location, correct?

1 A. Right, the whereabouts of his vehicle.  
 2 Q. But you did not tell him that you were  
 3 looking for his car's location and that his car was  
 4 involved in a hit and run, correct?  
 5 That's all I want to know.  
 6 A. As I recall, no.  
 7 Q. So he tells you that his car should be in  
 8 the garage in his spot and DeCampo and Henson go down  
 9 to look for the car.  
 10 Are you in radio contact with DeCampo and  
 11 Henson?  
 12 A. Yes.  
 13 Q. What are you doing while they're in the  
 14 garage?  
 15 A. Just waiting. I called later on, you know,  
 16 to give them a chance to look for it, I asked them  
 17 did they find anything yet and I don't know if they  
 18 found the vehicle there or not, I can't remember  
 19 'cause we're talking two years ago.  
 20 Q. How long were DeCampo and Henson in the  
 21 garage, if you recall?  
 22 A. I don't know.  
 23 Q. And so were you engaged in conversation  
 24 with Mr. Casey while these guys were in the garage?  
 25 A. Yes, he started talking to us.

1 Q. And what was he saying?  
 2 A. He stated that he just got in an hour ago,  
 3 you know, an hour ago and then later on he said he  
 4 came in at 2:00 a.m.  
 5 It's like he was like walking around like I just  
 6 got home an hour ago, you know, he was basically like  
 7 talking like walking around.  
 8 In other words, I would say like while we were  
 9 waiting, he's giving a conversation 'cause we're just  
 10 quiet.  
 11 Q. So he's doing all the talking, you guys are  
 12 just hanging?  
 13 A. Right, until we get word from DeCampo or  
 14 whatever.  
 15 Q. Where were you physically in the apartment?  
 16 A. I believe I was standing in the living  
 17 room.  
 18 Q. And what about M.J.?  
 19 A. I believe she was in the same area.  
 20 Q. So you guys weren't in the bedroom or the  
 21 bathroom or the kitchen or anywhere like that?  
 22 A. No.  
 23 Q. You basically walked in the front door and  
 24 you hung in the living room area?  
 25 A. Stayed right there.

1 Q. And he was pacing around the living room  
 2 talking?  
 3 A. Right, 'cause he was like talking and then  
 4 I seen him like going into his bag 'cause he was  
 5 like--  
 6 Q. What kind of bag?  
 7 A. Like a bag, like a portfolio or something  
 8 like that.  
 9 Q. Did that concern you at all, did you have  
 10 any officer safety issues?  
 11 A. I was looking to see what he was bringing  
 12 out, but it looked pretty, you know, safe, it wasn't  
 13 like he was pulling out a gun or anything.  
 14 Q. I mean, I'm just --  
 15 A. No, I didn't draw down on him 'cause he was  
 16 just going in his briefcase.  
 17 Q. So it was a briefcase, whatever, portfolio?  
 18 A. Right.  
 19 Q. And then what?  
 20 A. And from what's written on the report, he  
 21 was stating that, you know, he was driving home, he  
 22 was coming home from Ozone, it was some bar, I don't  
 23 even know where it is and he had a couple of drinks  
 24 last night, and while he was looking through his  
 25 briefcase that's when he end up showing an ATM

1 receipt and the ATM receipt actually had like 10:30  
 2 a.m. on it.  
 3 Q. Why did he show you an ATM receipt?  
 4 A. I don't know, I guess to prove that he was  
 5 out I guess to Ozone or whatever.  
 6 I didn't ask him to produce anything.  
 7 Q. Okay.  
 8 A. And before even though he looked like he  
 9 came out the shower, you can actually -- you know, I  
 10 smelled the scent of like alcoholic beverage on his  
 11 breath and also he was kind of sporadic when he was  
 12 talking.  
 13 Q. Wasn't making too much sense?  
 14 A. Like in and out; oh, you know, one of those  
 15 like hazy things and then he would talk and it would  
 16 take spaces, you know, while he was talking.  
 17 Q. So he appeared to you to be intoxicated?  
 18 A. Right.  
 19 Q. Did you ever do any DUI work?  
 20 A. No.  
 21 Q. You're not a DUI tech?  
 22 A. No, I'm not a DUI tech, all I can go is by  
 23 what I told you I smelled.  
 24 Q. In that exact same condition let's just  
 25 assume hypothetically that you had pulled Mr. Casey

1 situation, everything that I've just told you and I  
 2 think that's when he asked Mr. Casey, you know, would  
 3 he mind coming to the station and he didn't resist,  
 4 he didn't say no, he just went, and after that I  
 5 don't know what happened.  
 6 Q. Meantime where's DeCampo and Henson?  
 7 A. Still downstairs.  
 8 Q. So do they ever come back upstairs?  
 9 A. Not that I know of.  
 10 Q. So ultimately they never come back upstairs  
 11 from the garage, but Hundevadt shows up at the  
 12 apartment; is that correct?  
 13 A. Yes.  
 14 Q. And ultimately Hundevadt asks Mr. Casey  
 15 whether or not he would be willing to go back to the  
 16 police station and give him a statement; is that  
 17 correct?  
 18 A. Right.  
 19 Q. And Mr. Casey agrees and goes with  
 20 Hundevadt?  
 21 A. Yes.  
 22 Q. Does he drive with Hundevadt?  
 23 A. I don't know. After they get out the  
 24 elevator, I went with my partner, you know, into my  
 25 car and we left.

1 over on the side of the road, he was driving, he  
 2 weaved or was speeding or whatever and he just  
 3 committed a traffic infraction and you stopped him  
 4 and he got out of the car, you observed him the same  
 5 exact way on the side of the road as you saw him in  
 6 his apartment, would you have assumed he was  
 7 inebriated and called a DUI tech?  
 8 A. Yes, sir.  
 9 Q. So he looked -- was he stumbling drunk?  
 10 A. No, not stumbling drunk, but you can tell  
 11 that he wasn't like 100 percent coherent, you know,  
 12 alert in everything, you know.  
 13 Q. So he wasn't all there?  
 14 A. Right.  
 15 Q. What happened next?  
 16 A. After that, after he told us about, you  
 17 know, the conflicting stories he was stating about I  
 18 was here since 10:00 and then he came back an hour  
 19 ago which would be like nine-something, then he  
 20 stated I came back at 2:00 a.m., you know, then he  
 21 has a receipt that has 10:39 a.m., you know, that's  
 22 when I notified my sergeant and I let him know about  
 23 the details and I think the sergeant end up arriving.  
 24 Q. Who was the sergeant?  
 25 A. Hundevadt, and I abreast him of the

1 Q. And that was the end of your involvement in  
 2 this case?  
 3 A. Except for making out the report and that's  
 4 it.  
 5 Q. But you didn't make out the report,  
 6 correct?  
 7 A. She did, but, you know.  
 8 Q. M.J. wrote the report?  
 9 A. Right.  
 10 Q. And you read it over?  
 11 A. Right.  
 12 Q. And it was accurate?  
 13 A. Right.  
 14 Q. You don't know obviously with DeCampo or  
 15 Henson what happened with them?  
 16 A. No.  
 17 Q. You never saw them again that morning?  
 18 A. Oh, I did see them 'cause all four of us  
 19 were back at the station doing our paper work.  
 20 Q. Did you have any conversation with them  
 21 back at the station?  
 22 A. Yes, but I don't believe it was -- I don't  
 23 recall if I asked them did they find the vehicle, did  
 24 they find the vehicle or not.  
 25 As a matter of fact, I don't know if they found

1 the vehicle or not unless I see the report now.  
 2 Q. Going back to when Hundevadt arrived at the  
 3 apartment, was he alone?  
 4 A. Hundevadt?  
 5 Q. Yeah.  
 6 A. I just remember him. Maybe there was  
 7 someone else, but I remember him.  
 8 Q. So he could have had someone with him, you  
 9 don't recall?  
 10 A. Right.  
 11 Q. But he was there?  
 12 A. Let me see. I know on the report it says  
 13 Sergeant Devaney, he probably was there, but I don't  
 14 remember him, I just remember Hundevadt because we're  
 15 talking two years ago.  
 16 Q. Were you present when Hundevadt asked Mr.  
 17 Casey whether or not he would come down to the police  
 18 station?  
 19 A. Yes.  
 20 Q. And do you remember how he asked him or  
 21 what he said to him?  
 22 A. No.  
 23 Q. You don't know?  
 24 A. (Shaking in the negative).  
 25 Q. Certainly you didn't hear Hundevadt tell

1 Q. No specifics as to what kind of questions?  
 2 A. Like I stated before, what I just told you.  
 3 Q. Did you have occasion to enter any other  
 4 rooms?  
 5 A. No.  
 6 Q. The only room you were in in the apartment  
 7 was the living room?  
 8 A. Correct.  
 9 Q. Do you recall what time you cleared the  
 10 scene?  
 11 A. No.  
 12 Q. Would your records or logs indicate what  
 13 time you cleared the scene?  
 14 A. Yes.  
 15 Q. Are those documents maintained by the  
 16 police department?  
 17 A. Yes, and also my log sheet.  
 18 Q. So that would have the time that you were  
 19 dispatched, the time that you arrived and the time  
 20 that you cleared, correct?  
 21 A. Yes, and it would also be on the tapes.  
 22 Q. But the tapes get destroyed after a period  
 23 of time, correct?  
 24 A. I wouldn't know.  
 25 Q. But the log sheets are maintained, though?

1 Mr. Casey anything about a traffic fatality, correct?  
 2 A. No.  
 3 Q. 'Cause then you would have known there was  
 4 a fatality, correct?  
 5 A. Yes.  
 6 Q. So you didn't hear that.  
 7 Do you recall whether or not Hundevadt told Mr.  
 8 Casey that his car had been used or involved in,  
 9 rather, a hit and run accident?  
 10 A. All I remember is he asked him to come --  
 11 would he mind coming to the station for questioning,  
 12 for them to ask him some questions.  
 13 Q. Did he say what kind of questions he wanted  
 14 to ask?  
 15 A. That's all I remember.  
 16 Q. Did he say what kind of questions he wanted  
 17 to ask?  
 18 A. That's all I remember, what I told you.  
 19 Q. So all you remember is Hundevadt being in  
 20 the apartment and saying to Mr. Casey would you mind  
 21 or are you willing to come to the station, not  
 22 ordering him but asking him whether or not he was  
 23 willing to come to the station to answer some  
 24 questions?  
 25 A. Right.

1 A. Yes.  
 2 Q. How long do you think you were at Mr.  
 3 Casey's residence start to finish?  
 4 A. I would say approximately 30 minutes; 30,  
 5 45 minutes.  
 6 Q. Is there anything you'd like to add to your  
 7 testimony today that you have not testified to yet?  
 8 A. Besides the wet hair and that he came out  
 9 of the shower, no, because I know that wasn't written  
 10 in there, that just happened to come to me.  
 11 Q. Is there anything that you would testify to  
 12 differently other than what you've said today were  
 13 you called as a witness in this case at trial?  
 14 A. No, I would testify the same thing.  
 15 Q. Apart from the two page narrative by M.J.  
 16 with your name on it, you're unaware of any other  
 17 reports?  
 18 A. Except for Henson and DeCampo because we  
 19 were all filling out paper work.  
 20 He had his trainee, DeCampo had his trainee  
 21 there and I was there and we were filling out the  
 22 paper work.  
 23 Q. They would have done a narrative similar to  
 24 yours, correct?  
 25 A. Yes, sir.

1 Q. You didn't impound any evidence in this  
 2 case?  
 3 A. No.  
 4 Q. You didn't take any property?  
 5 A. No.  
 6 Q. No receipts?  
 7 A. The ATM receipt, I don't know if I took  
 8 that.  
 9 I don't know about the ATM receipt, I don't know  
 10 if we took that and I stapled it to the report or  
 11 not.  
 12 Q. With the exception of possibly the ATM  
 13 receipt?  
 14 A. That's it.  
 15 Q. You would not have impounded or collected  
 16 any other evidence or property in this case?  
 17 A. No.  
 18 Q. All right, I don't think I have anymore  
 19 questions of this witness.  
 20 Officer, I truly appreciate your time and your  
 21 honesty in coming in here and thank you very much for  
 22 being on time.  
 23 A. Okay.  
 24 Q. And I'm sure the State will be in touch  
 25 with you.

1 THE STATE OF FLORIDA, )  
 2 COUNTY OF DADE. )  
 3  
 4 I, the undersigned authority, certify that  
 5 the aforementioned witness personally appeared before  
 6 me and was duly sworn.  
 7  
 8 WITNESS my hand and official seal this 10th  
 9 day of July, 2003.  
 10  
 11  
 12

13 LIGIA RAMIREZ  
 14 Notary Public - State of Florida  
 15 My Commission: DD 135356  
 16 My Commission Expires: 11-19-06  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 MR. HABER: I'd ask, though, that we're going to  
 2 want a copy of this officer's log sheet.  
 3 MR. GRANOFF: You can do that, public records  
 4 request you can do that.  
 5 MR. HABER: We could also do a motion to compel.  
 6 MR. GRANOFF: Well, but you can do a public  
 7 records request, it'll be easier.  
 8 I'm telling you, it'll be easier, Milton does it  
 9 all the time.  
 10 MR. HABER: Fair enough, I'll definitely tell  
 11 him to do that.  
 12 THE DEPONENT: Do I get to read?  
 13 MR. GRANOFF: Absolutely.  
 14 MR. HABER: You can read it to your heart's  
 15 content.  
 16 (Thereupon, the deposition was concluded at  
 17 11:35 a.m.)  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 CERTIFICATE  
 2  
 3 The State of Florida, )  
 4 County of Dade. )  
 5  
 6 I, LIGIA RAMIREZ, Court Reporter, State of  
 7 Florida at Large, do hereby certify that the  
 8 foregoing pages, numbered from 1 to 30, inclusive,  
 9 are a true and correct transcription of shorthand  
 10 notes of said deposition.  
 11  
 12 I further certify that I am not attorney or  
 13 counsel of any of the parties, nor am I a relative or  
 14 employee of any attorney or counsel of party  
 15 connected with the action, nor am I financially  
 16 interested in the action.  
 17  
 18 The foregoing certification of this  
 19 transcript does not apply to any reproduction of the  
 20 same by any means unless under the direct control  
 21 and/or direction of the certifying reporter.  
 22  
 23 IN WITNESS WHEREOF, I have hereunto set my  
 24 hand this 10th day of July, 2003.  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32

33 LIGIA RAMIREZ  
 34 Notary Public - State of Florida  
 35 My Commission: DD 135356  
 36 My Commission Expires: 11-19-06  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45

1 TOTAL REPORTING SERVICES  
19 West Flagler Street  
2 Suite 705  
3 Miami, Florida 33130  
(305) 374-4693

4 July 14, 2003

5 Off. Randolph Smith  
c/o John Granoff, Esq.  
6 E.R. Graham Building  
1350 N.W. 12th Avenue  
7 Miami, FL 33136

8 IN RE: State of Florida  
-vs-  
9 Sean Casey

10 Dear Officer Smith:

11 With reference to the deposition of Officer Randolph  
12 Smith taken on July 10, 2002 in the above-captioned  
13 case, please be advised that the transcript has been  
completed and is awaiting signature.

14 Please arrange to stop by our office located at Suite  
705, Biscayne Building, 19 West Flagler Street,  
15 Miami, Florida for the purpose of reading and signing  
said deposition. Please telephone in advance.

16 The witness may read a copy of the transcript,  
17 however, noting any corrections on a separate sheet  
of paper, noting line and page number of such  
18 corrections. This correction sheet must then be  
signed by the witness, notarized and returned to our  
19 office to be filed with the original transcript.

20 If this has not been taken care of within the next 30  
days or by the time of trial, whichever comes first,  
21 I shall have to conclude that the reading,  
subscribing and notice of reading have been waived.

22 Very truly yours,

23  
24 TOTAL REPORTING SERVICES  
25