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IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT, IN AND
FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO.: 01-7975

JUDGE TRAWICK (Division 15)

STATE OF FLORIDA,)
)
Plaintiff,)
)
vs.)
)
SEAN CASEY,)
)
Defendant.)
-----)

J. COTTINGHAM
2004 APR 26 PM 4:45
OFFICE OF THE PUBLIC DEFENDER
CRIMINAL DIVISION
DADE COUNTY
MIAMI, FLORIDA
AUDITED BY
AOC

Office of the Public Defender
1320 Northwest 14th Street
Miami, Florida 33125
February 24, 2004
3:16 o'clock p.m.

DEPOSITION

OF

OFFICER M. JOMARRON

Taken before GAIL J. HENRY, RPR, Notary Public
in and for the State of Florida at Large, pursuant to
Notice of Taking Deposition filed in the above cause.

1 APPEARANCES:

2 STATE ATTORNEY'S OFFICE
 3 1350 Northwest 12th Avenue
 4 Miami, Florida 33136-2111
 5 BY: JONATHAN GRANOFF, ESQUIRE
 ASSISTANT STATE ATTORNEY
 Appearing on behalf of the Plaintiff

6 HIRSCH & MARKUS, LLP
 7 Suite 1200, Datran II
 8 9130 South Dadeland Boulevard
 Miami, Florida 33156
 9 BY: MILTON HIRSCH, ESQUIRE
 Appearing on behalf of the Defendant.

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I N D E X

13

WITNESS

PAGE

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OFFICER M. JOMARRON

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Direct Examination By Mr. Hirsch

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1 THEREUPON:

2

OFFICER M. JOMARRON

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

5

DIRECT EXAMINATION

6

BY MR. HIRSCH:

7

Q. Could you state your name, please?

8

A. Officer M. Jomarron.

9

Q. How are you employed?

10

A. City of Miami Beach Police Department, police

11

officer.

12

Q. Officer, you've been identified by the State

13

Attorney's Office as a material witness in State of

14

Florida versus Sean Casey, case number F01-007975, as

15

to which case I'm going to be asking you a series of

16

questions.

17

Do you know what case you're here to answer

18

questions about?

19

A. Yes.

20

Q. Okay.

21

If you don't understand any of my questions,

22

if you find a question vague, confusing, misleading or

23

susceptible of misinterpretation, please tell me and I

24

will be happy to correct the question, explain the

25

question, or, if necessary, withdraw the question. If

1 you don't do that, if you proceed to answer the
2 question, we'll take that to mean that you understood
3 the question and you know what you're talking about
4 when you answer it.

5 Fair enough?

6 A. Yes.

7 Q. Okay.

8 And you've given many depositions?

9 A. Yes.

10 Q. So you know you have to answer words and they
11 have to be the kind of words that the court reporter
12 can take down?

13 A. Yes.

14 Q. When you first came in, I handed you my copy
15 of a report. Is that a report that you either
16 authored, co-authored or participated in the writing
17 of?

18 A. Yes, it is.

19 Q. Did you author, co-author or participate in
20 any other report in connection with this case?

21 A. No.

22 Q. Have you had a chance to review that report?

23 A. Yes.

24 Q. Do you want to keep it during this
25 deposition?

1 A. Yes.

2 Q. All right.

3 All I ask, if and when you refer to it, will
4 you tell me that you're doing so?

5 A. Yes.

6 Q. Thank you.

7 How did you first get involved in this case?

8 A. Myself and Officer Smith were dispatched to a
9 locate, notify the owner of a -- I'm going to refer to
10 the report.

11 Q. Thank you.

12 A. The owner of a black -- I'm sorry. We were
13 supposed -- we're trying to locate a Sean D. Casey with
14 a date of birth of 7/22/73, who is the owner of a BMW
15 involved in a hit and run.

16 Q. All right.

17 How were you given this information, over the
18 radio?

19 A. Yes.

20 Q. From dispatch?

21 A. Yes, from dispatch.

22 Q. Okay.

23 So and you were told that this individual,
24 Mr. Casey, was the owner of the vehicle involved in a
25 hit and run and you were to do what about that, just go

1 and find him?

2 A. Yes. Just go try to find Mr. Casey.

3 Q. Okay.

4 And you were given an address of presumably
5 where he lived?

6 A. Yes, we were.

7 Q. Other than -- other than the fact that there
8 is a Sean Casey who owns a particular car that was
9 alleged to have been involved in a hit and run and that
10 he lives at whatever address, did you know anything
11 about Mr. Casey?

12 A. No.

13 Q. Did you know anything about the hit and run
14 crime in which his car was allegedly involved?

15 A. No, I did not.

16 Q. Okay.

17 Now, at the time of these events you were, I
18 think, early on your -- in your career; were you not?

19 A. I was a police officer prior, but I was on a
20 training phase as officers do when they start new at a
21 new department.

22 Q. Okay.

23 You'd been a police officer with Hialeah
24 Police Department, but you were still in the training
25 cycle at the Miami Beach Police Department?

1 A. Yes, I was.

2 Q. All right.

3 Officer Smith, however, was in a supervisory
4 kind of position, correct?

5 A. Yes, he was.

6 Q. He was an experienced, very experienced
7 officer?

8 A. Yes.

9 Q. All right.

10 The two of you were in uniform?

11 A. Yes. Yes, we were.

12 Q. If I had seen you, then would you appear as
13 you do now?

14 A. Yes.

15 Q. And you were driving a marked vehicle?

16 A. Yes.

17 Q. And you went to the address that was given,
18 the dispatched -- the address the dispatcher gave you?

19 A. Yes.

20 Q. Dispatch told you what address to go find
21 Sean Casey?

22 A. Of course.

23 MR. HIRSCH: Okay. Off the record one
24 second.

25 (Whereupon, a discussion was had off the

1 record, after which the following proceedings were
2 had:)

3 MR. HIRSCH: Let's go back on.

4 BY MR. HIRSCH:

5 Q. Were you the first officers to arrive on the
6 scene?

7 A. I don't recall that.

8 Q. Okay.

9 Do you know Officer Henson?

10 A. Yes, I do.

11 Q. Do you happen -- as you think back, do you
12 happen to recall if he was there before you or you
13 before him?

14 A. I don't remember that.

15 Q. Same question as to Officer Domcampo,
16 D-O-M-C-A-M-P-O, do you know that officer?

17 A. Yes.

18 Q. Can you think back and tell me if you recall
19 whether or not Domcampo got there before you or after
20 you?

21 A. I don't.

22 Q. Okay.

23 And you know Sergeant Handergon (phonetic)?

24 A. Yes.

25 Q. He's a supervisor?

1 A. Yes.

2 Q. Don't they usually come after?

3 A. Yes.

4 Q. Okay.

5 I don't mean to put words in your mouth, were
6 you there before Handergon or after?

7 A. Before.

8 Q. Okay.

9 Setting aside who got there first, whether it
10 was you or some other officers, do you recall if -- you
11 don't recall, you don't recall. I'm not pressing you
12 about this. But as you think back about it, was there,
13 when you reflect back on this, did it seem like all the
14 officers were there more or less the same time or was
15 there a big disparity as to who got there first?

16 A. Pretty much the same time, but I don't recall
17 exactly who got there first.

18 Q. Okay.

19 Regardless of who got there first, is it
20 probably the case that everybody arrived within ten
21 minutes or so, or more like somebody got there and half
22 hour later somebody else got there?

23 MR. GRANOFF: When you say everyone, you're
24 referring to every police officer?

25 BY MR. HIRSCH:

1 Q. I'm referring to yourself, Officer Smith,
2 Officer Hanson and Officer Domcampo.

3 A. Typically, we arrive within five to ten
4 minutes of each other. It may be even less.

5 Q. And is that your sense of what happened in
6 that case?

7 A. Pretty much.

8 Q. Okay.

9 Do you remember -- do you actually have a
10 specific recollection of showing up at this apartment?

11 A. Yes.

12 Q. You do. Okay.

13 Where did you -- you went in through the main
14 entrance of the lobby?

15 A. Yeah. You have to.

16 Q. All right.

17 Is there anyone in the lobby, an attendant of
18 any kind, a security person, anything like that when
19 you went in there?

20 A. Yeah. There usually is.

21 Q. Was there on that occasion?

22 A. Yes, there was.

23 Q. You have a specific recollection of that?

24 A. Not of the person, but of someone being
25 there, yes.

1 Q. Did you talk to anyone in the lobby?

2 A. I don't remember.

3 (Whereupon, a brief interruption was had,
4 after which the following proceedings were had:)

5 BY MR. HIRSCH:

6 Q. Okay.

7 Did you dispatch information, including
8 department number? Did you have to look on like a
9 building marquee to see what apartment is Mr. Casey's?

10 A. No. It included the building number, the
11 apartment number.

12 Q. So you went straight up to the apartment?

13 A. Yes.

14 Q. Was the apartment door open when you got
15 there?

16 A. No.

17 Q. Okay.

18 You have a recollection of the door being
19 closed?

20 A. Yes.

21 Q. Did you knock?

22 A. Yes.

23 Q. You rather than Smith?

24 A. I'm sorry?

25 Q. You knocked or Smith knocked?

1 A. Any of us could have knocked.

2 Q. Okay.

3 A. I don't remember exactly.

4 Q. Okay.

5 And do you remember how long you waited
6 before the door was answered? I don't mean to be
7 particularly picky about these things. If you don't
8 recall, we can still be friends. I just have to ask.

9 A. It seem like a long time, but I wouldn't be
10 able to tell you in minutes.

11 Q. Okay.

12 A. Or seconds.

13 Q. Do you have a specific recollection of
14 Mr. Casey opening the door?

15 A. Yes, I do.

16 Q. Can you describe him to me as he appeared
17 when he opened the door?

18 A. He answered the door in a bathrobe.

19 Q. Like a terry cloth bathrobe?

20 A. I wouldn't remember specifically --

21 Q. One of those soft --

22 A. -- but it was a bathrobe.

23 Q. Do you remember what color it was?

24 A. Don't remember the color.

25 Q. When he opened the door, did he say anything?

1 A. I don't recall if he said -- what exactly he
2 said.

3 Q. Do you remember if you and your fellow
4 officers said anything?

5 A. I don't remember who -- who asked him. If I
6 can refer to the report.

7 Q. Absolutely. Of course you can.

8 A. Well, per the report, when Mr. Casey finally
9 opened the door, he confirmed his identity for us
10 because we were looking for a Sean Casey. And we asked
11 if we could speak to him. And he invited myself and
12 Officer Smith into his apartment to ascertain the
13 location of his vehicle.

14 I'm gonna continue per the report. It's hard
15 to remember. This was three years ago.

16 Q. Okay.

17 You're reading from the report?

18 A. Yes, I'm reading from the report.

19 Q. Go ahead.

20 A. Myself and Officer Smith, we asked Mr. Casey
21 if he knew where his vehicle was. And then he just
22 stated why, was my vehicle stolen.

23 Q. Okay.

24 You don't recall that as we sit here today,
25 do you?

1 A. I remember him saying that particular
2 statement, why, was his vehicle stolen.

3 Q. Was -- were you still standing in the doorway
4 when he said that or had you entered the apartment?

5 A. I don't remember.

6 Q. Do you remember when you entered the
7 apartment where you went?

8 A. I know, from what I recall, that we just
9 stayed within the area of the front door.

10 Q. Okay.

11 A. Maybe right there at the door.

12 Q. All right.

13 You yourself didn't go into any of the inner
14 rooms of the apartment?

15 A. No, I did.

16 Q. Kitchen, bedroom, bathroom, anything of that
17 stuff?

18 A. No.

19 Q. At no time?

20 A. At no time.

21 Q. You spoke to Mr. Casey at close quarters?

22 A. Yes. When he opened the door.

23 Q. How did he appear to you?

24 A. He appeared kind of nervous and a little
25 sweaty.

1 Q. Okay.

2 Did he appear alert? Did he appear to
3 understand your speech?

4 A. I don't know. What do you mean by alert?

5 Q. Well, for example, did he say I don't
6 understand, I don't understand, I don't understand?

7 A. He didn't say anything like I don't
8 understand. But he seemed kind of nervous and kind of
9 rambling back and forth.

10 Q. Okay.

11 A. And saying things without us even asking him
12 anything.

13 Q. Did he slur his speech?

14 A. I don't recall.

15 Q. Did he sway as he stood? Was he standing?
16 I'm sorry. Was he standing when he spoke to you?

17 A. Yes.

18 Q. All right.

19 Was he swaying as he stood or did he stand
20 stably?

21 A. I don't remember that.

22 Q. Did he say I need to sit down, I'm having
23 difficulty standing or anything like that?

24 A. No.

25 Q. Did he appear -- did he -- his breath smell

1 of alcohol to you?

2 A. Yes, it did.

3 Q. Okay.

4 A. That I remember.

5 Q. How did his eyes -- did he look at you, make
6 eye contact with you when he spoke to you?

7 A. I can't remember exactly if he did or not.

8 Q. Okay.

9 Do you happen to recall if his eyes were
10 bloodshot?

11 A. If I can refer to my report, I might have
12 documented that. Like I said, it's been three years.

13 Q. I perfectly understand.

14 A. No. Per my report, all I noted was the
15 strong smell of alcoholic beverage coming from his
16 breath.

17 Q. Okay.

18 Did you ask about his physical condition?

19 A. I did not.

20 Q. Did any of your fellow officers, as you stood
21 there, did anyone say, Mr. Casey, are you all right?
22 Are you in good health? Are you able to speak to us at
23 this time?

24 A. I don't remember.

25 Q. Okay.

1 How long would you say and -- that's fine.

2 That's all right.

3 How long would you say that you or -- either
4 alone, with your colleagues, stood there in or near the
5 doorway talking to Mr. Casey?

6 A. I just initially spoke to him when he opened
7 the door.

8 Q. Okay.

9 A. And when he asked us if his car was stolen.
10 And then I believe the other officers talked to him
11 more than we did.

12 Q. When you asked him or when he spoke to you
13 about his car being stolen, you were again in the
14 presence of your fellow officers?

15 A. Initially when he asked that the car was
16 stolen.

17 Q. You were all there?

18 A. Yes.

19 Q. Okay.

20 Now at that point did you remain in the
21 apartment or did you go elsewhere?

22 A. I remained by the front door.

23 Q. Okay.

24 How long total were you in the apartment?

25 A. I don't remember that.

1 Q. Okay.

2 If you don't remember, you don't remember.
3 If I were to say fifteen minutes or less, an hour or
4 less, can you give me an approximation, bearing in mind
5 it's an approximation? And if you can't, you can't.

6 A. I really don't remember. I wouldn't be able
7 to tell you.

8 Q. I appreciate your candor. Thank you very
9 much.

10 You've indicated previously that you didn't
11 go into any of the rooms, other than the entryway. You
12 didn't go into the bathroom, the bedroom, the kitchen
13 or anything of that sort of thing, correct?

14 A. Correct.

15 Q. Okay.

16 Did you -- is Mr. Casey -- honestly, I've
17 never been to this apartment. Is it the only apartment
18 on the corridor? Were there other apartments on the
19 corridor?

20 A. No. There is a lot of apartments there.

21 Q. Okay.

22 Did you have any reason to take any interest
23 in any other part of the building other than
24 Mr. Casey's apartment?

25 A. At that point, no.

1 Q. Okay.

2 Was there a later point when you did?

3 A. From what I recall, we just responded there
4 to the apartment.

5 Q. Okay.

6 And you confirmed that he was Sean Casey?

7 A. Yes.

8 Q. And that he owned a car matching such and
9 such a description?

10 A. Yes.

11 Q. All right.

12 And then what happened?

13 A. I don't know what you're trying to ask me.

14 Q. Did you leave at that point?

15 A. After we spoke to him briefly.

16 Q. Yes.

17 A. And the supervisors got there. I left at
18 some point, I just don't know how long I was there.

19 Q. Okay.

20 I guess what I'm asking, and maybe you've
21 answered, is you were dispatched on a -- what do you
22 call it, locate and notify? Something like that?

23 A. Yes.

24 Q. Is that the term that you use?

25 A. Yes.

1 Q. Okay.

2 Once you had located and notified, you were
3 done?

4 A. Exactly.

5 Q. Okay.

6 You had no -- I'm asking this poorly, but you
7 had no follow-up investigative assignment, check the
8 car door for evidence, check the lobby for evidence,
9 check the roof for evidence, any of that kind of stuff?

10 A. Right. Right.

11 Q. Because there was some talk about some people
12 going down in the garage. Did you go down in the
13 garage?

14 A. I don't recall --

15 Q. Okay.

16 A. -- going down in the garage.

17 Q. You didn't take any kind of statement as such
18 from Mr. Casey, did you?

19 A. No, I did not.

20 Q. All right.

21 And other than his question to you about his
22 car being stolen, you don't have a specific
23 recollection of anything else he said?

24 A. Not a specific one. But I can look on the
25 report.

1 Q. Okay.

2 A. If I could.

3 Q. Feel free.

4 A. He also told us he changed the times of when
5 he got home. He was just rambling and talking to
6 himself. And he had -- I think he was looking for his
7 I.D. or his passport or something. And he said he had
8 been drinking the night prior before at some bar named
9 Ozone. And he was trying to show us an A.T.M. receipt
10 and all kind of stuff, which we weren't even asking
11 for.

12 Q. Okay.

13 Do you remember that independently of your
14 report?

15 A. I do not.

16 Q. Okay.

17 Now, you've indicated that he told you he was
18 drinking. You've indicated that he did smell -- his
19 breath did smell of alcohol. You've indicated that he
20 was bloodshot and that his speech was rambling. Did
21 you form the conclusion he might be drunk?

22 A. Yes.

23 Q. Okay.

24 I don't mean to mind your business. You're a
25 very young person. You've seen and dealt with drunks?

1 A. Obviously, because of my job I deal with
2 intoxicated persons.

3 Q. You came to the impression, in your capacity
4 as a Miami Beach police officer, that Mr. Casey was
5 drunk or close to it?

6 A. I wouldn't be able to tell you exactly, but
7 he had the signs of having --

8 Q. Alcohol intoxication?

9 A. Yes, drinking. Drinking alcohol.

10 Q. Okay.

11 To excess, to a considerable degree?

12 A. I wouldn't be able to tell you that, but --

13 Q. Okay.

14 How far is your training? I mean you do
15 D.U.I. type work?

16 A. I do not do the actual D.U.I. I do the
17 roadside, but not the actual --

18 Q. Okay.

19 A. -- test.

20 Q. Based on your trainings and experience, do
21 you feel comfortable distinguishing in a general way
22 versus one who had one or two and one who had too much?

23 A. Yes.

24 Q. Was Mr. Casey in the one of too much category
25 when you saw him?

1 A. I wouldn't say it's too much, but I might say
2 he was in a -- I don't know how to answer the question
3 because I don't know what you're trying to ask me.

4 Q. I don't want to make a big deal out of this.

5 A. He did have an alcoholic smell coming from
6 his breath.

7 Q. To a degree of impairment?

8 A. I don't recall exactly, but --

9 Q. Would you have been uncomfortable about him
10 getting behind a wheel?

11 A. Probably.

12 Q. Okay.

13 You indicated you didn't conduct a formal
14 interview of him?

15 A. I did not.

16 Q. Okay.

17 Nor did anyone in your presence? None of the
18 officers conducted a formal interview?

19 A. Not that I recall.

20 Q. Did you transport Mr. Casey?

21 A. I didn't transport Mr. Casey.

22 Q. Okay.

23 Did you conduct any kind of search in
24 connection with this case?

25 A. I did not.

1 Q. On that date or any other day?

2 A. No, not on that day.

3 What do you mean by search?

4 Q. Search his apartment.

5 A. No, I did not.

6 Q. Search his person, pat him down?

7 A. No, I did not.

8 Q. Okay.

9 Am I correct that your entire involvement in
10 this case consist of that one day?

11 A. Yes.

12 Q. You had no follow-up involvement in this
13 case?

14 A. No.

15 Q. You understood that Mr. Casey was taken down
16 to Miami Beach Police Department at some point?

17 A. I didn't know until I bumped into this case
18 three years later. I don't know.

19 Q. Okay.

20 A. I don't know that information.

21 Q. You were not involved in transporting him or
22 what has went on at Miami Beach Police Department?

23 A. Correct.

24 Q. You would not be in the chain of custody as
25 to any evidence?

1 A. No.

2 Q. All right.

3 Prior to this particular date, so far as you
4 know, you had never met Mr. Casey?

5 A. No, I have not.

6 Q. As far as you know, you haven't seen him
7 since?

8 A. I have not.

9 Q. And you haven't -- you didn't impound any
10 property from his apartment?

11 A. No. No, I didn't impound any property from
12 there, but it was --

13 Q. You said he was showing you things, what,
14 like keys, leases or --

15 A. Showing -- I'm going to refer to the report.

16 Q. Thank you.

17 A. He was showing a passport and he handed us an
18 A.T.M. receipt.

19 Q. Okay.

20 A. Which is impounded. But I don't recall who
21 impounded it. I would have to refer back to the
22 property receipt to recall that information.

23 Q. Okay.

24 You recall that the passport and the A.T.M.
25 receipt were impounded. Do you recall if anything else

1 was impounded?

2 A. I'm not sure about the passport. I don't
3 know if that was impounded.

4 Q. Okay.

5 A. But I know the A.T.M. receipt was.

6 Q. Okay.

7 Is there anything I haven't asked you?

8 A. I don't know. You're asking the questions.

9 Q. Yes, you're right. That's the correct
10 answer. Actually, you're right. Foolish question.

11 Can I look? Can I see?

12 A. Of course you can have it back.

13 Q. Give me one second.

14 Okay. Just so I'm clear who you are.

15 A. Okay.

16 Q. You didn't talk to a security guard in the
17 lobby or the parking lot?

18 A. In the lobby?

19 Q. Yeah.

20 A. In the lobby, I don't recall. Parking lot, I
21 don't think I did.

22 Q. Okay. All right.

23 Were you in the parking lot at any time?

24 A. I don't remember.

25 Q. Okay.

1 Did you hear the original BOLO in connection
2 with this case?

3 A. Possibly. I wouldn't be able to tell you a
4 hundred percent for sure.

5 Q. Okay.

6 Did you ever inform Mr. Casey, Mr. Casey, the
7 reason we're here is your car was involved in a hit and
8 run homicide?

9 A. I don't think I'm the one who did it. I
10 don't recall that.

11 Q. Do you recall anyone telling him that in the
12 apartment?

13 A. I don't remember that.

14 Q. Okay.

15 When he asked you if his car was stolen.

16 A. Yes.

17 Q. Did you answer him?

18 A. I don't remember if I did.

19 Q. Okay.

20 A. One of the other officers might have answered
21 him.

22 Q. Well, you didn't know the answer, did you?

23 A. Well, I didn't know what was going on. I
24 knew the car we were looking for was involved because
25 of the information dispatcher gives out. But I

1 wouldn't know at that point if it was stolen or not.

2 MR. HIRSCH: I have no further questions.

3 Thank you very much for coming in.

4 THE WITNESS: You're welcome.

5 MR. GRANOFF: Thanks, officer.

6 (Whereupon, the deposition was concluded at
7 3:38 o'clock p.m.)

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