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IN THE CIRCUIT COURT OF THE EIGHTEENTH
JUDICIAL CIRCUIT, IN AND FOR
SEMINOLE COUNTY, FLORIDA

CASE NO.: 2012:001083-CFA

STATE OF FLORIDA

Plaintiff,

V.

GEORGE ZIMMERMAN,

Defendant.

----- X

DEPOSITION OF:
JOSEPH SANTIAGO

Examination of a witness beginning at 11:33 AM, and
concluding at 1:00 PM, on October 1, 2012, taken at 101
Bush Boulevard, Criminal Justice Center, Grand Jury
Room, Sanford, Florida before DAWN ROSCHER, Notary
Public, State of Florida at Large.

Dawn Roscher, Court Reporter

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

MARK M. O'MARA, ESQ., 1416 East Concord Street, Orlando,
Florida 32803, on behalf of the Defendant, George
Zimmerman.

DONALD R. WEST, ESQ., 636 West Yale Street, Orlando,
Florida 32804, Co-counsel with Mark O'Mara, Esq.

BERNIE de la RIONDA, ESQ., JOHN GUY, ESQ., OF: Office
Of the State Attorney, 220 East Bay Street,
Jacksonville, Florida 32202, on behalf of the Plaintiff,
State of Florida.

JOSEPH R. FLOOD, JR., ESQ., OF: Dean, Ringers, Morgan &
Lawton, P.A., Post Office Box 2928, Orlando, Florida
32802, on behalf of the Sanford Police Department.

* * * * *

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1 A. About the phone?

2 Q. Yes.

3 A. No.

4 Q. Any further contact with the case after
5 that?

6 A. It got transferred.

7 Q. As you now look back on the investigation,
8 that you were a part of, did you see any failings
9 in the investigation that concerned you?

10 A. I think we just took too long.

11 Q. Too long to do what?

12 A. I think what we had on Day 1 is what we had
13 two and a half weeks later.

14 Q. Okay.

15 A. I think we should have sent the packet out
16 Wednesday, Thursday of the first week. I even made
17 a suggestion to Captain O'Connor and Chief Lee to
18 take it to the Grand Jury, to see when the next
19 Grand Jury date is and have the people decide.
20 That's what I would have done.

21 Q. Okay.

22 A. The reason I suggested the Grand Jury thing
23 is I don't think the State -- if you send it to the
24 State, the State can always say well, we only said
25 no, because all the investigation we did. I said

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1 with the Grand Jury, you're putting everything out
2 there and you let the people decide yes or no on
3 it.

4 Q. Did you have conversations with the people
5 from the State Attorney's Office about this?

6 A. Yes. They came, I think, from Jacksonville.

7 Q. Okay.

8 A. It went from up here to there. They sent an
9 investigator down.

10 Q. Okay.

11 A. And he spoke to me.

12 Q. Tell me what you guys talked about.

13 A. When he came and interviewed me, to talk to
14 me, I was like one of the few that had a statement
15 in this. So he just talked to me about this.

16 Q. Tell me what you told him.

17 A. Basically, what I did here, how I answered
18 your questions, too, but not a depo. Then we were
19 just talking about -- he looked like Grizzly
20 Adams. So I was just cracking Grizzly Adams jokes.
21 That was about it.

22 Q. Okay. Did you have any conversations with
23 the State Attorney's Office in Sanford about this
24 case?

25 A. Yes.

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1 Q. And tell me about that.
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J Santiago

- 2 A. We were -- well, which time?
- 3 Q. The first time. Let's start with that.
- 4 A. It was probably a week in the -- we were in
- 5 the second week. I guess Captain O'Connor or Chief
- 6 Lee asked the State to start coming on board at
- 7 this point. Jim Carter was then attending the
- 8 meetings.
- 9 Q. So tell me about the first meeting.
- 10 A. Just going over the case and what we had,
- 11 you know, kind of where we were at.
- 12 Q. And did Mr. Carter make any suggestions as
- 13 to any additional information that should be
- 14 gathered?
- 15 A. Like making sure that we were getting the
- 16 phones back, the injuries, whatever. I don't
- 17 recall too much about it. Basically, we were kind
- 18 of telling him where we were at in the case.
- 19 Q. What injuries were you just talking about?
- 20 A. The ones to Mr. Zimmerman.
- 21 Q. Explain that to me. What conversation did
- 22 you have about that?
- 23 A. Well, it was all of us. It wasn't just me.
- 24 It was like eight or nine of us in the room. We
- 25 were all just kind of talking. Everyday we had

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- 1 kind of like a hit list as to what to do.
- 2 Q. Who was in that first meeting, the eight or

3 J Santiago
nine people? who were they?

4 A. Chief Lee, Captain O'Connor, Crime Scene
5 people, which would be Sargent Ciesla, Diane and
6 Serino. Then later on Sargent Randy Smith came to
7 the meetings.

8 Q. Okay.

9 A. He was on vacation when this thing kicked
10 off initially.

11 Q. In that first meeting, that Mr. Carter was
12 at, you said you had talked about the injuries.
13 What was discussed about that?

14 A. We were talking about, like could it have
15 happened this way or that way.

16 Q. And what was the consensus?

17 A. What was my consensus or the room's
18 consensus?

19 Q. Anything you want to tell me.

20 A. I think the room's consensus was that there
21 wasn't anything, that the injuries were consistent
22 to what his statements were.

23 Q. So the room's consensus was that his
24 injuries were consistent with his version of how
25 things happened; is that accurate?

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1 A. Yes.

2 Q. And what was the conversation wrapped around
3 that? who was saying what?

4 A. I'm just giving you a synopsis of what was
Page 44

J Santiago

5 going on, but they were daily. Then the next day
6 we'd have another meeting.

7 Q. How often on a weekly basis were you guys
8 meeting about this case?

9 A. Daily.

10 Q. Everyday?

11 A. Yes.

12 Q. And how many of those meetings was Mr.
13 Carter in?

14 A. I want to say, like the last week out of two
15 and a half weeks. He was in the last couple. I
16 couldn't give you an exact number.

17 Q. What other concerns were being discussed
18 about the investigation, besides the issue
19 concerning the injuries being consistent with his
20 story or other high points of the conversation?

21 A. That was it. Everyday we'd go in at
22 whatever time the meeting was set for and we'd talk
23 about updates and everything, like if Captain
24 O'Connor or Chief Lee said we need to get this done
25 or make this happen and where we were on it.

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1 Q. Were there ever any conversations or
2 concerns about the way the investigation was
3 happening from the day of the 26th forward?

4 A. Not in front of -- not in that meeting, I
5 can tell you. That meeting was more like what

6 J Santiago
we've done and what do we have to do. I think
7 that's why Jim Carter was put on board towards the
8 end, because we were already like, you know, what
9 else can we do? Now we were starting to look at
10 what do we have here?

11 Q. Were there any concerns with the leadership,
12 Chief Lee, the Captains, whatever, that things that
13 they wanted done, were not getting done?

14 A. Not that I know of.

15 Q. Okay. Was the tone of the conversation,
16 that things should be getting done, were in fact
17 getting done?

18 A. I couldn't tell you. Like I said, everybody
19 in the room kind of -- and it wasn't like it slowed
20 down as the week went on, but everybody was getting
21 something done that had to be done.

22 Q. Okay. And what was Mr. Carter saying about
23 the progress of the investigation?

24 A. As far as?

25 Q. Like how it was going.

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1 A. He would stay quiet and kind of listen to
2 what we had.

3 Q. What suggestions was he offering at that
4 point?

5 A. I don't recall. I couldn't tell you.

6 Q. Okay. To the extent that he told you his
7 perspective on what he thought should happen with
Page 46

- 8 the case; what was it?
9 A. Jim Carter?
10 Q. Yes.
11 A. We talked about, I think it was like the
12 last day, the last meeting I was in and we talked
13 about can we even file charges on the guy that
14 dialed 911. I know that's how I found out that
15 down here in Florida, you're supposed to help
16 somebody and not to just watch them, not just stay
17 on with 911, like walk back into your house.
18 Q. The 911 call, you referenced, actually the
19 911 call that you can hear the yelling on?
20 A. Right.
21 Q. The screaming for help?
22 A. Right.
23 Q. And your question was this guy didn't do
24 anything; can we even charge him with something?
25 A. Yes.

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- 1 Q. And Mr. Carter said what?
2 A. No.
3 Q. What did he say about charging Mr.
4 Zimmerman?
5 A. I'm not going to -- I can't quote him, but
6 basically, if I was reading him right, that we
7 didn't have anything.
8 Q. You made a comment a moment ago when I asked

J Santiago

9 you do you think anything about this investigation
10 wasn't handled right and you said it took too long?

11 A. Yes.

12 Q. What do you mean by that; what took too
13 long?

14 A. Because the information we had in the second
15 to two and a half weeks is the same information,
16 pretty much, that we had on Day 1 or Day 2, except
17 for the tolls on the phone, which you can send a
18 packet up and when the tolls come back, you forward
19 that up to the State. So it wasn't like nothing
20 that was, you know, oh, my God, this is new news.

21 Q. Right. Is what you're saying, then, is that
22 you think the investigation was delayed too long as
23 though stuff wasn't getting done or that you
24 already had all the information to make a decision?

25 A. I think we had it already.

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1 Q. All the information?

2 A. From what I saw, when I'm looking at it,
3 yes. I don't know what Serino was doing or if
4 there were any other meetings. In the meetings we
5 were going to, I couldn't see anything between Day
6 1 and two and a half weeks later.

7 Q. And with your training and experience, when
8 you thought enough information was gathered to have
9 made a decision; what do you think the decision
10 should have been concerning charging Mr. Zimmerman?

J Santiago

- 11 A. No.
- 12 Q. No what?
- 13 A. We shouldn't have charged him.
- 14 Q. With anything?
- 15 A. No.
- 16 Q. Why not?
- 17 A. I think that, and like I said, everybody's
- 18 consensus in that room, including Jim Carter, was
- 19 those injuries were defensive wounds.
- 20 Q. What else led to that consensus in the
- 21 room?
- 22 A. I think that, like I said, we were talking
- 23 over the last couple days with him and from what
- 24 I've seen, I don't think they should have charged
- 25 him. In fact, I didn't know they charged him until

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- 1 the next day.
- 2 Q. Who, in the room, contested that consensus?
- 3 A. The last day Sargent Smith did.
- 4 Q. What did he say?
- 5 A. He said that he didn't believe that those
- 6 injuries were consistent with that. Jim Carter
- 7 even stepped up and kind of gave him a what are you
- 8 kidding me look.
- 9 Q. And what was his concern with the
- 10 inconsistencies of the injuries?
- 11 A. Who?

J Santiago

12 Q. Smith.

13 A. I don't know.

14 Q. How did he verbalize that to you?

15 A. He didn't verbalize it to me. It was to the
16 room, not to me. When he said it, the whole room
17 went like this, kind of looked at him. This was
18 two and a half weeks later, and it was like why are
19 you saying this now?

20 Q. Did he say anything in particular, like I
21 don't believe he got his nose broken in the
22 beginning or I don't think that the injuries to the
23 back of the head were --

24 A. I think --

25

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1 MR. FLOOD: Let him finish.

2

3 Q. -- significant or what was his concern with
4 the injuries?

5 A. Like I said, this is a synopsis, not a
6 quote, but basically that the injuries were not
7 consistent. That's when Jim Carter was kind of
8 like from everything I've seen so far, they are.

9 Q. I just don't know what you mean by were not
10 consistent with --

11 A. Like, in other words, is he really getting
12 his head smashed or are those injuries from that or
13 is his nose really broken. It was that kind of

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J Santiago

14 stuff. When he said it, everybody kind of went
15 like that.

16 Q. Evidencing what, in your mind?

17 A. In my opinion, where have you been in these
18 last two and a half weeks; you should have said
19 that Day 1, not two and a half weeks later.

20 Q. And that was the first meeting that we just
21 talked about, I think?

22 A. That was the last meeting.

23 Q. So without going over every one; how many
24 meetings were there that you were at?

25 A. There was about two, two and a half weeks

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1 worth, off the top of my head.

2 Q. So ten to twelve meetings?

3 A. At least, yes.

4 Q. Were all the meetings of similar vein, to
5 what you just told us about, the last meeting,
6 which was that there was a meeting with all the
7 hierarchy deciding what to do about the case?
8 There was one purpose, right?

9 A. Right.

10 Q. And all the meetings were like that?

11 A. Yes. Hold on. It wasn't what to do with
12 the case. It was more like where we were along the
13 case.

14 Q. Okay.

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J Santiago

15 A. And then if we had to do anything more.

16 Q. Okay. And was the tenure or the spirit of
17 all the meetings that everything that was supposed
18 to be getting done, was getting done?

19 A. Yes.

20 Q. And was it a similar consensus throughout
21 those two, two and a half weeks that Mr. Zimmerman
22 should not be charged with a crime?

23 A. It wasn't that he should not be charged with
24 a crime. It was that we didn't have enough to
25 file. I think that's what Jim Carter was saying,

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1 too, that we don't have enough.

2 Q. To file a charge against Mr. Zimmerman?

3 A. Right.

4 Q. That was a yes?

5 A. Yes.

6 Q. And was that a consensus that existed in
7 that group meeting for the entirety of the two and
8 a half weeks?

9 A. I couldn't tell you what everybody else was
10 thinking. I can tell you what I was thinking and
11 what I was listening to from Mr. Carter, what we
12 had and didn't have.

13 Q. Well, was anybody in that meeting during
14 those two and a half weeks, contesting a consensus
15 that there was not enough to charge Mr. Zimmerman?

16 A. The only person that contested was Sargent
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J Santiago

17 Randy Smith, that we should charge him. That was
18 like the last day of the meeting.

19 Q. Did he say what he thought he should be
20 charged with?

21 A. I don't recall. I couldn't tell you.

22

23 MR. O'MARA: Let me take a couple of minutes
24 and I think we're about done.

25

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1 (Recess taken).

2

3 Q. In these meetings, that we were just talking
4 about, was Investigator Serino at all of them as
5 well?

6 A. Yes. It was Serino, Captain O'Connor, Chief
7 Lee, Crime Scene, myself and Randy Smith at the
8 end.

9 Q. Okay. What was Serino saying about the
10 evidence?

11 A. He was pretty quiet the whole time.

12 Q. Did he ever offer anything?

13 A. That I recall, no.

14 Q. Was anyone talking to him? I mean, at that
15 point, he was the lead investigator, right?

16 A. Right. We had those meetings, but I
17 couldn't tell you if there were other meetings

18 J Santiago
beyond that. You know, what I'm saying? I know I
19 left that meeting and it was the next day when I
20 found out that they actually filed charges on him.

21 Q. When you say they filed charges; you're
22 talking about SPD?

23 A. Right, sent the packet over.

24 Q. But did Serino involve himself in any of
25 those conversations, when it was being discussed

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1 that there wasn't enough evidence to charge him
2 with anything?

3 A. He was quiet most of the time.

4 Q. In the last meeting, where Smith said
5 something about the consistency of the injuries;
6 did Serino say anything in response to that?

7 A. I don't remember him saying anything.

8 Q. Okay. Did Serino ever evidence in any of
9 these meetings -- and we're talking ten to twelve
10 meetings everyday for two and a half weeks, right?

11 A. Yeah, from that first, second day to when
12 they filed the charges.

13 Q. Did you ever evidence anything that would
14 have given you the impression in that meeting that
15 he was considering filing charges the day after
16 that last meeting?

17 A. Like I said, he was quiet. He didn't say a
18 lot. Like I said, it was like a hit list of things
19 to do and the bosses were talking.

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J Santiago

20 Q. Right, but did Serino ever contest the
21 consensus of the room that there wasn't enough to
22 charge?

23 A. Not that I recall.

24 Q. Thank you.

25

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1 MR. O'MARA: No further questions.

2

3

* * * * *

4

5

CROSS EXAMINATION

6

7

BY MR. de la RIONDA:

8

9 Q. Very briefly about the telephone. You guys
10 did everything you could to try to interact or open
11 up the phone, but you weren't able to do that; is
12 that correct?

13

A. Yes, sir.

14

15

16

17

Q. How do you know that there was twelve
meetings or ten meetings? Are you guessing as to
that or do you actually have, like we met on this
date and we met on this date?

18

19

20

A. I think he -- Mr. O'Mara -- said it was
about ten or twelve. I said everyday we were
having meetings and it lasted about two and a half
weeks. That's when he said so about ten or twelve

21 J Santiago
and I said all right, you know, whatever.

22 Q. So as best you can recall, after February
23 26th, you guys met everyday after that day?

24 A. Yeah, we were having meetings everyday.

25 Q. And were you ever off any of those days?

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1 A. No, not that I recall. Without looking at
2 my timesheet, but no.

3 Q. Here's my question, and it's not a trick
4 question, but you're saying all of these
5 individuals were present at these meetings. I'm
6 wondering if anybody was out and now you're, after
7 the fact, trying to think oh, I guess everybody was
8 there?

9 A. No. Captain O'Connor was at every meeting
10 that we went to. Investigator Serino was at every
11 meeting. A Crime Scene tech or Sargent Ciesla was
12 at every meeting. Randy Smith, like I said, he was
13 on vacation, so he wasn't at the first couple.
14 Then he came back and he was attending meetings.

15 Q. Okay.

16 A. And then Chief Lee, I want to say was at a
17 lot of those meetings. He may have missed one or
18 two, something like that.

19 Q. Who was in charge of the meetings?

20 A. Chief Lee,

21 Q. And in these meetings -- I've never attended
22 them, that I'm aware of -- is everybody allowed to

J Santiago

23 speak freely or is it that, usually, when the boss
24 is there, the boss kind of controls the meeting?
25 Can you describe how these meetings occurred, in

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1 terms of who is in charge and is there an open
2 discussion or is it more limited as to, like you
3 have this task, Mr. O'Mara; you have this task, Mr.
4 Flood or is it a free-for-all, where everybody gets
5 to tell their opinion?

6 A. No. Chief Lee is at the end of the table and
7 Captain O'Connor is at the other end.

8 Q. Is it in that big room?

9 A. Admin room. Then, basically, everybody is
10 -- Captain O'Connor would open it up with what do
11 have to do or what do we need to get done. Then
12 we'd all talk about what we needed to get done and
13 that work would get disseminated; who's going to
14 do what.

15 Q. So is the majority of the time, in these
16 meetings, spent on tasks to do?

17 A. Yes.

18 Q. Okay. So the very little parts of the
19 meeting, where there's an open discussion -- that's
20 my words -- how much of the meeting is -- let me
21 make sure we're clear, so I'm not leading. I don't
22 want to be accused of leading.

23

24 J Santiago
MR. O'MARA: No, I think you're allowed to
25 lead him by saying --

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1
2 MR. de la RIONDA: No, no. It's okay.

3
4 Q. But on these meetings; the majority of the
5 time was spent going over tasks to do for
6 everybody?

7 A. Yeah.

8 Q. Like this unit, you've got to do this; is
9 that correct?

10 A. Yes.

11 Q. So if the meetings were to two to two and a
12 half hours; how much of the time on these meetings
13 was there an open discussion about if the person
14 should be charged or not?

15 A. They weren't -- I don't recall them going
16 two hours.

17 Q. Okay.

18 A. I would say it wasn't even in the first
19 week, because we were still trying to get
20 everything done.

21 Q. So the first week, really, there was no
22 discussion about what he should be charged with or
23 not charged with?

24 A. Not that I recall, no. It was mostly, like
25 hey, did you get this done; did you get this done.

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1 Q. Okay.

2 A. Then when we got into the second week,
3 that's when they started to get a little big longer
4 as to what do we have.

5 Q. So the second week; how many times was there
6 a discussion about what we have or what the person
7 should be charged with?

8 A. I don't remember where Mr. Carter comes in,
9 but that's kind of when it starts kind of picking
10 up towards that.

11 Q. So it was when Mr. Carter got involved?

12 A. Right.

13 Q. I think you stated that he was only in on
14 one or two meetings?

15 A. No. I said he was there from the last week,
16 I would say, roughly, off the top of my head.

17 Q. Has this ever occurred in your department,
18 where you guys have meetings with the State
19 Attorney and try to convince him or her to charge
20 the case or not charge?

21 A. I've worked a couple cold case homicides.
22 We do all the work and then we shoot the call out
23 this is what I've got. Then they say yeah, roll
24 with it. Then we go pick up the guy or go arrest
25 him or whatever it is.

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1 Q. Okay. Going back to what happened in this
2 case. So Mr. Carter was present?

3 A. Right.

4 Q. Then is Chief Lee present and Chief Lee is
5 saying don't charge him and Mr. Carter is saying
6 yeah, we should charge him?

7 A. No, that wasn't it.

8 Q. Okay. You weren't there for that?

9 A. No, no. That didn't happen.

10 Q. Tell us then. I misunderstood and I
11 apologize. Again, I guess, what I gathered from
12 questions being asked by Mr. O'Mara, is that you
13 stated that there was a consensus that he should
14 not be charged or is that your opinion?

15 A. Mr. O'Mara asked me what was the consensus
16 and I said I can tell you what I got from Mr.
17 Carter and that was we didn't have anything.

18 Q. So let's make sure we're clear. There's a
19 meeting of all these people?

20 A. Right.

21 Q. But your opinion, based on what you had
22 known about the case, was that he should not be
23 charged, right?

24 A. Right, and there was other people in the
25 room, like every time we'd say something, it was

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1 like well, we don't have that. I couldn't tell you
2 who was saying what. There were ten people in the
3 room. I could tell you what everybody's general
4 consensus was in that room, including Mr. Carter,
5 and that was we didn't have anything.

6 Q. And that's my question. Is somebody taking
7 minutes of these meetings or is this just your
8 recollection, because you felt he shouldn't be
9 charged and that everybody agreed with you?

10 A. It's not agreeing with me. It's agreeing
11 with the State and Chief Lee. It's not me.

12 Q. Okay. Chief Lee is saying we don't have
13 anything?

14 A. I didn't say that. You're asking me to
15 quote and I'm not going to quote. I'm merely
16 giving you a sense of what's going on in the room,
17 period.

18 Q. I want to make sure the record is clear as
19 to what was said by any individual versus what you
20 said. Does that make sense? My question is, I
21 want to know what you remember, any particular
22 individual, other than yourself, stating that he
23 should not be charged?

24 A. Again, I couldn't quote anybody in the room,
25 but I can tell you that at the last day, when

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J Santiago

1 Sargent Randy Smith says I think we have enough for
2 this and the whole room kind of looked at him. I'm
3 not even sure that Chief Lee was at that one, but I
4 know Captain O'Connor was and the State was. They
5 were like no. Don't quote me on it, but basically
6 what Jim Carter said was no, they are. That was
7 it.

8 Q. Jim Carter said that he is being charged?

9 A. That we didn't have anything, basically.

10 Q. And the reason is, because you're saying
11 that the following day Serino came in and filed an
12 affidavit to charge the defendant with the crime,
13 right; you're aware of that?

14 A. I found out the next day in a CCIB meeting
15 from Jim Carter.

16 Q. Isn't there an inconsistency there; if
17 Detective Serino is coming into file charges. Do
18 you understand what I'm saying?

19 A. No.

20 Q. Okay. I'll be glad to rephrase the
21 question. Your opinion, based on what you know, is
22 that Mr. Zimmerman should not have been charged; is
23 that correct?

24 A. Yes.

25 Q. And that is based on your limited knowledge

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1 of the case, correct?

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J Santiago

2 A. Yes.

3 Q. Did you ever review any of the interviews
4 that Mr. Zimmerman made?

5 A. No.

6 Q. Did you ever review the video tape of the
7 reenactment that he made?

8 A. No.

9 Q. So your opinion is based on what you know?
10 I'm trying to find out what you know.

11 A. Right.

12 Q. Does that make sense?

13 A. What was going on in those meetings from
14 what everybody was saying, that's what I based it
15 on.

16 Q. And in those meetings; was there a review or
17 did anybody go over the video tape at all? Did
18 anybody play that video tape of the defendant's
19 interview?

20 A. No, sir.

21 Q. So you don't know if there was
22 inconsistencies, or not, based on what Mr.
23 Zimmerman made, in terms of the injuries, or not,
24 do you, to your knowledge?

25 A. To my knowledge, no.

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1 Q. Is that a fair question? Do you understand
2 what I'm asking? In terms of your knowledge; you

3 don't know whether the statements that Mr.
4 Zimmerman made are inconsistent or consistent with
5 his injuries?

6 A. Right.

7 Q. You do not know?

8 A. I couldn't tell you, because I never saw
9 Investigator Serino's report.

10 Q. Okay. Or you never saw the interviews?

11 A. No.

12 Q. Okay. And you were not the lead
13 investigator in the case?

14 A. No, I was not.

15 Q. And you would agree that the lead
16 investigator of the case should be the one that
17 should be handling the investigation, in terms of
18 whether to charge or not?

19 A. Yes.

20 Q. Okay. If it was your case, and you had
21 working knowledge -- obviously, I know there's
22 bosses that can over-rule you, but as a general
23 rule, this was not your investigation?

24 A. No.

25 Q. Okay. And you would agree that if you were

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1 conducting an investigation, you don't want
2 somebody from another unit, not your supervisor,
3 saying oh, this is what you should charge or not
4 charge, correct?

J Santiago

5 A. Yes, true.

6 Q. Did you ever review the package that
7 Detective Serino prepared, in terms of presenting
8 the case to the State Attorney to file charges?

9 A. No. Like I said, the next day I went to a
10 narcotics task force meeting and Jim Carter
11 approached me and told me that they filed charges
12 on him. That's how I find out.

13 Q. And I know you're originally from New York,
14 but were you a police officer in New York, too?

15 A. No.

16 Q. You keep mentioning Grand Jury. That's why
17 I asked. In a lot of states, the cases are taken
18 to the Grand Jury.

19 A. I knew that. The reason why I suggested
20 that is when you're two and a half weeks into it,
21 the public was at an out-cry at that point. I said
22 take it to the Grand Jury and let the people
23 decide.

24 Q. I understand. So because of the public
25 out-cry?

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1 A. Yes. I thought it was a good move to make
2 at that time.

3 Q. Finally, in those meetings, where Chief Lee
4 was present; was there still an open discussion by
5 everybody or is Chief Lee kind of controlling

6 things, as he should be, because he's the chief?

7 A. When you say controlling --

8 Q. I don't mean that in a --

9 A. Like he's dictating the meeting, no. I'm
10 saying he's sitting there at the end of the table
11 and if he had an opinion on something, he would
12 give his opinion. If he didn't have an opinion on
13 it, he would stay quiet.

14 Q. I want to make sure the record is clear. He
15 was not like everybody would be able to speak, is
16 what I'm saying.

17 A. What do you mean; like in the room, could I
18 say something in the room?

19 Q. Yes.

20 A. Yeah, I could say something.

21 Q. After it was all over, everyday, was there
22 decisions made based on what was discussed that
23 day?

24 A. I couldn't tell you. When the meetings
25 ended, I got up.

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1 Q. So, basically, would it be fair to say that
2 at those meetings; the tasks were divided up and
3 then you did whatever task you were given?

4 A. Right.

5 Q. Do you recall any of the tasks you were
6 given to do?

7 A. Yeah. I had to canvas the area, make sure
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J Santiago

8 that the phone tolls were going through.

9 Q. And the next day, the next meeting; you'd
10 report as to what you did?

11 A. Yeah. Tolls were out, canvassed the area,
12 this is what came back and things like that.

13 Q. So, basically, the follow-up meetings were
14 for each individual person to report what they had
15 done?

16 A. Right.

17 Q. Would you agree that the majority of the
18 meetings, that was what was being done?

19 A. Yes.

20 Q. And a new task would come up, a to do list
21 and then you'd follow-up on that?

22 A. Yes.

23 Q. Okay. So it's only at the very end that
24 there were discussions about what should be done or
25 not done, in terms of charges; is that correct?

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1 A. At the end?

2 Q. Yes, sir.

3 A. Yes.

4 Q. And those were very limited discussions?

5 A. Like I said, whenever Mr. Carter kind of got
6 there. It was late into the second week when they
7 filed.

8 Q. So that would have been, like a few days

9 before the case was filed? J Santiago
10 A. Yes.
11 Q. Okay. And do you know if it was Mr. Carter
12 himself?
13 A. I couldn't tell you. I saw Mr. Carter the
14 next day and he said can I talk to you and I said
15 sure. He just told me that they filed charges.
16 Q. I think, you stated -- I apologize, if I
17 misunderstood you, but Detective Serino, the lead
18 investigator in the case, was quiet, as a general
19 rule, throughout these meetings?
20 A. Yeah. He may have said something. I mean,
21 he didn't stay quiet for two and a half weeks, but
22 nothing off the top of my head, where I'd say he
23 said this. It wasn't like Sargent Smith, in the
24 last two and a half weeks; oh, I think we have
25 something. It wasn't like that.

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1 Q. You don't remember him saying anything?
2 A. On impact, no.
3 Q. All right. I know that the Chief is the
4 Chief of Police. Would Captain O'Connor have been
5 the one charged with giving tasks on what to do on
6 a daily thing? Would he have been the Commander in
7 Charge, I guess?
8 A. Yeah, because he was over me. He's over
9 Major Crime's Investigations. He's the Captain
10 over Bureau, whatever you want to call it these
Page 68

11 days.

12 Q. So at that time, he was in charge --

13 A. Still is.

14 Q. -- of the unit?

15 A. Still is, yes.

16 Q. Thank you.

17

18 MR. de le RIONDA: I have nothing further.

19

20

* * * * *

21

REDIRECT EXAMINATION

22

BY MR. O'MARA:

23

Q. Though, you were not intimately aware of
24 everything in the ongoing investigation, because
25 that wasn't your job, right?

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1 A. No.

2 Q. The other people; did they seem to have a
3 working knowledge of what Sanford Police Department
4 was doing in order to do a complete investigation?

5 A. I would think so. Serino is a very seasoned
6 investigator. He's got a lot of time. He's a very
7 good investigator, too.

8 Q. And did it seem as though the people, who
9 were in the room talking for that two and a half
10 week period, did they evidence an awareness of
11 everything that was happening in the investigation?

J Santiago

12 A. I'm sorry?

13 Q. For example, did the chief seem to know that
14 Mr. Zimmerman had given several statements?

15 A. We didn't go over the statements. That's
16 what I told him. We didn't go over that. If I
17 left that meeting and they had another meeting, I
18 couldn't tell you that.

19 Q. Right, but was there any concern that you
20 had, that the investigation was incomplete from the
21 way the meetings were going?

22 A. No, and that's what I told you earlier. I
23 think that what we had -- and I never saw the case
24 packet, but from what we had Day 1 until what we
25 had two and a half weeks later, and I can only talk

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1 about what was going on in that meeting, we didn't
2 have anything more.

3 Q. Mr. de le Rionda asked you whether you saw
4 the video of the re-creation of the events of the
5 scene. Was there any discussions in the room
6 during any of those two and a half weeks, where it
7 was apparent to you that other people were aware of
8 the entirety of the investigation?

9 A. They talked about the video. I couldn't
10 tell you exactly what was said about it, but they
11 did talk about it.

12 Q. Did it seem to you as though Serino was a
13 aware of what he was doing in his investigation?

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J Santiago

14 A. Oh, yeah.

15 Q. And was he part of the group that was
16 processing through this information?

17 A. Yes.

18 Q. And the only person who contested, what
19 you've identified as the consensus in the room,
20 consistently through its meetings, the consensus
21 being that there wasn't enough there to charge it;
22 the only one that contested that was Smith?

23

24 MR. de le RIONDA: Object to the form of the
25 question.

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1

2 Q. Did you understand the question?

3 A. Say it again.

4 Q. The only one who contested the consensus in
5 the room, that there wasn't enough there to charge
6 him, was Smith at the last meeting; is that
7 accurate?

8

9 MR. de le RIONDA: Object to the form of the
10 question.

11

12 A. Just the last day, like I said, the last day
13 that I was in the meeting, we're talking about the
14 injuries and Sargent Smith said I think that,

15 J Santiago
16 basically, those injuries are not consistent with
17 what he's saying. Jim Carter looked, and was
18 sitting right across from him, and was like no, I
19 think they are consistent.

19 You had to see the look that he gave him;
20 like what? I think by that time we had his doctor
21 that wrote something about his injuries, something
22 like that.

23 Q. And Serino did not contest the consensus in
24 the room --

25 A. I don't remember.

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1 MR. de le RIONDA: Object to the form of the
2 question.

3
4 MR. O'MARA: Tell me what your objection is.
5 First, you can't say object to the form of the
6 question when I'm halfway in the middle of a
7 question; wait until I finish it. Two, if you tell
8 me what you're objection is, I'll rephrase it.

9 If you just say objection to the form, I
10 don't know what to do with it. That's why I'm
11 asking.

12
13 MR. de le RIONDA: You can ask your
14 question, I will object. You can do whatever you
15 want.

16

J Santiago

17 Q. Did Investigator Serino ever contest the
18 consensus, that you testified to earlier, that
19 existed in the room, that there was not enough to
20 charge Mr. Zimmerman with anything?

21

22 MR. de le RIONDA: Objection to the form of
23 the question. You can answer it.

24

25 A. He was quiet. He didn't really say much and

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1 if he did say anything, I didn't hear it.

2 Q. So he did not offer any objection, did he?

3 A. No. That's what I said. If he said
4 something, I didn't hear it. He could have, I just
5 didn't hear it or I wasn't paying attention. I was
6 just focused on Mr. Carter.

7 Q. I think Mr. de le Rionda asked you if
8 minutes were taken. Was anyone taking notes?

9 A. Not that I recall, no.

10 Q. Were you taking notes for what you should
11 accomplish?

12 A. It's pretty easy to go canvass the area, go
13 get the cell phone. I'm pretty good with that.

14 Q. But did you take any notes?

15 A. No.

16 Q. Did you notice if anybody else was taking
17 notes?

J Santiago

18 A. No.

19 Q. Would this be a situation, where there would
20 actually be somebody who was charged with keeping
21 track of what was being discussed and tasked out?

22 A. No, I don't think so.

23 Q. Okay. And were there discussions during
24 these meeting as to how the community was reacting
25 to the events?

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1 A. Not in front of me, no.

2 Q. So were these meetings more specific to the
3 investigation and not to the community tensions?

4 A. Yes.

5 Q. Were there any discussions about the
6 community tensions?

7 A. Not in those meetings.

8 Q. Over matters, such as race or anything like
9 that?

10 A. No, sir.

11 Q. When you did talk to Jim Carter at the CCIB
12 meeting and you said he came up to you and said can
13 I talk to you for a minute; tell me exactly the
14 conversation.

15 A. He said can I speak to you about the
16 meeting. I said sure. He walked up to me and I
17 said what's up. He looked at me -- I don't mean to
18 be offensive, but he gestured his hands and he said
19 you guys fucked us in the ass. I said excuse me.

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J Santiago

20 He goes did you see the packet. I says no. I said
21 look, I worry about my statement in there. That
22 was it. He goes you guys filed charges on him. I
23 said well, I didn't know that. I didn't know
24 leaving that meeting.

25 I took my phone and I flipped it up and I

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1 started calling Captain O'Connor. He goes who are
2 you calling. I said I'm calling my boss with what
3 you just told me. He goes why are you calling him.
4 I said think about what you just told me. I don't
5 know what's going. I called Captain O'Connor and I
6 told him.

7 Q. Told him what?

8 A. What Jim Carter just told me.

9 Q. And what was Captain O'Connor's response?

10 A. Nothing. He goes okay. That was it.

11 Q. I understand the phrase. So what else did
12 he say?

13 A. That was pretty much about it at that point.

14 Q. What did that evidence to you as to his
15 point or position about whether or not charges
16 should have been filed?

17 A. I think it's evident, what I told you, for
18 about a week when he was there.

19 Q. Did he say anything else to you about it?

20 A. The hand gesture got me.

21 Q. Did he say anything else?
22 A. Other than we fucked him in the ass, no.
23 Q. Okay. That was the end of the conversation?
24 A. That was enough for me.
25 Q. Any further conversations you've had with

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1 Carter since that one about this case?
2 A. No.
3 Q. Anything else about this case?
4 A. No.
5 Q. Okay. How about any other people with the
6 State Attorney's office in Seminole county?
7 A. In reference to this case?
8 Q. Yes.
9 A. No.
10 Q. Okay.

11
12 * * * * *

13 RE CROSS EXAMINATION

14 BY MR. de la RIONDA:
15 Q. Mr. O'Mara keeps mentioning about this
16 consensus at this meeting.
17 A. Right.
18 Q. Would it be fair to say that it was you and
19 Mr. Carter that came to a consensus?
20 A. No. It was everybody in the room. I
21 couldn't tell you -- it's the third time you've
22 asked me. Again, I couldn't tell you a direct

J Santiago

23 quote. The consensus was in the room that we don't
24 have anything.

25 Q. Right, but you stated, I recall, and we can

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1 have the court reporter read it back, that you
2 looked at Mr. Carter.

3 A. Well, everybody looked at Mr. Carter.
4 Everybody was looking at him. When Randy Smith
5 said that, everybody kind of went like this.

6 Q. So you looked around the room and looked at
7 everybody and everybody was looking at Smith?

8 A. Well, yeah. Like I said, it was like two
9 and a half weeks and this was the first time he's
10 bringing this up.

11 Q. Oh, because he's bringing it up for the
12 first time now?

13 A. Right.

14 Q. Okay.

15

16 MR. de le RIONDA: No further questions.

17 MR. O'MARA: No questions.

18

19 (Witness will read).

20

21

22

23