

1 IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
2 IN AND FOR LEON COUNTY, FLORIDA

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4
5 STATE OF FLORIDA,

CASE NO. 2018-CF-001592

6
7 vs.

SPN NO.: 255249

DIVISION: HANKINSON

8 DENISE WILLIAMS,
9 Defendant.

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DEPOSITION OF:

BRIAN WINCHESTER
Vol. 1, Pages 1 - 100

TAKEN AT THE INSTANCE OF:

The Defendant

DATE:

September 24, 2018

LOCATION:

State Attorney's Office
Leon County Courthouse
Tallahassee, Florida

TIME:

Commenced: 9:30 a.m.
Concluded: 11:55 a.m.

REPORTED BY:

LISA GAINEY, RMR, RPR
Notary Public in and
for the State of
Florida at Large

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A P P E A R A N C E S

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DEREK LAWHON, Investigator

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P R O C E E D I N G S

MR. JANSEN: As a preliminary matter, Timothy Jansen on behalf of Brian Winchester. We would like to put into the record a subpoena for Mr. Winchester's deposition dated September 12, 2018, by Mr. Way. We'd put that as Exhibit No. 1.

(Exhibit 1 marked.)

MR. JANSEN: We'd also put in a stipulated order to compel deposition testimony signed by Judge Hankinson on the 20th of September. That would be Exhibit No. 2.

Basically, this testimony is privileged, granting immunity from all questioning by both the State and the Defense. It also gives immunity and derivative use of the original proffer to any juror questions and questions at trial.

(Exhibit 2 marked.)

MR. JANSEN: We also would put as Exhibit 3, the original proffer entered into the parties with the State and Brian Winchester on 10/4/17 which gives him immunity for his testimony and statements made.

(Exhibit A marked.)

MR. JANSEN: Then also, Exhibit 4 is an addendum to the original 2017 proffer that is

1 signed by Mr. Fuchs, Mr. Way, myself and my
2 client. It's not dated. We can date it today if
3 we'd like, just write a date on there.

4 (Exhibit B marked.)

5 (Discussion off the record.)

6 (Exhibited 3 and 4 were re-marked as Exhibit
7 A and Exhibit B.)

8 MR. JANSEN: This last exhibit will be
9 Exhibit B. So, B will be attached to Exhibit A.
10 It's a proffer agreement that's been signed that
11 any and all statements today are protected by the
12 original proffer and by the order signed by judge.

13 I think that's all I have at this point.
14 Mr. Winchester's testimony today will be pursuant
15 to these agreements and this order today.

16 * * * * *

17 BRIAN WINCHESTER

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

20 DIRECT EXAMINATION

21 BY MR. PADOVANO:

22 Q Would you state your name, please.

23 A Brian Winchester.

24 Q Mr. Winchester, my name is Phil Padovano.

25 I'm going to be asking you some questions this morning.

1 Have you ever had your deposition taken before?

2 A Yes, sir.

3 Q So, I don't need to tell you what it's
4 about. Any questions you have about it?

5 A No, sir.

6 Q Let me start with a mundane question. How
7 much do you weigh?

8 A 170.

9 Q Have you gained weight recently or lost
10 weight recently?

11 A Stayed about the same.

12 Q How would you compare your weight now back
13 in August 5, 2016, when the kidnapping occurred?

14 A I probably weigh a little bit more now.
15 You're talking like five pounds maybe.

16 Q And is there any reason for that that you
17 can think of?

18 A Crappy jail food.

19 Q I would assume that the crappy jail food
20 might cause you to lose weight, but maybe that's not
21 the case.

22 A No, it's all carbs. It's all sugar, carbs
23 and bread.

24 Q Let me ask you this question: Are you
25 taking any medication in jail?

1 A No, sir.

2 Q So, there's nothing that would cause you to
3 gain weight between August 16th and now?

4 A (Shaking head negatively.)

5 THE REPORTER: Is that yes or no?

6 Q That's a good point. You need to answer
7 audibly because she can't take down a head nod very
8 well or really at all.

9 So, let me take you back to January 20th of
10 2004. You were served with a petition for injunction
11 by your wife Cathy Thomas. Do you recall that?

12 A January of 2004 served with the --

13 Q -- petition for an injunction.

14 A I vaguely remember that.

15 Q Well, do you remember having some difficulty
16 of her complaining of trying to keep you away from her,
17 generally speaking or --

18 A Yes.

19 Q And do you know why that was the case? Why
20 she filed for the injunction?

21 A Why she filed for the injunction?

22 Q Yes.

23 A I can't say why she did it.

24 Q There wasn't anything that went on there in
25 your mind that would have prompted that?

1 A I was trying to reconcile with her prior to
2 her marrying her current husband. And they didn't like
3 that, so they used the court to try to end that
4 process.

5 Q And her current husband is Rocky Thomas; is
6 that right? Is that his name? I don't know any of
7 these people, so you're going to have to help me out a
8 little bit here.

9 A I assume.

10 Q Did you threaten to burn her house down?

11 A No.

12 Q Let me ask you this: You were trying to
13 reconcile with Cathy at that time?

14 A Yes.

15 Q And, of course, this was before you married
16 Denise.

17 A Yes, sir.

18 Q Why were you trying to get back together
19 with Cathy? I thought the whole point of this was that
20 all this occurred so you could be with Denise. Is that
21 making any sense to you?

22 A That's three questions. Which one do you
23 want me to answer?

24 Q Does it make any sense to you? Let's start
25 with that one.

1 A Does what make any sense to me?

2 Q That you were trying to reconcile with
3 Cathy.

4 A Yes.

5 Q Why were you trying to reconcile with Cathy?

6 A Because I had what I guess you could call a
7 spiritual experience and felt very convicted about all
8 the things that had gone on in my life and felt very
9 strongly that I should try to reconcile with Cathy.

10 Q But I guess, at that point, you no longer
11 wanted to be with Denise?

12 A No, I wanted to be -- we wanted to be
13 together.

14 Q When you say "we," who are you talking
15 about?

16 A Denise and I wanted to be together very
17 strongly.

18 Q But you wanted to reconcile with Cathy. I'm
19 not following.

20 A We wanted to be together very strongly, but
21 we came to an understanding and agreement that the best
22 thing for us to do was for me to try to reconcile with
23 Cathy. If that failed, then it failed and we could be
24 together. But we were both in agreement that the best
25 thing or the thing that should be done at that point

1 was for me to try to reconcile with Cathy.

2 Q So, you killed Denise's husband to be with
3 her, but then you reconciled with your former wife,
4 Cathy, with the understanding that if that didn't work
5 out, ultimately, you'd be with Denise?

6 A Correct.

7 Q How did it come to be that the injunction
8 was ultimately dismissed?

9 A I don't know. I don't remember.

10 Q Did you come to some agreement with Cathy?

11 A I don't remember.

12 Q Did you have a lawyer in that case?

13 A I don't remember. Probably Jeff Talley, but
14 maybe not. I really don't remember.

15 Q What is your relationship with Kevin
16 Winchester?

17 A He's my cousin.

18 Q Do you trust him?

19 A Do I trust him? I guess.

20 Q You don't seem too sure.

21 A I don't trust anybody.

22 Q Do you think that Kevin trusts you?

23 A That Kevin trusts me?

24 Q Yes.

25 A I have no idea.

1 Q Let me ask you a question about the overall
2 plan. I think you said part of the plan was for Mike
3 to fall in the water and drown; is that right? That
4 was the original plan?

5 A That was one of the original plans.

6 Q The original plan, I guess, was all four of
7 you were going to go out, right, and then you --

8 A There were several plans.

9 Q But the one you ended up with was he was
10 going to go and fall in the water and drown, right?

11 A Correct.

12 Q So, when you went out there -- just tell me
13 what happened when you went out there.

14 A The morning? That morning?

15 Q Yeah.

16 A Starting with what?

17 Q Well, how did it come to be that you met him
18 there at Lake Seminole?

19 A I didn't meet him at the lake. I met him at
20 the gas station.

21 Q You met him at the store, but ultimately at
22 the lake, how did that come to be? You must have
23 talked to him about it.

24 A We talked -- right, we made plans in
25 advance.

1 Q Okay. Tell me about the plans.

2 A The plans were that he and I were going to
3 meet very early that morning.

4 Q When you say "very early," what time are you
5 talking about?

6 A Earlier than we would typically meet to go
7 hunting.

8 Q What time would that be?

9 A I'd be guessing, but I'm going to say
10 between 3:30 and 4:30.

11 Q And was this duck hunting?

12 A Yes, sir.

13 Q And when you go duck hunting, how long do
14 you normally stay out?

15 A Every time is different, but typically
16 anywhere from an hour to three hours.

17 Q So, three hours would be the maximum time
18 pretty much?

19 A No. Some people stay all day.

20 Q For you. I mean, have you ever --

21 A There's no -- I mean, what are you asking?

22 Q The typical time -- is there a limit on
23 ducks?

24 A Yes, sir.

25 Q And I suppose the time that it takes that

1 you're spending out there depends on how quickly you
2 catch one or shoot one, right?

3 A Right.

4 Q But typically, you say it's from an hour to
5 three hours?

6 A Typically.

7 Q So, you talked to him about meeting up and
8 going to Lake Seminole. Where did that conversation
9 take place?

10 A We would have talked earlier that week
11 because Denise and I wanted to make sure that it was
12 set up to happen, so I talked with him on more than one
13 occasion leading up to it. I don't remember the exact
14 days or times, but I talked to him in advance and then
15 talked to him the Friday night before setting it up.

16 Q And is that the night that you were at the
17 restaurant in Thomasville together?

18 A No.

19 Q No. Okay. Where were you, then, when you
20 talked to him on Friday night?

21 A Friday night prior to his death?

22 Q Yes.

23 A The Friday night prior to his death, he was
24 with Denise at a Salvation Army bell ringing. My wife
25 and I went to a concert that night. We tried to get

1 them to come to the concert, but they opted not to do
2 that. He and I talked through that night.

3 Q Like on the phone or what?

4 A Right.

5 Q And so, at some point during those
6 conversations, I guess you made a more specific plan
7 about where to meet or something like that?

8 A Right.

9 Q And where did you meet?

10 A At a gas station on Thomasville Road near
11 the McDonald's.

12 Q But this was a conversation between you and
13 Mike about where to be, right?

14 A Right.

15 Q And so, then take me forward from that gas
16 station. Was that the gas station near the flyover?

17 A Yes, sir.

18 Q So, what time did you meet him there?

19 A Sometime -- I'm guessing, but I'm thinking
20 it was between 3:30 and 4:30 because I wanted to make
21 it earlier than usual so that I would have time to go
22 through with my plan and then meet my alibi back in
23 town.

24 Q Which was to go hunting with your father-in-
25 law?

1 A Correct.

2 Q So, then what, you went from the McDonald's
3 in two cars, did you, to Lake Seminole?

4 A He had his vehicle with the boat behind it.
5 I had my vehicle separately, and I followed him there.

6 Q And then what happened?

7 A After we got there?

8 Q Uh-huh.

9 A We pulled into the landing, loaded up the
10 boat, launched the boat and went out on the water. I
11 determined, for some reason -- I don't remember if it
12 was because things were taking longer or what, but I
13 determined for some reason that the idea of me turning
14 the boat over and both of us going in the water was not
15 going to work, I think, from a time standpoint.

16 So, instead of that, not very far from the
17 landing, he stood up in the boat, and I pushed him into
18 the water.

19 Q And do you know if Mike could swim?

20 A He could swim.

21 Q So, what made you think that pushing him
22 into the water might lead to his death?

23 A Because there was the belief -- we had the
24 belief at the time that the waders he was wearing --
25 there was the belief that if you were wearing waders,

1 you were going to sink quickly. And that turned out
2 not to be the case. Actually, he got the waders and
3 the jacket off in the water, so that plan did not work
4 out how it was planned.

5 Q Okay. Do you know what a cinch belt is?

6 A Cinch belt?

7 Q Uh-huh.

8 A I think I do.

9 Q A cinch belt for waders specifically.

10 A I think I know what you're talking about.

11 Q What does that do?

12 A I guess you tighten it up, and it doesn't
13 have a -- whatever the --

14 Q What is the point of it?

15 A What's the point of it? Just to tighten it
16 around your waist, I guess.

17 Q Does it prevent the waders from filling up
18 with water if you fall down?

19 A No.

20 Q Oh, it doesn't?

21 A No.

22 Q That's not what it's made for?

23 A No. I think it's made to keep it tight
24 around your waist because waders are very baggy around
25 your waist. A belt is not going to keep water from

1 going down into your waders.

2 Q Okay. I think that we can just move past
3 that point and just ask you what happened, then, when
4 you discovered that he was able to swim out of his
5 waders.

6 A Okay. He got the waders, and he got the
7 jacket off. He was panicking. I was panicking and not
8 knowing what was going to happen but also feeling like
9 I basically had gotten myself into a situation that I
10 couldn't get out of, at least is how I felt. I didn't
11 feel there would be any way that I could explain what I
12 had done to anybody.

13 Q You felt like shooting him would be better
14 than trying to explain it?

15 A At that time in that mind frame that I was
16 in, unfortunately, that's what I decided.

17 Q Okay. So, tell me exactly how that
18 happened, then.

19 A Exactly how what happened?

20 Q The shooting.

21 A He was in the water. I was still in the
22 boat. I circled around him several times, I guess,
23 made the decision that that was what I felt like I had
24 to do, and so I ended up shooting him.

25 Q Why did you feel like you had to do that?

1 A Because I didn't feel like I could explain
2 why I had pushed my friend into the water. I didn't
3 feel like I had an adequate explanation. It would have
4 been obvious to him that that's what I had done.

5 Q So, tell me, then, how the shooting
6 occurred.

7 A How it occurred?

8 Q Uh-huh.

9 A I pulled the trigger.

10 Q Well, how far away was the gun? Where did
11 you hit him? That's what I'm trying to find out.

12 A It was dark, so I'm not exactly sure, but I
13 would say -- I would say between 3 and 12 feet.

14 Q Okay. A minimum of 3 feet and a maximum of
15 12 feet?

16 A I'm guessing that to be about right.

17 Q And where did the shots strike him?

18 A The only thing that was out of the water was
19 his head.

20 Q And what did you do then?

21 A He sank under the water. I knew where he
22 was, so I found him under the water and drug his body
23 to the shoreline not where we were parked, but further
24 down. There was another landing that was closer to
25 where I was at.

1 So, I drug him to the shoreline there and
2 left the boat, left him there, ran back and got my
3 vehicle, brought it back to where the boat and he was
4 at, backed it down to the water, put him into the back
5 of my vehicle and pushed the boat back out into the
6 water.

7 Q Let me ask you a few questions about that.
8 You said you dragged him to the shore while he was in
9 the water?

10 A Yes, sir.

11 Q So, you didn't pull him up into the boat?

12 A No, sir.

13 Q You were in the boat. Did you get out of
14 the boat?

15 A When?

16 Q When you dragged him up. I'm trying to get
17 a picture of how this occurred.

18 A I was driving the boat in the back of the
19 boat with a little motor on the back, so I was holding
20 on to him as I drove and drug through the water.

21 Q I see. So, then when you got him to shore,
22 you got out of the boat. Then what? You lifted him
23 up?

24 A Well, I left him there and went and got the
25 vehicle and brought the vehicle back and then put him

1 in it.

2 Q And how big a man was Mike?

3 A How big?

4 Q Uh-huh. What would you estimate his weight
5 at?

6 A He was probably a little bit heavier than
7 me, maybe 20 pounds heavier than me, but really close
8 to my size.

9 Q Uh-huh. So, then you put him in the back of
10 the Suburban?

11 A Yes, sir.

12 Q So, tell me how that occurred. I'm having
13 trouble visualizing it. You've got a guy who weighs
14 maybe 180, 190. You weigh 170, and you're picking him
15 up and putting him in the back of an SUV?

16 A It wasn't like picking up a sack of
17 groceries. It was not pretty, and it wasn't a straight
18 lift up and place in.

19 Q Okay. How was it?

20 A It was more like drag him up to where the
21 tailgate was angled down towards the water and put as
22 much weight up on the tailgate as I could and kind of
23 push and shove and drag. It was not easy.

24 Q Do you know how deep the water was there
25 where he was pushed over? Or where you pushed him

1 over, I should say.

2 A I mean, based on the tree, I would say
3 15 feet.

4 Q And what happened to the waders?

5 A I left them there. I guess they sank or got
6 hung up in the weeds. I guess they got hung up in the
7 weeds based on where they were found later.

8 Q What made you think that just pushing him
9 off the boat was going to cause him to die?

10 A Pushing him off the boat?

11 Q Yeah.

12 A Because we believed that the waders were
13 going to make him sink quickly it's like an urban myth
14 among duck hunters that if you go to the water wearing
15 your waders, you're going to sink like a stone.

16 Q That brings me to a question. Why would any
17 duck hunter wear waders in a boat anyway? I always
18 thought that was kind of for shore fishing.

19 A People do it anyway. People shouldn't drive
20 without their seat belt, but they do it every day.

21 Q But your plan depended on him being foolish
22 enough to wear waders in a boat where there was 15 feet
23 of water, right?

24 A No, we talked about it in advance. I had to
25 make sure that he brought his waders. I had to make

1 sure that he wore his waders, and I did.

2 Q And you told him he needed waders why?

3 A Because we were going to a certain spot that
4 we were going to have to wade into. We were running
5 short on time. So, you should go ahead and put your
6 waders on now.

7 Q Did you have waders on?

8 A Yes, sir.

9 Q What pod are you housed at at Wakulla

10 Correctional?

11 A What pod?

12 Q Yes, sir.

13 A H-3.

14 Q And who's your current cellmate?

15 A New York. New York.

16 Q Goes by the name "New York"?

17 A I don't know his name.

18 Q Do you trust him?

19 A Do I trust him? I don't trust anybody.

20 Q Do you think he trusts you?

21 A I don't know.

22 Q Do you have any friends in prison?

23 A Friends in prison. No.

24 Q Have you had other cellmates since you've
25 been incarcerated since the kidnapping?

1 A Yes.

2 Q And can you tell me who they are and where
3 they are.

4 A Just in prison?

5 Q Well, I guess you can go back to -- you were
6 in the Leon County Jail, I guess, for a while, too,
7 right?

8 A Right.

9 Q I guess you could go back to that.

10 A Do you want me to go backwards or forwards?

11 Q Start at the beginning and go forward, then.

12 A I don't remember the first guy's name. He
13 talked to ghosts. Man, that's terrible, I can't
14 remember the second guy's name. The third guy was
15 named Jason, and the last guy's name was Mike Jones.
16 That was all at the jail. The second guy's nickname
17 was "Q." Quinlan, I think, was his last name.

18 And then prison. And then in prison,
19 cellmates was Baldarama and Look and then my current
20 one.

21 Q Your current one who goes by the nickname
22 "New York"?

23 A Right.

24 Q And I suppose all of these people and
25 generally the population of inmates, they know that

1 you've been -- I started to say you've been convicted
2 of murder. You actually haven't even been charged with
3 murder. That you committed a murder. They know that,
4 right?

5 A Why would they know that?

6 Q I'm just asking.

7 A What are you asking?

8 Q If they know that. Why would they know
9 that? Is that what you're asking me?

10 A Did I ask you that?

11 Q I think you did, yeah. I think you did.
12 And I ask the questions, but if you want me to answer a
13 question, I will.

14 A Go ahead.

15 Q Because I was a criminal defense lawyer
16 myself for many years, and I know what happens in
17 jails. I spent many hours in jails. I think that the
18 inmates know exactly what other inmates have done. And
19 I think for you to sit here and say that they didn't
20 know that you committed a murder is really kind of
21 foolish.

22 A They?

23 Q They. Other inmates.

24 A I'm sure people have seen things in the
25 news, but I haven't discussed anything with anybody, so

1 anything they would have got would be rumor or what
2 they have seen on the news.

3 Q All right. Well, I'll leave that question
4 alone, then, because you and I just have a sharp
5 difference of opinion about what your cellmates know.

6 Are you in a gang?

7 A No, sir.

8 Q Have you been classified as a gang member by
9 the DOC?

10 A Not to my knowledge.

11 Q Okay. Now, I want to go back to the
12 Thomasville trip. You say you went to a concert. You
13 didn't go to dinner in Thomasville on Friday, the night
14 before the murder with Denise?

15 A No, sir.

16 Q You did not go to dinner with them?

17 A Go to dinner --

18 Q Cathy, Denise, Mike and you. Dinner in
19 Thomasville before you went to the concert. That
20 didn't happen?

21 A Dinner in Thomasville. The night before
22 dinner in Thomasville. The only trip to Thomasville I
23 remember with them that was recent to that event was
24 going up there for the Victorian Christmas, but I think
25 that was a Thursday, either the Thursday before or the

1 previous Thursday before.

2 We did lots of things with them, sometimes
3 two and three times a week, so I don't recall.

4 Q So, I'm not sure what you're saying. Are
5 you saying you may have gone to dinner with them?

6 A We may have, but I don't believe so.

7 Q Your recollection is you talked to Mike
8 about going duck hunting on the phone on Friday, right?
9 Is that it?

10 A I know I talked with him on the phone about
11 it. I don't recall the dinner.

12 Q I'll tell you what. We'll go back to this
13 subject. Maybe in the meantime, I can find something
14 that jogs your memory.

15 Did you meet with Cathy's family in Georgia
16 that night?

17 A The Saturday?

18 Q Yeah, that Saturday, right?

19 A Yes, sir. Not that night, that afternoon.

20 Q And you had a plan to go up there after your
21 hunting trip with Mike, right? I guess I could call it
22 a hunting trip. It wasn't really that, but after the
23 incident with Mike.

24 A It was planned by Cathy, I guess, that we
25 were supposed to go up there for a Christmas function.

1 Q But before that, you were going to go
2 hunting with her father, right?

3 A That morning.

4 Q That morning.

5 A Right.

6 Q What time were you supposed to meet him?

7 A Early enough to go hunting.

8 Q Well, help me out here because I'm not a
9 hunter. How early?

10 A Maybe between 5:30 and 6:30.

11 Q So, you would have had to have been back
12 from the event with Mike to go with your father-in-law.

13 A Right.

14 Q And you knew, I guess, that Denise and Mike
15 had plans to go celebrate their anniversary at the
16 Gibson Inn.

17 A That's what Mike believed.

18 Q Well, was there any reason why he had to get
19 home early? You were going to be --

20 A Was there any reason that he had to get home
21 early?

22 Q Yeah. I mean, I don't know what the
23 check-in time at the Gibson Inn is, but I imagine it's
24 around two or three in the afternoon. And you were
25 back at 5:00, right?

1 A Well, part of the thing that Denise and I
2 talked about was the fact that he had planned that
3 trip. So, he was going to be nervous about going on
4 the hunting trip. So, she had to make sure that she
5 reassured him that it would be okay for him to go
6 hunting.

7 She basically had to make sure that he went
8 hunting that morning, so she had to give him --

9 Q Why would you be nervous --

10 A -- permission --

11 Q Why would you be nervous about getting back
12 home at 5:00 a.m. in the morning if you weren't due to
13 go to the Gibson Inn until --

14 A I'm sorry. Can you start your question over
15 because I was still talking when you started asking the
16 question. I can't hear it when I'm still talking.

17 Q Well, actually, you were just rocking back
18 and forth in your chair, but --

19 A I was talking, actually, and you talked over
20 me.

21 Q I heard you talking. I heard you. Why
22 would you be nervous -- if you knew you were going to
23 get home around 5:00 in the morning or, let's say, even
24 6:00 in the morning, why would you be nervous about
25 making a date with your wife at the Gibson Inn that

1 evening?

2 A Why would I be nervous about making a date?

3 Q You or a person. Any person. Why would a
4 person be nervous about that?

5 A Be nervous about making a date?

6 Q Let's back up. You said that Mike was
7 nervous about getting home in time. What was he
8 nervous about? Let's just do this piece by piece.
9 What was he nervous --

10 A Did I say that Mike was going to be -- was
11 nervous?

12 Q I think you did.

13 A Could we read that back.

14 Q Well, let's back up. What did you say? No,
15 I don't want her to read it back. I want to ask you a
16 question. What did he say to you? Are you saying now
17 he wasn't nervous about getting back?

18 A I don't know what I said. We'd have to go
19 back and read it. But Denise and I knew that Mike
20 typically would be nervous about getting back in time
21 and worried about not getting back in time because of
22 having to go on that anniversary trip.

23 So, she had to make sure he knew it was okay
24 with her for him to go on the trip. She had to make
25 sure that no, no, it's okay, you go on hunting. Just

1 be back in time. Everything will be fine.

2 Q So, the question I had is: Why would he be
3 nervous about that if he was going to get home at
4 5:00 a.m. in the morning and he wasn't due in
5 Apalachicola until the check-in time at the Gibson Inn?
6 Does that make any sense?

7 A I think you're misunderstanding all of this.
8 He wasn't supposed to be back at 5:30 in the morning.
9 He and I were planning to go on a hunting trip. So, he
10 wouldn't have gotten back until 9:00, 10:00 or 11:00.

11 Q Okay. He didn't know --

12 A He didn't know I had made plans to go -- he
13 didn't know about my alibi.

14 Q What time would he have been home if it had
15 been a normal hunting trip?

16 A Typically?

17 Q Yeah.

18 A From that location -- because it depends on
19 the location and the drive time, but that location,
20 typically you're going to get home from ten to noon
21 typically.

22 Q Have you ever hunted around that area where
23 the murder occurred?

24 A Yes. He and I both have.

25 Q And how often would you say that you hunted

1 around in that area?

2 A Like how many times in my lifetime or how
3 many times in a typical year?

4 Q Just the frequency of.

5 A At that stage, it was getting to be less and
6 less but four or five times a year.

7 Q Do you have any pets or did you have any
8 pets as a child?

9 A Yes.

10 Q What were the names of your pets?

11 A Which ones?

12 Q Well, let me just jump right to the
13 question. Did you ever name a pet after Denise?

14 A Yes.

15 Q What pet was that?

16 A It was a dog.

17 Q And when did you have that dog?

18 A Like elementary school age, I think. I
19 don't think I actually named it after her. I think I
20 had the idea or thought of it.

21 Q So, on the morning of the murder, you
22 encountered -- you drove the body back to Carr Lake,
23 right? Is that right?

24 A Eventually, yes.

25 Q And somewhere in that area you met Mike

1 **Phillips, right?**

2 A No, sir.

3 Q **You didn't?**

4 A Not there, no, sir.

5 Q **Where did you meet him?**

6 A I believe it was at a Wal-Mart is what I
7 believe.

8 Q **Was this that day when you were buying the
9 shovel and the tarp?**

10 A Yes, sir.

11 Q **And so, what occurred there at the Wal-Mart
12 with Mike? You recognized Mike. I guess you went to
13 high school with him, right?**

14 A Yes, sir. Obviously, in my state of mind, I
15 was in a panic and had adrenaline just flowing like
16 crazy, was in a hurry to find a way to deal with what I
17 had to deal with. And as I recall, I was just going
18 through the store, had, in my opinion, incriminating
19 items in my cart. Obviously, I was very paranoid.

20 He happened to see me and just stopped me
21 and said hello. Then we went our separate ways. It
22 wasn't -- it was very quick.

23 Q **And you're pretty sure it was Mike Phillips?**

24 A Yes, sir.

25 Q **And you're pretty sure that you spoke to**

1 him?

2 A Yes, sir.

3 Q And you say you felt a little nervous
4 because you had a shovel and tarp, and it was 2:43 in
5 the morning.

6 A No, sir, that -- 2:43 in the morning?

7 Q What time was it?

8 A That would have been -- that would have been
9 after I left the house. That would have been around
10 the middle of the day.

11 Q Okay. Maybe it was in the afternoon, then.
12 2:43 in the afternoon?

13 A Some time in the middle of the day.

14 Q Do you remember what Mike Phillips was
15 wearing that night or that afternoon?

16 A No.

17 Q And do you remember how long you talked to
18 him?

19 A Very briefly.

20 Q Do you trust Mike Phillips?

21 A (Pause.) Sure.

22 Q Now, you hesitated there. Is there a reason
23 why you hesitated?

24 A Because I used the statement that I don't
25 trust anybody, but I think Mike is a good guy.

1 Q You think Mike Phillips trusts you?

2 A No.

3 Q Do you remember your divorce hearing with
4 Cathy in March of 2003?

5 A Divorce hearing with Cathy. Is that where
6 we were actually -- is that the day that the judge
7 declared us to be --

8 Q Yes.

9 A I remember parts of it.

10 Q Uh-huh. Do you remember sitting in the
11 courtroom one row behind Cathy?

12 A Yes, sir.

13 Q And did you tell her then that you wanted to
14 reconcile with her?

15 A No.

16 Q Did you tell her that you didn't want to be
17 divorced?

18 A What was the date on that again?

19 Q I think it was March 26, 2003.

20 A Okay. All right. I'm sorry. What was
21 the --

22 Q Did you tell her then that you didn't want
23 to be divorced?

24 A That I did not want to be divorced?

25 Q Yes.

1 A No, I was going forward with it then.

2 Q Did you trust Cathy?

3 A Did I?

4 Q Uh-huh. Did you, yes, then.

5 A Trust her for what? I had trust issues with
6 her at that point.

7 Q Do you think she trusted you?

8 MR. JANSEN: Object to the form of the
9 question.

10 Q You can answer the question.

11 A Do I think she trusted me?

12 Q Uh-huh.

13 A I think we both had trust issues with each
14 other. She had cheated on me with my friend from high
15 school.

16 Q Now, at some point, Denise started a
17 relationship with a man named Charles Bunker, I think,
18 in the spring of 2002. How did that make you feel?

19 A Betrayed.

20 Q What were your feelings towards Mr. Bunker?

21 A I didn't care for him.

22 Q Why did it make you feel betrayed?

23 A Because of all that Denise and I had gone
24 through together over the past however many -- I don't
25 remember the date you used -- but five years or so. I

1 mean, I gave up half of my son's life to be with her.

2 I killed her husband to be with her.

3 I had done a whole lot of things to be with
4 her. And then for her to turn around and cheat on me
5 with that guy was hurtful.

6 Q I think you said you had an affair with
7 Denise while she was married and while Mike was still
8 alive going back to around October of 1997; is that
9 right?

10 A October 13th.

11 Q You remember the exact day. Now, how is
12 that?

13 A Because I remember everything that happened
14 that day. It was very significant to both of us. We
15 used that 1013 as our PIN numbers for ATMs and anything
16 that needed a four-digit code. You want to remember an
17 anniversary if you want to stay out of trouble. So,
18 yeah, it was a very significant date for both of us.

19 Q And so, that affair continued on up until
20 the point when Mike was murdered, right?

21 A Beyond that, yes.

22 Q And beyond that. And I assume you had
23 sexual relations with her at some point? This is what
24 you call an affair?

25 A Extensively, yes.

1 Q Extensively. And where did that occur?

2 A Sex?

3 Q Yeah.

4 A You name it. I mean --

5 Q I'm asking you to name it.

6 A Top of the Capitol building, in cars, at
7 offices, at our houses, in public places. You name it.

8 Q And how often would you say this occurred?

9 A Sex with Denise?

10 Q Yeah.

11 A During what time period?

12 Q 1997 to 2000, up to the point of the murder.

13 A Between one and 15 times a week.

14 Q And how were you communicating with her to
15 arrange these meetings? She was married at this time,
16 right?

17 A Right. Typically, we would meet on her
18 lunch breaks. We would typically meet at the Home
19 Depot parking lot. Sometimes we would meet at her
20 parking lot at the SBA. It just depended on what was
21 going on. If Mike was in town, out of town, working,
22 not working, but the usual routine would be to meet
23 during the work day.

24 Q And how would you know when and where to
25 meet? Were you calling or texting?

1 A We would talk on the phone.

2 Q Was it a cellphone?

3 A We had cellphones at that time, but we also
4 talked a lot on our office phones and home phones.

5 Q And how often would you say you spoke with
6 her on the phone on a given day?

7 A A lot. Some days -- I mean, I guess if I
8 have to give a range, on a typical day, we would speak
9 1 to 12 times on the phone.

10 Q Right. Okay.

11 A And I don't remember when texting started,
12 but then as texting came out, we would text a lot as
13 well.

14 Q And at some point, I guess, during that
15 period of time between '97 and 2000, your son was born,
16 right?

17 A Yes, sir.

18 Q What year --

19 A '99.

20 Q '99. And what method of birth control was
21 Denise using?

22 A When?

23 Q When you were having the affair with her.

24 A She was on and off. With me or with Mike or
25 in general?

1 Q I'm assuming you don't know what birth
2 control method she used with Mike, so let's just stick
3 with you.

4 A She had been on the pill and then got off of
5 the pill. So, the methods that she used during that
6 time period -- you're saying from '97 to 2000?

7 Q Right.

8 A Hmm. I don't remember. I can't remember.
9 I know we used condoms during some of that time period,
10 but I don't remember the times that she was on the pill
11 or off the pill. I can't remember exactly.

12 Q Are you sure you're not Anslee's father?

13 A (Pause.) Am I sure. I'm 99 percent sure.

14 Q And what makes you sure?

15 A Because to me, her appearance looks like
16 Mike.

17 Q To your knowledge, did anybody else know
18 about the affair?

19 A I think a lot of people suspected. I don't
20 think that anybody knew for sure.

21 Q Well, correct me if I'm wrong, but it
22 doesn't sound like you were particularly discreet about
23 it if you're having sex at the Capitol. With 15 times
24 a week, isn't it likely somebody would have found out
25 about it?

1 A No, because we were real discreet.

2 Frequency doesn't mean you're not discreet.

3 Q I thought you said a minute ago you had sex
4 in public.

5 A Public places.

6 Q Public places. Oh. And that's discreet? I
7 mean, were you not concerned that somebody would see
8 that? Let me rephrase that question. If you were
9 really having an affair with her, isn't it likely that
10 somebody would have noticed it with you calling her 15
11 times a day and having sex with her 15 times a week?

12 A What's the question?

13 Q Do you have a hearing problem?

14 A Yes, sir, I'm hard of hearing.

15 Q You do?

16 A Yes, sir.

17 Q Okay. Isn't it likely, if you were really
18 having an affair with Denise during that period of
19 time, with all that did you and as publicly as you did
20 it and as frequently as you did it, calling her 15
21 times a day, having sex with her up to 15 times a week,
22 isn't it likely somebody else on this planet would have
23 known that you were having an affair with her?

24 A It's possible.

25 Q Did you ever go to a hotel or motel with

1 Denise?

2 A Yes, sir.

3 Q Which one?

4 A The Hilton Gardenview Inn, the Ramada that's
5 closed or changed into something new now on North
6 Monroe Street. I think we went to the Hilton
7 Gardenview Inn on Apalachee Parkway as well once.

8 You're talking about from what time period?

9 Q '97 to the time of the murder.

10 A Yeah, we obviously went to hotels when we
11 went out of town, South Beach, New York, the Plaza
12 Hotel.

13 Q What was Denise's phone number during that
14 period of time?

15 A Her work or her cellphone number?

16 Q Her cellphone.

17 A Work was 413-1221. Cell number at that time
18 was -- hmm, I can't remember.

19 Q So, you called her --

20 A I don't remember mine.

21 Q You called her 12 times a day over a period
22 of three years, and you don't remember her phone
23 number?

24 A I'm assuming her number was plugged into my
25 phone. All I had to do, like everybody does, is punch

1 her name. I don't remember my own phone number from
2 that time period.

3 Q Did you continue to have sex with Denise
4 after she was pregnant with Anslee?

5 A Yes, sir.

6 Q Mr. Winchester, what kind of animals do you
7 typically hunt? Just ducks or are there other animals?

8 A Anything with feathers.

9 Q So, you're not a deer hunter, I guess.

10 A No, sir.

11 Q When were you diagnosed as being a sex
12 addict?

13 A What is a diagnosis of a sex addict? I
14 don't believe there is such a thing as a diagnosis of a
15 sex addict. It's not recognized in the DSM, so I don't
16 think that exists.

17 Q You've had occasion to look this up in the
18 DSM, did you?

19 A I'm aware of that fact.

20 Q How did you become aware of that?

21 A It's pretty common knowledge.

22 Q You're telling me that it's common knowledge
23 that being a sex addict is not a DSM classification?

24 A I'm aware of that.

25 Q What is your occupation?

1 A What is --

2 Q -- your occupation?

3 A I have no occupation. I'm a prisoner.

4 Q What was it?

5 A I was a financial advisor.

6 Q Did you dabble in psychology as a hobby or
7 something?

8 A No, sir, but I've been through plenty of
9 therapy.

10 Q Well, that's kind of what I was asking you
11 about. Did you go through therapy for problems with
12 sex?

13 A I went through therapy to try to save my
14 marriage. That's the reason I went to therapy.

15 Q And are you saying this didn't have -- you
16 seem to have a disagreement about the characterization
17 of sex addict, so let me not use that term because I
18 don't know. I'm not a psychologist either.

19 Did some of this have to do with obsessive
20 behavior about sex?

21 A Did what have to do?

22 Q The counseling.

23 A The counseling was primarily marriage
24 counseling and counseling to try to salvage my
25 marriage.

1 Q Now, you say primarily. Was any part of it
2 about obsessive behavior dealing with sex?

3 A Those issues came up in counseling from time
4 to time.

5 Q I want to ask you about a statement you made
6 to one of the law enforcement officers. I think during
7 the questioning, you were asked if you were reluctant
8 to accuse Denise and you said no, but that you were
9 just trying to make sure that you didn't overstate her
10 role, that you wanted to be fair to her.

11 A I don't think I said I wanted to be fair
12 with her. I wanted to be honest.

13 Q Well, honest. But then you said emotionally
14 you'd like to throw her under the bus.

15 A Yes, sir.

16 Q So, I'd like to explore that a little bit.
17 Tell me what you meant by that. Why were you feeling
18 like you'd like to throw Denise under the bus?

19 A Because I felt like she threw me under the
20 bus.

21 Q Let's stop there. What did she do that in
22 your mind led you to believe that she threw you under
23 the bus?

24 A As we went through our separation and
25 divorce and all the counseling that we went through

1 with church people and doctors, anyone that we talked
2 to, it became more and more evident how Denise was
3 attempting to falsely portray herself as a victim and
4 me as an abuser.

5 I received varied counsel on how to handle
6 that from the church people and the doctors. A lot of
7 the counsel was just to go with it and agree with
8 whatever she said in an attempt to salvage the marriage
9 which is kind of the route that I took, but it was --
10 it made me angry.

11 And then after we had the -- after it became
12 clear to me that she was not interested in saving the
13 marriage, that she wanted to take her money and her
14 daughter and run, and I did the stupid things that I
15 did on August 5, 2016, and she decided to bring law
16 enforcement into it, then I saw her -- I saw a video of
17 her being questioned about her role with Mike Williams,
18 and I could see very clearly by her answers and on her
19 face the realization that she had really screwed up.

20 Then I saw when she came to court how she
21 portrayed that incident and me and the route that she
22 was going to take of pretending, again, to be the
23 victim, having -- you know, it was upsetting to me.

24 Q What are your feelings towards her now?

25 A (Pause.) Huh. I still love Denise, and I

1 hope y'all do a great job for her.

2 Q What were your feelings towards her between
3 the time you were having the affair in '97 and 2000?

4 A What were my feelings for her then?

5 Q Yes.

6 A I thought I was in love with her. We
7 thought we were in love with each other.

8 Q Would it be fair to say that you were
9 obsessed with her? Did you think about her all the
10 time?

11 A We thought about each other all the time,
12 yes.

13 Q I noticed in some of your statements to the
14 law enforcement officer that you said several times
15 that Marcus Winchester had nothing to do with Mike
16 Williams' murder.

17 A Yes.

18 Q Is there any reason why you volunteered
19 that?

20 A I'd have to read and see in what context it
21 was said.

22 Q Did anybody ever accuse -- Marcus is your
23 father, right?

24 A Yes, sir.

25 Q Did anybody ever suggest that he was

1 involved?

2 A I've seen suggestions online and heard
3 innuendos and rumor that alleges that he may have had
4 some involvement. I just wanted to clarify and make
5 clear that that was not the case.

6 Q When did you first tell him -- when I say
7 him, I mean, Marcus Winchester -- that you shot the
8 Mike Williams in the face?

9 A I've never told him that.

10 Q Do you trust your father?

11 A Yes, sir.

12 Q Do you think he trusts you?

13 A I don't know.

14 Q Can you tell me when you first learned that
15 the maximum punishment for kidnapping was life in
16 prison?

17 A Probably when Mr. Jansen let me know. I
18 really don't know. I don't remember exactly.

19 Q And I guess you were wanting to get out
20 after you were arrested and Denise wanted you to stay
21 in jail; is that right?

22 A Wanting to get a bond?

23 Q No, wanted you to stay in jail; didn't want
24 you to get a bond.

25 A No, you're saying I was wanting to get a

1 bond?

2 Q Yeah.

3 A Yes, sir.

4 Q But Denise didn't want that. She wanted you
5 to be in jail, right?

6 A Correct.

7 Q And how did that make you feel?

8 A I was not happy about it.

9 Q And I understand that Denise was actually
10 seeking a life sentence for you on that; is that right?

11 A I think that's what she asked for.

12 Q Right. And how did that make you feel?

13 A Shocked.

14 Q Did it make you angry?

15 A I would say disappointed.

16 Q Who is Wade Wilson?

17 A Who is Wade Wilson. Wade is a kid who's a
18 drug addict who conned me and claimed that he had
19 beaten trial -- I guess he was on trial for some child
20 molestation charge. Y'all would know better than I,
21 but he claimed that he had beaten his trial by, I
22 guess, using false witnesses or somehow he had beaten
23 his trial -- that I met while in Leon County Jail.

24 Q You didn't talk to him about your case, the
25 kidnapping case?

1 A Did I talk to him about it?

2 Q Uh-huh.

3 A Yes, sir.

4 Q And did someone from your family give him
5 money?

6 A I believe they did.

7 Q And what was the purpose of that, to your
8 knowledge?

9 A To help me out with my case.

10 Q And how was Wade Wilson going to help you
11 out with your case?

12 A He was supposed to be coming up with people
13 to contradict Denise's story, whatever we could come up
14 with to beat my charges.

15 Q When you say "come up with people," what do
16 you mean by that?

17 A He was supposed to find people. He
18 claimed -- he claimed a lot of things. He claimed that
19 he was a hitman. He offered to kill Denise. He
20 offered to kill Steve Mnookin. I told him I was not at
21 all interested in anything like that.

22 He claimed that he had people on the streets
23 that could help me with my case, but that it would take
24 money to do that.

25 Q What was he talking about "help you with the

1 case"?

2 A Help me with the case?

3 Q Yes.

4 A I guess technically it would be called
5 obstructing justice.

6 Q Was he talking about like manufacturing
7 evidence or something like that?

8 A Evidence or witnesses, right.

9 Q Right. And someone -- was it your father
10 who paid him?

11 A Not to my knowledge.

12 Q And you were aware of all this?

13 A Was I aware of Wade Wilson?

14 Q That somebody in your family had paid this
15 man.

16 A I don't know what happened outside of Leon
17 County Jail, but the arrangement was for him to be paid
18 by my cousin.

19 Q Was this Kevin?

20 A Yes, sir.

21 Q So, let me see if I understand it, then.
22 While you were in jail on this potential kidnapping
23 charge, Kevin paid Wade Wilson, a man who told you he
24 was the hit man, paid him to manufacture evidence to
25 help you get off the kidnapping charge.

1 A Kevin didn't know what he was paying the guy
2 for.

3 Q I'm not indicting Kevin. I'm just wanting
4 to know -- what I'm trying to establish here is you
5 knew that, didn't you?

6 A Yes, sir.

7 Q You knew all of that.

8 A Yes, sir.

9 Q Now, it was a while before you actually
10 implicated Denise in the murder of Mike Williams,
11 right? In other words, that didn't happen right away.

12 A Right away from what?

13 Q Well, did it occur after this incident with
14 Wade Wilson?

15 A Yes.

16 Q Was there anything about the Wade Wilson
17 event that led you to believe that you were in deeper
18 trouble for having obstructed justice or tampering with
19 witnesses or something such as that?

20 A Yes.

21 Q And is that when you decided to talk about
22 Denise's role?

23 A No.

24 Q When was that?

25 A When did I decide?

1 Q Yes.

2 A Ultimately, I decided right before I walked
3 into the room to talk with Mr. Fuchs, but I had a week
4 or so prior. And the night before -- I mean, it was a
5 process.

6 Q Did you realize when you did that, though,
7 that you were in deeper trouble than you initially
8 suspected?

9 A When I implicated her?

10 Q Uh-huh.

11 A When I implicated her, I was in deeper
12 trouble?

13 Q Right. Were there some plea discussions
14 before this occurred with the witness tampering and
15 obstruction?

16 A I don't believe there were ever any plea
17 discussions. I never got an offer, did I?

18 MR. JANSEN: I'm not a witness.

19 Q Did you have some generalized understanding
20 with your lawyer about what might be able to happen
21 given these -- what kind of a sentence you might
22 reasonably expect given these circumstances before the
23 witness event occurred?

24 A I mean, he doesn't have a crystal ball, and
25 I don't think most attorneys want to go out on a limb

1 and say you're going to get this, but I knew what the
2 possible sentence was. I knew the possibilities.

3 Q Now, I think that Denise and Charles Bunker
4 were together about a year, right?

5 A I don't think it was that long.

6 Q Did that make you mad that she was having an
7 affair with him?

8 A I felt betrayed.

9 Q Did you threaten to kill Charles Bunker?

10 A (Pause.) Kill Charles Bunker.

11 Q Now, mr. Winchester, is this something that
12 you have to think about here? I think if you
13 threatened to kill him, you would be able to say yes, I
14 did, or no, I didn't.

15 A Well, people say things when they get
16 emotional. I'm just trying to make sure that I am
17 completely accurate. I don't recall that.

18 Q You don't recall whether you threatened to
19 kill Charles Bunker.

20 A To him or to somebody else or --

21 Q To anyone.

22 A I don't remember.

23 Q Aside from murdering Mike Williams, have you
24 ever killed anyone else?

25 A No, sir.

1 Q When you talked to Tully Sparkman and Jason
2 Newlin and Mike DeVaney, the law enforcement officers,
3 they tape-recorded those statements, right?

4 A Yes, sir.

5 Q Did you talk to them before they tape-
6 recorded the statements on at any point?

7 A Not about any of the case. I mean, did I
8 talk to them? Technically, yes, I talked to them.

9 Q But not about the case.

10 A Not that I recall, no.

11 Q Well, you say that not that you recall, but
12 you know that's going to make me ask you another
13 question.

14 A Okay.

15 Q You could have talked to them about the case
16 before they turned the tape recorder on?

17 A I highly doubt that, but...

18 Q And what about during the breaks? Did you
19 talk about the case at all? There were breaks during
20 those statements, too.

21 A Uh-huh. Not that I recall, no.

22 Q Who paid for Stafford's tuition at Maclay?

23 A I did.

24 Q Do you trust Stafford?

25 A Hmm. I'll say yes.

1 Q Do you think he trusts you?

2 A Hmm. I think he has trust issues with me
3 right now.

4 Q I might have asked you this, but I'm not
5 really sure, so let me make sure. Did you try to talk
6 Cathy out of marrying Rocky Thomas?

7 A Yes, sir.

8 Q Because you were trying to get back together
9 with her at that point?

10 A Correct.

11 Q And this was in 2003 before you married
12 Denise?

13 A Yes, sir.

14 Q And you said when you thought Denise threw
15 you under the bus, this was after you and Denise had
16 split up, right?

17 A When I felt like she had thrown me under the
18 bus?

19 Q Yeah.

20 A I'm sorry. Repeat the question.

21 Q I had asked you earlier about what about
22 this throwing under the bus. You said that you felt
23 like she threw you under the bus, and it was because
24 she was trying to make herself out to be a victim and
25 it was in connection with the time when you were

1 splitting up with her. This was after you were married
2 and you were --

3 A Right.

4 Q Right?

5 A Right.

6 Q And I think you said that she was just going
7 to go off and keep all the money to herself.

8 A Right.

9 Q So, what was the point of trying to get back
10 together with Cathy Thomas in 2003? You wouldn't have
11 gotten any of the money if you had done that, right?

12 A I didn't care at that point. Like I said,
13 I --

14 Q Well, you cared about it later when you
15 split up with Denise?

16 A Yes, sir.

17 Q Let me talk to you a little bit about the
18 kidnapping, then. I look at that whole scenario and
19 don't really visualize what the end game of that was
20 going to be. In your mind, what was it going to be?

21 A We had a divorce date looming, I think, the
22 next week, Monday or Tuesday. It was coming up really
23 soon. Mentally, I was a wreck at that point. I was
24 losing my marriage. My son had gone to be with his mom
25 and cut me off from communications. I was basically

1 like at the bottom of the barrel.

2 So, my plan was to talk with Denise. I
3 mean, there were a few reasons -- a few objectives that
4 I had in wanting to do this, but primarily my plan was
5 to talk to Denise and basically get my half of the
6 money from what we did before she divorced me.

7 Q So, at that point, you were concerned about
8 the money.

9 A Yes.

10 Q Even though in 2003 when you were trying to
11 get back together with Cathy, that wasn't -- I guess
12 you were willing to give it all up, then, right?

13 A I was willing to give up Denise. That was
14 the hardest thing. It wasn't the money.

15 Q But you had a gun with you, right?

16 A When?

17 Q When you were in the car with Denise.

18 A Correct.

19 Q What kind of gun was it?

20 A A pistol.

21 Q And what were you planning to do with that?

22 A I had two reasons for having a gun. One of
23 them was to force her to talk to me because I had made
24 other attempts to talk to her, and they had failed.
25 So, it was a means to coerce her into talking with me.

1 And, secondly, I had thoughts at that time
2 that if everything just went to hell that I would
3 probably shoot myself.

4 **Q And was the gun loaded?**

5 A The gun had bullets in the clip. I don't
6 believe there was one in the chamber.

7 **Q How long did you plan this kidnapping?**

8 A I had thought about it for at least a month,
9 maybe two months. I thought about lots of options.
10 Basically, I was trying to come up with any way
11 possible to basically get my half of what I felt like
12 was owed to me.

13 I also wanted to attempt to get an insurance
14 policy -- not literally an insurance policy, but I
15 wanted to get Denise on tape talking about the Mike
16 Williams case, record her with my phone or recording
17 device.

18 I mean, there were a few other things, but
19 the primary goal and purpose was to get my half of what
20 I felt like was owed to me for what I did for her.

21 **Q So, did you have a recorder with you or were**
22 **you planning to do it on your phone, were you?**

23 A Yes, sir.

24 **Q And so, what time of day was this?**

25 A That what happened?

1 Q You got in the back of her Suburban, I
2 guess; is that right?

3 A Yes, sir.

4 Q Like back where the third row seat is?

5 A Back in the back in the cargo area.

6 Q And about what time was that?

7 A Two or three in the morning.

8 Q How did you get in? Was it unlocked?

9 A It was unlocked. And I had a key if it
10 hadn't have been unlocked.

11 Q Why did you go there to early in the
12 morning?

13 A That's when it's darkest. Nobody is up, and
14 I was least likely to be detected.

15 Q Was she on her way to work that day or what
16 was --

17 A My expectation was that's where she would be
18 headed.

19 Q And what time of day would she typically
20 have been leaving to go to work?

21 A Seven-ish.

22 Q So, you sat in the back, the third row seat
23 or the cargo area of the Suburban, for about five
24 hours?

25 A For about a while.

1 **Q** **So, tell me what happened when she got in.**

2 **A** She got in and cranked up and started
3 leaving the neighborhood and, at some point, pretty
4 quickly got on her phone, which I had not planned on or
5 expected.

6 And my plan -- the exit to her neighborhood
7 and where I parked my vehicle at the park is maybe
8 300 yards apart. My plan was I wanted her to pull in
9 to where my vehicle was at the park, and we could talk
10 there at the park near her neighborhood.

11 I really didn't want her getting all the way
12 to where she ended up, at the CVS or in traffic and all
13 that. I really wanted her to pull into that secluded
14 park so we could talk. But she got on the phone, and I
15 just made an instant decision to come out. I believe I
16 grabbed the phone from her and hung it up real quickly.

17 Do you want me to keep going or --

18 **Q** **Yeah.**

19 **A** She stopped the car in the middle of the
20 road. I screamed at her to go-go-go. I was worried
21 somebody was going to hit us from behind. I screamed
22 at her to go. She eventually started to go.

23 I screamed at her to turn into the park,
24 repeatedly. She ignored that and kept driving. At
25 some point when screaming at her and all that I was

1 trying to do didn't work, at some point I took the gun
2 and held it to her side from behind. She never saw it
3 and, in my opinion, didn't even know that I had a gun
4 until I showed it to her later at the CVS.

5 But as I did that, I just had -- whatever
6 you want to call it -- a revelation or a coming to my
7 senses that this was insane, ludicrous, what am I
8 doing. I took the gun away and hid it from her.

9 I really kind of sat back. She drove and
10 pulled into CVS, and that's where we ended up talking
11 for however long we were there.

12 Q And then she was able, I guess, to diffuse
13 the situation a little bit or what?

14 A Yeah, I guess you could say that.

15 Q And at some point, did she take you back to
16 your cousin or you called your cousin or something like
17 that, or how did that happen?

18 A No, she took me back to the park to my
19 vehicle.

20 Q Where your vehicle was?

21 A Yes, sir.

22 Q And then did anyone in your family know you
23 were about to do that?

24 A About to do that?

25 Q Yeah.

1 A No, sir.

2 Q You said you had a revelation right then and
3 there that that was the wrong thing to do.

4 A A better word would be realization.

5 Q Realization. The thought has crossed my
6 mind and I want to ask you this: Did you not have a
7 similar realization when Mike was there in the water
8 after you pushed him out of the boat? Did you not have
9 that oh-my-God moment of what did I just do and what am
10 I about to do? It didn't dawn on you?

11 A I wish it had.

12 MR. WAY: Madam Court Reporter, we can take
13 about ten minutes.

14 (Brief recess.)

15 BY MR. PADOVANO:

16 Q I guess after this happened, you had to
17 resume some sense of normalcy with Stafford and with
18 Anslee. How did that make you feel dealing with --

19 A I'm sorry, after what happened?

20 Q After the murder.

21 A After it happened, we had to resume some
22 sense of normalcy?

23 Q Right.

24 A We had to appear normal, obviously, but they
25 were babies at the time. I don't know why you brought

1 their names up.

2 Q Well, you don't have to know.

3 A You don't have to know what?

4 Q You don't have to know why I brought it up.

5 A Oh, okay.

6 Q Okay. How do you feel knowing your son
7 Stafford has to live now with the knowledge of what you
8 did?

9 A Terrible.

10 Q And I assume your answer would be the same
11 for Anslee?

12 A Yes, sir.

13 Q On the morning you murdered Mike, walk us
14 through what you did there with his boat and trailer
15 and truck.

16 A The boat I pushed out in the water. His
17 truck and trailer I left where he had parked it.

18 Q All right. Isn't it true that you actually
19 shot him at Carr Lake?

20 A No, sir.

21 Q That's not true?

22 A No.

23 Q You are sure about that?

24 A Positive.

25 Q Did you ever read the autopsy report?

1 A No, sir.

2 Q Did you know that the wadding from the
3 shotgun shell was found in his skull?

4 A I heard that.

5 Q And do you know how close the range would
6 have to be for that to occur?

7 A I don't think that can be determined. I
8 mean, I think in a general range, you can estimate
9 that, but I've shot birds before that had wadding
10 lodged in them at a greater distance than what he was.

11 Q Well, the figure I heard was three inches to
12 three feet. Does that sound right to you?

13 A Right for what?

14 Q To be able to recover some wadding from the
15 shotgun shell.

16 A I'm not a scientist. I'm not a ballistics
17 technician, so I couldn't tell you. I know that he
18 was -- he was not three inches from me.

19 Q Oh, you said he was as much as 15 feet away.

20 A I said 3 to 15 feet.

21 Q Well, that's what I said. As much as
22 15 feet away.

23 A You said 3 inches to 3 feet.

24 Q No, 3 inches to 3 feet for you to find
25 wadding. You said, when I questioned you earlier, that

1 when you shot Mike, it was 3 feet to 15 feet away.

2 A Correct.

3 Q Which would make it very unlikely for that
4 wadding to be in his skull, wouldn't it?

5 A No, because you just said three inches to
6 three feet, so it the matches exactly what I said.

7 Q Let's back up. How far away were you from
8 Mike when you pulled the trigger and shot the shotgun
9 at him?

10 A As I said before, it was dark, so I'm
11 estimating, but my estimate is 3 feet to 15 feet.

12 Q Right. And if the maximum distance to
13 detect wadding from a shotgun shell is three feet, then
14 you must have been a lot closer.

15 A Again, I'm not a ballistics technician or
16 scientist. I don't believe you are either, but I know
17 that you can find wadding in things that have been shot
18 that are further than three feet, yes.

19 Q Well, let me ask you about the Suburban. At
20 some point, you cleaned it up?

21 A Yes, sir.

22 Q And how did you clean it up?

23 A How did I clean it up? I used bleach and --

24 Q Where did you put the bleach?

25 A In the back, in the cargo area.

1 Q And what else did you do?

2 A I went to a carwash, and I used a pressure
3 washer.

4 Q Would it surprise you to know that the
5 Suburban was recovered, and there's no forensic
6 evidence of any bleach or blood in it?

7 A I wouldn't think there would be bleach. I
8 would think there might possibly be DNA down in the
9 wells of the vehicle, but it's been a long time.
10 Again, I'm not a crime technician. I can't tell you
11 how long that stuff lasts, but I would think it would
12 be very obvious that the back of that vehicle, the
13 carpet in it was discolored both in the cargo area and
14 on the tailgate because I tried to cover it up with a
15 rubber mat.

16 Q So, you didn't shoot him there and then
17 drive his truck, trailer and boat out to Lake Seminole
18 and have someone come and pick you up there?

19 A No.

20 Q Now, you realize you are under oath.

21 A I do.

22 Q And you already have one sentence here, and
23 you could get another if that's --

24 A I have three sentences.

25 Q Well, three sentences. But you could get

1 another if what you're telling me here is not true.

2 A Yes, sir.

3 Q How much money did you earn in 1997 roughly?

4 A I couldn't recall.

5 Q Can you give me a ballpark range?

6 A Not without my tax return, no, sir.

7 Q You can't even give me a ballpark range?

8 A No.

9 Q Was it more like \$20,000?

10 A I don't remember.

11 Q Could have been \$20,000?

12 A It could have been.

13 Q Was it a half a million dollars?

14 A No.

15 Q 400,000?

16 A No.

17 Q 300?

18 A Somewhere between 10 and 100.

19 Q 10,000 and 100?

20 A Right.

21 Q What about 1999?

22 A 1999. Somewhere in the same range, 10 and

23 100.

24 Q What about 2000?

25 A I would guess the same range. You're just

1 talking about me or combined with my spouse?

2 Q Let me ask you about your combined income
3 with Cathy in 1999. Wasn't it about \$150,000?

4 A That seems high to me, but possibly --
5 that's forever ago.

6 Q And you were making some money training dogs
7 for field trials in addition to your consulting work;
8 is that right?

9 A No, sir.

10 Q No. Were you at a meeting with your father
11 and Attorney Curt Hunter in 2001 to discuss obtaining
12 the death certificate?

13 A I don't recall. I mean, I met with Curt on
14 numerous occasions about numerous issues or clients.
15 It's definitely a possibility.

16 Q Did you trust Curt?

17 A Sure.

18 Q What was your involvement in the process of
19 obtaining the death certificate?

20 A What was my involvement?

21 Q Uh-huh.

22 A In the process of obtaining a death
23 certificate?

24 Q Yes.

25 A So, she had to petition the court. She had

1 to go petition Judge Crusoe. We talked about it. I
2 know we had discussions about it. I know she was
3 paranoid afterwards about the fact that she had not
4 disclosed the Cotton States insurance policy.

5 She and I talked about it. We talked about
6 her meetings with Curt and things that she should say
7 or not say, but I don't recall a lot of detail about
8 that. I mean, she kind of handled it with Curt.

9 Q Do you know how much money she had in
10 savings at that time?

11 A They probably had 100 to 150 with Merrill
12 Lynch. How much was in savings -- I couldn't tell you
13 how much was in savings. The main asset that I knew
14 about was the Merrill Lynch account.

15 Q And how was she supporting herself after the
16 murder?

17 A Specifically what timeframe are you talking
18 about?

19 Q Well, just say the year or two after the
20 murder. I guess her husband made quite a bit of money,
21 didn't he?

22 A I think combined, they were around 200. He
23 definitely made the bulk of the money. She worked at
24 the Board of Administration until she left there. Then
25 she worked for Image API until she lost that job. Then

1 she was on unemployment, the only millionaire I know
2 that was on unemployment.

3 Then she got a job -- let's see. She was on
4 unemployment, and then she got the job at the State, at
5 the University.

6 Q I want to go back to the initial, the first
7 hunting trip that never came to be, the one on
8 December 9th.

9 A The week prior?

10 Q Yes. What was the planning for that? Can
11 you tell me what the planning was? Did you talk to
12 Mike about that?

13 A It was very similar to what ended up
14 happening.

15 Q And by that, you would have called Mike on
16 the phone and said meet me at a certain place or
17 something like that?

18 A It was virtually identical to what ended up
19 happening.

20 Q Right. But the plan to actually meet
21 somewhere was between you and Mike?

22 A Correct.

23 Q And at some point, I guess you got a call
24 from Mike saying that he couldn't go, is that right,
25 because Denise didn't want him to go?

1 A Yes, he called me and said that Denise
2 didn't want him to go. And then I believe that I
3 called her after that and asked her what's going on,
4 what happened, what's up. And then we obviously met
5 and talked later about it and through and during that
6 week.

7 Q Well, I mean, that wasn't obvious to me.
8 Tell me about that meeting.

9 A We met afterwards. You know, I wanted to
10 know what's up. This is not something that you need to
11 be wishy-washy about.

12 Q What did she say?

13 A I don't remember her exact words, but I
14 think basically it was just a -- I guess I would
15 describe it as she got cold feet.

16 Q When was that in relation to the
17 December 9th trip or trip that you planned? Not a
18 trip. It wasn't a trip. It was one that never
19 happened.

20 When was the time that you talked to her and
21 you got the impression she said she had cold feet? Was
22 it a day later or two days later?

23 A We talked the next day.

24 Q Okay. Can you tell me prior to -- you had
25 called Mike or Mike called you about setting up the

1 plan where to meet for the December 9th trip. Can you
2 tell me when your last communication was with Denise
3 prior to that?

4 A No.

5 Q Were you calling Denise or did you have a
6 plan of not calling her?

7 A We had talked about the fact that it
8 wouldn't be good for us to be having a lot of phone
9 communications that could be looked at or, you know,
10 verified or look suspicious. So, we did everything we
11 could to minimize our phone contacts during those
12 times.

13 Q So, on the December 9th trip or the failed
14 trip, if I can call it that, you don't know when you
15 talked to Denise like prior to that. It could have
16 been a day or two? It could have been a week or two?

17 A It wouldn't have been a week, but...

18 Q But you don't know exactly when?

19 A I don't know exactly, no.

20 Q And then tell me what communications you had
21 with her. I understand you said that you called her
22 and then you met with her the next day to try to find
23 out why Mike didn't go, right?

24 A Uh-huh.

25 Q Tell me what other communications, if any at

1 all, that you had with her between that time and
2 December 16th.

3 A I can't -- I don't remember the exact days
4 and times and when we met and where we met. I just
5 know that we met and had discussions about it.

6 Q What was the substance of those discussions?
7 Are you talking about -- when are you talking about?
8 Is this between December 9th and December 16th?

9 A That's when you were asking about, right?

10 Q Yes.

11 A Yeah, it was between those two dates.

12 Q And what were the discussions?

13 A Are we doing this or not. I mean, we're
14 running out of time. The insurance policy is lapsing
15 soon. You know, you've got this anniversary trip
16 coming up, all the factors and pressures that went into
17 that being the date that we had to go forward with it.

18 Duck season was -- there were only going to
19 be so many opportunities that this could have happened,
20 and we were running out of time that fit into what we
21 were wanting to do.

22 Q And you got the impression, I guess, that
23 she wanted to go ahead with it?

24 A She said she wanted to go ahead with it.

25 Q Okay. And then at some point -- I mean, you

1 had some contact with Mike that Friday night to arrange
2 the plan. Now, Denise wasn't involved in the physical
3 planning of the trip itself, was she?

4 A Involved in the physical planning of it?

5 Q Yeah, in other words, that was a call
6 between you and Mike, right?

7 A There was a call with me and Mike, yes, but
8 Denise and I had talked about the fact that she needed
9 to make sure that he was comfortable going, that he had
10 the okay with his spouse.

11 Q You never asked Mike on that
12 December 16th whether he had actually gotten
13 permission, did you? I think you said he would have
14 done that.

15 A I seem to remember him -- I seem to remember
16 him bringing it up like that's my anniversary. I got
17 to make sure with Denise because we didn't just talk
18 about it the day before. We talked about it prior to
19 the Friday before.

20 Q No, I know you said that he was concerned
21 about this and concerned about getting back in time.

22 A Uh-huh.

23 Q But when you actually went with him on
24 December 16th, he never said to you: Brian, I got
25 permission from Denise --

1 A That morning?

2 Q Yes.

3 A No, because the only time I saw him or
4 interacted him was at the gas station and then when we
5 were going out on the water.

6 Q And I think you said to one of the law
7 enforcement officers that he would have gotten
8 permission from Denise because that was your overall
9 understanding of her role in the whole thing, right?

10 A That was the plan, yeah, it was for her to
11 make sure he went.

12 Q So, you assumed that she gave him permission
13 to go because that was what she -- that was her part of
14 the plan, right?

15 A Yes.

16 Q You don't know for a fact what conversations
17 she actually had with Mike.

18 A I don't remember talking with her
19 afterwards. All of our -- I believe that all of our
20 discussions about that topic were held in advance.

21 Q Okay. All right. I'm going to ask you if
22 you've ever been diagnosed with any of the following:
23 Antisocial personality disorder.

24 A No.

25 Q Psychopathy.

1 A No.

2 Q Depression.

3 A No.

4 Q Bipolar disorder.

5 A No.

6 Q Narcissistic personality disorder.

7 A Nope.

8 Q Has anyone ever told you that you might be
9 suffering from any of those things?

10 A Other than Denise?

11 Q Well, let's go with that. Did Denise tell
12 you that?

13 A Did she tell me that. I don't remember if
14 she told me that. I know that she said that to other
15 people.

16 Q Which one of those conditions are you
17 talking about?

18 A The narcissistic.

19 Q When you shot Mike in the face, did he say
20 anything right before you shot him?

21 A He was yelling. He was yelling for help.

22 Q And what did the wound look like?

23 A It was dark. I didn't see the wound. I
24 never looked at him afterwards.

25 Q But at some point, you pulled his body up

1 and put it back in the Suburban.

2 A Yes, sir.

3 Q You didn't just bury him right there at Carr
4 Lake.

5 A I wasn't at Carr Lake.

6 Q How close did you have to get to pull his
7 shirt up over his head?

8 A Actually as I was dragging him through the
9 water, the flow of the water made his clothes come up
10 over his face.

11 Q Did the shirt come up over the head from the
12 front or from the back?

13 A I don't know. I didn't pay that close of
14 attention, but I did not want to see him, and so I made
15 sure that he was covered so that I didn't have to see
16 him.

17 Q Were there any other sensations about that?
18 Could you smell the gunpowder?

19 A No.

20 Q How heavy was his body in the waders?

21 A He wasn't in the waders. He took the waders
22 off.

23 Q Did you say a prayer for Mike before you
24 shot him?

25 A No.

1 Q And how did you feel after the shot went
2 off?

3 A I guess my primary feeling was panic.

4 Q When you and Cathy had your first custody
5 dispute, you used a thing called biblical arbitration;
6 is that right?

7 A Yes, we did at one time.

8 Q Tell me what that is because I'm not
9 familiar with it.

10 A I guess it's arbitration using biblical
11 principles in conjunction with it.

12 Q So, are you a religious person? I gather
13 that that must be the case, or maybe I'm wrong. I'm
14 not trying to put words in your mouth. Do you consider
15 yourself a religious person?

16 A It depends on the day.

17 Q What do you mean by that?

18 A I'm not a very good one, obviously.

19 Q You attended church regularly, though, after
20 Mike was murdered, right?

21 A I didn't start attending church until right
22 before I tried to reconcile with Cathy. Oh, it was
23 July 4th. Whatever the year that she said that I tried
24 to reconcile with her, July 4th, that's when I started
25 attending church regularly.

1 Q And in your church, do you believe in the
2 Ten Commandments?

3 A Yes.

4 Q Now, you've violated about half of them,
5 haven't you?

6 A At least.

7 Q And you lied about this to your family?

8 A This?

9 Q The murder.

10 A Yes, everyone. Except Denise.

11 Q Have you ever paid a prostitute for sex?

12 A Yes.

13 Q Can you tell me for what services in
14 particular?

15 A Threesomes with me and Denise. It would be
16 easier to say what I haven't paid them for. There's
17 been a lot.

18 Q A lot of things?

19 A A lot of things and a lot of prostitutes.

20 Q Going back to that point about threesomes,
21 did there come a time when Denise had some contact with
22 your wife Cathy and you photographed that?

23 A Yes, sir.

24 Q Tell me what that was all about. How did
25 that happen?

1 A How did the threesome happen or the
2 photograph or what's --

3 Q I wasn't there. I'm just asking you to tell
4 me what happened because this is not in my wheelhouse,
5 believe me. I want you to tell me what happened.

6 A On some occasions, Cathy and Denise would
7 have sexual interactions with each other both prior to
8 Mike's death and afterwards. And on some of those
9 occasions, I was involved; some of them, I wasn't.

10 Q Was Mike ever involved?

11 A Not sexually. Mike was aware of -- he had
12 limited awareness that they, the two of them, had
13 messed around with each other. He was not aware of my
14 involvement.

15 Q So, some of this occurred before the murder,
16 right?

17 A Yes, sir.

18 Q And so, were you involved in the threesomes
19 with Cathy and Denise?

20 A Yes.

21 Q And so, Cathy obviously knew about that and
22 Denise obviously knew about that.

23 A Uh-huh.

24 Q Did Cathy know that you were having an
25 affair with Denise?

1 A I don't know. Not to my knowledge. I don't
2 believe she did. I think she had suspicions, but I
3 don't think she knew.

4 Q So, you were having an affair with Denise,
5 planning to kill her husband so that you could both get
6 the insurance money. And all the while, you're having
7 threesomes with your own wife; is that right?

8 A Yes, sir.

9 Q Who is Carol Lawyer? Do you know?

10 A Denise used to work with Carol Lawyer at the
11 State Board.

12 Q Has she ever been to your house?

13 A Yes, sir.

14 Q Has she ever seen you naked?

15 A Yes, sir.

16 Q Was Carol Lawyer at your house the first
17 night you had intercourse with Denise?

18 A No, sir.

19 Q Was Carol Lawyer ever involved in a
20 threesome between you and Denise?

21 A You want me to clarify that prior answer?

22 Q Yeah, go ahead.

23 A Denise and I planned for Carol to come over
24 and have a threesome with us on numerous occasions. At
25 one point when she finally did, we lied to her and

1 claimed that it was the first time that we had had sex
2 with each other. That's what we told Carol, but it
3 obviously wasn't true.

4 Q Let me ask you a question about your proffer
5 and I guess the deal, for the lack of a better term,
6 that you made here. You were actually the triggerman,
7 and yet, you will pay no price at all for this. Denise
8 now will be the only one who will be responsible for it
9 because of your testimony.

10 Have you considered that? Does that bother
11 you at all that you did this thing and you're going off
12 pretty much scott free for that anyway. Does that
13 concern you?

14 A I have a different viewpoint of it than you
15 do.

16 Q What is your viewpoint? I'm not trying to
17 put words in your mouth. I'm just trying to ask you.
18 What is your viewpoint of it?

19 A My viewpoint is I haven't gotten away with
20 anything. You're looking at it primarily from a legal
21 standpoint. I view it personally because I did it. I
22 have to live with the consequences of it. I always
23 will live with the consequences of it.

24 Legally, yes, I'm so far not charged with
25 what I did, but I've got a 35-year sentence, so in the

1 grand scheme of things --

2 Q Well, that was for another crime you
3 committed, right?

4 A When you're sitting in prison, you're not
5 really looking at your papers of why you were sent
6 there.

7 Q You think it would have been easy --

8 A So, it wasn't up to me.

9 Q So, your punishment is the one you've
10 imposed on yourself, really, for this, more that you
11 have to live with it, I guess, right?

12 A I have to live with it every day, yes, sir.

13 Q You think it would have been easier to live
14 with if you had gotten Denise to reconcile and you
15 could have gotten half the money?

16 A Would it have been easier to live with?

17 Q Yes.

18 A If I had gotten her to reconcile. I did
19 want to reconcile. She wasn't going to reconcile. My
20 plan was that she was going to split the money with me,
21 and we were going to get a divorce.

22 Q Oh, I see. So, would it have been easier to
23 live with if you had actually gotten half the money?

24 A (Pause.) No, it wasn't easy to live with.
25 I mean, my life fell apart because of me dealing with

1 the fallout of what I did 17 years ago. My life was a
2 complete train wreck. I was suicidal. I was willing
3 to take my own life because of it.

4 MR. PADOVANO: I don't think I have any more
5 questions, but if you don't have any objections,
6 may I step out and speak with Ethan for a moment
7 before we start the questions, if any. And I'm
8 not suggesting you should have any, but if you
9 might.

10 MR. WAY: Take a two-minute break.

11 MR. FUCHS: Sure.

12 (Brief recess.)

13 MR. PADOVANO: I have no further questions.

14 CROSS EXAMINATION

15 BY MR. FUCHS:

16 Q Mr. Winchester, it's my understanding that
17 you may have -- there was some questions that were
18 asked of you about Wade Wilson and possibly messing
19 around with that case.

20 A Right.

21 Q It was only pertaining to Mr. Wilson. Were
22 there other persons that may have possibly done the
23 same type of thing or involved there?

24 A Yes, sir.

25 Q Could you please tell us about that.

1 A There was a girl -- and I can't remember her
2 last name. This is embarrassing, but I can't remember
3 her last name, but her first name was Kim. I attempted
4 to try to get her to help me in a similar fashion as to
5 what Wade Wilson was supposed to.

6 Q Is Kim someone you knew prior to going in or
7 is she like Wade Wilson where you met at the jail?

8 A No, I knew her prior.

9 Q So, that's someone you had relations with.

10 A Yes, sir.

11 Q When you say you tried to get her to help
12 you, are you talking about set up an alibi or something
13 along those lines?

14 A Yes, sir.

15 Q Was there any money exchanged with this Kim
16 person?

17 A Not for that purpose, no, sir.

18 Q Was she a former prostitute that you may
19 have hired out?

20 A No. Just --

21 Q You said money exchanged for another
22 purpose?

23 A I think that -- I think that my dad might
24 have helped her with some money issues she was having,
25 but it was not a --

1 Q Quid pro quo?

2 A Right.

3 Q All right. Did she agree to help you?

4 A She did not help me.

5 Q Did you actually ask her or were you just
6 attempting to --

7 A I asked her.

8 Q Did she refuse to do so?

9 A She led me to believe that she would make
10 attempts, and nothing ever came to fruition.

11 Q Anybody else other than that Kim person?

12 A I asked my sister to help me.

13 Q And what's your sister's name?

14 A Jennifer.

15 Q And did she agree to do so?

16 A No.

17 Q She flat out refused?

18 A I don't think she wanted to tell me no, but
19 she basically didn't do anything.

20 Q Did you ever ask your dad?

21 A No.

22 Q You kind of hesitated a little bit there, so
23 I wanted to make sure.

24 A I didn't want to ask my dad something like
25 that.

1 Q All right. Now, Mr. Padovano has asked a
2 lot of questions of you kind of along those same lines
3 with the Wade Wilson where he asked you Wade Wilson,
4 but there was other information that may be tangential,
5 if you will.

6 Is there anything else other than what we
7 just talked about between Kim and your sister that you
8 need to let us know of?

9 A No, not that I can remember.

10 MR. FUCHS: All right. I don't have any
11 further questions.

12 REDIRECT EXAMINATION

13 BY MR. WAY:

14 Q Mr. Winchester, I'm going to follow up on
15 the questions Mr. Fuchs asked you. What was Kim's last
16 name?

17 A I said I don't remember.

18 Q How did you know her?

19 A She used to work for somebody who leased
20 office space from me.

21 Q Did you know her in a personal way?

22 A That's how I met her, but, yeah, I was
23 friends with her.

24 Q Did you ever have sex with her?

25 A Yes.

1 Q And what timeframe would this have been?

2 A Maybe a year prior to August 5th, about a
3 year prior to August 5th.

4 Q So, some time in 2015?

5 A Right.

6 Q How did you reach out to Kim for help
7 related to your case?

8 A She actually wrote me a letter, and I think
9 she may have given me her phone number in the letter.
10 I probably called her or something.

11 Q From the Leon County Jail?

12 A Right.

13 Q And how did you make arrangements for her to
14 receive money from your father?

15 A She basically told me she was having money
16 problems or something like that. I said, you know,
17 I've got plenty of money, and my dad has money. We can
18 help. Don't worry about money problems. It wasn't
19 related to me asking her for help. It was just...

20 Q If it wasn't related to you asking her for
21 help, what was the ask for help? What was the plan?
22 Was she going to kill somebody?

23 A What was I asking her for?

24 Q Yes.

25 A Similar things to the ideas that Wade and I

1 came up with. Can you come up with witnesses that will
2 contradict Denise's story. Can you come up with -- it
3 was primarily coming up, I guess, with people who could
4 contradict what happened.

5 Q Now, were these real people or were these
6 going to be made-up people? Were these going to be
7 witnesses that were paid to fabricate a story?

8 A I would have taken anything probably.

9 Q So, it could have just been random evidence
10 or just random statements from anybody as long as you
11 thought it would help you in your case with Denise.

12 A Correct.

13 Q You know about how much money your father
14 gave Kim?

15 A I think he might have given her -- I think
16 she was asking for \$1,800.

17 Q Did she ever come visit you at the Leon
18 County Detention Center?

19 A Yes.

20 Q About how many times?

21 A Maybe once a week for a few months.

22 Q Was she on your approved visitor list?

23 A Yes.

24 Q So, we'd be able to get her last name and
25 information and driver's license information from the

1 Leon County detention facility?

2 A I assume so.

3 Q And so, you started seeing her in August of
4 2016 when you were arrested. And about what timeframe
5 did Kim stop coming to see you at the Leon County
6 detention facility?

7 A Stop? (Pause.) I don't remember. It was
8 towards the end of my time there, but I don't remember
9 exactly.

10 Q But if I understand correctly, you were at
11 the Leon County detention facility from August 5, 2016,
12 until on or about December 15th -- well, probably
13 December 20th when you would have been transported.

14 A Right.

15 Q Because you went to the Northwest Florida
16 Reception Center, correct?

17 A Right.

18 Q So, just ballparking the month, do you think
19 Kim would have come and seen you maybe in December of
20 2017?

21 A November or December, yes.

22 Q Your sister -- how did you transmit
23 information to your sister that you wanted help? Was
24 that in a face-to-face visit or was that by letter?

25 A Face-to-face visit.

1 Q At the Leon County Detention Center?

2 A Yes.

3 Q Did you talk to her through the glass or did
4 you have any kind of contact visits?

5 A Just through the glass.

6 Q Did you ask her to find witnesses or
7 fabricate evidence related to your kidnapping case?

8 A I believe I asked her to, yeah.

9 Q And how would you have brought that up?
10 Gee, Sis, I need you to find somebody who can get me
11 out of this kind of thing?

12 A Yeah. I mean, I think, at first, I was real
13 general and didn't want to come right out and say what
14 I needed or whatever, but I mean, I think she
15 understood what I wanted, and she didn't --

16 Q Your sister is a math tutor, isn't she?
17 Substitute teaches?

18 A Not anymore. She works with my dad now.

19 Q But she used to be a substitute teacher?

20 A Right.

21 Q And she used to be a math tutor?

22 A Right.

23 Q You only have one sibling is my
24 understanding?

25 A Right.

1 Q And your sister has a son a couple of years
2 behind where Stafford would be and I understand may be
3 living in California now?

4 A He's older. Then she's got two kids
5 younger -- three kids younger. She's got four kids
6 total.

7 Q Are you close with your sister?

8 A Yeah.

9 Q For the lack of a better word, isn't it kind
10 of shitty to try to get your sister into witness
11 tampering?

12 A Uh-huh.

13 Q Why did you do that? She could get in
14 serious trouble for that, right? She could get locked
15 up.

16 A I was not wanting to go to prison.

17 Q So, you weren't in the business of trying to
18 suffer any consequences for your actions from
19 October 5th.

20 A From October -- from August 5th.

21 Q August 5th, rather.

22 A I didn't want to go to prison.

23 Q Aside from your sister and Kim, anybody else
24 that you tried to get to -- I know Mr. Fuchs asked it,
25 but having the opportunity to think about it because

1 this will probably be the last time we get to talk for
2 a while. Anybody else that you or your family tried to
3 manipulate into giving evidence against Denise?

4 A Not that I'm aware of.

5 Q Is it possible one of your family members
6 could be out there trying to do it now?

7 A That case is over.

8 Q Well, it's true. It is over. You got the
9 deal.

10 A I got sentenced to 35 years.

11 Q When you say 35 years, just for point of
12 clarification, that's 20 years in prison followed by 15
13 years probation, correct?

14 A Yes.

15 Q Do you know what your tentative release date
16 from the Department of Corrections is?

17 A 16 and a half years from now.

18 Q You described that you were in H Pod, I
19 believe.

20 A H-3.

21 Q Is that close management?

22 A It's behind the door. I don't know what
23 close management is specifically.

24 Q And in connection with your proffer and with
25 other statements that you've given, have you spoken

1 with anyone from either the State Attorney's Office or
2 the Florida Department of Law Enforcement concerning
3 any possible placement for you after you testify at
4 Denise Williams' trial?

5 A Ask that again.

6 Q Have you spoken with anyone from either the
7 State Attorney's Office or the Florida Department of
8 Law Enforcement about a possible placement after you
9 testify against Denise Williams?

10 A Spoken. What do you mean by "placement"?

11 Q Well, you're at Wakulla CI, correct?

12 A Yes, sir.

13 Q It's not one of the garden spots of the
14 Department of Corrections system.

15 A Not one of the what?

16 Q Garden spots. You've only been to North
17 Florida Reception and Wakulla, right?

18 A No, I was at Century.

19 Q Century, which is way out there in the
20 middle of nowhere.

21 A Right.

22 Q Did you like being at Century?

23 A I don't like being in prison.

24 Q Right. You want to get out. Have you
25 thought about it or talked with or otherwise

1 **communicated with anybody about being transferred to a**
2 **private facility such as Graceville or Bay CI?**

3 A I think when I went through classification,
4 they asked you for three places that you would like to
5 be at. So, I think I put down three places. Probably
6 Bay -- I don't remember what I chose, but I think Bay
7 was one of them. I think they do that with everybody,
8 though.

9 Q I understand, but you know just from being
10 **in prison even though you don't like it there, the**
11 **private prisons tend to be a better set-up than the**
12 **State prisons.**

13 A Depends on who you ask. I don't want to go
14 to Bay, if that's what you're wondering.

15 Q You want to go to Graceville?

16 A Not particularly.

17 Q Where would you like to be?

18 A Somewhere close to Tallahassee.

19 Q Have you talked with anyone either at the
20 **State Attorney's Office or the Florida Department of**
21 **Law Enforcement about getting a sentence reduction in**
22 **any way?**

23 A A sentence reduction. I don't think that
24 was ever a possibility. I think I made a statement to
25 Jason at one point when he came to visit me at Century

1 that I was hoping that there might be a possibility of
2 some type of sentence reduction, and he immediately
3 pooh-poohed that possibility.

4 MR. WAY: I have nothing further.

5 Mr. Fuchs, do you have any follow-up to my
6 questions?

7 RECROSS EXAMINATION

8 BY MR. FUCHS:

9 Q The only thing I'd ask is you've never had a
10 conversation with me who actually controls these things
11 about reduction of sentence.

12 A No.

13 Q And you never had a conversation about
14 asking for preferential treatment in the Department of
15 Corrections as far as where you were going to be after
16 sentencing or any of that stuff?

17 A No.

18 Q I think that's what he was getting at.

19 A No.

20 MR. FUCHS: Okay.

21 FURTHER REDIRECT EXAMINATION

22 BY MR. WAY:

23 Q Just in reference to the follow-up,
24 Mr. Fuchs asked you about him being in control. Do you
25 know who Jack Campbell is?

1 A Yes, sir.

2 Q How do you know Jack Campbell?

3 A I don't know him. I know of him.

4 Q Did your family have any friendships or
5 relationships with Jack Campbell?

6 A No.

7 Q Do you know that Jack Campbell is Mr. Fuchs'
8 boss?

9 A Yes.

10 MR. WAY: Nothing further.

11 FURTHER RECROSS EXAMINATION

12 BY MR. FUCHS:

13 Q Jack didn't make any promises that were just
14 talked about, did he? No one from the State Attorney's
15 Office has made any promises about anything --

16 A None whatsoever.

17 MR. FUCHS: Thank you.

18 MR. PADOVANO: No questions.

19 MR. JANSEN: Reading means you can read it
20 and if you want to look and make sure she did it
21 right. You can't change it, but you can look over
22 and if you see anything that you think she did
23 anything wrong, let her know. You think she got
24 it right?

25 THE WITNESS: I trust her.

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MR. JANSEN: I think we'll waive.

(Signature waived.)

(Proceedings concluded at 11:55 a.m.)

* * * * *

1	CERTIFICATE OF OATH
2	
3	STATE OF FLORIDA)
4	COUNTY OF LEON)
5	
6	I, the undersigned authority, certify that the
7	above-named witness personally appeared before me and
8	was duly sworn.
9	
10	WITNESS my hand and official seal this 30TH day of
11	October, 2018.
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16	<i>Lisa Gainey</i>
17	_____
18	LISA GAINEY
19	Notary Public
20	Commission: #EE198942
21	Expires May 23, 2020
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, LISA GAINEY, Registered Professional Reporter,
certify that the foregoing proceedings were taken before
me at the time and place therein designated; that my
shorthand notes were thereafter translated under my
supervision; and the foregoing pages, numbered 1 through
99, are a true and correct record of the aforesaid
proceedings.

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

DATED this 30TH day of October, 2018.



LISA GAINEY
Notary Public
Commission: #EE198942
Expires May 23, 2020