

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA,) CASE NO: 8911425 CFANO- B
)
Plaintiff,)
)
vs.)
)
KEVIN R. HERRICK,)
)
30292 Defendant)

FILED
AL COURT RE
1 DEC 28 PM 3:5
MARLEEN F. DEB...

PLACE: Public Defender's Office
Criminal Courts Complex
5100-144th Avenue North
Clearwater, Florida 34620

DATE: November 30, 1989

TIME: Commencing at 11:14 a.m.

REPORTED BY: DOREEN M. DEUTSCH, R.P.R.
Notary Public
State of Florida at Large
Deputy Official Court Reporter
Sixth Judicial Circuit

TAKEN BY: The Defendant herein

THE DEPOSITION OF

STEVEN McMULLEN

ORIGINAL

PAGES 1-9

MORGAN J. MOREY & ASSOCIATES
ROBERT A. DEMPSTER, OFFICIAL COURT REPORTERS
Clearwater, Florida

A P P E A R A N C E S

FOR THE PLAINTIFF:

KENDALL DAVIDSON, ESQUIRE
Assistant State Attorney
5100-144th Avenue North
Clearwater, Florida 34620

FOR THE DEFENDANT:

JANE BROWN, ESQUIRE
Assistant Public Defender
5100-144th Avenue North
Clearwater, Florida 34620

* * * * *

P R O C E E D I N G S

1
2 THEREUPON,

3 STEVEN McMULLEN

4 was adduced as the deponent herein and, after having been
5 duly sworn on oath, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. BROWN:

8 Q State your name and your employment, please.

9 A Steven McMullen, police officer, City of Largo.

10 Q And do you have any special assignment?

11 A I'm a police officer, canine.

12 Q And in this case arising out of an incident --
13 what is the date? July 15th, what was your role?

14 A Myself and Officer Lavigne were the first
15 officers on the scene. He attempted to speak with the two
16 involved and get a description of what happened. He
17 briefly told me what happened, and I --

18 Q Who told you?

19 A Officer Lavigne.

20 Q Okay.

21 A He briefly told me what happened. Said that a
22 possible sexual battery and a stabbing had occurred and
23 that one of the victims had chased the man down the
24 street.

25 Q Did he give you any more detail about this

1 chase, about where it may have gone? And did he say
2 anything about a motor vehicle?

3 A He didn't say anything about a car. He said
4 there possibly was one, but that was over in an apartment
5 complex which sat to the south of this residence. He told
6 me that they -- that the one victim, the male,
7 Darrin Barfield -- who had been stabbed -- chased the
8 assailant eastbound down Audobon and then went in between
9 houses and lost him.

10 At that time I took the dog out and attempted to do
11 an area search and the dog began to track, but we were
12 only able to track where the one victim had walked and
13 ran, and basically he had walked back to the scene.

14 We then went over the fence into the apartment
15 complex and attempted an area check and a track there, but
16 met with negative results.

17 Q Okay. Was there any attempt to identify the
18 defendant as the culprit by use of the dog?

19 A By use of the dog?

20 Q Yes.

21 A There is no possible way. By that time there
22 was four people from the fire department, two people from
23 Sunstar. Everybody was on the scene. The only person --
24 the dogs are trained to track on the freshest scents, and
25 the freshest scent available was that of the one victim,

1 and the dog tracked back for where he first walked and
2 then where he had gone back.

3 Q What was the turn-around point?

4 A Turn-around point was the fence.

5 Q And that fence is south?

6 A The fence is on Audobon Drive. The occurred
7 sits on the south side of Audobon Drive, okay. They ran
8 out the front of -- the front of these, like I said, on
9 the south and then towards the south. And behind there is
10 a wooden picket fence that separates that little road from
11 Laguna Vista Apartments.

12 Q I see. So, basically, out the front door and
13 then around back?

14 A Out the front door, east. East three or four
15 houses and then south.

16 Q South, okay. Was that between buildings?

17 A Yes, ma'am.

18 Q Okay. Did this victim tell you that the police
19 had been called while he was pursuing this person, or did
20 he call the police? Do you have any idea what the
21 sequence was with reference to the chase?

22 A I really can't tell you what happened. I was
23 just -- I was the one in the area. They sent me.

24 Q Did you see the defendant?

25 A Did I see -- no, I didn't.

1 Q Would you know the defendant if you fell over
2 him?

3 A No, I wouldn't. When we went in, arrested him,
4 he took a position to the rear. And I never was called to
5 the front of the residence where they arrested him till
6 after they took him away.

7 Q Did you see him around the scene when you were
8 doing your tracking thing?

9 A If I did.

10 Q Part of the crowd?

11 A I wouldn't even know. He wasn't identified to
12 me as a suspect in this or anything. There was a lot of
13 people there. It's, you know, two -- three or two
14 apartments sit there, I think, and there's a lot of
15 commotion between both of those also.

16 Q Did you have any later involvement in this
17 case?

18 A Later on I went into -- after the one victim,
19 Darrin, was released from the hospital I went and picked
20 up a written statement from him and transported that to
21 Officer Lavigne.

22 Q Did he make any statements to you then?

23 A Just that he was upset, obviously.

24 Q Did he tell you why there was such a delay in
25 identifying the culprit?

1 A I don't know what happened with all that, no.
2 Like I said, the next thing I know I was called by Officer
3 Nilsson, who was Acting Sergeant, about the arrest. We
4 were going to arrest him in where I was supposed to take a
5 position since I had been in the backyard and I knew how
6 to get back there without being seen.

7 MS. BROWN: Okay. I have nothing further.

8 MR. DAVIDSON: I don't have anything. We'll
9 put you down for a read.

10 THE DEPONENT: Oh, yeah.

11 (THEREUPON, THE DEPOSITION WAS CONCLUDED AT
12 11:19 A.M.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

READ AND SIGN

I have read the foregoing pages
and, except for any corrections
or amendments I have indicated
on the sheet attached for such
purposes, I hereby subscribe to
the accuracy of this transcript.

SIGNATURE OF DEPONENT

DATE

1 STATE OF FLORIDA)

2 COUNTY OF PINELLAS)

3 I, DOREEN M. DEUTSCH, Notary Public for
4 the State of Florida at Large,

5 DO HEREBY CERTIFY that the foregoing deposition was
6 taken before me at the time and place set forth; that the
7 Deponent was by me duly sworn on oath; that I
8 stenographically reported the examination and testimony of
9 said Deponent; and that the foregoing Transcript of
10 Deposition, pages 1 through 8, inclusive, is a true and
11 correct transcription of my stenographic report.

12 I FURTHER CERTIFY that I am not related to nor
13 employed by any of the parties to the instant cause of
14 action of Counsel therein, and that I have no interest in
15 the events or outcome thereof.

16 IN WITNESS WHEREOF, I have hereunto affixed my hand
17 and official seal this 27th day of December, 1989, at
18 Clearwater, Pinellas County, Florida.

19

20

21

22

23

24

25

Doreen M. Deutsch
DOREEN M. DEUTSCH, R.P.R.
Deputy Official Court Reporter
Notary Public
State of Florida at Large
My Commission Expires: 12/5/92