

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

CASE NUMBER: 59-2024-CT-2907-A

STATE OF FLORIDA,

Plaintiff,

vs.

KEVIN NOLAN FINLEY,

Defendant.

Sanford, Florida

July 16, 2026

9:33 a.m.

TRANSCRIPT OF PROCEEDINGS



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ALSO PRESENT: Kevin Finley

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1 TRANSCRIPT OF PROCEEDINGS held
2 before the Honorable Debra Krause on
3 Thursday, July 16, 2026, beginning at
4 9:33 a.m., at the Seminole County
5 Courthouse, 101 Eslinger Way, Courtroom
6 4B, Sanford, Florida.

7 - - - - -

8 THE COURT: Okay. So now we had a bunch of
9 motions in limine. We can go through them pretty
10 quickly.

11 MR. CARLOS: Yes, ma'am.

12 THE COURT: I don't think that they really
13 are going to be that difficult.

14 MS. LEE: Your Honor, the State must note
15 that these motions were filed after the Jury was
16 sworn in and at 10:42 p.m. on July 14th, which is
17 two days or three days before the trial.

18 THE COURT: Okay.

19 MS. LEE: With regard to motion in limine to
20 exclude law enforcement opinion and commentary,
21 his statements about -- if the officer made those
22 statements that Mr. Finley could have killed
23 someone, that he could have gone to jail, that the
24 driving was reckless, none of that is going to be
25 in any of the testimony or the redacted videos

1 that we had sent to the defense on February 23rd.

2 THE COURT: Okay.

3 MS. LEE: As for the motion in limine to
4 exclude references to civil citations and any
5 prior driving or criminal history, the State does
6 not intend on referring to any civil traffic
7 adjudications. The State understands that that is
8 not a viable way to impeach Mr. Finley if he
9 chooses to testify.

10 THE COURT: Okay.

11 MS. LEE: As for motion in limine to exclude
12 references to fleeing conduct and/or statements
13 indicating any uncharged crime, State must note
14 that reckless driving is a lesser-included offense
15 of fleeing and eluding. However, he is not
16 charged with fleeing and eluding in this case.

17 And whatever he's stating referenced in
18 Number 2, fleeing, eluding, taking off, those are
19 present sense impressions that the officer is
20 making as he's communicating with radio. He never
21 accuses in the redacted videos provided by the
22 State to the Defense on February 23rd, 2026 that
23 this could have been a felony or that he could
24 have gone to jail. That has been excluded.

25 THE COURT: Okay.

1 MS. LEE: For the fourth motion --

2 THE COURT: Stipulated with the exception
3 of --

4 MS. LEE: Yes. So --

5 THE COURT: -- present-sense impressions?

6 MS. LEE: -- the State's understanding of the
7 outcome of the motion to suppress was not a
8 stipulation, but an order. And none of the videos
9 contain custodial interrogations. And based on
10 our review of the court footage, your Honor, you
11 have stated that there's no question that he was
12 in custody, but the question is whether he was
13 under interrogation.

14 And the videos provided to the Defense do not
15 contain any questions or any prompting by an
16 officer when Mr. Finley makes any statements. He
17 makes spontaneous statements in response to an
18 officer's statements while he is standing in front
19 of the car talking about what happened three to
20 five minutes after the fact.

21 However, the State must also note the
22 timeliness of this motion. Again, the footages --
23 the redacted footages were sent on Monday,
24 February 23rd, emailed again about the status of
25 redacted videos they had received on June 29th.

1 We had not received a response until they have
2 filed this motion two days ago.

3 THE COURT: Okay.

4 MR. CARLOS: May I be heard, Judge?

5 THE COURT: You may.

6 MR. CARLOS: So I believe the State is in
7 agreement with the first two motions in limine.

8 THE COURT: Sounds like stipulation as to the
9 first two. Second one -- well, not in that order,
10 but that's -- yes. The third one, she said they
11 pretty much stipulate to, with the exception of
12 present sense impressions, which would be
13 allowable.

14 MR. CARLOS: That's the fleeing and eluding
15 one, Judge. In that -- for that issue, I have a
16 big issue with the statements in the redacted
17 video. Specifically, the officer, Officer
18 Schwartz, said that he was taking off from me.
19 That's eluding. He's fleeing from an officer.

20 I think that's entirely improper in the case
21 that he's not charged with that crime.

22 MS. LEE: May I respond, your Honor?

23 THE COURT: Go ahead.

24 MS. LEE: The redacted videos contain Mr.
25 Finley's denial of that statement.

1 He says: No. I wasn't. I didn't see you.

2 So the Jury is able to get the full
3 discussion. We're not trying to mute Mr. Finley's
4 response to those statements.

5 Again, he's not being charged with fleeing
6 and eluding. We're not trying to prove fleeing
7 and eluding. However, these are opinion -- these
8 are opinion based on -- opinion statements based
9 on the officer's observations of what Mr. Finley
10 was doing that day.

11 Again, those are present-sense impressions as
12 he's communicating with radio and then talking to
13 Mr. Finley three to five minutes after that
14 incident in front of the garage.

15 MR. CARLOS: So in the -- Officer Maine's
16 redacted body-worn camera video, Officer Schwartz
17 says, I hit my lights and sirens and you took off.
18 That is implying he was fleeing him. I understand
19 that the officer can say that he saw him driving
20 away, but saying you took off from me is implying
21 he was fleeing and eluding, which is an uncharged
22 crime.

23 THE COURT: Okay.

24 MR. CARLOS: So I believe that's entirely
25 improper for the Jury to hear that.

1 THE COURT: On this one, I am ruling with the
2 State. It would be a present-sense impression. I
3 don't think necessarily you took off implies that
4 you're fleeing and eluding. I can take off. I
5 can take off, doesn't mean I'm speeding. So it
6 could mean anything. So I --

7 MR. CARLOS: So I agree with the take off.
8 And take off from me is what I have an issue with.

9 THE COURT: I think it was his present-sense
10 impression that that's what -- he was taking off.

11 Like, and, again, Mr. Finley does have an
12 opportunity to cross examine this statement, has
13 an opportunity to challenge the statement, has an
14 opportunity to prove it. And again, there is
15 statements just on the contrary to it that he
16 didn't see him in the edited redaction tape, as
17 Ms. Lee said.

18 And, again, I don't know if you plan on --
19 I'm assuming. I did make some assumptions because
20 I did put in the preliminary jury instructions,
21 you'll see, because you said something about Tesla
22 footage. So I'm assuming the only way you're
23 getting that in is by calling a witness, at least
24 one. So --

25 MR. CARLOS: That's correct.

1 THE COURT: Okay. So I assume -- I made that
2 -- I made that leap of --

3 MR. CARLOS: Yeah.

4 THE COURT: -- in -- in my own way.

5 But so, I think as to 3 -- and, like I said,
6 State stipulates, with the exception of present-
7 sense impressions, which Mr. -- you can put in
8 there that Mr. Carlos argued in respect to the
9 taking off from me portion as a fleeing and
10 eluding. The Court denied that as a present-sense
11 impression, not an allegation of fleeing and
12 eluding.

13 MR. CARLOS: Specifically that line, like, he
14 still can't talk about the felony potential
15 charge --

16 THE COURT: Right. Right.

17 MR. CARLOS: -- of fleeing and eluding.
18 Those words can't be --

19 THE COURT: Right. Yeah.

20 MS. LEE: It is not included in the videos.

21 MR. CARLOS: And I just ask that the officer
22 be instructed with that. too.

23 MS. LEE: State is happy to instruct him on
24 not mentioning potential felonies that never
25 amounted to anything.

1 THE COURT: Okay.

2 MS. LEE: The State would also add that if
3 it's not a present-sense impression, it would be
4 excited utterance because those statements he made
5 to Mr. Finley happened so close after the traffic
6 stop. So --

7 MR. CARLOS: So evidence of an uncharged
8 crime, Judge.

9 In regards to the other motion in limine
10 regarding the enforcement of the stipulation, I
11 believe the stipulation was any answers in
12 response to questions. The statement Mr. Finley
13 makes in the redacted body camera is in direct
14 response to what Mr. Schwartz says.

15 So I think that is covered under that order
16 and that should not be played for the Jury.

17 MS. LEE: Your Honor, if I may clarify.

18 THE COURT: Um-hum.

19 MS. LEE: So the video that we watched during
20 that motion to suppress is directly after the
21 traffic stop and it's only Officer Schwartz and
22 Mr. Finley just going back and forth. And in
23 court, your Honor, you have discussed that when a
24 Defendant, even though he's in custody and cuffs,
25 that is not a question if he's just going back and

1 forth with an officer.

2 Compared to -- distinguished from other cases
3 when an officer is trying to elicit a response
4 from a person without giving any Miranda warnings,
5 there is a distinction there. And you did not
6 find any attempts to elicit incriminating
7 responses with intent from Officer Schwartz.

8 So the footage that the Defense is referring
9 to is a spontaneous statement that Mr. Finley made
10 while he was at the hood of Officer Schwartz's
11 car. A different officer responded to the scene
12 and he's just standing there and Officer Schwartz
13 overhears that conversation and jumps in and
14 states as to what he saw Mr. Finley do.

15 That is not him trying to elicit a question
16 -- a response from Mr. Finley, but is simply
17 responding to what he overheard. It was Mr.
18 Finley's choice to either respond or not respond
19 to whatever Officer Schwartz's was saying at the
20 time. However, no one in that incident and no
21 portion in that video that's been redacted shows
22 an officer asking a question or actively
23 attempting to elicit a response from Mr. Finley.

24 MR. CARLOS: My point of view is that it was
25 a question, Judge. He was accusing him of fleeing

1 and eluding after he had just held him at
2 gunpoint, ordered him to the ground, handcuffed
3 him and then started accusing him of a felony.
4 And then he puts it out on the line as to what he
5 said.

6 Any reasonable person in Mr. Finley's
7 position would feel obligated to respond to what
8 Officer Schwartz said. We think that clearly
9 indicates a custodial interrogation as covered by
10 Miranda and that that should not be played for the
11 Jury.

12 MS. LEE: So the whole interaction between
13 Officer Maine --

14 THE COURT: Actually, can you play that --
15 that portion for me?

16 MS. LEE: Yeah. I will do that.

17 THE COURT: Thank you.

18 MS. LEE: Your Honor, the first one minute is
19 completely mute. Would you just prefer to fast
20 forward to --

21 THE COURT: Speed forward to the -- just that
22 portion.

23 MS. LEE: The portion with sound, yes.

24 MR. CARLOS: Get to like 1:44, if I remember
25 correctly.

1 MS. LEE: Playing for the record at 1:40.

2 [Whereupon, a video recording was published
3 for the record.]

4 THE COURT: Yeah. Does seem like a back-and-
5 forth interaction that didn't necessarily elicit a
6 response? And I know we talked about this at that
7 suppression hearing. Although a reasonable person
8 standard, we know that the Courts don't
9 necessarily look at a reasonable person as a
10 person as you and I. It's a person.

11 Whether or not that was where the officer
12 says -- and part of that is like where an officer
13 says, well, you knew you had cocaine in the car,
14 didn't you? And then obviously -- and then, like,
15 so they -- they're trying to get him to say yeah
16 without saying -- without the statement being a
17 question mark question.

18 I don't think that any of those statements
19 were hidden questions that would -- Mr. Finley
20 could have not responded had he chosen not to. I
21 mean, again, I don't think that that's a hidden
22 question couched in a phrase or statement by
23 officer Schwartz.

24 MR. CARLOS: I understand the Court's ruling.

25 THE COURT: Yeah.

1 MR. CARLOS: I believe that addressed the
2 remaining issue with motions in limine.

3 THE COURT: Okay. I printed out the
4 preliminary instructions for you. I kind of took
5 a little bit out. Not very much, but I took a
6 little bit out because it's not going to be a very
7 long trial, like, as far as a whole bunch of the
8 overkill in it.

9 I'm assuming you're going to want the: In
10 every criminal proceeding, Defendant has absolute
11 right to remain silent.

12 You can take it out if you know one way or
13 another and you don't want it in. But more than
14 usually, we always just keep it in regardless.

15 MR. CARLOS: That's fine. That's fine.

16 THE COURT: And then I was going to put the
17 instruction right here, the instruction on edited
18 recording. I was going to put that in right
19 between -- right after, the attorneys are trained
20 in the rules of evidence. I was just going to put
21 -- and I kind of put it:

22 Members of the Jury, during this trial you
23 will be asked to view some video recordings.

24 Because I figured more than one video
25 recording is going to be coming in because it's

1 going to come in. So I'm just going to give the
2 edited instruction in advance.

3 MR. CARLOS: That's fine, Judge.

4 THE COURT: I can always remind them again if
5 necessary or if you guys ask. But I'll put it in
6 front because there is going to be videos.

7 MR. CARLOS: Okay.

8 THE COURT: Some videos in this case.

9 MS. LEE: Would your Honor be okay to address
10 the State's motion to take judicial notice of a
11 Google maps image filed on February 23rd?

12 THE COURT: Okay. And can -- Mr. Carlos,
13 you've seen it?

14 MR. CARLOS: I have, Judge. Technically, I
15 think for that you -- they have to show that this
16 is an accurate depiction of the scene as it was at
17 the time of the offense. As we know, there was
18 construction going on at the time of this offense.
19 I do not think that this is an accurate reflection
20 of that, but it's fine.

21 THE COURT: Okay.

22 MS. LEE: So it does not show that portion of
23 the part that was in construction. However, the
24 State notes that under Florida Statutes
25 90.2035(1)(a), it states:

1 Upon request of a party, a Court may
2 take judicial notice of an image, map,
3 location, distance, calculation, or other
4 information taken from a widely-accepted web
5 mapping service, global satellite imaging
6 site, or Internet mapping tool, if such
7 image, map, location, distance, calculation,
8 or other information indicates the date on
9 which the information was created.

10 Which this image satisfies.

11 MR. CARLOS: But it's not the date that the
12 incident actually happened. Just for the record,
13 Judge.

14 THE COURT: Okay.

15 MR. CARLOS: It's fine. You can put it on.

16 THE COURT: Okay. So we'll put it in,
17 defense noted absent instruction.

18 MS. LEE: May I approach the Clerk, your
19 Honor?

20 THE COURT: You may.

21 Man, they got that air conditioning working.
22 Now they got it blowing too hard. Geez.

23 Oh, I also gave you guys a copy -- a full
24 copy of the reckless driving jury instruction.
25 Obviously, I only used like --

1 MR. CARLOS: Yeah.

2 THE COURT: All right. You guys are ready
3 otherwise?

4 MR. CARLOS: Yes, ma'am.

5 THE COURT: Okay. Mr. Finley joining you at
6 the table?

7 MR. CARLOS: Yep. Mr. Finley.

8 THE COURT: Anybody have an objection to the
9 preliminary instructions that I just chopped out?

10 MR. CARLOS: No, Judge.

11 THE COURT: One extra piece, some of the
12 paragraphs that are just redundant and on and on.
13 Okay. Just a personal feeling.

14 MR. CARLOS: Judge, we would just invoke the
15 Rule of Sequestration. I think the State has
16 already talked to their witnesses, though.

17 THE COURT: All rightee. So if you are here
18 as a witness in this case, Defense is going to go
19 -- they asked for the Rule of Sequestration,
20 simply meaning that if you are going to testify, I
21 would need you to step out of the courtroom or if
22 you expect you may be testifying, to step out of
23 the Courtroom.

24 Obviously, Mr. Finley, you can stay.

25 While you are outside the courtroom, you are

1 asked not to just -- or instructed not to discuss
2 this case amongst each other, what your testimony
3 may be or what it was if you've already testified.
4 And we will come and find you when it's your turn
5 to testify.

6 MS. LEE: Your Honor, may I quickly go
7 instruct the officer?

8 THE COURT: Sure. Well, the jurors are
9 coming.

10 THE COURT DEPUTY: Jury is present.

11 THE COURT: All right. Good morning,
12 everyone.

13 All right. Okay. You can be seated. You
14 can spread out if you want.

15 All right. At this time, the Court has
16 invoked the Rule of Sequestration requiring the
17 witnesses to remain out of the courtroom until
18 such time as they testify.

19 Ms. Ings, were you going to do opening
20 statements, or no?

21 MS. INGS: No.

22 THE COURT: Can you go please make sure that
23 your witnesses know?

24 MS. INGS: Yes.

25 THE COURT: Mr. Carlos, you've made sure your

1 witnesses know as well?

2 MR. CARLOS: Yes, your Honor.

3 THE COURT: All right. So at this time, we
4 can proceed.

5 And members of the Jury, thank you for coming
6 in this morning. Again, you have been selected
7 and sworn as the Jury to try the case of the State
8 of Florida versus Mr. Kevin Finley.

9 Now, this is a criminal case, and Mr. Finley
10 is charged with reckless driving. The definition
11 of that charge will be explained to you later.
12 You must decide this case based on the evidence
13 presented and the law that I give you.

14 Evidence consists of sworn testimony of
15 witnesses, exhibits admitted into evidence and
16 anything else that I tell you to consider as
17 evidence. The State's charging document, the
18 citation itself, is not evidence and it is not to
19 be considered by you as any proof of guilt.

20 It is my responsibility to explain the law to
21 you. It is your solemn responsibility to
22 determine if the State proved its accusation
23 beyond a reasonable doubt against Mr. Finley in
24 accordance with the law that I provide to you.
25 Thus, the province of the Jury and the province of

1 the Court are well defined and they do not
2 overlap. This is one of our fundamental
3 principles of our system of justice.

4 Before proceeding further, it will be helpful
5 if you understand how a trial is conducted. At
6 the beginning of the trial, the attorneys will
7 have an opportunity, if they wish, to make an
8 opening statement. The opening statement gives
9 the attorneys a chance to tell you what evidence
10 they believe will be presented during the trial.
11 What the lawyers say is not evidence, and you are
12 not considered as such.

13 Following the opening statements, witnesses
14 will be called to testify under oath. They will
15 be examined and cross examined by the attorneys.
16 After the evidence has been presented, the
17 attorneys will have an opportunity to make their
18 closing arguments.

19 Following the closing arguments by the
20 attorneys, the Court will instruct you on the law
21 applicable to the case. And after the final
22 instructions are given, the alternate juror will
23 be released and the remainder will retire to
24 consider your verdict.

25 You should not form any definite or fixed

1 opinions on the merit of this case until you have
2 heard all the evidence, the arguments of the
3 lawyers and the instructions on the law that I
4 give you. Until that time, you should not discuss
5 the case amongst yourselves. Your verdict must be
6 based solely on the evidence or lack of evidence
7 and the law.

8 Jurors must decide the case without
9 distraction and only on the evidence presented in
10 the Courtroom. Jurors must not conduct any
11 investigation on their own. This includes using a
12 computer, cellphone, the Internet or any other
13 means at all to get information related to this
14 case.

15 If you investigate, research, or make
16 inquiries on your own, I have no way to make sure
17 that the information you obtain is proper for the
18 case. The parties, likewise, have no opportunity
19 to dispute or challenge the accuracy of what you
20 find.

21 This is contrary to our judicial system,
22 which assures every party the right to ask
23 questions about and challenge the evidence being
24 considered against it and to present arguments
25 with respect to that evidence.

1 Any independent investigation by a juror and
2 fairly and improperly prevents the parties from
3 having the opportunity our judicial system
4 promises.

5 Now, you are also not permitted to
6 communicate about this case with anyone, including
7 your spouse, family members, friends and even your
8 fellow jurors. No communication includes no in
9 person communication, telephonic or electronic
10 communication, such as emailing, text messaging,
11 or any other form of communication.

12 During the trial the Court may take recesses
13 and you will be permitted to separate and go about
14 your personal affairs. It is important to
15 remember that the prohibition on communication
16 about this case applies during the recesses,
17 whether you are in the Courthouse or elsewhere.

18 If at any time you find yourself in a
19 situation where others are discussing the case in
20 your presence, leave that situation at once and
21 immediately report the matter to the deputy who
22 will advise me.

23 All cellphones or other type of electronic
24 devices must be turned off or in silent or
25 vibrating mode while you are in the courtroom.

1 You may use these devices during recesses, but
2 even then, you may not use your cellphone or
3 electronic device to find out any information
4 about the case or communicate with anyone about
5 the case.

6 Do not take photographs, video recordings,
7 audio recordings of the proceedings or of your
8 fellow jurors.

9 At the end of the case while you are
10 deliberating, you must not communicate with anyone
11 outside the Jury room. You cannot have in the
12 Jury room any cellphones or other electronic
13 devices. If someone needs to contact you in an
14 emergency, the Court can receive messages and
15 deliver them to you without delay.

16 Any juror who violates these restrictions
17 jeopardizes the fairness of these proceedings, and
18 a mistrial could result that would require the
19 entire trial process to start over. A mistrial is
20 a tremendous expense and inconvenience to the
21 parties, the Court and the taxpayers.

22 They want me to tell you that you would be
23 facing sanctions, but I don't need to scare you in
24 any of that method.

25 In every criminal proceeding, a Defendant has

1 the absolute right to remain silent. At no time
2 is it the duty of the Defendant to prove their
3 innocence and from the exercise of the Defendant's
4 right to remain silent a jury is not permitted to
5 draw any inference of guilt. And the fact that a
6 Defendant does not take the witness stand must not
7 influence your verdict in any manner whatsoever.

8 The attorneys are trained in the rules of
9 evidence and trial procedure and it is their duty
10 to make all objections that they feel are proper.
11 When an objection is made, you should not
12 speculate on the reasons why it is made.
13 Likewise, when an objection is sustained or upheld
14 by me, you must not speculate on what a witness
15 may have said or what may have occurred if they
16 had been permitted to answer.

17 Now, members of the Jury, during this trial,
18 you will be asked to view some video recordings.
19 The Court instructs you that the recordings have
20 been edited to eliminate irrelevant portions that
21 would not aid to your understanding of the case.
22 The fact that the recordings have been edited
23 should not concern you in any way and must not
24 impact the way you view or consider this evidence.

25 During the trial, it may be necessary to

1 confer with the attorneys out of your hearing to
2 discuss matters that require consideration by me
3 alone. It is impossible to predict when such
4 conferences may be required or how long it will
5 last. When such conferences occur, they will be
6 conducted as to consume as little of your time as
7 is necessary for an orderly trial of the case.

8 All right. Now, State, are you ready to
9 proceed?

10 MS. LEE: Yes.

11 THE COURT: All right. You may begin with
12 opening statements.

13 And I am sorry it's freezing in here. I just
14 -- like, if you see me, I'm like holding my
15 fingers. It's so cold. I apologize for that.

16 OPENING STATEMENT

17 MS. LEE: Good morning. Today the State
18 believes that it will show beyond a reasonable
19 doubt that on August 27th, 2024, that Mr. Finley
20 recklessly drove his vehicle at the intersection
21 of Michael Blake Boulevard and East State Road 434
22 and further down Michael Blake Boulevard.

23 We expect to hear from Officer Erik Schwartz.
24 He was actually stationary at the intersection.
25 He had a clear view of the Michael Blake Boulevard

1 and East State Road 434 intersection. He made
2 observations of the oncoming traffic going to and
3 forth. He also made observations of the left turn
4 lane that Mr. Finley was observed at.

5 And he made an observation of Mr. Finley
6 making a left turn at East State Road into Michael
7 Blake Boulevard and he activated his emergency
8 lights to conduct a traffic stop. And Mr. Finley
9 made a U-turn on Michael Blake Boulevard.

10 At some point as he was following Mr.
11 Finley's vehicle, he lost sight of the vehicle
12 until he saw the Tesla that he was driving enter a
13 garage. Officer Schwartz was standing in front of
14 a closed garage when it began to slowly open and
15 he saw a male standing there by the driver's side.

16 For officer safety, Officer Schwartz drew his
17 department-issued firearm and gave Mr. -- who was
18 later identified as Mr. Finley, verbal commands to
19 comply. And Mr. Finley did; he complied. And
20 upon confirmation of compliance, Officer Schwartz
21 re-holstered his firearm and explained the reason
22 for the stop.

23 We also expect to hear from Officer Maine,
24 who was with Winter Springs Police Department at
25 the time. And he was there to support Officer

1 Schwartz if anything was needed. And he will
2 testify as to his observations when he arrived at
3 the location for support.

4 And at the end of the evidence, after you see
5 the evidence that will be presented, after you
6 hear the testimony, the State is confident that
7 the State would have proved beyond a reasonable
8 doubt that Mr. Finley is guilty of reckless
9 driving and then we would request that you return
10 that verdict.

11 THE COURT: Thank you.

12 And, Attorney Carlos?

13 OPENING STATEMENT

14 MR. CARLOS: If I may, Judge. Thank you.

15 Members of the Jury, good morning. If you
16 don't recall, my name is Ethan Carlos and I have
17 the absolute privilege of representing Mr. Finley.

18 What the lawyers say in these openings are
19 not evidence. I think the Judge just went over
20 that with you. The evidence is going to come from
21 the witnesses and the exhibits that are going to
22 be presented. But I want to tell you about what I
23 think the evidence is going to actually show.

24 This case is about the difference between
25 committing a traffic infraction and committing a

1 crime. At the end of this trial, the Judge is
2 going to instruct you that the State must prove
3 beyond and to the exclusion of every reasonable
4 doubt that Mr. Finley drove with a willful or
5 wanton disregard for the safety of persons or
6 property. The Judge is going to define those
7 words.

8 Willful means intentionally, knowingly and
9 purposefully. Wanton means a conscious and
10 intentional indifference to the consequences with
11 knowledge that damage is likely. Intentional
12 disregard, conscious indifference, knowledge that
13 damage is likely. That is what the State signed
14 up to prove here today.

15 Here's what I think that the evidence is
16 going to show you as to what actually happened
17 back in August of 2024.

18 Mr. Finley was driving home after he had just
19 dropped his children off at school. He lived at
20 that time right off of Michael Blake Boulevard in
21 Winter Springs, Florida. At the corner of State
22 Road 434 and Michael Blake, there was a brand new
23 traffic signal installed and hanging over at the
24 intersection, but it wasn't turned on. It wasn't
25 working.

1 The intersection was actually under
2 construction at that time. I believe you're going
3 to hear that from the State's own witness.

4 In front of Mr. Finley was a car waiting to
5 turn left and was pulled so far full forward, that
6 it looked like it was going to do a U-turn and it
7 just sat there. Opening after opening passed by.
8 It did not move.

9 Mr. Finley could see the entire intersection;
10 broad daylight, clear morning, no fog, no rain,
11 nothing. He watched. He looked each way very
12 carefully and he made a call. The car wasn't
13 going and there was plenty of room, so he went.
14 He turned left onto Michael Blake Boulevard and he
15 went home.

16 You're not going to have to take anyone's
17 memory for what that turn looks like, though.
18 Why, you may ask?

19 Well, Mr. Finley drives a Tesla. Teslas have
20 video cameras. I believe you're going to see that
21 video here today. And that matters because you're
22 going to hear that the officer in this case wrote
23 not once, twice, under oath that Mr. Finley
24 fishtailed through that intersection on his
25 report, on his affidavit, and on the citation that

1 he wrote and swore to under oath, that the back
2 end of Mr. Finley's car lost traction and slipped.
3 It fishtailed.

4 The camera on the back of Mr. Finley's car
5 was pointed at the direct spot where a fishtail
6 happens. I implore you, watch the video. I'll
7 let you decide.

8 Here's what the evidence I do not think is
9 going to show you. There is no crash, no contact
10 with any vehicle whatsoever. There was no near-
11 miss crash. You will not hear of a single driver
12 that slammed on his brakes or honked or had to
13 swerve out of its lane, no pedestrians walking in
14 that area.

15 The officer is going to tell you what he
16 thinks he saw from his stopped car across an
17 intersection with cars passing him in a matter of
18 seconds. Compare what he says to you under oath
19 with what the video shows.

20 One more thing that you're going to hear,
21 because it's part of the story, is that Mr. Finley
22 never saw the police car pursuing him at all, not
23 at that intersection. He opened the garage door
24 and pulled right in like any other day. He was
25 ordered out, ordered on his knees, handcuffed in

1 his own driveway. I believe you're going to be
2 hearing that from -- from the officer himself.

3 Mr. Finley ended up complying with every
4 single command because he didn't think he did
5 anything wrong.

6 Right now, Mr. Finley sits here at this
7 table. He's presumed innocent. He does not have
8 to prove anything. The burden stays with the
9 State of Florida from the very first word that
10 said to the very last word that is said.

11 The question at the end of this trial is
12 going to be very, very narrow: Has the State
13 proven beyond and to the exclusion of every
14 reasonable doubt the highest burden in our justice
15 system that going around a stopped car in broad
16 day daylight with a full view of the entire
17 intersection, no one was harmed, was done with a
18 willful and conscious intentional indifference to
19 human safety, knowing damage was likely?

20 I implore you, just listen to every witness,
21 watch every video, pay close attention to
22 everything and do what you're required to do, hold
23 the State to its burden. And I'm very confident
24 that the evidence and the lack of it is going to
25 leave you with reasonable doubt which will lead

1 you to the only right verdict in this case, which
2 is not guilty.

3 Thank you.

4 THE COURT: Okay. Thank you, Mr. Carlos.

5 And, State, do you call your first witness?

6 MS. LEE: Yes, your Honor. State calls
7 officer Erik Schwartz.

8 THE COURT DEPUTY: I'll have you stand right
9 here and face the Clerk, raise your right hand.

10 [Witness sworn]

11 Whereupon,

12 ERIK SCHWARTZ,
13 having been first duly sworn by the Clerk of the Court,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. LEE:

17 Q Good morning. Please state your name and
18 spell your last name for the record.

19 A Officer Erik Schwartz. Last name,
20 S-c-h-w-a-r-t-z.

21 Q How are you employed?

22 A I'm employed with Winter Springs Police
23 Department.

24 Q And how long were you with Winter Springs
25 Police Department?

1 A A little over five years now.

2 Q And what are your duties at the Winter
3 Springs Police Department?

4 A I'm a traffic officer.

5 Q Have you held other duties with the Winter
6 Springs Police Department?

7 A General patrol.

8 Q So what do traffic officer or general patrol
9 entail?

10 A With traffic, I'm responsible for responding
11 to crashes, conducting area patrols in reference to
12 traffic related offenses, speeding. Anything that's
13 traffic related, I'm responsible for.

14 Q And were you so employed on August 27th,
15 2024?

16 A I was.

17 Q And how many hours does a shift last at
18 Winter Springs Police Department?

19 A So traffic is a ten-and-a-half hour shift.

20 Q And how much time do you spend in your car
21 driving during your shift each day?

22 A Almost all day.

23 Q And separate from the time you spend driving
24 your patrol car, do you also drive a car in your
25 personal capacity?

1 A I do.

2 Q And how many hours a week do you spend in
3 your personal car driving?

4 A Probably three to four hours a week in my
5 personal car.

6 Q While on duty, do you take notice of speed
7 limit signs?

8 A I do.

9 Q And what do you do when you take notice of
10 speed limit signs?

11 A I observe the traffic in the area to ensure
12 that everyone is going the appropriate speed.

13 Q And how do you do that?

14 A With visual estimate. I watch their driving
15 if they're passing other vehicles, if they're passing
16 me, I'll pace. I'll do a pace off of my speedometer
17 and their cars or radar and laser.

18 Q And what is radar and laser?

19 A They're tools to help us observe -- to
20 identify people's speed.

21 Q And what do you do when you notice speed
22 limit signs in your personal car?

23 A I check my speedometer, make sure I'm going
24 the correct speed.

25 Q And you have stated while on duty you watch

1 the movement of other cars?

2 A Yes, ma'am.

3 Q Do you do that with your personal car?

4 A I do.

5 Q And do you have any training regarding speed
6 measurement?

7 A I do.

8 Q Can you list that training?

9 A Yes, ma'am. It's a 40-hour block of
10 instruction. The last two days are -- we conduct
11 visual estimates and then the last day we are tested on
12 our visual estimates.

13 Q And what does visual estimate training look
14 like?

15 A So we will -- during the -- during the course
16 of the day, we'll be in cars with people, with other
17 officers, and we will -- someone will be operating
18 radar, we'll give them visual estimates and they'll
19 confirm it via their radar system. During the test, we
20 are all out.

21 The instructors are using either a radar or
22 laser. They'll say, hey, this is the car. We'll do a
23 visual estimate. We will write down our visual
24 estimate and it'll be confirmed via the radar device or
25 laser.

1 Q And how did you perform in that training?

2 A I passed my class.

3 Q And what does passing mean?

4 A I successfully conducted all my visual
5 estimates. I think it's an 80 percent or higher.

6 Q And how accurate do you have to be on a
7 visual estimate?

8 A Through the course, it is plus or minus three
9 miles an hour.

10 Q And, let's see. And how did your visual
11 speed estimates compare with actual speed of vehicles
12 during the training?

13 A Very accurate.

14 Q And did you receive a certificate of
15 successful completion?

16 A I did.

17 Q And do you make visual estimates of cars
18 during the course of your duty?

19 A I do.

20 Q How often?

21 A Pretty much all day long.

22 Q And how often has your visual estimate been
23 within plus or minus three miles per hour of the actual
24 speed of that car?

25 A I would say between 90 and 98 percent of the

1 time. It's pretty much right on.

2 Q And based on your training and experience as
3 an officer as well as in your personal capacity, do
4 you believe that you can tell what speed a car is --

5 A Yes, ma'am.

6 Q -- going at by visual estimation if the car
7 is traveling next to you --

8 A Yes.

9 Q -- as you're raveling? Yes.

10 What if you're following that car?

11 A Yes, ma'am.

12 Q What if you're standing still in your car and
13 that car is coming towards you?

14 A Yes, ma'am.

15 Q Yes. As in?

16 A I can identify their speed.

17 Q What if -- what if the car is coming towards
18 you when you're driving?

19 A Yes, ma'am. I can identify it.

20 Q Let's draw our attention to August 27, 2024
21 at approximately 9:00 a.m.

22 Do you remember that day?

23 A I do.

24 Q What were you doing?

25 A I was in the area of Michael Blake and 434

1 doing traffic.

2 Q Okay. And were you on duty at that time?

3 A I was.

4 MS. LEE: May I approach the Clerk?

5 THE COURT: You may.

6 MS. LEE: Showing the Defense what's been
7 pre-marked as State's proposed Exhibit A.

8 May I approach the witness?

9 THE COURT: You may.

10 BY MS. LEE:

11 Q Officer Schwartz. I'm showing you what's been
12 pre-marked for identification State's proposed Exhibit
13 A. Do you recognize it?

14 A [Pause] I do.

15 Q How do you recognize it?

16 A It's the intersection of Michael Blake and
17 434.

18 Q And is that the intersection -- does the
19 intersection appear substantially the same as it were
20 on August 27, 2024?

21 A For the most part, yes, ma'am.

22 MS. LEE: The State offers the Exhibit A into
23 evidence.

24 THE COURT: Any objection?

25 MR. CARLOS: No, Judge.

1 MS. LEE: Permission to publish, your Honor?

2 THE COURT: Yeah.

3 [Whereupon, State's Exhibit Number 1 was
4 marked and received in evidence and published for
5 the record.]

6 BY MS. LEE:

7 Q Officer Schwartz, I am showing you now what's
8 State's Exhibit 1. So could you tell us -- let me zoom
9 in a little bit.

10 All right. So could you tell us what we're
11 looking at?

12 A Yes, ma'am. So that is the intersection of
13 Michael Blake and 434.

14 Q Okay. So where were you?

15 A Right at the stop -- stop bar in the turn
16 lane on Michael Blake. Pretty much right where that
17 SUV is a little bit farther up, I was the front car at
18 that intersect; yes, ma'am.

19 Q Okay. So what were you doing at that
20 intersection?

21 A I was waiting to cross the intersection,
22 waiting to make a left-hand turn.

23 Q Right. And what -- where is this
24 intersection located?

25 A It's in -- it's in Seminole County in the

1 City of Winter Springs.

2 Q And what state?

3 A Florida.

4 Q And are you familiar with this roadway?

5 A I am.

6 Q Could you just discuss what condition this
7 roadway was in at the time?

8 A Yes. So we had just -- the City, County,
9 State, they had just installed traffic lights. So we
10 had -- the traffic lights were not functioning at the
11 time. They actually had bags over the lights.

12 Q Um-hum.

13 A And it's just a very busy intersection.

14 Q Okay. So where -- so which traffic lights
15 had bags over them?

16 A So the ones I can recall were the east and
17 westbound lanes, which is State Road 434.

18 Q So that -- going this way?

19 A Correct. Left and right.

20 Q Okay. All right. And were you -- did you
21 have the opportunity to observe other vehicles
22 traveling this intersection?

23 A I did.

24 Q Could you note what you observed, considering
25 the fact that there were bags over traffic lights?

1 A So east and westbound, left and right, had
2 bags over the lights. So there was a continuous flow
3 of traffic through the day. And then there's a left-
4 hand turn coming off of 434 onto Michael Blake. That
5 also what -- they were also making left-hand turns when
6 it was appropriate.

7 Q So cars are making turns?

8 A Correct.

9 Q Cars are going straight?

10 A Yes, ma'am.

11 Q And how are they doing that without the
12 traffic lights?

13 A Cautiously. And when -- when they were able
14 to do it safely, they were able -- they were turning
15 and driving straight.

16 Q Did you notice any significant traffic on the
17 left turn lane on 434?

18 MR. CARLOS: I'm going to object to leading.

19 THE COURT: Um-hum. Overruled.

20 THE WITNESS: So there were cars in the turn
21 lane that were waiting to turn left. However,
22 there wasn't a break for them to turn left due to
23 the east and west -- the east -- westbound
24 traffic, the traffic going right. They were just
25 waiting to be able to make that left turn.

1 BY MS. LEE:

2 Q All right. And did any particular vehicle
3 draw your attention?

4 A Yes, ma'am. There was a dark-colored Tesla
5 that drew my attention.

6 Q And were you still at the stop bar here when
7 you noticed that?

8 A I was. Yes, ma'am.

9 Q Okay. Why was your attention drawn to that
10 vehicle?

11 A So, again, I was at that stop bar. Cars were
12 traveling east and west. There was cars waiting to
13 make the left-hand turn onto Michael Blake. I then
14 observed the Tesla go around all the cars that were in
15 the appropriate turn lane, cut off other cars that were
16 traveling westbound and then --

17 Q Westbound, meaning which way?

18 A Going right.

19 Q This way?

20 A Yes, ma'am.

21 Q From left to right?

22 A Yes, ma'am.

23 Q They're going straight?

24 A Correct.

25 Q Okay.

1 A And that vehicle cut those vehicles off, made
2 it through the intersection and continued down Michael
3 Blake Boulevard.

4 Q And Michael Blake Boulevard is this one?

5 A Yes, ma'am.

6 Q So how many turn lanes Does State Road 434 on
7 the right side have?

8 A It has one. It has a left-hand turn lane.

9 Q Okay. And you saw -- so the Tesla -- where
10 was the Tesla at the beginning?

11 A It was in the -- it was on 434 approaching
12 the intersection.

13 Q Okay. Which lane?

14 A From my recollection, it was coming into the
15 turn lane.

16 Q So the left turn lane?

17 A Correct.

18 Q And then it veered out of the left turn lane?

19 A Correct.

20 Q And then what did it do?

21 A It then made a left-hand turn through the
22 intersection, bypassing all the other cars that were
23 trying to make a left-hand turn.

24 Q From what lane did that car make that turn?

25 A The through lane. The straight lane.

1 Q Straight -- the lane going straight?

2 A Yes, ma'am.

3 Q Okay. How many lanes does Michael Blake
4 Boulevard have?

5 A So it has -- so east and westbound, it's --
6 it's considered a four-lane road; two going east, two
7 going west. And then now we have the -- the turn
8 lanes.

9 Q And what about Michael Blake Boulevard?

10 A It is two -- it is a two-lane road with the
11 -- with the turn lanes right there.

12 Q Right. So did you notice how other vehicles
13 reacted when this Tesla made that turn?

14 A I did. The vehicles traveling west, which
15 was from left to right, had to apply their brakes to
16 avoid collision with the Tesla that went through the
17 intersection.

18 Q And what else did you notice about this
19 Tesla?

20 A As soon as it went down Michael Blake
21 Boulevard, it accelerated rapidly and began to drive
22 through a residential area.

23 Q You said residential area?

24 A Correct.

25 Q So it continued down Michael Blake Boulevard?

1 A Correct.

2 Q What is the speed limit on that Michael Blake
3 Boulevard?

4 A 25 miles an hour.

5 Q And based on your training and experience, at
6 what speed this car -- was this car traveling?

7 MR. CARLOS: I'm going to object. Calls --
8 may we approach?

9 THE COURT: You may.

10 [Whereupon, a Bench conference was held off
11 the record, after which the following transpired:]

12 BY MS. LEE:

13 Q Officer, in general terms, how fast do you
14 think this car is going?

15 A At least 40 miles an hour.

16 MR. CARLOS: Objection, Judge. Move to
17 strike. Can we approach?

18 THE COURT: Overruled.

19 BY MS. LEE:

20 Q And where did this car go?

21 A Through Michael Blake down, I think, to -- I
22 think it's Sandpiper.

23 Q And how did you react when you made this
24 observation?

25 A So as soon as the car made that turn onto

1 Michael Blake from 434, I activated my lights and
2 sirens and conducted a U-turn and proceeded to try to
3 catch up to the vehicle.

4 Q And what did you observe as you were trying
5 to catch up to this vehicle?

6 A The vehicle continued at a high rate of speed
7 going through a residential neighborhood. It ended up
8 pulling into a garage. And at that point, the car --
9 they began to shut their garage.

10 Q And did you see which garage this car pulled
11 into?

12 A I did.

13 Q So what did you do?

14 A At that point, I -- I was -- obviously, I was
15 on my radio during the time explaining what was going
16 on, explaining where we were, that he just shut the
17 garage. I got out of my patrol car. At that point,
18 the garage began to go up.

19 Q And what did you observe as the garage began
20 to go up?

21 A So it was -- obviously, it's very bright
22 during the daytime. It's dark in the garage. I
23 couldn't see what was -- what was happening into the --
24 in the garage.

25 Q And what's the -- based on your training and

1 experience, what is the protocol in situations like
2 this?

3 A So at that point, I -- I reasonably thought
4 that the vehicle was fleeing from me.

5 MR. CARLOS: Objection. Judge, can we
6 approach?

7 THE COURT: You may.

8 [Whereupon, a Bench conference was held off
9 the record, after which the following transpired:]

10 THE COURT: All right. Members of the Jury,
11 if you can strike that last statement. We are
12 going to continue where we are.

13 Ms. Lee.

14 BY MS. LEE:

15 Q So in general terms, so what is the protocol
16 when you are faced with a closed garage?

17 A So I'm -- obviously, I called it out on the
18 radio. There's an officer safety concern at that
19 point. And then as soon as that garage started coming
20 up, there was a -- to me, in my opinion, there was a
21 large officer safety concern in that.

22 Q So how did you react?

23 A I started backing up, started taking cover by
24 my patrol vehicle. I drew my department-issued
25 firearm, observed a male in the garage and then began

1 to give loud verbal commands to the person that was in
2 the garage.

3 Q And did that person comply?

4 A He did.

5 Q And what did you do when that person
6 complied?

7 A Subsequently, he was placed in handcuffs. He
8 was patted down to make sure he had no weapons and
9 other units arrived on scene.

10 Q And what happened with the gun?

11 A I re-holstered my firearm.

12 Q And do you see that person -- was that person
13 the same person in the Tesla?

14 A Yes.

15 Q Was the car in the garage the Tesla that you
16 observed?

17 A Yes.

18 Q And do you see that person in this courtroom
19 today?

20 A I do.

21 Q Could you please point and identify that
22 person by unique item of clothing?

23 A It's the white male with the brown suit.

24 MS. LEE: Let the record reflect that the
25 witness has identified the Defendant.

1 THE COURT: So reflected.

2 BY MS. LEE:

3 Q All right. So why was he in handcuffs? Let
4 me rephrase that.

5 So what happened after that?

6 A After he was placed in handcuffs, other units
7 arrived. At that point, I went back -- I went back
8 into my car and began all my paperwork.

9 Q Was any of that captured on camera?

10 A It was the -- from the point of me getting
11 out of my patrol car, drawing my firearm and everything
12 else was captured on my body camera, on body camera.

13 Q Okay. Do you have a dash cam on your car?

14 A I do not.

15 Q Do Winter Springs Police Department cars have
16 dashcam?

17 A So we had just -- we just got them within the
18 last few months. We only have two now.

19 MS. LEE: May I approach the Clerk?

20 THE COURT: You may.

21 MS. LEE: Showing the Defense what's been
22 pre-marked for identification as State's Exhibit

23 B.

24 May I approach the witness?

25 THE COURT: You may.

1 BY MS. LEE:

2 Q Officer, I'm handing you what's been
3 pre-marked for identification as State's Exhibit B. Do
4 you recognize it?

5 A I do.

6 Q How do you recognize it?

7 A It's my body-worn camera and I have initialed
8 and dated it.

9 Q And what does that mean?

10 A It means that I have reviewed the video.

11 Q And is it an accurate and fair depiction of
12 what you observed that day?

13 A It is.

14 Q And is that disc in the same and substantial
15 condition as you last saw it?

16 A It is.

17 MS. LEE: The State offer State's Exhibit B
18 into evidence.

19 THE COURT: Any objection?

20 MR. CARLOS: I'd just renew my objection for
21 the motion in limine. Besides that, no.

22 THE COURT: Okay. Thank you.

23 MS. LEE: Motion to -- I mean, permission to
24 publish, your Honor?

25 THE COURT: You may.

1 [Whereupon, State's Exhibit Number 2 was
2 marked and received in evidence.]

3 THE COURT: Members of the Jury, I will
4 remind you that you are going about to be watching
5 video that may have been edited. The fact that
6 the video has been edited should not concern you
7 in any manner whatsoever and/or impact the way you
8 view the evidence.

9 If you need to move, you guys are free to
10 move around.

11 [Whereupon, State's Exhibit Number 2 was
12 published for the record.]

13 BY MS. LEE:

14 Q So, Officer, what is happening at this point?

15 A So our body cameras are -- right now I'm
16 conducting my U-turn.

17 Q So what was happening?

18 A So our body cameras are in a standby mode for
19 30 seconds. So they'll record the 30 seconds prior to
20 an activation. So that's why those first 30 seconds
21 you don't hear anything.

22 Q And where were you during the first 30
23 seconds?

24 A In my car at the intersection.

25 Q Okay. And what is happening right now?

1 A At that point, the Tesla has made that left
2 turn and I'm conducting my u-turn to try to catch up to
3 it.

4 [Video continues]

5 BY MS. LEE:

6 Q And what happened after that, Officer?

7 A After that, additional officers arrived on
8 scene and the investigation began.

9 Q Did he make any spontaneous statements to
10 you?

11 A Yes.

12 Q What kind of spontaneous statements?

13 A He apologized. He then made -- he also made
14 statements that he didn't see me behind him, made
15 statements that he was late for a meeting. He also
16 made statements that the other cars weren't turning and
17 that's why he went around them.

18 Q And did any other officers arrive to the
19 scene?

20 A Yes. There was multiple officers arriving on
21 scene.

22 Q Was officer Vincent Maine there?

23 A He was.

24 Q And after your initial interaction with him,
25 did you ever talk to Mr. Finley again?

1 A I did.

2 Q And at what point was that?

3 A He was making comments to Officer Maine and I
4 had over -- I overheard it. And then I responded back
5 to his comments.

6 MS. LEE: Permission to approach the Clerk?

7 THE COURT: You may.

8 MS. LEE: Showing Defense what's been
9 pre-marked for identification as State's Exhibit
10 C.

11 May I approach the witness?

12 THE COURT: You may.

13 BY MS. LEE:

14 Q Officer Schwartz, I'm showing you what's been
15 pre-marked for identification as State's Exhibit C.
16 Do you recognize that?

17 A [Pause] I do.

18 Q How do you recognize that?

19 A It's my signature, initials and my date is on
20 it.

21 Q And what does that mean?

22 A It means I've reviewed the video.

23 Q And are you in that video?

24 A My voice is in the video.

25 Q Okay. And do you recall that conversation

1 that you observed in that?

2 A I do.

3 Q And is it an accurate and fair depiction of
4 that conversation?

5 A It is.

6 MS. LEE: Thank you.

7 A moment to confer, your Honor?

8 THE COURT: You may.

9 BY MS. LEE:

10 Q And what happens after investigation? What
11 happened after you began your investigation?

12 A The Defendant made -- made the comments that
13 we previously discussed. And then subsequently, he was
14 removed out of handcuffs and issued appropriate
15 paperwork for the incident.

16 Q So you said he was removed -- the cuff -- the
17 cuffs were removed from him?

18 A They were.

19 Q Okay. And did -- this portion of the
20 incident, where did that occur?

21 A On the street behind his address.

22 Q And is -- what city would that be in?

23 A Winter Springs.

24 Q And what county?

25 A Seminole.

1 MS. LEE: Nothing from the State, your Honor.

2 May I approach the Clerk?

3 THE COURT: You may.

4 Cross examination?

5 MR. CARLOS: Thank you, your Honor.

6 Good morning, Officer.

7 THE WITNESS: Good morning.

8 CROSS EXAMINATION

9 BY MR. CARLOS:

10 Q A couple of different topics I want to talk
11 -- talk to you about. First is talking about the
12 actual intersection itself.

13 So I believe you had explained to the State
14 that you were the first person in line on that turning
15 lane; is that accurate?

16 A Correct.

17 Q Okay. How long were you stopped at that
18 intersection for?

19 A I couldn't tell you.

20 Q Was it more than 10 minutes?

21 A No.

22 Q Less than 10 minutes?

23 A More than likely.

24 Q Okay. And where were you trying to go? Were
25 you trying to turn -- turn left onto --

1 A Trying to turn left onto Michael Blake.

2 Q Okay.

3 A I mean, I'm sorry. On 434.

4 Q Off of Michael Blake?

5 A Correct.

6 Q Okay. Why were you not able to turn left?

7 A Traffic.

8 Q Okay. How long would you say the whole
9 incident lasted from when Mr. Finley started turning
10 his vehicle to when he passed you?

11 A I couldn't tell you. Maybe 10 to 15 seconds
12 at the most.

13 Q 10 to 15 seconds.

14 Okay. I believe you had explained to the
15 State that there were multiple vehicles in the turning
16 lane to turn left onto Michael Blake Road; is that
17 right?

18 A Correct.

19 Q So there were multiple vehicles in front of
20 Mr. Finley's car?

21 A Correct.

22 Q Okay. And he passed multiple vehicles to
23 turn left onto Michael Blake?

24 A My recollection, yes. He passed multiple
25 vehicles from the -- that were in the turn lane

1 attempting to make a left-hand turn.

2 Q Okay. Did anyone get into a crash?

3 A No.

4 Q Okay. Did anyone honk their horn?

5 A I don't recall if there was any horn honking.

6 Q Was there any pedestrians walking?

7 A I don't recall if there was pedestrians on
8 the sidewalks.

9 Q Okay. Did anyone have to swerve out of their
10 lane?

11 A No swerving that I can recall.

12 Q Okay. Was it a clear morning?

13 A It was.

14 Q No rain, no fog?

15 A No.

16 Q You wrote the citation in this case yourself;
17 right?

18 A Say again?

19 Q Did you write the traffic citation in this
20 case for --

21 A Yes.

22 Q -- the reckless driving?

23 Okay. And you swore to that under oath?

24 A I did.

25 Q Okay. In that citation, isn't it true that

1 you wrote that Mr. Finley fishtailed through that
2 intersection?

3 A He began to fishtail.

4 Q Okay. You also wrote that in your sworn
5 affidavit; right?

6 A I'd have to read reread my report, but yes.

7 Q Will it refresh your recollection to read
8 your offense report?

9 A Yeah.

10 MR. CARLOS: May I approach the witness,
11 Judge?

12 THE COURT: You may.

13 BY MR. CARLOS:

14 Q I'm showing you the offense report. If you
15 could just take a look at that. Once it's refreshed
16 your memory, turn it over for me; okay?

17 A [Pause]

18 Q Does that refresh your recollection?

19 A It does.

20 Q Thank you, sir.

21 A You're welcome.

22 Q So is it true that you swore under oath in
23 your affidavit that Mr. Finley fishtailed through the
24 intersection?

25 A Yeah. From my observation, he lost traction

1 and began to fishtail through the intersection.

2 Q Okay. So just for the Jury, your definition
3 of fishtail is if the back end of the vehicle loses
4 traction?

5 A Yep.

6 Q Okay. And the fishtailing is what you based
7 your probable cause off of; is that right?

8 A No.

9 Q Okay. Was it part of your probable cause for
10 that?

11 A It was part of it.

12 Q Understood. Now, is it true at the scene you
13 told other officers that you're probably going to cite
14 Mr. Finley for careless driving?

15 A I don't recall. I'd have to actually watch
16 the entire video and see what I said on scene.

17 Q Okay. Careless driving is a civil
18 infraction; right?

19 A It is.

20 Q Okay. I believe you were conversating with
21 other officers about what to ultimately do with the
22 case; right?

23 A Correct.

24 Q Okay. But none of those off other officers
25 saw the driving pattern?

1 A No.

2 Q Okay. I believe you confirmed this, but Mr.
3 Finley told you that he never saw you behind his
4 vehicle; right?

5 A Correct.

6 Q Okay. And then ultimately, when he was
7 coming out of the garage, he complied with every single
8 request that you were making?

9 A Yes, sir.

10 Q I believe you said that your car has never
11 had a dash camera equipped?

12 A We just -- like I said, our cars never had --
13 I've never had one until recently.

14 Q Okay. And the video that was just played for
15 the Jury does not show any traffic in front of the
16 vehicle; right?

17 A Correct.

18 Q Okay. So the Jury is just going to rely on
19 your observations as to what happened?

20 MS. LEE: Objection.

21 MR. CARLOS: I can put on --

22 THE COURT: Sustained.

23 BY MR. CARLOS:

24 Q I believe you had said that Mr. Finley
25 actually had to go into the middle lane on 434 before

1 turning onto Michael Blake; is that right?

2 A That's correct.

3 Q So he left the turn lane, went into the
4 middle lane and then turned left onto Michael Blake?

5 A Correct.

6 MR. CARLOS: Okay. May I have a moment,
7 Judge?

8 THE COURT: You may.

9 BY MR. CARLOS:

10 Q I know you said that Mr. Finley was initially
11 put in handcuffs, but you took them off eventually;
12 right?

13 A Yes, sir.

14 Q Do you know how long time passed for that?

15 MS. LEE: Objection. Relevance.

16 MR. CARLOS: The State brought it up, Judge.

17 THE COURT: Overruled.

18 MR. CARLOS: I have no further questions,
19 Officer. Thank you.

20 THE COURT: All right.

21 State, any redirect?

22 REDIRECT EXAMINATION

23 BY MS. LEE:

24 Q Officer, what does fishtailing mean?

25 A In my opinion, it's when a vehicle begins to

1 lose traction and it starts sliding a little bit.

2 Q And how does that happen?

3 A Excessive rate of speed. And, like, a quick
4 turn, just enough to break the traction of the wheels.

5 Q And when you made a decision at the end of
6 your investigation, whose decision was that?

7 A It was mine.

8 Q And what was the basis of your decision?

9 A The totality of the entire situation.

10 Q Was it anyone else's decision?

11 A No.

12 Q And what's the totality of the situation?

13 A As in why I made my decision, between the
14 driving pattern --

15 MR. CARLOS: I'm going to object, Judge,
16 outside the scope of cross.

17 THE COURT: Well, it's outside the scope of
18 cross. I'll sustain it.

19 MS. LEE: May we approach, your Honor?

20 THE COURT: Yeah.

21 [Whereupon, a Bench conference was held off
22 the record, after which the following transpired:]

23 THE COURT: All right. Officer, you're
24 permitted to answer.

25 THE WITNESS: Can you restate the question?

1 BY MS. LEE:

2 Q Yeah. So you said based on the totality of
3 the situation, you made your decision for --

4 A Yes, ma'am.

5 Q -- of the charge we're here for today?

6 A Yes, ma'am.

7 Q So what was the basis of that totality of the
8 situation, based on your observation?

9 A Based on my observation, the disregard to the
10 public safety by cutting off the vehicles that were
11 trying to make a left turn onto Michael Blake, cutting
12 off the vehicles that were traveling east -- westbound,
13 which was to the left or right, on to Michael Blake
14 that were on 434 and then that rapid -- the
15 acceleration down a residential neighborhood into the
16 garage was the totality.

17 But that and the vehicle looking like it was
18 losing traction, this totality.

19 MS. LEE: Nothing further from this witness.

20 THE COURT: Okay. Anything else?

21 MR. CARLOS: No, Judge.

22 THE COURT: All right, Officer.

23 Is he released from the subpoena?

24 MS. LEE: The State would request that he
25 remain subject to recall.

1 THE COURT: Okay. All right. Thank you,
2 sir.

3 THE WITNESS: Yes, ma'am.

4 [Witness stands down]

5 THE COURT: State, your next witness?

6 MS. LEE: State Calls Officer Vincent Maine.

7 THE COURT DEPUTY: Go ahead and stand right
8 here. Face the Clerk, raise your right hand.

9 [Witness sworn]

10 Whereupon,

11 VINCENT MAINE,
12 having been first duly sworn by the Clerk of the Court,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MS. LEE:

16 Q Good morning. Please state your name and
17 state and spell your last name for the record.

18 A First name is Vincent; last name, Maine,
19 spelled like the State, M-a-i-n-e.

20 Q What is your occupation?

21 A I'm a police officer with the City of Winter
22 Park. I was formerly with the Winter Springs Police
23 Department.

24 Q And when were you employed with the Winter
25 Springs Police Department?

1 A I was employed from April 2022, and then I
2 left in January of 2025.

3 Q And how were you employed on August 27th,
4 2024?

5 A I was a traffic unit officer with the City of
6 Winter Park or, sorry, the City of Winter Springs.

7 Q And what were you doing that day around 9:00
8 a.m.?

9 A I was conducting roadside traffic enforcement
10 in another part of the city.

11 Q And do you recall getting -- receiving -- do
12 you recall receiving a call?

13 A Yes.

14 Q And what was the nature of that call?

15 A Officer Schwartz was requesting a backup
16 officer due to a traffic stop.

17 Q And did you respond to that call?

18 A I did.

19 Q And how long did it take you?

20 A Maybe three to five minutes.

21 Q And what did you observe when you got there?

22 A When I arrived on scene, the Defendant was
23 outside the vehicle in handcuffs. His vehicle was in
24 the garage. And Officer Schwartz -- I stood by with
25 the Defendant and Officer Schwartz went to his car to

1 type out the paperwork.

2 Q Do you see that person in this courtroom
3 today?

4 A I do.

5 Q Could you please point and identify that
6 person by a unique item of clothing?

7 A The gentleman right here on the right in the
8 tan suit next --

9 Q Was he the individual in the cuffs?

10 A Yes.

11 MS. LEE: Let the record reflect that the
12 witness has identified the Defendant.

13 THE COURT: So reflected.

14 BY MS. LEE:

15 Q All right. And did he make any spontaneous
16 statements while you were just standing by?

17 A Yes. So when I was standing with him,
18 Officer Schwartz was again explaining the reason for
19 the stop. He made a comment to Officer Schwartz
20 saying: I get that you're mad.

21 And then he turned to me and without me
22 asking, he started to explain what he was doing. He
23 explained that there was another vehicle in front of
24 him and the vehicle had an opportunity to go left but
25 wasn't going left, so the Defendant decided to go

1 around the vehicle.

2 Q And did you -- was any of that captured on
3 camera?

4 A Yes.

5 MS. LEE: Okay. May I approach the Clerk?

6 THE COURT: You may.

7 MS. LEE: Showing the Defense what's been
8 pre-marked as State's Exhibit C for
9 identification.

10 May I approach the witness?

11 THE COURT: You may.

12 BY MS. LEE:

13 Q Officer Maine. I'm handing you what's been
14 trademark for identification at State's Exhibit C.
15 Do you recognize it?

16 A [Pause] Yes.

17 Q How do you recognize it?

18 A I have a very distinct way I write with my
19 initials.

20 Q Are those your initials?

21 A Yes.

22 Q What does that mean?

23 A My "V", that's how I write it. And that's my
24 handwriting that I've been kind of writing the same
25 way.

1 Q Why did you write those initials on that?

2 A Oh. To verify that I watched the body camera
3 footage.

4 Q And when you watched it, was it an accurate
5 and fair depiction of what you observed and heard that
6 day?

7 A Yes.

8 Q Is that disk in the same substantial
9 condition that you last saw it?

10 A Yes.

11 MS. LEE: The State offers State's Exhibit C
12 into evidence.

13 THE COURT: Any objection?

14 MR. CARLOS: I renew my objection from the
15 motion in limine. Besides that, no.

16 THE COURT: Okay. Thank you.

17 MS. LEE: Permission to publish, your Honor?

18 THE COURT:

19 [Whereupon, State's Exhibit Number 3 was
20 marked and received in evidence and published for
21 the record.]

22 MS. LEE: Skipping, for the record, to 1:30.

23 [Video continues]

24 MS. LEE: A moment to confer, your Honor?

25 THE COURT: You may.

1 MS. LEE: Nothing further from the State.

2 May I approach the Clerk?

3 THE COURT: You may.

4 Okay. Cross examination?

5 MR. CARLOS: Thank you, your Honor.

6 Good morning, Officer.

7 THE WITNESS: Good morning.

8 CROSS EXAMINATION

9 BY MR. CARLOS:

10 Q Did you observe Mr. Finley driving at all?

11 A No.

12 Q Did you observe any video of his driving
13 pattern?

14 A No.

15 MR. CARLOS: I have no further questions,
16 Judge.

17 THE COURT: All right. Thank you.

18 MS. LEE: One more -- a couple more questions
19 for the State.

20 REDIRECT EXAMINATION

21 BY MS. LEE:

22 Q Officer Maine, did you participate in making
23 any decisions regarding the investigation that ensued
24 from this traffic stop?

25 A No.

1 MR. CARLOS: Objection. Outside the scope of
2 cross, Judge.

3 THE COURT: Overruled.

4 BY MS. LEE:

5 Q So you did not participate?

6 A I was just there to assist Officer Schwartz
7 as he conducted his investigation.

8 Q And by assistance, what do you mean?

9 A For officer safety reasons. So if he's
10 outside the car in handcuffs, I wasn't going to leave
11 Officer Schwartz by himself with someone outside the
12 guard in handcuffs. So I was there for officer safety
13 reasons for Officer Schwartz.

14 Q And is that the extent of your involvement?

15 A Yes.

16 MS. LEE: Nothing further from the State,
17 your Honor.

18 And Officer Maine is released.

19 THE COURT: Anything further?

20 MR. CARLOS: No, your Honor.

21 THE COURT: All right. Thank you.

22 You are released.

23 [Witness excused]

24 THE COURT: Okay. State?

25 MS. LEE: State rests, your Honor.

1 THE COURT: So at this time, I do believe it
2 would be a good time to take a quick stretch
3 break, restroom break, whatever we need. Maybe
4 about ten minutes.

5 [Whereupon, the Jury exited the courtroom,
6 and the following proceedings transpired outside
7 the presence of the Jury:]

8 THE COURT: All right. Any motions at this
9 time?

10 MR. CARLOS: Yes, Judge.

11 Judge, the Defense is moving for judgment of
12 acquittal under Rule 3.380. Even viewing the
13 evidence in light most favorable to the State, the
14 State has failed to present competent, substantial
15 evidence of the second element of reckless
16 driving, the willful and wanton part as defied in
17 the standard jury instruction.

18 The evidence at its highest shows a brief
19 pass around stopped vehicles at an intersection,
20 an unmeasured visual estimated speed. Clear
21 daylight, no rain. There was no collision, no
22 honking, no pedestrians, no evasive action by any
23 other driver.

24 This case is legally indistinguishable from
25 Kenneth versus State, 389 So.3d 615, Third DCA.

1 That's in 2023.

2 THE COURT: Do you have a copy?

3 MR. CARLOS: Yes, your Honor. May I
4 approach?

5 THE COURT: Sure.

6 MR. CARLOS: Headnote 4 I think is right on
7 point with this one. Essentially, the Third DCA
8 reversed a reckless-driving conviction on passing
9 multiple vehicles because no near-accident
10 happened. There's no evidence evasive action
11 shown either. Simply, a passing violation is a
12 non-criminal infraction, not reckless driving.

13 I have another case I'd like to put on the
14 record. That's Berube versus State, I think is
15 how you pronounce it, 6 So.3d 624, the Fifth
16 District Court of Appeals 2008.

17 May I approach?

18 THE COURT: You may.

19 MR. CARLOS: Again, the Fifth DCA held there
20 that an improper turn across oncoming traffic
21 without any intoxication, distraction, excessive
22 speed, anything else, was insufficient to prove
23 recklessness as a matter of law.

24 And then lastly. I want to cite to Harris
25 versus State, 318 So.3d 645 out of the Florida

1 Second DCA 2021.

2 May I approach?

3 THE COURT: You may.

4 MR. CARLOS: This one says, Judge, that if
5 the State is going to emphasize the speed alone
6 with 94 miles an hour in a 40-mile-an-hour zone
7 was insufficient.

8 So at most, we think that the State has
9 proved careless driving. That's a non-criminal
10 infraction that the legislature has specifically
11 placed outside of criminal law. We're asking the
12 Court to -- to grant our judgment of acquittal
13 based -- based off that. And we're open to any
14 questions before us.

15 THE COURT: Okay. State?

16 MS. LEE: Your Honor, the elements of
17 reckless driving is that Mr. Finley drove a
18 vehicle in Florida with a willful or wanton
19 disregard for the safety of persons or property.
20 The State here is not obligated to show willful
21 and wanton disregard.

22 Willfully means intentionally, knowingly,
23 purposely. Evidence has shown that Mr. Finley
24 acknowledged that there was at least one car in
25 front of him. He veered around it, made a left

1 turn. He acknowledged there was oncoming traffic
2 while making that turn.

3 Officer Schwartz testified to the conduct of
4 other vehicles using that intersection with the
5 broken traffic light. And compared to that, the
6 officer testified as to the speed but also the
7 conduct of turning at an intersection when there
8 was oncoming traffic, accelerating so fast that
9 the officer couldn't catch up with him and going
10 -- turning -- making a left turn at a straight
11 through lane at an intersection with a broken
12 traffic light.

13 So the State believes that it has shown all
14 the elements required by reckless driving. A
15 judgment acquittal has to be in the light most
16 favorable to the State -- favorable to the State.

17 And today evidence has shown Mr. Finley
18 acknowledged whatever -- not whatever, but
19 acknowledged the statements that Officer Schwartz
20 made as to what happened. And Officer Schwartz
21 has stated he watched the back of the car lift up
22 slightly due to the acceleration and making a turn
23 when it was unsafe to do so. So it is more than
24 just speed.

25 MR. CARLOS: Judge, I'd like to point the

1 Court's attention to Headnote 4 of the Berube
2 case. I think it's directly on point.

3 In that case. it says that the Defendant
4 didn't not operate a vehicle in a reckless manner.
5 After perceiving a truck's quick stop, he moved
6 into the center of an intersection, where he
7 briefly hesitated and then executed an improper
8 left turn across oncoming traffic. That is
9 exactly what -- what we have here, Judge.

10 MS. LEE: It is not exactly what we have,
11 your Honor. He passed a vehicle who was trying to
12 make a left turn. He veered around it.

13 THE COURT: Obviously, if it was both willful
14 and wanton. I mean, wanton, I can't -- I can't
15 find wanton at all because wanton has an and. And
16 if the and is with knowledge, that damage is
17 likely to be done to a person or property, I don't
18 think we -- but since there is -- it is an or
19 statute, being one element with an or, with the
20 willfulness.

21 At this point in the proceedings, I would
22 have to, in the light most favorable of the State,
23 find that there was a prima facie showing of that
24 case that could be -- in the light of, the jurors
25 could render a verdict on it. So, again, being

1 that it is an or term, not an and, I would have
2 to, at this point, deny JOA.

3 MR. CARLOS: Understood.

4 THE COURT: Okay. Mr. Attorney Carlos, do
5 you need any time to discuss with your client
6 whether or not he'll be testifying or not?

7 MR. CARLOS: We've made that decision, Judge.
8 We will be putting on a case.

9 THE COURT: Okay.

10 MR. CARLOS: I just ask if I could step out
11 to use the restroom quickly before we bring the
12 Jury back in.

13 THE COURT: Of course.

14 All right. And, Mr. Finley, I just need to
15 make sure that after talking with Attorney Carlos
16 as well as Attorney Bark, I'm sure you discussed
17 it with him as well, that it is your decision and
18 it alone that it is -- you will testify; correct?

19 I just have to make sure you're not being
20 forced, coerced, promised anything.

21 THE DEFENDANT: Yeah. It's my decision.

22 THE COURT: Okay.

23 THE DEFENDANT: Sorry.

24 THE COURT: No. That's okay. I just -- it's
25 just something we have to put on the record to

1 make sure of that.

2 MR. CARLOS: I told him you were going to ask
3 about it.

4 THE COURT: Yeah. That Ethan isn't somehow,
5 like, you know, kicking you under the table or
6 something.

7 All right. You can step out to use the
8 restroom.

9 MR. CARLOS: Thank you, Judge.

10 THE COURT: Take a couple minutes. State, if
11 you need anything.

12 MR. CARLOS: I'll be quick.

13 THE COURT: Yeah. No problem.

14 [Whereupon, a recess was taken, after which
15 the following transpired:]

16 THE COURT DEPUTY: Jury is present.

17 [Whereupon, the Jury entered the courtroom,
18 and the following transpired in the presence of
19 the Jury:]

20 THE COURT: You may be seated.

21 All right, Mr. Carlos. Attorney Carlos, you
22 ready to call your first witness?

23 MR. CARLOS: Yes, your Honor. The Defense is
24 going to call Kevin Finley.

25 THE COURT: Okay.

1 THE COURT DEPUTY: Stand here. Face the
2 Clerk, raise your right hand.

3 [Defendant sworn]

4 THE COURT DEPUTY: Right this way, please.

5 MR. CARLOS: May it please put the Court?

6 Thank you, Judge.

7 Whereupon,

8 KEVIN FINLEY,
9 having been first duly sworn by the Clerk of the Court,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CARLOS:

13 Q Good morning, sir.

14 Could you please introduce yourself to the
15 Jury?

16 A Yes. My name is Kevin Finley. I'm 40 years
17 old.

18 Q Mr. Finley, where do you currently live now?

19 A I currently live in Longwood, Florida.

20 Q Back in August of 2024, where were you
21 living?

22 A I lived in Winter Springs, Florida for two
23 years at 1194 Spotted Sandpiper Loop Drive, or Loop.

24 Q And who lived there with you at that time?

25 A So I'm married and I have five children. And

1 actually, at this time in 2024, we were fostering a
2 child as well, so --

3 MS. LEE: Objection. Relevance.

4 THE COURT: Overruled.

5 BY MR. CARLOS:

6 Q Just quickly for the Jury, what do you do for
7 work?

8 A I'm a software engineer by trade. I've been
9 doing that for more than half my life. These days, I
10 manage a team of software engineers.

11 Q I want to talk to you about the morning of
12 August 27, 2024; okay.

13 Where were you coming from on that morning?

14 A I was dropping our littlest ones off at
15 daycare. They went to daycare Downtown Orlando and
16 also our foster child as well. So three of them were
17 dropping -- I was dropping them off at daycare.

18 Q And where were you heading to?

19 A Where I was heading to, to drop them off
20 or --

21 Q After you dropped them off, where were you
22 heading to?

23 A I was heading home.

24 Q Okay. And what route were you taking home?

25 A So normally going from this area, I would

1 take 434 to 417 downtown and up to 408 downtown. And
2 then I would take 408, 417 back to 434 and then turn
3 right on Michael Blake. But on this particular day, I
4 decided to get off at the Aloma exit before 434 and
5 stop at Chick-fil-A to get breakfast before heading
6 home.

7 Q Okay. And then at a certain point, did you
8 come to an intersection?

9 A Yes.

10 Q What intersection was that?

11 A So after getting Chick-fil-A and driving down
12 Tusawilla, I turned right on 434, heading -- that
13 would be east. And then I was making -- I approached
14 the Michael Blake intersection to turn left onto the
15 street. Michael Blake is -- my neighbor was off that
16 street.

17 Q Can you briefly describe for the Jury that
18 intersection?

19 A Yeah. So that intersection, they -- I don't
20 know if it was the city or the county, whoever. But
21 they put up a new -- it was under construction. They
22 had put up a new traffic light, but it was never put in
23 service so it was never operational.

24 It had been put up for, I want to say, I'm
25 guessing, like at least a month and it was -- it wasn't

1 operational. It was just there but it didn't work.

2 Q How often would you say you drove through
3 that intersection?

4 A So I would drive to that intersection at
5 least twice a day, once to drop off my kids and pick
6 them up. And often, if I was running an errand, run to
7 the grocery store. That's the only real way in and out
8 of my neighborhood, so you have to go through that
9 intersection multiple times.

10 Q Okay. As you approach to turn left onto
11 Michael Blake, what did you see in front of you?

12 A Yeah. So that particular day, it was --
13 there was beautiful weather. It was sunny. There was
14 no rain. There was no fog, no clouds. It was a nice
15 day. And I entered the left turning lane and there was
16 a car in front of me and at -- in the turning lane as
17 well.

18 Q Could you please describe where the car was
19 positioned in the road?

20 A So it's a dedicated turning lane to turn
21 left, and the car was in front of me initially, but
22 then the car started pulling into the median and
23 bearing left. So it was no longer directly in front of
24 me. It was off to the left. And it was in a position
25 that looked like it could be doing a U-turn.

1 Q What did you watch happen while you were
2 waiting behind that vehicle?

3 A So I observed that the car had pulled --
4 veered left into the median almost towards the other
5 side of the road where the traffic is coming the
6 opposite direction. And there were multiple breaks in
7 traffic. This was a normal. This was slightly after
8 9:00 a.m., so it was normal traffic for that day. And
9 there would be a couple cars and then a break in
10 traffic and a couple cars.

11 And there was multiple times that the car
12 could have turned left, but they didn't turn left.
13 They just stayed in that position. And at that point,
14 I thought maybe they were trying to do a U-turn.

15 Q Okay. Before you ultimately turned left onto
16 Michael Blake, what could you see of the intersections
17 -- of that intersection?

18 A Yeah. There was no visibility issues. There
19 was nobody at this point in front of me. Because that
20 car was veered to the left, I could see the oncoming
21 traffic. I could see traffic in all directions, and I
22 could observe, like, there were gaps in traffic where
23 there were times where I could turn or that car could
24 turn and they didn't.

25 So I assumed that they were doing a U-turn.

1 And then I could just see that there was plenty of
2 times to make a safe left turn.

3 Q And ultimately, you decided to turn left;
4 right?

5 A I did; yeah. After the car didn't turn, I
6 came to the conclusion that they must be trying to do a
7 U-turn, which when you're doing a U-turn, you need more
8 time to make that turn. So I decided to just pull
9 straight and then turn left onto Michael Blake, never
10 going into the eastbound 434 traffic.

11 At this point, because they used the median
12 to go to the left, I was able to just pull straight
13 into the median and then turn left on Michael Blake.

14 Q So just to clarify for the Jury, your -- your
15 path of the car as you turned left, did you have to
16 leave that lane at all?

17 A No. I never left the turning lane. I was in
18 the turning lane. I just proceeded straight into the
19 gap between, which I guess would be a median between
20 the traffic lanes. So I just pulled straight a little
21 further up past that car who was positioned to the
22 left. I pulled in straight and then turned left.

23 Q What traffic, if any, passed you going the
24 other way while you were making the turn?

25 A I observed a pretty big gap in traffic. And

1 so I could see a single car coming in the distance and
2 I determined I had enough time to make a safe turn
3 through the intersection. And that car wasn't going to
4 have to brake or do anything. I wasn't going to have
5 to impede their direction that they were going. So I
6 determined I was able to make a safe left turn.

7 Q Had you also looked if there were any
8 vehicles coming from behind you on 434, too?

9 A Yeah. I checked my rearview mirror. I
10 checked, you know, just looking around for traffic, see
11 if there's any, you know, making sure. Like, I had to
12 be extra careful because this is an intersection that
13 could be busy there. The light is new, but it's not in
14 operation.

15 So just being extra cautious, looked around,
16 looked at my rearview mirror, looked at the traffic
17 oncoming and determined that it was safe to proceed.

18 Q So even if your vehicle had left your lane
19 slightly, there's no vehicles coming from behind you?

20 A That's correct.

21 MS. LEE: Objection. Leading.

22 THE COURT: Overruled.

23 MR. CARLOS: You can answer.

24 THE DEFENDANT: That's correct. Yeah. There
25 was nobody coming from behind me when I started to

1 proceed. So even if I had to use the right lane
2 to go around, which I didn't, I was able to just
3 pull straight, I was able to make a safe turn.

4 BY MR. CARLOS:

5 Q Why did you accelerate when you made the
6 turn?

7 A I accelerated a normal amount that you would
8 accelerate to make a turn, but I didn't want to spend
9 you know, time in the intersection while the cars are
10 coming and I didn't want them to have to brake, so I
11 just accelerated a normal amount for a turn.

12 Q As you made that move to turn onto Michael
13 Blake, what did you believe about whether anyone was in
14 danger?

15 A I didn't believe anybody was in danger.
16 Looking at the video from -- even then I thought it was
17 safe, and even now I thought it was safe. I didn't
18 think anybody was endangered, any persons or property.
19 I didn't see any pedestrians. And I did see there was
20 enough gap between the next car that was coming that I
21 was able to make a turn with no issues.

22 Q Did you hear any cars honk at you?

23 A None. Didn't hear any cars honk or see the
24 car swerve or any of that, or even brake.

25 Q Did you feel anything from the back of your

1 car as you're making that turn onto Michael Blake?

2 A No. not at all. It was a normal turn and
3 the car was operating as it should.

4 Q Do you believe your car fishtailed through
5 that intersection?

6 A No. Not at all.

7 Q Did your back tires lose traction at all?

8 A No. They did not.

9 Q Okay. At any point at that intersection, did
10 you observe any police vehicles?

11 A I did not observe any police vehicles. I was
12 mostly focused on the traffic and making sure I'm
13 making a safe turn, but I didn't see any vehicles -- or
14 any police vehicles at all.

15 Q What was the first moment that you became
16 aware of the officer?

17 A The first time I became aware of the officer
18 was when I was already in my garage and the garage was
19 shut. I heard police sirens and I heard some commotion
20 outside the garage.

21 Q Okay. What did you do after that?

22 A So after that, I opened the garage because I
23 was curious. My next-door neighbor at the time, her
24 name is --

25 MS. LEE: Objection. Relevance.

1 THE COURT: Sustained.

2 BY MR. CARLOS:

3 Q Did you comply with any orders from the
4 officer?

5 A Yeah. After the garage opened, the officer
6 had his gun pointed at me and he was giving me orders
7 to step out of the garage, put my hands in the air, to
8 get on my knees and to interlace my fingers behind my
9 head, which I complied to all of his orders.

10 Q What type of vehicle do you drive?

11 A I drive a Tesla Model 3.

12 Q And what cameras, if any, does your vehicle
13 have?

14 A Yeah. The Tesla, because of its capabilities
15 of full self-driving, it has cameras all in the front,
16 back, sides, and it records while you're driving
17 continuously and saves it to an SD card.

18 Q What. What was the Tesla's video condition
19 back in August of 2024?

20 A Yeah. it was fully operational and it was --
21 it was recording while I was driving.

22 Q Okay. Was it working on the exact date of
23 this incident?

24 A Yes. It was.

25 Q Okay. How did you retrieve a video from --

1 from your vehicle?

2 A So after I was eventually released from
3 custody, the first thing I did was go to the glovebox,
4 which is where the SD card is, open the glovebox, take
5 the SD card out. I brought it in the house, put it in
6 my computer because I wanted to see what happened. I
7 also uploaded to the Google Drive to send it to my
8 attorney.

9 MR. CARLOS: Okay. Permission to approach
10 the Clerk, your Honor?

11 THE COURT: You may.

12 MR. CARLOS: Permission to approach the
13 witness, your Honor?

14 THE COURT: You may.

15 BY MR. CARLOS:

16 Q Mr. Finley, I'm showing you what's been
17 pre-marked for identification purposes as Defendant's
18 Exhibit A. Do you recognize that?

19 A I do.

20 Q How do you recognize it?

21 A We watched that video earlier. It's from my
22 Tesla, and I initialed it with my initials to confirm
23 that it hasn't been -- That's the same DVD that I
24 watched.

25 Q Okay. Has that video been altered or changed

1 or edited in any way?

2 A It has not. It's the raw video from the
3 Tesla, which also has date and time stamps on it.

4 Q Okay. Is that a fair and accurate depiction
5 of the driving on August 27th, 2024?

6 A It is. Yep.

7 MR. CARLOS: At this time, the Defense would
8 move what's been pre-marked as Defendant's Exhibit
9 A into evidence as Defendant's 1.

10 MS. LEE: No objection, your Honor.

11 THE COURT: Okay.

12 MR. CARLOS: Permission to publish, your
13 Honor?

14 THE COURT: You may.

15 [Whereupon, Defendant's Exhibit Number 1 was
16 marked and received in evidence and published for
17 the record.]

18 MR. CARLOS: Pausing at 27 seconds.

19 BY MR. CARLOS:

20 Q Mr. Finley, can you describe to the Jury
21 where your vehicle currently is?

22 A My vehicle is currently in the left turning
23 lane to turn from 434 eastbound to Michael Blake.

24 Q Okay.

25 A It's a dedicated turning lane.

1 MR. CARLOS: For the record, playing starting
2 at 27 seconds.

3 [Video continues]

4 MR. CARLOS: Okay. I'd like to go back to 27
5 seconds again and pause it so we can talk about
6 it. Okay. So pausing it at 20 seconds here.

7 BY MR. CARLOS:

8 Q Mr. Finley, can you please just describe for
9 the Jury what the shadow is to to the right there?

10 A The shadow to right -- to the right would be
11 the car that -- which I believe was in position to do a
12 U-turn that I went around to go left.

13 Q Okay. Were there any other vehicles that you
14 went by besides that one vehicle?

15 A No. We were the only two vehicles that were
16 in the intersection at that time or the median.

17 Q In that video, did you ever see your vehicle
18 go into the middle lane at all?

19 A No. My vehicle stays in the turning lane and
20 then enters the median, never going into the 434 road.

21 [Video continues]

22 MR. CARLOS: And I'm pausing it for the
23 record at 32 seconds.

24 BY MR. CARLOS:

25 Q Is that black vehicle there the first vehicle

1 that passed on 434 after you turned?

2 A That is correct. So that's the vehicle that
3 I observed that had enough room to make a turn in and
4 they were able to proceed westbound on 434 without
5 braking or anything like that.

6 Q Just a few more questions for you, Mr.
7 Finley.

8 Before you ultimately turn onto Michael Blake
9 Road, had you looked around everywhere?

10 A Yeah. I looked around to make sure that it
11 was safe to turn. I made sure I had enough clearance
12 between the car that was oncoming. I looked to make
13 sure that there was nobody else entering that median or
14 intersection, and I proceeded to make a left turn that
15 deemed safe to me.

16 Q So at that moment, what was your belief about
17 whether any person or vehicle was in danger?

18 A My belief at that moment, there was no
19 persons or property or anybody that was in danger of me
20 making that turn.

21 MS. LEE: Objection. Calls for legal
22 conclusion.

23 THE COURT: Sustained.

24 BY MR. CARLOS:

25 Q What were your intentions towards other

1 people on the road?

2 A My intentions were to make a safe turn and to
3 not harm anybody and to not get in an accident, and I'm
4 headed home.

5 MR. CARLOS: I have no other questions,
6 Judge.

7 THE COURT: Okay. Ms. Lee?

8 MR. CARLOS: I tender the witness.

9 THE COURT: Ms. Lee?

10 CROSS EXAMINATION

11 BY MS. LEE:

12 Q Hi, Mr. Finley.

13 So today you swore to tell the true; right?

14 A Yes.

15 Q And nothing but the truth?

16 A Yes.

17 Q And today you have given your testimony, and
18 you testified today that you checked your rearview
19 mirror?

20 A Yes.

21 Q Do you check the rearview mirror when you
22 drive?

23 A Occasionally. It depends on the situation.

24 MS. LEE: Okay. I'm just going to go back to
25 the video. I'm going to bring it closer for the

1 Jury.

2 Can you see it?

3 THE WITNESS: Yep.

4 MS. LEE: Sorry, Counsel.

5 MR. CARLOS: I'm fine.

6 MS. LEE: So let's just skip to the relevant
7 part for the record. I'll skip to 27 seconds.

8 [Video continues]

9 BY MS. LEE:

10 Q Do you see the lights flashing over here in
11 this footage?

12 A In this footage, yes.

13 Q Did you see that when you were making that
14 turn?

15 A No. I was past the police officer's vehicle.
16 And that's an unmarked police car. And so --

17 Q Yes or no will be fine. Thank you.

18 A Okay.

19 Q So you see this footage here today, the
20 flashing lights; right?

21 A Correct.

22 Q And it's your testimony today that you didn't
23 see that --

24 A Correct.

25 Q -- after you made that turn?

1 A Correct.

2 Q Okay. And you have testified today that you
3 were trying to make a safe turn?

4 A Correct.

5 Q And you said you drive a Tesla Model 3;
6 correct?

7 A That is correct.

8 Q How many motors does it have?

9 A It has two motors. It's all-wheel drive.

10 Q It's a dual motor?

11 A Yep.

12 Q Okay. And you said the car was operating as
13 it should on that day in question?

14 A That's correct.

15 Q Okay. Doesn't it take -- for a Tesla Model 3
16 dual motor car, doesn't it take that model like four
17 seconds to accelerate from 0 to 60 miles per hour?

18 Objection. Judge, can we approach?

19 THE COURT: Overruled. And then as to the
20 question in itself, unless he knows specifically,
21 so --

22 MS. LEE: Okay.

23 THE COURT: -- it's based on --

24 BY MS. LEE:

25 Q The Tesla model that you have, it has

1 acceleration capacity; right?

2 A All cars do; yes.

3 Q But Tesla -- the Tesla that you have, the
4 dual motor one has one; correct?

5 A Can you restate the question, please?

6 Q The Tesla Model 3 that you had, had
7 acceleration capacity?

8 A I'm not understanding the question.

9 Q So I'm not talking about the standard
10 acceleration, but particular to a Tesla model?

11 A No. It's not the performance model. It was
12 the long-range model.

13 Q Okay.

14 A So it's not the performance model.

15 Q But the long-range models also can have fast
16 acceleration capacity that Tesla models often have?

17 A All cars have acceleration. I'm not an
18 expert on Teslas.

19 Q Okay. So you don't know about acceleration
20 capacity of the car that you bought?

21 A I can't tell you how fast the car goes
22 from --

23 Q Okay. Thank you.

24 A -- 0 to 60.

25 Q Did you -- let me go back to when you're

1 making that. So you testified today that you thought
2 that car was making a U-turn?

3 A Correct.

4 Q Is that correct?

5 A That's correct. Because it had ample time to
6 get --

7 Q A yes or no would be fine. Thank you, Mr.
8 Finley.

9 So let's go back, starting at 27 seconds. So
10 you said that this is the shadow of the car that was
11 waiting to turn.

12 Isn't the U-turn right there? So if the car
13 would have U-turned, it would have made it that way,
14 wouldn't it?

15 A That's --

16 MR. CARLOS: Objection.

17 THE COURT: Sustained.

18 BY MS. LEE:

19 Q When you made this turn, do you recall
20 signaling that you were making that turn?

21 A What do you -- can you clarify the question?

22 Q Signaling that you were making --

23 A Turn signal?

24 Q -- that you were overtaking this car and
25 you're making a left turn?

1 A I'm not sure how you would signal to that.

2 Q And in that footage that we saw today, didn't
3 you tell the officers that you were waiting for this
4 car to turn and it had ten opportunities to turn?

5 A Yes. They had multiple opportunities to
6 turn.

7 Q Okay. So if you thought that car was making
8 a U-turn, don't U-turn cars and left-turn cars share
9 the same lane?

10 A Can you repeat the question?

11 Q Don't U-turn cars -- so cars intending to
12 U-turn --

13 A Um-hum.

14 Q -- and cars intending to make a left turn --
15 at East State Road 434, there's one lane to either
16 U-turn or make a left turn?

17 A There's one lane, but there's a median, yep,
18 in between.

19 Q So I'm asking about the lanes.

20 A Yep. There's one left lane.

21 Q And now that you brought up the medians, that
22 median is shared by oncoming traffic as well; right?

23 A The median is, yeah, a typical median. It's
24 shared for cars going in all directions.

25 Q Yeah. So if the oncoming traffic is trying

1 to make a left turn, they'd be standing right here;
2 correct?

3 A A little bit further back off screen.

4 MR. CARLOS: Objection.

5 THE WITNESS: But, yes.

6 MR. CARLOS: Calls for speculation.

7 THE COURT: Overruled. Move on.

8 BY MS. LEE:

9 Q Isn't that the median?

10 A I consider the median everything between the
11 curbs there where there's, like, grass, and then the
12 next one over there. So everything in between the two
13 roads, that's what I consider the --

14 Q So between here and here?

15 A Yep.

16 Q Okay. So the oncoming traffic would be
17 sharing that median if they're making a turn?

18 A If they were in that dedicated turning lane,
19 they would be using that median as well. Correct.

20 Q And you said you drive -- you drove around
21 that period at least twice a day through that
22 intersection?

23 A That's correct.

24 MS. LEE: Okay. A moment to confer, your
25 Honor?

1 THE COURT: You may.

2 BY MS. LEE:

3 Q So you had knowledge that the traffic
4 signals, they still had bags over them; right?

5 A I knew the traffic signals were not
6 operational. They were not in service. Correct.

7 Q Okay. So you knew it would take a little bit
8 for cars making turns to make left turns?

9 A Because of the traffic signal wasn't in
10 operation, I took extra caution and care. That's why I
11 waited for a while for them to be able to take a turn.

12 Q That is not what I'm asking, Mr. Finley.

13 A Okay.

14 Q You knew that it would take extra time for
15 cars to make turns because traffic signals are not
16 operational?

17 A Not necessarily. If there's no oncoming
18 traffic, they can make a turn just as fast as if there
19 was an operational light.

20 Q Okay. No oncoming traffic.

21 This is immediately after you make that turn;
22 correct, three seconds?

23 A This is me through, yeah, the middle of the
24 intersection or almost through it. Yep.

25 Q You see that car?

1 A I see that car. Correct.

2 Q Okay.

3 A And I'm through the intersection.

4 Q So there was oncoming traffic?

5 A There was one car oncoming, and there was

6 plenty of room for me to make a turn.

7 Q That's what you believe?

8 A Correct.

9 Q Okay. And we can see here in this footage

10 that's Officer Schwartz; right?

11 A I know that now. Yes.

12 Q Yeah. Not right now.

13 A Yep.

14 Q So he had a view of this lane?

15 A Sure.

16 Q Yeah. And he had a view of this lane?

17 A I don't know what he's looking at, but he

18 could be looking at his computer --

19 Q Well, he was --

20 A -- or his coffee.

21 Q -- observing traffic; right?

22 A He was there for a while. I mean, I don't

23 know what he's looking at.

24 Q Okay. So the officer was waiting to make a

25 turn?

1 A It appears to be; yes.

2 Q And how many cameras does your Tesla have?

3 A I honestly don't know the exact number of
4 cameras it has.

5 Q But what did you testify earlier during
6 direct examination about the cameras?

7 A I believe that it has cameras all 360 view,
8 but I don't know --

9 Q 360?

10 A -- the exact number of cameras it has.

11 Q Okay. And your car was fully operational
12 that day?

13 A Correct.

14 Q Okay. And we're looking at one of them?

15 MR. CARLOS: Judge, I'm going to object. Can
16 we approach?

17 [Whereupon, a Bench conference was held off
18 the record, after which the following transpired:]

19 MS. LEE: A moment to confer once more, your
20 Honor?

21 THE COURT: You may.

22 MS. LEE: Nothing further.

23 THE COURT: All right. Anything further Mr.
24 Carlos, Attorney Carlos?

25 MR. CARLOS: No, your Honor.

1 THE COURT: All right. May he take his seat
2 again?

3 MR. CARLOS: Yes, your Honor.

4 THE COURT: All right. You may return with
5 your attorney.

6 [Defendant stands down]

7 THE COURT: Any other witnesses?

8 MR. CARLOS: No, Judge. The Defense rests.

9 THE COURT: All right. Ladies and gentlemen
10 of the Jury, I'm going to have you step back out
11 for just a few minutes and we will call you back
12 in. It may take a couple of minutes.

13 [Whereupon, the Jury exited the courtroom,
14 and the following proceedings transpired outside
15 the presence of the Jury:]

16 THE COURT: All right. Any further motions?

17 MR. CARLOS: Judge, I'm just going to renew
18 my motion for judgement of acquittal under Rule
19 3.310 on the same previous grounds and same case
20 law previously presented and just add the video
21 evidence now presented to the Court, which
22 affirmatively negates the observations from --
23 from the officer.

24 So that's why we're asking the Court to grant
25 our renewed motion for judgment of acquittal.

1 THE COURT: Okay. State?

2 MS. LEE: Your Honor, the evidence presented
3 by the Defense does not affirmatively negate the
4 officer's observations. He's -- yeah. He may
5 have seen that there were multiple cars, but there
6 was a car standing in the median. There was
7 oncoming traffic.

8 And whether Mr. Finley's conduct was a
9 willful disregard for the safety of others, it now
10 has become a question of fact for the Jury to
11 determine. Now they have evidence, it will be a
12 question for the Jury, whether Mr. Finley's
13 conduct amounts to reckless driving.

14 THE COURT: Okay. After viewing the evidence
15 and even, I think, in the evidence most favorable
16 to this State, I do believe that the evidence --
17 the State has failed to present competent and
18 substantial evidence that there was an act with a
19 conscious and intentional indifference to the
20 concept consequences. So that's the knowingly
21 part of willfully. Willfully --

22 MS. LEE: Isn't that the definition of
23 wanton, your Honor?

24 THE COURT: Wanton --

25 MR. CARLOS: Correct.

1 THE COURT: It is, but the willful disregard
2 for the safety of persons and property. So he'd
3 have to have a conscious indifference as to that
4 damage of person and property is going to occur.
5 Because even if you take out the wanton, Defendant
6 drove a vehicle in Florida with a willful
7 disregard for the safety of persons or property.

8 MS. LEE: Your Honor, the -- if I may, the
9 officer also testified about how quickly the car
10 was accelerating through an area that was with a
11 speed limit of 25 miles per hour. So, yes. Mr.
12 Finley has testified he never intended to endanger
13 property or persons. He never intended to do so.
14 But, however, that is a province of the Jury.

15 And it is the State's position that when
16 there is a conflict in testimony, it is for the
17 Jury to determine what happens factually.

18 And, yes, the State has presented Officer
19 Schwartz's body cam footage, but it is clear -- it
20 is clear that Officer Schwartz was having trouble
21 catching up to Mr. Finley, only caught up to him
22 when the garage door was open and Mr. Finley
23 entered the garage. And you could hear the tire
24 tracks of Officer Schwartz's patrol car coming to
25 a halt because he was going so fast pursuing Mr.

1 Finley.

2 So it is the State's position that it is up
3 to the Jury at this point to interpret the
4 evidence.

5 THE COURT: I believe the evidence concretely
6 proved careless driving. I think he could have
7 given him a speeding citation, maybe. But I can't
8 -- I do believe that JOA at this point is proper
9 based on that there wasn't substantial evidence
10 that he either intentionally, knowingly or
11 purposely drove with a disregard for the safety of
12 persons or property.

13 The officer's testimony alone, I mean, would
14 suffice to do a careless driving, but reckless,
15 that is a much more elevated charge than that. It
16 takes a civil infraction to a criminal charge,
17 which, again, has a much higher burden.

18 So at this point, I am going to go ahead and
19 grant the JOA.

20 We'll bring the jurors back in, I will let
21 them know and then we will be good.

22 MR. CARLOS: Okay.

23 THE COURT DEPUTY: Have them bring in all
24 their stuff?

25 THE COURT: Um-hum. Yes.

1 THE COURT DEPUTY: Jury is present.

2 [Whereupon, the Jury entered the courtroom,
3 and the following transpired in the presence of
4 the Jury:]

5 THE COURT: All right. So, ladies and
6 gentlemen, at this point after careful
7 consideration and review of the evidence, I have
8 determined that as a matter of law there's a
9 failure to establish reckless driving. So I am
10 going to release you at this time; okay.

11 All right. So you are done. You can talk
12 with whomever you want to. You can give your
13 notes to Al. He has your certificates for jury
14 service for your work. And you have half a day to
15 get any honey-do lists or anything else done that
16 you need to get done.

17 THE COURT DEPUTY: Just leave the notes
18 there. I'll go and grab everything.

19 THE COURT: I thank you so much for coming in
20 today.

21 [Whereupon, the Jury was excused from the
22 courtroom, and the following transpired:]

23 THE COURT: All right. So, State, don't take
24 it as like the State failed. You guys didn't
25 fail. It's just the evidence is not there. And I

1 know the State does not like it, but it's not on
2 you guys. It's on the evidence.

3 MR. CARLOS: They're stuck with what they're
4 given.

5 THE COURT: They are stuck with what they're
6 given.

7 MR. CARLOS: I get that. It's not an easy
8 job. Well, either side, I guess.

9 THE CLERK: Your Honor, on the other of the
10 three civil citations?

11 THE COURT: What are the three civils?

12 MR. CARLOS: What actually should have
13 happened.

14 THE COURT: Huh?

15 THE CLERK: Anything you want me to do?

16 MR. CARLOS: One is an improper turn. One
17 is --

18 THE DEFENDANT: One is failure to yield to an
19 emergency vehicle.

20 MR. CARLOS: Yeah. Failure to yield.

21 THE DEFENDANT: One is expired tag.

22 MR. CARLOS: And expired something.

23 THE COURT: Expired tag?

24 MR. CARLOS: But that's been fixed.

25 THE CLERK: I've got operating with an

1 expired, one says failure to yield to an emergency
2 vehicle and improper passing.

3 THE COURT: Okay. Improper passing?

4 THE CLERK: Yep.

5 THE COURT: Let me see if it's just written
6 under the wrong -- 24-CT-2 --

7 THE CLERK: 907.

8 THE COURT: -- 907.

9 THE CLERK: Yes.

10 THE COURT: Okay. So, Ethan?

11 MR. CARLOS: Yes, ma'am.

12 THE COURT: Improper passing I believe is
13 \$166. Failure to yield is \$166. The expired
14 registration typically is \$113.

15 THE CLERK: \$166 for the other two?

16 THE COURT: Yeah. So why don't we do --

17 MR. CARLOS: If the Court would grant a
18 withhold for the one, the improper?

19 THE COURT: The officer would -- the officer
20 is going to have that as -- he would be contest a
21 withhold?

22 MR. CARLOS: Yeah. He says that for
23 everything, Judge. I was his hearing Officer in
24 traffic court.

25 THE DEFENDANT: Okay. The expired tag was if

1 greater than six months. But my birthday is in
2 June and it was August. That was an invalid
3 ticket as well. It was less than six. Yeah.

4 THE COURT: Ethan, how about withhold on the
5 improper passing, \$300 fine flat?

6 MR. CARLOS: Yes. That's fine.

7 THE COURT: Dismiss the other two?

8 MR. CARLOS: Yes, your Honor.

9 THE COURT: Okay.

10 MR. CARLOS: No contest plea on behalf of Mr.
11 Finley.

12 THE COURT: All right. No contest.

13 THE CLERK: How long?

14 MR. CARLOS: Can he -- can you pay that?

15 THE DEFENDANT: Yeah.

16 MR. CARLOS: He can pay that today.

17 THE COURT: All right. 60 days.

18 MR. CARLOS: Okay.

19 THE CLERK: And you had returned everything;
20 right?

21 THE COURT: Return everything to the State.

22 Thank you. I'm trying to think of a good
23 case for the State to read. I know -- I know I
24 have it from traffic when we go to conference.
25 I'll find it in my conference because I'll have

1 some -- Buie, I think, is going to take traffic.

2 But the leap between the careless and the
3 reckless, it's -- part of it is that he -- that
4 your officer testified that there was no braking,
5 that there was no honking, there was no swerving,
6 no evasive movement from the east and westbound
7 traffic.

8 I know he testified that they cut him off,
9 but he said that there was no evasive action that
10 had to be taken whatsoever.

11 MS. LEE: He had testified that the cars he
12 saw braked in defense to prevent a collision.

13 THE COURT: Oh, I didn't hear that. I think
14 he --

15 MS. LEE: Yeah. He did. It's okay.

16 THE COURT: I don't know.

17 Thank you. All right. You guys have a good
18 afternoon.

19 MR. CARLOS: Thanks, Judge.

20 [Whereupon, the foregoing proceedings were
21 concluded.]

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CERTIFICATE OF TRANSCRIPTIONIST

STATE OF FLORIDA:

COUNTY OF SEMINOLE:

I, Deborah Raeder Allen, Certified Court Reporter and Transcriber, Notary Public, State of Florida at Large, do hereby certify that I had transcribed the foregoing proceedings as provided to me by CD.

I further certify that the foregoing pages numbered 3 through 111, inclusive, prepared under my direction and supervision, constitute a true, complete and accurate transcript of said proceedings to the best of my skill and ability.

I further certify that I am not of counsel for, nor related to any party herein or attorney involved herein, nor am I financially interested in the outcome of this action.

WITNESS MY HAND this 5th day of September 2026.

Deborah Raeder Allen

DEBORAH RAEDER ALLEN, CER/CET,
Marge Raeder Court Reporter, Inc.
Certified Court Reporter and
Transcriber, Notary Public,
State of Florida at Large
Commission Number HH 320423
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