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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIRCUIT CRIMINAL DIVISION

[Handwritten signature]
MAR 29 2007
CLERK OF COURT

STATE OF FLORIDA, :

Plaintiff, :

vs. :

SHANNON STEPHEN, :

Defendant. :

CASE NUMBER 06-01591CFAWS

497502

ORIGINAL

PROCEEDINGS:

DEPOSITION OF
JEREMY NICOLAISEN

DATE:

March 28, 2007

PLACE:

JUDY MOUKAZIS & ASSOCIATES, INC.
Government Drive
New Port Richey, Florida 34654

REPORTED BY:

Dana L. Stockton, RPR
Notary Public
State of Florida at Large

JUDY G. MOUKAZIS & ASSOCIATES, INC.
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APPEARANCES:

MICHAEL HARRIS, Esquire
Assistant State Attorney
New Port Richey, Florida
Attorney for the
State of Florida

KENNETH FOOTE, Esquire
Ridge Road
New Port Richey, Florida 34654
Attorney for the Defendant

1 THEREUPON,

2 JEREMY NICOLAISEN,

3 the deponent herein, being first duly sworn, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. HARRIS:

7 Q. My name is Michael Harris and I'm the
8 prosecutor on this case against Shannon Stephen. You
9 already met Mr. Foote, the defense attorney. Anything
10 I ask and you don't understand or it's unclear, please
11 let us know. If you're guessing or don't remember or
12 don't know something, just let us know that. As long
13 as it's the truth, there's nothing wrong with those
14 answers.

15 A. Okay.

16 Q. What is your name?

17 A. Jeremy Nicolaisen.

18 Q. Can you spell your last name, please.

19 A. N-I-C-O-L-A-I-S-E-N.

20 Q. What is your current address?

21 A. 1545 South Disston, D-I-S-S-T-O-N, Avenue
22 Tarpon Springs, 34689.

23 Q. And in case we have any questions after
24 today, what is a good phone number to reach you?

25 A. (727) 234-3958.

1 Q. And backup numbers if that's not working?

2 A. No.

3 Q. Where do you work?

4 A. At Intertel.

5 Q. I'm sorry?

6 A. Intertel.

7 Q. What is that?

8 A. A telecommunications company.

9 Q. What do you do for them?

10 A. I'm a manager.

11 Q. So what kind of things do you do as a manager
12 there?

13 A. I deal with tech all over the State of
14 Florida, all the way up to the panhandle, all the way
15 up from Tallahassee all the way down to Apollo Beach.

16 Q. How long have you had that job?

17 A. It's been about three months now.

18 Q. What was your job back in around -- about a
19 year ago, around March, 2006?

20 A. I believe I was working at the bar and I was
21 working at Dillard's.

22 Q. And what did -- what were you doing for
23 Dillard's?

24 A. I was a loss prevention, which is, you know,
25 theft, we watch the cameras and all.

1 Q. What did you do at the bar Sevens?

2 A. Yes.

3 Q. What did you do for them?

4 A. I was a bouncer.

5 Q. How long did you work for Sevens?

6 A. About eight months.

7 Q. What was the beginning and end approximately
8 of that?

9 A. Oh, I don't know. My dates?

10 Q. Do you know what -- what year was it that you
11 were doing that?

12 A. It was last year.

13 Q. 2006?

14 A. Yeah.

15 Q. Okay. And was it definitely including March
16 or could it have been a different time?

17 A. No, I believe I was still working in March.

18 Q. Okay. And nothing personal, but we generally
19 ask all witnesses, have you ever been arrested or
20 charged with any crime?

21 A. No.

22 Q. What is your date of birth?

23 A. 9-20-73.

24 Q. What is your Social Security?

25 MR. FOOTE: Can we do that off the record,

1 please.

2 MR. HARRIS: That's fine.

3 OFF THE RECORD

4 ON THE RECORD

5 MR. HARRIS: Back on the record.

6 Q. (By Mr. Harris) Do you know Shannon Stephen?

7 A. I know him from the bar, yes.

8 Q. How long have you known him?

9 A. Personally, never. Like I said, he used to
10 come into the bar on days that I worked. Seemed like a
11 very nice guy, never had a problem with him.

12 Q. And about how often would he come into the
13 bar?

14 A. That depends. I didn't work every night, so
15 I don't know on off nights if he came in or not, but
16 I'd say maybe once or twice a week that I seen him.

17 Q. And just to make sure we have the same
18 person, what race was this guy?

19 A. I'm going to assume he was white, but he, I
20 believe, may be Italian or Spanish, maybe.

21 Q. About how tall is he?

22 A. 5'4", 5'5".

23 Q. Approximate weight or build?

24 A. Maybe 190, 180. He was a little chunky. I
25 know who he is, there's no doubt about it. I know who

1 he is. Like I said, he was always a nice guy.

2 Q. You spoke to him on numerous occasions?

3 A. When he was there and we'd talk, you know,
4 when I had time. But it was difficult because my job
5 is to focus on, you know, people in the bar.

6 Q. How did you hear about the case we have
7 against Shannon Stephen?

8 A. The owners of the bar.

9 Q. Okay. And do you know who it was that told
10 you?

11 A. I think it was Sean and Jen.

12 Q. Do you know their last names?

13 A. No.

14 Q. And what did -- when did they tell you about
15 the case?

16 A. I don't remember. I believe it was the day
17 after it was aired on the news.

18 Q. Okay. Did you see this on the news?

19 A. No, I did not.

20 Q. So you say that -- about how long ago was
21 this that you heard about it?

22 A. Oh, I don't remember. I've got so many
23 things going on in my life. I don't remember if it was
24 around the time of that incident, I guess.

25 Q. Do you know when the incident was?

1 A. I know it happened at night.

2 Q. Okay. Do you know what year it happened?

3 A. Yeah, last year.

4 Q. Do you know what time of the year as far as

5 --

6 A. I don't remember.

7 Q. -- winter, summer, spring, any idea?

8 A. It's hard to tell. I came from New York, so
9 here it's summer all the time. I don't know. I'd be
10 guessing.

11 Q. It could be any time between January and
12 December, as far as you know?

13 A. No, I would say it was in the middle of the
14 year, but I don't know when. I'm trying to think if it
15 was cool out then. I would say it was pretty warm. I
16 was in a T-shirt.

17 Q. Do you know -- how did you become a witness,
18 do you know?

19 A. Well, because I was questioned. I was
20 working the night that he was there that this incident
21 supposedly took place.

22 Q. Who questioned you?

23 A. I forget the gentleman's name.

24 Q. Was it a private investigator?

25 A. Yes.

1 Q. For the defense attorney, as far as you know?

2 A. Yeah.

3 Q. Okay. When did he come over and speak to
4 you?

5 A. Actually, I went and seen him at a law firm
6 called Desparti Law Firm over in Tarpon Springs.

7 Q. About how long ago was that?

8 A. I don't know.

9 Q. Was it over a year ago or almost -- not over?

10 A. No, it was probably sometime last year.

11 Q. Within six months?

12 A. May, June, something like that.

13 Q. May or June around?

14 A. Yeah.

15 Q. Okay. And what do you know about anything
16 you observed regarding the case?

17 A. Nothing. As far as what went on in the bar,
18 I mean, he seemed to be pretty okay. I mean, he didn't
19 look like he was in any way aggressive. He didn't
20 strike me as that type of person. He was very a
21 friendly, happy-go-lucky guy.

22 Q. So you saw him in the bar at some point?

23 A. Yeah.

24 Q. Do you know if that was the same time or
25 around the same period that the crash happened?

1 A. No, I don't.

2 Q. Is there any -- well, this day that you're
3 thinking of, what was going on in the bar?

4 A. Basically there was a lot of people there.

5 Q. Okay.

6 A. And I pretty much was just watching
7 everybody, make sure nobody gets out of hand and
8 everybody's pretty stable because that's my job,
9 checking ID's and stuff like that. He was already
10 there.

11 Q. I take it you're talking about Shannon
12 Stephen?

13 A. Yes, he was already there before I got there
14 and started my shift.

15 Q. What was Shannon Stephen doing?

16 A. Oh, just hanging out with I believe two or
17 three other people, just talking and playing pool.

18 Q. Do you know the people he was hanging out
19 with?

20 A. No, I do not.

21 Q. Were they people who had been in the bar
22 before or do you know?

23 A. I don't know. I see so many people that come
24 in and out of there. He was the only one that I
25 remembered because he was the only one that actually we

1 kind of talked on occasion.

2 Q. Was there anything unusual about what Shannon
3 Stephen was doing?

4 A. No.

5 Q. Or anything else unusual about that time?

6 A. Huh-uh.

7 Q. Was there anything memorable as to anything
8 going on that day?

9 A. No, just another day of dealing with
10 degenerates at the bar.

11 Q. Was there anything in town going on around
12 that time that's memorable?

13 A. No.

14 Q. Are you familiar with Chasco Fiesta, are you
15 familiar with what that is?

16 A. I've heard about it. I'm not familiar with
17 it. I've only been here for two years.

18 Q. Do you know if that was going on around the
19 same time?

20 A. No, I don't.

21 Q. So this one day that you're talking about
22 where you saw Shannon Stephen in normal, do you have
23 any idea if that was the same day as the crash that
24 this is about?

25 A. Well, I can only assume it was because the

1 next day is when I had heard about the incident because
2 it was on the news.

3 Q. Okay. But did you see what was on the news?

4 A. No, I did not.

5 Q. So you heard about it from Jen and --

6 A. Jen and Sean are the owners of the bar.

7 Q. Do you know if they're still the owners of
8 the bar?

9 A. No.

10 Q. And Jen, J-E-N, is how you spell the first
11 name?

12 A. I think so.

13 Q. Probably Jennifer?

14 A. I believe the ones that were working that
15 night were Pat the Sharon were are also part-owners.

16 Q. Pat the Sharon?

17 A. Yes, I believe those were the ones working.

18 Q. And Sean, is that S-E-A-N?

19 A. S-E-A-N.

20 Q. And is that a male?

21 A. Yes.

22 Q. And Pat, is that a male?

23 A. Yes.

24 Q. Sharon is a female?

25 A. Female.

1 Q. So other than -- they told you that the day
2 after you saw Shannon Stephen in the bar?

3 A. Well, the next day I was called by, I
4 believe, Sean or Jen, and they had told me, did you see
5 what happened on TV. And I said, no. And they said
6 that Shannon had an incident or an accident or
7 something like that.

8 Q. So, sorry to be picky, but this could be
9 important. Are we talking, he leaves the bar sometime
10 at night and then the next daylight is when they tell
11 you or another day after that?

12 A. I believe it was later on in the day, the
13 next day.

14 Q. This night that you're thinking of with
15 Shannon Stephen in the bar, do you know what time he
16 left?

17 A. No, I don't.

18 Q. Any idea or any guesses even?

19 A. No, I'm not even going to guess. I did see
20 him leave as I came out of the bathroom, but I don't
21 recall what time it was.

22 Q. Was that just in the middle of your working?

23 A. I don't know. He could have went in and came
24 out and came back in, for all I know. Like I said, I
25 don't focus on what goes on outside the bar. It's not

1 my job.

2 Q. Did you have some regular hours around that
3 period of time as far as working?

4 A. Yeah, I'd come in at 9:30 or 9:00 and I'd
5 work until 2:00 in the morning.

6 Q. 9:30 p.m.?

7 A. Yes.

8 Q. Did the bar close at 2:00 in the morning?

9 A. Uh-huh.

10 Q. Just so she can make sure, I know I
11 understand uh-huh, but just make sure she gets it down
12 correctly. You mean, yes?

13 A. Yes. Like I said, I've never done this.

14 Q. I understand. I understand. You're only
15 human. We are just trying to figure out as much as we
16 can.

17 A. Okay.

18 Q. As far as him leaving, do you know if he
19 would have left before closing time?

20 A. I believe he did, yeah.

21 Q. Do you have any idea about how long before
22 closing time?

23 A. No. I know it was before closing, way before
24 closing.

25 Q. Way before closing?

1 A. Yeah.

2 Q. When you say way before does that mean --

3 A. Maybe an hour or two before closing.

4 Q. Maybe an hour or two?

5 A. Yeah.

6 Q. Okay. I'm going to throw out some names and
7 tell me if you know any of these names, a bunch of
8 them. I just want to be thorough. Robert Bartlett,
9 ever hear of that name?

10 A. No.

11 Q. Charles Brennan?

12 A. No.

13 Q. No. And it might be no to all these, but I
14 want to be thorough and make sure.

15 A. Uh-huh.

16 Q. Patrick Connory, is that the Pat that you
17 were talking about, maybe?

18 A. Yes, I believe -- Pat, I believe, that's one
19 of the owners or was one of the owners.

20 Q. So that's the Pat you mentioned before
21 probably?

22 A. Yes.

23 Q. Sean Connory?

24 A. Yes.

25 Q. Is that the Sean you were talking about

1 before?

2 A. Those are brothers, yes.

3 Q. Marvin Dolzal (phonetic)?

4 A. (Shakes head.)

5 Q. Is that a no, just so she can take it down?

6 A. Sorry, no.

7 Q. Frances Figlioza (phonetic).

8 A. No.

9 Q. Joe Lapargo (phonetic)?

10 A. No.

11 Q. See if I'm saying this right, Beau Mayhue?

12 A. No.

13 Q. And I'm having an address as Sevens. B-E-A-U,
14 maybe I'm pronouncing it wrong, last name, M-A-Y-H-U-E,
15 does that ring a bell at all?

16 A. Not at all, no.

17 Q. Do you know -- did you know everyone who
18 worked at Sevens or was it too big where might not know
19 everyone?

20 A. Yes, I would say -- oh, that's Beau, that's
21 what you're trying to say?

22 Q. Beau?

23 A. Yes.

24 Q. So you do know Beau?

25 A. Yes.

1 Q. And what did Beau do?

2 A. He was a bar back, I believe, and a cook.

3 Q. Bar back and a cook?

1 Q. Let me go through some more names. Terri
2 Owens?

3 A. No.

4 Q. Jim Ramsey?

5 A. No.

6 Q. Richard Scott?

7 A. No. I probably know people by face, like I
8 say.

9 Q. Right. I understand, just by name. And most
10 of these people you probably -- I'm going down all the
11 civilian witnesses who are not doctors. Kara Wallace?

12 A. No.

13 Q. Jim Wallace?

14 A. No.

15 Q. And I don't know if I said Robert Scott or
16 Richard Scott, do you know either one?

17 A. (Shakes head.)

18 Q. Has Shannon Stephen spoken to you at all
19 about this case?

20 A. No. Actually, I haven't spoken to him since
21 that day.

22 Q. Do you know anyone in Shannon Stephen's
23 family or close friends with him?

24 A. No.

25 Q. And other than the investigator for Mr.

1 Foote, has anyone else come and spoken to you about the
2 case?

3 A. No.

4 Q. Has anyone in the bar, other than I guess
5 that one time when they said, did you hear what
6 happened; has anyone else in the bar spoken about this?

7 A. No.

8 Q. Or anything else?

9 A. No.

10 Q. Is there anyone else?

11 A. Not to me, anyway.

12 Q. Not to you. Any other names you know of who
13 might have any information that we didn't go over?

14 A. No.

15 MR. HARRIS: All right. Thank you. I don't
16 know if Mr. Foote has any questions.

17 MR. FOOTE: Just a couple.

18 CROSS-EXAMINATION

19 BY MR. FOOTE:

20 Q. I mean, it's no big secret the day was March
21 26th, 2006, so it's just over a year ago now.

22 A. Okay.

23 Q. And you were working as a bouncer?

24 A. Yes.

25 Q. All right. My investigator spoke to you on

1 May 11th --

2 A. Uh-huh.

3 Q. -- of the last year?

4 A. It was around May.

5 Q. And the owners of the bar wanted you to meet
6 at the Desparti Law office, I believe that that was
7 their liabilities lawyers or something?

8 A. Yes.

9 Q. They didn't know what it was about. They
10 felt it was safer to meet at Desparti, do you remember
11 that?

12 A. Yes.

13 Q. And you spoke to my investigator. You
14 basically, as you told Mr. Harris, you were a bouncer
15 and your duties there were to what?

16 A. Pretty much make sure that nobody got in
17 trouble, check ID's, stuff like that.

18 Q. Okay. If there was a fight or some type of
19 altercation in that establishment, is it safe to say
20 you would have known about it?

21 A. Yeah, immediately. Yeah.

22 Q. Have you ever had any altercations in that
23 place?

24 A. Yes, too many.

25 Q. And have you ever had to remove people from

1 the establishment?

2 A. Yes, uh-huh.

3 Q. And, to the best of your recollection, on
4 that evening of March 26th when Shannon Stephen was
5 there, the day in question, did you have to throw
6 Shannon Stephen out of the bar?

7 A. No, not at all.

8 Q. Did you ever get any reports that he was
9 punching, fighting or doing anything like that?

10 A. No.

11 Q. Did you have any complaints from any
12 customers that he was bothering anybody?

13 A. No.

14 Q. Did you ever recall seeing him staggering out
15 the door, having to be carried out of the
16 establishment?

17 A. No.

18 Q. Would that have been something you would have
19 recalled or noticed?

20 A. Yes. Like I said, I seen him walk out the
21 door. He looked fine.

22 Q. And there are pool tables in there, correct?

23 A. Yes.

24 Q. Do you recall telling the investigator that
25 on occasion you observed Shannon Stephen playing pool

1 with a couple of male friends there?

2 A. Yes. He's a very good pool player, by the
3 way.

4 MR. FOOTE: That's all I have.

5 MR. HARRIS: I thought of a couple other
6 things.

7 THE DEPONENT: Okay.

8 REDIRECT EXAMINATION

9 BY MR. HARRIS:

10 Q. As far as the night you're thinking of --
11 well, around that period of time, were there certain
12 days you were working?

13 A. Oh, I've got to think. It fluctuated.
14 Sometimes Saturday, Sunday, Monday, Tuesday and then
15 sometimes I would flip where I would work Wednesday,
16 Thursday, Friday and another guy would rotate with me.

17 Q. Would there probably be some sort of record
18 or time card or something as to if you were working
19 that day?

20 A. I don't think so. That would be something
21 you would have to take up with the owners. I never
22 punched a card or whatever. I just got paid to work.

23 Q. You just got paid and you were happy and
24 there's nothing you signed or noted when you came into
25 work?

1 A. No. I don't know how they kept record of
2 that.

3 Q. Okay. You said it was busy, the date you're
4 thinking of, how busy was that?

5 A. I would say medium.

6 Q. How many people would be -- I mean, how big a
7 place is it first?

8 A. I believe it holds, if I'm not mistaken, 175.

9 Q. Okay.

10 A. So I would say that there was probably 35, 40
11 people there.

12 Q. How many bouncers would be working a night?

13 A. Me.

14 Q. So that night you're the only bouncer?

15 A. Yes, I believe. Yes, I was.

16 Q. Okay. And if there's another bouncer then we
17 probably have the wrong night or could there have been
18 more than one bouncer?

19 MR. FOOTE: I'm going to object to the form
20 of the question. It's a little confusing.

21 MR. HARRIS: Well, let me rephrase.

22 Q. (By Mr. Harris) Do you know, would it be --
23 would there be times when there would be more than one
24 bouncer working?

25 A. Yes, it would usually be due to maybe a

1 holiday or some event where there would be a large
2 amount of people coming in.

3 Q. Okay. But for this night that you're
4 thinking of --

5 A. I believe --

6 Q. -- was it one of those nights?

7 A. No, I believe I was the only bouncer.

8 Q. And as to -- any times when you were working
9 that you had to step away, I mean, for the restroom?

10 A. Yes, briefly at one time --

11 Q. Okay.

12 A. -- to go to the restroom.

13 Q. Other than that, are you inside the bar the
14 whole time?

15 A. Yes.

16 Q. Were you checking -- was it your job to check
17 ID's?

18 A. Yes.

19 Q. Were you mostly at the door?

20 A. Yes.

21 Q. How -- is the place something that you can
22 see everything from the door or --

23 A. Pretty much, yeah.

24 Q. Of if something happened, they would notify
25 you after?

1 A. Yeah, I pretty much know as soon as something
2 goes down, there's no question about it.

3 Q. Okay. And when you say you know, is it that
4 you're able to see everything --

5 A. Yes.

6 Q. -- or someone tells you if you don't?

7 A. I can see everything and I would also be
8 informed immediately from somebody behind the bar.

9 Q. The night you're thinking of, nobody informed
10 you of anything?

11 A. No.

12 Q. And nobody said -- we mentioned the date,
13 March 26th, but you don't remember it being March 26th?

14 A. Not exactly, but I remember it being around
15 that time because, like I said, I ended up working
16 somewhere else a couple months after that, I believe,
17 doing telecommunications.

18 Q. And the only way to pinpoint the day that you
19 can think of that you have knowledge of is it's the day
20 before someone notified you about --

21 A. Like I said --

22 Q. -- the crash?

23 A. -- the following day I was notified that
24 something happened with Shannon Stephen.

25 Q. And I don't case if I went over this but I

1 wanted to make sure I was clear. The work closed
2 around 2:00 a.m. the night you're thinking of?

3 A. Yes.

4 Q. And does that mean the same day but daylight
5 is when they informed you or the next time you went to
6 work?

7 A. The next afternoon or evening.

8 Q. Afternoon or evening someone informed you?

9 A. Yes.

10 Q. Is that when you went back to work or
11 something else?

12 A. I don't think I had to work that night.

13 Q. How is it that you had a conversation with
14 someone who informed you?

15 A. I believe Sean had told me. And he must
16 have, I guess, heard it from his brother because his
17 brother worked that day.

18 Q. Did he call you on the phone or was it in
19 person?

20 A. He called me on the phone.

21 Q. Well, do you remember what he said about --

22 A. No.

23 Q. -- the incident?

24 A. Offhand, I just remembered that there was an
25 incident and then I did see it later on because it was

1 on TV, I guess, a day or two after that.

2 Q. And we keep saying incident and on TV, that
3 could mean different things. What particularly did you
4 hear about the incident?

5 A. They were claiming that he hit two people on
6 that specific night.

7 Q. Okay. Was it a death that you heard about?

8 A. I do recall them stating that one individual
9 died, but I think the other one was in critical
10 condition or something like that. I don't really
11 recall it, so I'd be guessing.

12 Q. Okay. All right.

13 MR. HARRIS: Thank you.

14 Mr. Foote, anything else?

15 MR. FOOTE: Yes. Just a follow-up to that.

16 RE-CROSS-EXAMINATION

17 BY MR. FOOTE:

18 Q. In speaking with my investigator, you stated
19 you recall Shannon Stephen and two other male friends
20 leaving around 11:45?

21 A. Yeah, an hour or two before the bar closing.

22 Q. Just to be safe, we're a year after, so to be
23 fair to you, you didn't sit there and write down every
24 little detail?

25 A. No, I can't -- no.

1 Q. But back last year is it fair to say your
2 memory would have been fresher back then when it
3 happened?

4 A. Oh, yeah, that's why when the investigator
5 came to me, I was able to recall it. Now it's vague
6 because I've had so much happening to me since then.

7 Q. And you and I have never spoken before?

8 A. No.

9 Q. In fact, you and I just met in the hallway;
10 is that correct?

11 A. Yes, I was expecting to actually see the guy
12 I dealt with before.

13 Q. Okay. And do you recall telling him that you
14 didn't observe Shannon Stephen stumbling around or
15 falling all over the place?

16 A. Yeah, I told him he looked perfectly fine. He
17 was in the bar playing pool. To me if he was that bad,
18 he wouldn't have been able to beat me at pool.

19 Q. All right. So just again, pinpoint the day,
20 that's March 26th, '06, was the incident, and so we're
21 not confused, did you ever see Shannon Stephen back at
22 Sevens bar after this date?

23 A. No.

24 Q. So you wouldn't be confusing this with some
25 other time afterwards?

1 A. No. Like I said, I don't know of the exact
2 date, but I do know after that incident, I haven't seen
3 Shannon since.

4 MR. FOOTE: All right. That's all I have.

5 MR. HARRIS: You brought up something else.

6 RE-REDIRECT EXAMINATION

7 BY MR. HARRIS:

8 Q. You actually played a game of pool with
9 Shannon Stephen?

10 A. Yeah. It was earlier when I had first gotten
11 there.

12 Q. So it wasn't -- why were you not at the door
13 checking ID's?

14 A. No, the pool table is right there by the door
15 because they have three pool tables, and one is right
16 in front of the actual window and then there's two off
17 to the back.

18 Q. When you say earlier, do you know about how
19 much earlier?

20 A. I'm going to say probably a half-hour, an
21 hour. After I got there, I played a quick game of
22 pool.

23 Q. And you got there around 9:30, did you say?

24 A. Yeah, 9:00, 9:30.

25 Q. So this would have been 9:30, 10:00,

1 approximately?

2 A. Yeah, more towards 10:00.

3 Q. How much did you observe Shannon Stephen
4 after the game of pool until he left?

5 A. Like I said, not much because I have to
6 observe a lot of people.

7 Q. Do you have any idea how much he was
8 drinking?

9 A. No.

10 Q. Well, you didn't see him stumbling or
11 anything. Do you know what his tolerance might be
12 like?

13 A. I have no idea, everybody's different.

14 Q. Right. I mean, did you ever get close enough
15 to see his eyes or smell his breath?

16 A. No.

17 Q. Do you know if there was any yelling --

18 A. No.

19 Q. -- in the bar?

20 A. No.

21 Q. You don't know or there wasn't?

22 A. There was no yelling in there. If it was, it
23 was all in good; otherwise, if there was an incident, I
24 would have taken care of it.

25 Q. And is it common for people in a bar to yell

1 establishment; is that correct?

2 A. Exactly, yes.

3 Q. And you know the difference between loud,
4 jovial, having fun and somebody getting aggressive and
5 maybe getting a little out of hand?

6 A. Yes, I do.

7 Q. And you've already said you've been in those
8 situations?

9 A. Yeah, I was a martial arts instructor, so
10 I've come up with a lot of situations.

11 Q. On that night you don't recall anything like
12 that happening, much less within Shannon Stephen; is
13 that correct?

14 A. Yes.

15 Q. And you've observed people, in your opinion,
16 that may have had too much to drink?

17 A. Yes, I've actually seen people come in that
18 were -- already had too much to drink and I turned them
19 away.

20 Q. And not to get scientific, obviously some
21 people have a higher tolerance, but you've seen people
22 that have to be helped out or staggering out?

23 A. Yeah, I've seen people coming and you could
24 just see in their eyes that they should not be in a
25 bar.

1 MR. FOOTE: That's all I have.

2 MR. HARRIS: Of course I always think of
3 something.

4 THE DEPONENT: That's okay.

5 RE-REDIRECT EXAMINATION

6 BY MR. HARRIS:

7 Q. When you spoke to, I guess, an investigator
8 before was there anything written down or tape
9 recorded?

10 A. I believe he recorded it. If I'm not
11 mistaken, I believe he recorded it. There was nothing
12 written.

13 Q. The investigator tape recorded the
14 conversation you had?

15 A. I think he did, yes.

16 Q. Whatever's on there you think is probably
17 going to be more accurate because it's closer in time?

18 A. Yeah, I would think so. Yeah.

19 Q. And it's only one investigator you spoke to
20 or more than one?

21 A. Just the one.

22 Q. Just the one?

23 A. Uh-huh.

24 Q. And did we already go over what his name was
25 the person that took it down.

1 MR. HARRIS: Mr. Foote, the name of the
2 person who would have interviewed him?

3 MR. FOOTE: Are you asking me?

4 MR. HARRIS: Yes.

5 Q. (By Mr. Harris) You don't know the name?

6 A. No, I don't remember his name offhand. Like
7 I said, I just remember faces.

8 Q. All right. I may think of something else in
9 a minute. Right now that's all I can think of.

10 MR. FOOTE: I'm done.

11 MR. HARRIS: Well, if I do think of anything,
12 we have your phone number. Myself or someone else may
13 be calling you.

14 (DEPOSITION CONCLUDED.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF PASCO)

I, DANA L. STOCKTON, RPR, the undersigned authority, certify that JEREMY NICOLAISEN personally appeared before me and was duly sworn.

WITNESS my hand and official seal this _____ day of DECEMBER, 2007.

DANA L. STOCKTON, RPR
Notary Public
State of Florida

1 DEPOSITION CERTIFICATE

2

3 STATE OF FLORIDA)

4 COUNTY OF PASCO)

5

6 I, DANA L. STOCKTON, RPR, certify that I was
7 authorized to and did stenographically report the
8 deposition of JEREMY NICOLAISEN; that a review of the
9 transcript was requested day of trial; and that the
10 transcript is a true and accurate record of my
11 stenographic notes.

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

17 DATED this ____ day of NOVEMBER, 2007.

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DANA L. STOCKTON, RPR

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