

1 STATE OF FLORIDA,

2 Plaintiff,

3 vs.

Case No. 06-01591CFAWS

4 SHANNON STEPHEN,  
5 Defendant.

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SWORN STATEMENT OF MARVIN D. DALZELL

9

DATE: March 31, 2006

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TIME: 10:48 A.M.

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1 My name is Corporal Michael L. Starrs with  
2 the Florida Highway Patrol, conducting a criminal death  
3 investigation. This interview is being conducted at the  
4 Pasco County Courthouse in New Port Richey, off of Little  
5 Road.

6 Today's date is March 31st, 2006. The time  
7 now is 10:48 A.M. The name of the person being interviewed  
8 is a Mr. Marvin D. Dalzell. This is a sworn interview being  
9 taken in relation to a traffic fatality.

10 At this time I'll administer the oath. Would  
11 you please raise your right hand. This is a sworn tape-  
12 recorded interview taken by a law enforcement officer pursuant  
13 to Section 117.10.

14 THEREUPON

15 MARVIN D. DALZELL

16 A Witness Herein, after having been first duly sworn on oath,  
17 was examined and testified as follows:

18 Q What I need you to do is just sign for me right  
19 here. It's just stating that this is your interview and  
20 nobody else's.

21 Okay. Marvin, for the tape, can you please  
22 state your full name.

23 A Marvin Dwayne Dalzell.

24 Q And your current address.

25 A 3530 Edinwood, Holiday, Florida, 34691.

1 Q Okay. And you have a home phone.

2 A Yes, sir. (727) 849-2599.

3 Q And you have another contact number.

4 A Yes, I have a cellphone. It's (727) 271-5544.

5 Q Okay. And your current occupation.

6 A Army retired.

7 Q Okay. Okay, Marvin, can you tell me in your  
8 own words what you recall or your involvement that concerns  
9 a crash in which Mr. Shannon Stephen was involved in that  
10 occurred on March the 26th, 2006, at approximately 1:15 in  
11 the morning, which the accident occurred on Grand Boulevard,  
12 twenty-one feet south of Dahlia Avenue in New Port Richey.

13 Can you tell me what your involvement is.

14 A Yes, sir. At roughly 9:30 that evening, Jim  
15 and I -- yeah, Jim Wallace and I, decided we was going over  
16 to Seven's Club to play pool and he had called Shannon and  
17 Frank to meet us there.

18 Jim and I got to the club and we was there  
19 probably five -- between five and seven minutes and then  
20 Shannon come in and I went up to the bar and bought Shannon  
21 a Captain and Coke because I owed him one.

22 And then about three minutes later, Frank  
23 showed up and joined us and we sat around there shooting pool  
24 and Shannon went and bought him another drink, standard size,  
25 Captain and Coke, drank it, and then he switched over to a

1 beer mug of Captain and Coke and we were shooting pool all  
2 this time.

3 And he was jovial, joking with everybody,  
4 flirting with the women, looked like he was having a good  
5 time. And after his second beer mug of Captain and Coke,  
6 he come over to the table where we were and he knocked Jim's  
7 beer over three times.

8 And I knew then that he'd had way too much to  
9 drink and I tried to get his vehicle keys from him. He  
10 punched me once then and told me, no way. And so we decided  
11 that was enough and we was leaving.

12 And then he went to the bar and got another  
13 drink and he drank that down in one swallow. Jim had paid  
14 for his tab and Shannon paid for his and I picked Shannon's  
15 debit card up off the floor because he'd dropped it and I  
16 handed it to Jim and we left the bar.

17 We get outside the bar and Shannon was trying  
18 to get his debit card back from Jim and he punched him a  
19 few times and Jim refused to give it to him. And then this  
20 big tall guy -- he's six foot so -- Shannon offered him  
21 twenty dollars to beat Jim up to get his debit card back.

22 The guy just went on into the club and  
23 Shannon took a leak on a post there in front of the club and  
24 then this heavier set guy, probably five, seven, something  
25 come by and Shannon offered him twenty-five dollars to beat

1 up Jim to get his debit card back and that guy went on into  
2 the bar.

3 And we then proceeded to try to cross the  
4 driveway over into where the vehicles are, and we got up on  
5 an island there and Shannon had got a little behind us and  
6 he tried to jump Jim from the back and Jim rolled and  
7 Shannon lit in the driveway and he got up and he punched  
8 Jim again.

9 And then we tried to get him to get in Jim's  
10 vehicle and ride with us to go get some breakfast and then  
11 he punched me and then he punched Jim again and he refused  
12 to get in the vehicle.

13 I offered to drive his vehicle for him to  
14 breakfast. He got real adamant about it and told me no,  
15 and he took off across the parking lot.

16 Jim was behind -- headed behind him and I told  
17 him to stop. The vehicle is moving. Jim got up on a curb  
18 and I passed Jim and was going to go around the long way to  
19 try to stop Shannon.

20 At this point Shannon backed up and he missed  
21 Jim by about six inches and he missed me by about eight  
22 inches and I screamed at Shannon. I hollered his name. He  
23 stopped abruptly. He put it in drive, squealed out and  
24 went on -- he got into the lane there and then he turned  
25 right on to the driveway part of it.

1                   He was going at a normal speed through there  
2 and then he made a right and headed up toward 54 Alternate  
3 and we watched him at the stop light. He come to a good  
4 stop. He waited until the light changed. He drove on  
5 through it.

6                   He was driving in a normal speed at that  
7 point and Jim says well, he's headed home.

8                   (Thereupon, the sworn statement was terminated.)

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1 I, Barbara L. Preslock, transcribed the foregoing  
2 sworn statement to the best of my ability.

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5 Dated this 13<sup>th</sup> day of March, 2007.

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8 *Barbara L Preslock*  
9 Barbara L. Preslock  
10 Registered Professional Reporter  
11 Notary Public  
12 State of Florida at Large

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14 STATE OF FLORIDA  
15 Barbara L. Preslock  
16 Commission #DD644297  
17 Expires: APR. 09, 2011  
18 BONDED THRU ATLANTIC BONDING CO., INC.

19  
20 NOTARY PUBLIC - STATE OF FLORIDA  
21 *Barbara L. Preslock*  
22 Commission #DD644297  
23 Expires: APR. 09, 2011  
24 BONDED THRU ATLANTIC BONDING CO., INC.  
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1                   A second cruiser showed up. They put Shannon  
2 in the second cruiser and that cruiser come over and parked  
3 behind me and blocked the road off and from there I went on  
4 over to the parking lot and waited if they needed me.

5                   Q           Okay, so let's back up a little bit. When  
6 you all were at the bar, you could tell that Shannon was  
7 becoming intoxicated; is this true?

8                   A           Yes, sir.

9                   Q           And how long have you known Shannon?

10                  A           I've known Shannon off and on for about two  
11 years.

12                  Q           Okay. Is he normally this way?

13                  A           He does some pretty good drinking at times,  
14 but I've never seen him this intoxicated. I've never seen  
15 him this out of control.

16                  Q           Okay, so he was belligerent and out of control  
17 and just -- in other words, he wasn't going to let anybody  
18 interfere in what he wanted to do?

19                  A           No. That was the first time I had ever seen  
20 him get aggressive. Usually he's very passive, jovial, but  
21 that night he was very aggressive and he fought Jim and I  
22 tooth and nail and I had never seen him take a swing or  
23 nothing.

24                               The next thing I know, we are both getting hit.

25                  Q           Okay, but when he -- he met you all at the bar;



1 right?

2 A Yes.

3 Q When he got to the bar, how was his attitude?  
4 Was it friendly? Was it okay? Was he mad? Was he upset or  
5 anything?

6 A He was very jovial, joking around with every-  
7 body, flirting, having a real good time.

8 Q So --

9 A He was in very high spirits.

10 Q So you could tell he was in a good mood then?

11 A Yes, sir.

12 Q Okay, so nothing to indicate that he would have  
13 been upset about something or anything like -- just his  
14 normal self?

15 A Yes, sir.

16 Q Okay. And -- and you could tell what he was  
17 drinking; right? You said that Captain and Coke?

18 A Yes, sir, because I bought the first round to  
19 him.

20 Q Okay, and then you said he started drinking  
21 the Captain and Coke in a mug.

22 A A beer stein, yes, sir.

23 Q Okay. What -- did he have them both mixed in  
24 there?

25 A Yes, sir.

1 Q Okay. About how big is that? Is it like a  
2 twelve-ounce mug or is it a twenty-four ounce mug?

3 A It's a twelve-ounce beer mug. It's a regular  
4 draft beer mug.

5 Q Just a regular size, but he had the rum and  
6 Coke in that?

7 A Yes, sir.

8 Q And that in itself is a larger amount than  
9 what is typically, I guess, ordered?

10 A Yes, sir. It's about three times the normal  
11 size of a drink.

12 Q Okay, so a regular Captain and rum -- how does  
13 that drink come?

14 A You get one shot in a shot glass and then you  
15 get about a four-ounce glass of Coke with it.

16 Q Okay.

17 A You can either mix it yourself or you just  
18 drink the rum and then chase it down with the Coke, and he  
19 had two drinks like that and then he switched over to the  
20 beer stein with the Captain and Coke mixed in the beer  
21 stein.

22 Q Okay -- excuse me, okay, so then, you know, you  
23 all could tell he was becoming belligerent and you could tell  
24 he was very intoxicated?

25 A Yes, sir.

1 Q Okay. Do you know what a person looks like  
2 when they're intoxicated?

3 A Yes, sir.

4 Q And you could -- I mean, of course, you were  
5 there. You saw him drink and he became intoxicated and then  
6 he followed you all out in the parking lot.

7 A Yes, sir.

8 Q Okay. You all tried to get the keys from him.  
9 He refused. He gets in his truck and he takes off. Then  
10 you ride back and get your van and you come up.

11 When you come up and you see this red pick-up  
12 truck, did you recognize the truck?

13 A Yes, sir.

14 Q Okay. Could you tell it had been in an  
15 accident at that point from your position?

16 A No, sir.

17 Q Okay. Then as you approached it, Shannon got  
18 out?

19 A Yes, sir.

20 Q Okay, and could you positively ID that this  
21 was Shannon getting out of the truck?

22 A Yes, sir.

23 Q Okay, so he gets out. He leans on the truck  
24 and he goes to the rear of his truck.

25 A He was holding on to the side of it staggering

1 along the whole side and he was at the tailgate the last time  
2 I seen him and when I went around the front of the truck,  
3 the next thing I knew, the truck was pulling forward.

4 Q Okay. When you seen Shannon get out, how far  
5 away were you from him?

6 A Approximately fifteen to twenty foot.

7 Q Okay, so you could -- you could visibly tell  
8 that it was Shannon?

9 A Yes, sir.

10 Q Okay. Could you visibly tell -- was he  
11 bleeding or could you tell if he was injured in any way?

12 A No, sir.

13 Q Okay. Was the windshield on the truck -- was it  
14 smashed in or anything?

15 A No, sir.

16 Q Okay. Could you tell if the airbag had been  
17 deployed?

18 A The airbag had not been deployed. I could  
19 see the steering wheel and the airbag had not been deployed.

20 Q Okay, so in your opinion from where you were  
21 at, the truck looked fine?

22 A Yes, sir.

23 Q Okay, and you didn't see any visible injuries  
24 or signs of an injury on Shannon?

25 A No, sir.

1           A           He had told me once several months ago that  
2 he had had epileptic seizures and he was on medication for  
3 it -- or he was supposed to take it, but once in a while  
4 he'd take it and once in a while he wouldn't and that's all  
5 I know that he told me.

6           Q           Okay, but he continued to drink and go out  
7 with you all and party and have a good time?

8           A           Yes, sir.

9           Q           Okay. Okay, well, is there anything further  
10 that you would like to add that I may have failed to mention  
11 that you think would be pertinent as far as this?

12          A           No, sir. I can't think of a thing else.

13          Q           Okay.

14                   CORPORAL STARRS: Well, I'll go ahead and  
15 conclude this interview. The time now is 11:05  
16 A.M.

17                   (Thereupon, the sworn statement was concluded.)

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I, Barbara L. Preslock, transcribed the foregoing  
sworn statement to the best of my ability.

DATED this 12<sup>th</sup> day of February, 2008.

*Barbara L Preslock*

BARBARA L. PRESLOCK, Court Reporter  
Notary Public  
State of Florida at Large

NOTARY PUBLIC - STATE OF FLORIDA  
 Barbara L. Preslock  
Commission #DD644297  
Expires: APR. 09, 2011  
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