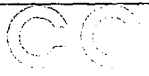


IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY

STATE OF FLORIDA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CASE NUMBER 06-001589CFAWS
	:	
SHANNON STEPHEN,	:	
	:	
Defendant.	:	

PROCEEDINGS:	Deposition of FRANCIS F. FIGLIOZZI
DATE:	September 25, 2006
PLACE:	State Attorney's Office West Pasco Judicial Center 7530 Little Road New Port Richey, Florida 34654
REPORTED BY:	KARLA JOSEPHIK, RPR Notary Public State of Florida at Large

JUDY G. MOUKAZIS & ASSOCIATES, INC.
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APPEARANCES:

Scott Tremblay, Esquire
Michael Harris, Esquire
Assistant State Attorneys
New Port Richey, Florida
Appearing on behalf of
State of Florida

Kenneth L. Foote, Esquire
6643 ridge Road
Port Richey, Florida 34668
Appearing on behalf of
Defendant

1 THEREUPON,

2

FRANCIS F. FIGLIOZZI,

3

the witness herein, being first duly sworn, was

4

examined and testified as follows:

5

DIRECT EXAMINATION

6

BY MR. FOOTE:

7

Q Could you please state your name for the

8

record?

9

A Francis Figliozzi. F-i-g-l-i-o-z-z-i.

10

Q Mr. Figlozzi, my name is Kenneth Foote. I'm

11

an attorney. I represent Shannon Stephen. We have the

12

State Attorney here representing the State of Florida.

13

They've listed you as a witness in this case, which

14

gives us an opportunity to subpoena you in to find out

15

what your testimony might be at a trial.

16

Have you ever had your deposition taken

17

before?

18

A Yes. Once.

19

Q What type of case was that?

20

A Same thing, this.

21

Q Criminal case?

22

A This one here.

23

Q Okay. You've given a statement?

24

A Yes.

25

Q But you've never had a young lady like doing

1 moved into a friend of mine's next door to where I used
2 to live at.

3 Q When you say they, they who?

4 A Well, other friends of mine used to be
5 neighbors on one side. They were the neighbors on the
6 other side.

7 Q They who?

8 A Jim Wallace, his family; his father, mother,
9 kids.

10 Q And then Shannon Stephen moved in the
11 neighborhood as well?

12 A Yes. But we moved out by that time.

13 Q Okay. So how did you come to know him?

14 A The neighbors next door where they first
15 moved to Florida -- when they first moved into Florida,
16 we got to know them pretty well. They had two young
17 kids. And, you know, it's like they were always over
18 at the house visiting, stuff like that. We made stuff
19 in the garage, built stuff, wood, stuff like that. So
20 we got along as neighbors.

21 Q Is that James Wallace?

22 A Yes. Jimmy Wallace. That's his father. His
23 father Jim Wallace. And Jimmy is his son.

24 Q I understand. And so would Shannon be with
25 Jim?

1 A I understand.

2 Q All right. What's your date of birth, sir?

3 A 2/8/44. February the 8th, 1944.

4 Q Where were you born?

5 A Washington D.C.

6 Q How long have you been a resident of the
7 State of Florida?

8 A About 20 years.

9 Q Have you lived in any other state?

10 A Maryland. Rockville, Maryland, Montgomery
11 County.

12 Q Are you employed?

13 A No. I'm retired.

14 Q From where?

15 A Printing. A printing industry in D.C.

16 Q Have you ever been in the military?

17 A No, sir.

18 Q Have you ever been arrested for anything in
19 the world?

20 A No.

21 Q Never had handcuffs or anything on you?

22 A When I was a kid, I did.

23 Q Okay. For what?

24 A I don't remember, but I just --

25 Q Nothing as an adult, over 18?

1 A No.

2 Q Are you married?

3 A Yes.

4 Q How long have you been married?

5 A About 20 years, 25 years.

6 Q Any children?

7 A No.

8 Q Okay. What's your wife's name?

9 A Eugena Figliozzi.

10 Q You guys live at the same house?

11 A Yes, sir.

12 Q What address do you live at?

13 A 4732 Kennedy Drive, New Port Richey.

14 Q How long have you been at that address?

15 A About 20 years.

16 Q Do you own that home?

17 A Yes, sir. Me and the bank own it.

18 Q You and the bank. I understand that.

19 Do you know a person named Shannon Stephen?

20 A Beg your pardon?

21 Q Do you know a person by the name of Shannon

22 Stephen?

23 A Yes, I do.

24 Q How do you know him?

25 A When we moved into the neighborhood, they

1 moved into a friend of mine's next door to where I used
2 to live at.

3 Q When you say they, they who?

4 A Well, other friends of mine used to be
5 neighbors on one side. They were the neighbors on the
6 other side.

7 Q They who?

8 A Jim Wallace, his family; his father, mother,
9 kids.

10 Q And then Shannon Stephen moved in the
11 neighborhood as well?

12 A Yes. But we moved out by that time.

13 Q Okay. So how did you come to know him?

14 A The neighbors next door where they first
15 moved to Florida -- when they first moved into Florida,
16 we got to know them pretty well. They had two young
17 kids. And, you know, it's like they were always over
18 at the house visiting, stuff like that. We made stuff
19 in the garage, built stuff, wood, stuff like that. So
20 we got along as neighbors.

21 Q Is that James Wallace?

22 A Yes. Jimmy Wallace. That's his father. His
23 father Jim Wallace. And Jimmy is his son.

24 Q I understand. And so would Shannon be with
25 Jim?

1 A Yes. He was more associated with Jim.

2 Q And you said that Shannon Stephen moved into
3 the neighborhood after you moved out?

4 A Yes.

5 Q So when you met Shannon Stephen --

6 A Through association with the kids.

7 Q I understand.

8 A They hung around together, played ball
9 together, stuff like that.

10 Q That's the Jim Wallace?

11 A Yes. Junior.

12 Q How long would you say you've known Shannon
13 Stephen?

14 A Well, I'd say maybe ten, fifteen years I've
15 known of him.

16 Q Have you ever gone out and socialized with
17 him?

18 A Twice.

19 Q Do you recall what type of activities you
20 were doing when you hung out with him?

21 A He invited me to play Texas poker.

22 Q Where was that at?

23 A That was in some bar/restaurant.

24 Q Okay. What about the other time?

25 A The other time was I was invited to go shoot

1 pool, whatever this place is that we were -- where this
2 took place at. I don't remember the name of it.

3 Q So that second time was the night of this
4 incident?

5 A Yes, sir.

6 Q Okay. Have you ever talked to Shannon
7 Stephen on the telephone?

8 A A couple of times. He's called me and asked
9 me if I'd like to go out, and I told him I couldn't,
10 whatever.

11 Q How frequently did you hang out with Jim
12 Wallace, Junior?

13 A We used to hang out quite a bit. Me, him,
14 and his brother. They were -- like I said, they had
15 known me since they moved into the neighborhood, so we
16 always kept in touch with each other.

17 Q Okay. So it would be fair to say that you
18 hung out with Mr. Wallace more than you --

19 A Oh, yes. Yes, I did.

20 Q When you say you did, did you stop hanging
21 out with him?

22 A No, no. I still see him. We just had lunch
23 together.

24 Q When was that?

25 A Today.

1 Q What did you guys talk about today?

2 A Football.

3 Q Football? The Bucs game?

4 A Yep. That's about all everybody's talking
5 about.

6 Q All right. Did you talk about this case at
7 all?

8 A No. No. He just told me, he said, just be
9 here and -- he just told me and be, you know, do what
10 you had to do because he knew I had a deposition.

11 Q How did he know that?

12 A He saw it on my door.

13 Q What, like a notice or something?

14 A It was pasted to my door, my house.

15 Q The subpoena?

16 A Yes.

17 Q So he looked at your door?

18 A Well, I was carrying something in. I said,
19 here's my keys, open the door, whatever I was doing.
20 But he came to the door. My screen door, the storm got
21 ripped off, so looking right at the door you could see
22 this big white piece of paper, and that's what it was.
23 He said, you got summoned.

24 Q Okay. So you guys are still neighbors now?

25 A No. No. We're still friends. I still live

1 in the same place. I moved away from the neighborhood.
2 They still live in their -- wherever they moved, they
3 always kept in touch. We were just like family,
4 basically.

5 Q So the day you saw the notice on the door,
6 you and Jim were hanging out that day too?

7 A Yes. We were together.

8 Q You guys hang out a lot?

9 A Well, yeah, because I'm retired and I have a
10 lot of time on my hands. They say that they look at me
11 like a father figure, or whatever. And, you know, it's
12 not just being around, you know, they're keeping me
13 going. Instead of sitting home watching TV all day
14 long, they keep me out of the house, give me something
15 to do, you know. We used to go to lunch, something
16 like that, once or twice a week.

17 Q How old are you?

18 A I'm 62.

19 Q Jim Junior is considerably younger than you?

20 A Yes. I guess he's in his thirties. He's got
21 two kids.

22 Q So do you usually hang out with people with
23 that great an age difference?

24 A Well, we've known each other all our lives.
25 Be like you see a long-lost friend. I mean, you know,

1 you start getting around, meet each other, start doing
2 things together and you have some things in common.
3 We're just friends ever since they moved to Florida.

4 Q Would you consider yourself a good friend of
5 Jim Wallace, Junior?

6 A Yes. And the family.

7 Q Okay. So today at lunch, what else did you
8 talk about about the case?

9 A I didn't talk about the case.

10 Q Have you guys talked about this case prior to
11 today?

12 A No.

13 Q How did you hear about this whole thing?

14 A What do you mean, how did I hear about this?

15 Q Do you know why you're here today?

16 A Yeah, I know why I'm here.

17 Q Okay. When did you first hear about it?

18 A I was there when everything come apart. I
19 was in the restaurant, or whatever you want to call it.
20 Restaurant or nightclub, or whatever. I was there the
21 night when all this came down.

22 Q Okay.

23 A I don't know what you want me to say. I
24 mean, I was present at the bar, or whatever. I don't
25 know how you want me to say that.

1 Q Okay. We'll get into that in a second.

2 A Well, that's what you asked, how did I -- I
3 mean, it wasn't something that --

4 Q Well --

5 A I don't know how you want me to answer that.

6 Q We'll talk about that.

7 Is it your testimony here under oath that you
8 never talked to Jim Wallace, Junior, about this case?

9 A No, I didn't. Would you like me to tell you
10 why?

11 Q Sure.

12 A Okay. I didn't want to get involved with
13 this thing, period. The night that I left that
14 restaurant, I went home. I didn't want to hear about
15 it. And that's all I heard about that night that
16 everything that took place. And if it wasn't for the
17 subpoena, I wouldn't be here now.

18 Q Okay. Do you understand that the State of
19 Florida has listed you as a witness?

20 A Yes, I know.

21 Q Okay. Because you're a witness, I get an
22 opportunity to talk to you.

23 A Yes.

24 Q Okay. Did you give a statement to anybody
25 regarding this case?

1 A Yes. I gave one statement to an officer that
2 was on duty that night. I don't know what his name
3 was. I can't remember it.

4 Q Where was that statement given at?

5 A Right here in this building.

6 Q To a police officer?

7 A Yes. I think it was a police officer. Yeah.
8 Deputy. I don't know what his name was. Sharr, does
9 that sound familiar?

10 Q Was it in this building, second floor?

11 A Yes, it was.

12 Q Did you give any other statements before
13 that?

14 A No.

15 Q Any troopers or anyone talk to you?

16 A No, because I -- just that one officer.
17 Sharr, does that sound familiar?

18 Q Did you speak to any State Attorneys in this
19 building?

20 A Whoever was there in that room that day. I
21 don't know who else was there. There was another
22 person in the room that day.

23 MR. TREMBLAY: Can I ask a couple of
24 questions just on that point?

25 MR. FOOTE: Uh-huh.

CROSS-EXAMINATION

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BY MR. TREMBLAY:

Q When you came in, you talked to Trooper Stiers, correct?

A Is that his name?

Q Correct. And it was during a live investigation that was done by the State Attorney's office?

A Correct.

Q Which is this office?

A Correct.

Q And there was another gentleman with dark hair named Mr. Halkitis, or Michael Halkitis, that was sitting in the room with you, correct?

A I don't remember him, but I remember someone else there.

Q Okay. And you gave a statement at that point to not only the other man who was a prosecutor, but also to the law enforcement officer, a trooper that was there?

A Yes. Whatever they asked me, I just answered.

Q Okay. And that was back on March 30th of 2006?

A If that's the date, yes.

1 Q Sound like the same timeframe?

2 A Yes, sir.

3 Q Okay. Do you remember giving a statement a
4 few weeks earlier, on March 13th, to the Florida
5 Highway Patrol?

6 A No, I did not.

7 Q Do you remember -- you don't remember giving
8 a recorded statement that they recorded?

9 A No, I don't.

10 Q Do you know what 5250 Sagamore Court is?

11 A No, I don't.

12 Q Do you remember being present at an interview
13 where Jim Wallace gave a statement to the police?

14 A I was in -- I was sitting in the outside
15 office out here waiting to be called in.

16 Q No. I'm talking about on Sagamore Court. Do
17 you know where that is?

18 A Is that where Jim Wallace's residence is?

19 Q It's your friend. I don't know. Do you know
20 where he lives?

21 A Yeah. I know where he lives.

22 No. I don't think I remember that. Yes, I
23 could have. I could have been there that day and he
24 asked me, Jimmy asked me to come over, an officer, some
25 officer could have been there.

1 Q The day you came here to this office to give
2 the statement --

3 A Yes.

4 Q -- did you give a recorded statement to the
5 police before you got here?

6 A No. I don't think so.

7 Q Or after you left?

8 A I don't think so.

9 Q Did you ever give a statement to the police
10 which Jim Wallace, Junior being there?

11 A I don't think so. I could have, but I don't
12 remember it.

13 Q I want you to take a look at something real
14 quick.

15 THE DEPONENT: Now, can I ask you a question?

16 MR. FOOTE: Yes.

17 MR. TREMBLAY: Not yet.

18 Same date he's talking about. That's what
19 he's talking about.

20 MR. FOOTE: Is this from the invest?

21 MR. TREMBLAY: It says 3:30. That's the same
22 day that I set the invest.

23 MR. FOOTE: But right now I'm going to show
24 the witness one witness interview document from
25 the Florida Highway Patrol by Corporal Stiers.

1 Q Take your time.

2 A I went in -- I came over to Jim's and it's --
3 like I said, it's hard to remember that.

4 Q Okay. You were saying the next morning --

5 A The next morning, early in the morning, about
6 5:00 or 6:00 o'clock in the morning, or whatever it
7 was, they called me and said, come to the house, we
8 have to talk to you.

9 Q They who?

10 A Jim Wallace.

11 Q Okay.

12 A I was upset about the whole thing what took
13 place. He told me what happened.

14 Q When did -- that's what I was trying to get
15 at before. When did you first hear that something
16 happened?

17 A Well, when I first found out, it was like
18 4:00 o'clock in the morning, 5:00 o'clock in the
19 morning.

20 Q How did you find out?

21 A Jim Wallace had called me and said, I have to
22 talk to you, it's very important, you've got to come to
23 the house.

24 Q Okay.

25 A So I went over there that morning. That

1 morning, I went to his house and alls I know is there
2 was that deputy could have been there. I don't know.
3 But we were sitting there and they asked me what took
4 place. And I said --

5 Q They who?

6 A Jim. Jim was there, and the deputy might
7 have been there.

8 Q Do you remember seeing a police officer in a
9 uniform with a badge and a gun?

10 A Not at this moment, I can't say yes.

11 Q Okay. So when you get over there -- you're
12 saying Jim told you to come over to the house?

13 A Yes.

14 Q And then when you got to the house, they
15 started asking you what happened?

16 A No. They were telling me what happened.

17 Q Okay. What did they tell you?

18 A He said that Shannon was locked up, he killed
19 two people.

20 Q Is this the first time that you had heard
21 about this?

22 A Yes. And it's been a blank since.

23 Q Okay.

24 A I don't know if you can understand when
25 somebody says somebody just killed to people. When

1 you're trying to say, give the guy the car keys, let
2 him drive you home, you're drinking.

3 Q Okay. Earlier you stated you were up all
4 night when this happened.

5 A Yes, I was up.

6 Q Okay. Why were you up?

7 A Well, he called me like two hours after I got
8 home. This was -- I don't know what time it all took
9 place, but I was up, you know.

10 Q He who called you?

11 A Jim Wallace had called me.

12 Q I understand. Just so that we're clear, make
13 it easier, somebody is going to be reading that later
14 and a whole bunch of theys and hes, we don't know who
15 that is.

16 A Okay.

17 Q So you have -- so that's why I'm asking you
18 who did what.

19 Q Well, Jim Wallace, like I said, repeatedly
20 said, you've got to come to the house and we've got to
21 talk to you.

22 Q That was at 5:00 or 6:00 a.m.?

23 A Yes.

24 Q All right. Did you know about this before
25 that time?

1 A No, I did not.

2 Q Why were you up all night?

3 A Because we were just -- basically, I was
4 watching TV. I came home and I started watching TV. I
5 wasn't tired.

6 Q So you got home around what time, do you
7 think?

8 A About 1:30, 2:00 o'clock.

9 Q Are you sure about those times?

10 A No, not really, but --

11 Q Okay. That's kind of important, what time
12 you got home. Do you remember what was going on, what
13 you were watching, anything that jogs your memory?

14 A No. Just movies. Just movies.

15 Q So you get home around 1:30 to 2:00 and you
16 stayed up until 5:00 or 6:00 in the morning?

17 A Well, when Jim called -- when Jim Wallace
18 called me, it was around 4:00 or 5:00 o'clock,
19 something like that. And I was watching TV. I put a
20 pot of coffee on. I got some snacks out, cookies. I
21 was drinking coffee.

22 Q So you get home from -- you guys were at that
23 bar?

24 A Yes.

25 Q The Sevens Bar, is the name of it?

1 A I don't know the name of it. I had never
2 been in there before.

3 Q You'd never been there before?

4 A No. One time I'd been in that bar. That was
5 the first time I'd been in there when this all came
6 down.

7 Q Okay. So you think you get home around 1:30
8 or so?

9 A Yes.

10 Q You stay up all night until about 4:00 or
11 5:00, and then Jim calls you?

12 A Yeah. About 4:00 o'clock, Jim called me,
13 around 4:00, so.

14 Q Because this is important, again. Earlier
15 you said 5:00 or 6:00 in the morning. Now you're
16 saying it's 4:00.

17 A Well, it's 4:00 or 5:00 in the morning. 4:00
18 to 5:00. It's hard, after you heard what you just
19 heard. I mean, I went into a state of shock. I just
20 -- it's hard to remember everything when something like
21 this happened. For me, anyway.

22 Q So around 4:00 or so Jim calls you?

23 A Yes.

24 Q You happen to be drinking coffee?

25 A Yes. I was up watching TV.

1 Q Do you remember what you were watching at
2 all?

3 A No, I don't.

4 Q So Jim calls you and tells you to come over
5 to his house?

6 A Yes.

7 Q And you go over to the house?

8 A Yes. He said he had to talk to me.

9 Q Did he tell you what he had to talk to you
10 about?

11 A No. He says it's about Shannon. He says,
12 I've got to talk to you about Shannon. Something bad
13 happened. So I said all right.

14 Q Did he tell you on the telephone what had
15 happened?

16 A No.

17 Q Not until you got to the house?

18 A Not until I got to the house.

19 Q Okay. So that I understand, a few minutes
20 ago, earlier you said that Jim told you what happened
21 on the phone.

22 A Well, he told me that something bad happened.
23 And he said to come to the house, he had to talk to me.

24 Q So he did not tell you exactly what happened
25 on the phone?

1 A Not exactly. I'm sorry.

2 Q So you leave your house and go over to Jim's
3 house?

4 A Yes.

5 Q And where was that at?

6 A Sagamore Court, whatever that address is.

7 Q So you get over there, who's there at the
8 house?

9 A Well, Jim was there. I think his wife was
10 there. And I do think there was a deputy there, or
11 whatever it was that asked me what happened.

12 Q Do you know what the highway patrol guys look
13 like, troopers?

14 A He was -- Shier, or whatever his name is, he
15 was there. I think that was him. That's the second
16 time I had met him.

17 Q When was the first time that you met him?

18 A There at the house. The second time I met
19 him was here.

20 Q Okay. So let's talk about that night. When
21 you get there, now you recall seeing Corporal Stiers at
22 the house?

23 A Yes. If it was him there, yes.

24 Q Or someone from the highway patrol?

25 A Yes.

1 Q And you believe Jim and his wife were there?

2 A Yes.

3 Q When you got to the house, do you remember
4 seeing a police car outside?

5 A No, I do not.

6 Q And so you get to the house, what happens?

7 A Jimmy told me what took place. And he said
8 he tried to get Shannon's keys from Shannon so he could
9 take him home because he was drinking too much.

10 Q And the trooper was there while he's telling
11 you this story?

12 A Yes. While they were asking me, Jim was
13 telling me what took place, and the officer asked me
14 what took place. And I said, when I left the bar, I
15 went home. And he says --

16 Q Let me stop you right there. You're getting
17 to the house and hearing this for the first time,
18 correct?

19 A Yes.

20 Q You're telling me there's a trooper there too
21 when you get there, correct?

22 A I'm assuming, yes. If I had signed a paper
23 that says I was there, I'm assuming that paper is
24 correct.

25 Q Okay. Well, I don't want you to assume. I

1 want you to go by your memory. Do you remember a
2 person with a gun and a badge there?

3 A No, I do not.

4 Q You do not remember.

5 When you get to the house, who do you
6 remember is at the house?

7 A Jim.

8 Q And who else, if anybody?

9 A And his wife. His wife was there.

10 Q You definitely know that?

11 A Yes. She put on a pot of coffee for us.

12 Q Who is Jim's wife?

13 A Cara. I think that's her name. Yeah. Cara
14 Wallace.

15 Q Okay. So you get to the house and Jim and
16 Cara are there?

17 A Yes. I'm assuming.

18 Q We're only talking about when you first heard
19 about it, that night.

20 A Yeah. That's when I heard about it is when
21 he told me.

22 Q Okay. All right.

23 A And this was getting into daylight time now.
24 I mean, the sun was up. It wasn't dark no more.

25 Q How long do you think you were there at Jim's

1 house?

2 A I don't know. I have no idea. Couple hours,
3 maybe.

4 Q Okay. So you were saying Jim's there, Cara's
5 there. You're there. No one else is there, correct?

6 A Correct.

7 Q All right. Now, he was saying that he was
8 trying to get the keys from Shannon.

9 A He said -- Jim said he was trying to get the
10 keys from Shannon.

11 Q Right. And what else?

12 A And he said that -- he said that Shannon
13 forced his way to his truck and shoved him out of the
14 way. He got in his truck and they couldn't stop him,
15 so he left. That's what he told me. He said he went
16 down the road and he killed two people.

17 Q Anything else that he told you?

18 A No. That was basically it.

19 Q What was your response?

20 A Having a hard time remembering and being
21 foggy about this whole thing, being upset about it.

22 Q All right. Do you remember what you were
23 wearing that night?

24 A No.

25 Q Do you remember what Jim was wearing that

1 night?

2 A No.

3 Q Do you remember what Shannon Stephen was
4 wearing that night?

5 A No.

6 Q Were you drinking alcohol that night?

7 A Yes.

8 Q What were you drinking?

9 A I had a drink called a Crown and a Coke on
10 the side.

11 Q So it's like a shot of Crown with a Coke?

12 A Yes.

13 Q How many of those did you have?

14 A Two.

15 Q Let's talk about before that, before all this
16 happened, how did you come to get together with Shannon
17 Stephen that night?

18 A Jim Wallace called me and said him and
19 Shannon were shooting pool and they wanted to know if
20 I'd like to come up and shoot some pool down there with
21 them. And I said yeah. I said, all right, I'll meet
22 you down there. And they told me where it was at.
23 Like I said, I've never been there before, and they
24 told me basically where it was at. He said, it's on
25 the opposite side of Pit Boss Barbecue.

1 Q Okay.

2 A In a vacant shopping center, basically.

3 Q Were you familiar with that area?

4 A Yes. I'm familiar with that area, but I
5 never knew there was a bar there.

6 Q Okay. And so you agree to go and meet
7 Shannon and Jim there?

8 A Yes.

9 Q What time do you think you arrived?

10 A I don't know. I have no idea.

11 Q Do you remember arriving there?

12 A Yes, I do.

13 Q Who was there that you knew?

14 A Me, Shannon, Jimmy.

15 Q That's it?

16 A That's it.

17 Q Oh. I didn't know if you were finished.

18 A Me, Shannon, and Jimmy was there.

19 Q You, Shannon, and Jimmy. Cara wasn't there?

20 A No.

21 Q Are you certain about that?

22 A She wasn't there, I don't think. I'm sure
23 she wasn't there.

24 Q Anybody else that you knew?

25 A Nope.

1 Q Certain about that?

2 A I'm positive.

3 Q A hundred percent positive?

4 A I'm a hundred percent positive.

5 Q Okay. You get there. Tell me what happens
6 when you arrive.

7 A We were all sitting -- well, we were sitting
8 at a tall bar stool table. And I talked to Shannon.
9 When he seen me come in the door, he came over and said
10 hi, shook hands, and all. And Jimmy's sitting there
11 and we was just jabber jawing about pool, because
12 that's what we went there for was to shoot some pool.

13 Q Okay.

14 A And they asked me what I wanted to drink. I
15 ordered a Crown then a Coke on the side.

16 Q Let me back up a little bit. How did you get
17 there?

18 A I drove my truck there.

19 Q What kind of vehicle do you have?

20 A I have a Dodge Ram.

21 Q Pickup truck?

22 A Yes, sir.

23 Q What color is it?

24 A Blue.

25 Q Light blue? Dark blue?

1 A Dark blue.

2 Q Is it one of those big quad cabs or a two
3 door?

4 A Two door, but a four seater. It's a quad
5 cab.

6 Q Anything special about your truck? Any
7 special chrome on it, or is it just from the factory?

8 A No. It's got three toolboxes and it's got a
9 few dents in it from being hunting in the woods.

10 Q Okay.

11 A I use it as a work truck, basically.

12 Q Are you familiar with Jim Wallace's vehicle?

13 A Yes.

14 Q What does he have?

15 A He has a Chevy -- I don't know what year it
16 is. It's a GMC, gold Chevy.

17 Q What kind of vehicle?

18 A It's a GMC truck.

19 Q Truck. Pickup truck?

20 A Yes.

21 Q Are you familiar with Shannon Stephen's
22 vehicle?

23 A No, sir, I am not.

24 Q Never saw it?

25 A Yes, I did. I'm sorry. It's a pickup truck.

1 I apologize.

2 Q Light color? Dark color?

3 A I think it's a dark green.

4 Q Have you ever been in that vehicle?

5 A No, sir.

6 Q How many times do you think you saw it?

7 A Twice.

8 Q Okay. All right. So you're there. You come
9 in, you ordered a drink, a Crown and soda, Coke?

10 A Yes, sir.

11 Q Who orders that?

12 A I think Shannon ordered it.

13 Q And how did he order that? Do you know?

14 A From the waitress. They had a waitress
15 walking around.

16 Q Did she come to your table to take the order?

17 A No. I think Shannon kind of got her
18 attention and asked her to get me a Crown and Coke.

19 Q Is that what you normally drink, or he asked
20 you what would you like to drink?

21 A Well, he asked me what I'd like to drink.

22 Q Who paid for that drink?

23 A I think Shannon did.

24 Q Did you see him pay for it?

25 A No, sir, I did not.

1 Q All right. So you had the drink. Had you
2 consumed any alcohol prior to getting there?

3 A No.

4 Q What do you guys do? Get your drink --

5 A And just sit and talk about shooting pool and
6 basically look at other people shooting pool and seeing
7 who's going to challenge the next table, or who's going
8 to go in, who's going to come out, you know.

9 Q How many pool tables were there, do you
10 think?

11 A I think there was two -- three pool tables
12 that night.

13 Q Two or three pool tables?

14 A I think there was three.

15 Q Did you ever play pool that night?

16 A Yes, I did.

17 Q All right. So you guys -- did you play with
18 Jim and Shannon?

19 A Yes, I did. I played both of them.

20 Q Did you win?

21 A Yes.

22 Q Beat Shannon?

23 A Maybe one out of -- evidently you know
24 Shannon. One out of seven or eight games.

25 Q Is he a good pool player?

1 A Yes, he is.

2 Q Anything else that you guys do? You're
3 shooting pool, you're having a drink.

4 A Socializing with other people that are there.
5 You know, just husbands and wives and boyfriends and
6 girlfriends and stuff, because everybody's in there
7 shooting pool, you know. That's what the whole place
8 is about, I think.

9 Q Do you know anyone that works at that place?

10 A No, sir, I do not.

11 Q Don't know the bartender?

12 A No. I never met the bartender.

13 Q You don't know any of the servers?

14 A No, I do not.

15 Q Do you recall whether or not there was
16 security or a bouncer or anyone at the door?

17 A When I went in, there was nobody at the door.
18 I walked in, walked right over, they were sitting right
19 there as soon as I walked in the door. And I really
20 didn't pay any attention because I was more or less
21 looking for them. So if there was a bouncer there, he
22 didn't card me, or if he saw me, he probably figured I
23 was old enough to go in there.

24 Q Okay. You didn't have to pay to get in?

25 A No, I did not.

1 Q All right. So you're playing pool. At some
2 point you had another drink?

3 A Yes.

4 Q How did you get that one?

5 A Jim bought me one.

6 Q Same thing?

7 A Yes. But I didn't get it.

8 Q Why?

9 A Because they set it on the table and somebody
10 bumped into the table and knocked it over so they
11 ordered me another.

12 Q Okay. So they brought you back another
13 drink?

14 A Yes.

15 Q So you drank that one?

16 A No.

17 Q What happened?

18 A That got knocked over too.

19 Q How did that happen?

20 A It was very close quarters. Everybody was
21 standing around. And the table that we were at, I said
22 it was a high bar table with the high bar stools and it
23 was real wobbly. So soon as somebody bumps into the
24 table, everything went flying.

25 Q So they spilled two of your drinks?

1 A Yes. Three.

2 Q They spilled three drinks?

3 A Yes.

4 Q Was anyone else's drink spilled on that
5 table?

6 A Yes.

7 Q Do you remember who?

8 A Jim's drink. And there was someone else
9 there. I am very sorry. There was another gentleman
10 there that night. I just thought about that. I can't
11 think of his name. He was an older gentleman. Joe.
12 Joe was there that night.

13 Q This is somebody you know?

14 A I've met him through Jim.

15 Q So he was with your group?

16 A Yes. He was there that night, and someone
17 that we just met, that I just met through Jim. I've
18 known Jimmy for a long time. This was one of his old
19 neighbors that he used to live near. And he was into
20 hunting and stuff like that like I am. I'm into
21 hunting and stuff. And he invited Joe down. Jimmy
22 invited Joe. And he told me to come down.

23 But through all this ruckus that night, with
24 everything, and people smoking and beer and liquor
25 getting spilled all over the place, you know, Joe got,

1 I think, a drink poured on him by accident. It fell
2 over and hit him in his lap.

3 Q Okay. So I asked you before if you were a
4 hundred percent positive and you said yes. So you
5 recall someone else being there?

6 A Yes. Because of that drinks being spilled
7 that night.

8 Q Okay. And you said there was a drink spilled
9 on this Joe person?

10 A Yes. Joe got a -- I think he got a drink
11 spilled on him too. When you're sitting at a table,
12 it's a small table and you're sitting around it, you
13 know, it's -- people are bumping into -- it was a very
14 close -- it was a very packed place. That place was
15 packed that night.

16 Q A lot of people?

17 A Yes. There was a lot of people.

18 Q So the table was getting bumped and the
19 drinks are falling accidentally?

20 A Yes. Well, I wouldn't say accidentally, but,
21 yes, accidentally. But they didn't mean to do it, you
22 know.

23 Q When someone's walking over to the table,
24 looking at the drink and knocking it over?

25 A No, no, no. They just were walking over to

1 the table and just like bumping into the table,
2 drinking too much, and stuff like that.

3 Q Okay. Was it people within your group,
4 either Jim, Joe, or Shannon, or other people that are
5 around you?

6 A It was Shannon.

7 Q It was Shannon?

8 A Yes.

9 Q Was knocking the drinks over?

10 A Yes.

11 Q Okay. Earlier you said there was a lot of
12 people there and it was a wobbly table and people were
13 bumping into the table.

14 A Yes.

15 Q Now, you're saying --

16 A That's what started it, Shannon bumping into
17 the table.

18 Q So you -- earlier said you had two or three
19 drinks.

20 A No. I had two. Well, I had three spilled.

21 Q Let me ask you the question.

22 A Yes, sir.

23 Q You had three drinks spilled on that table, a
24 wobbly table, and the very close quarters, are your
25 words?

1 A Yes.

2 Q Now you're saying Shannon knocked those
3 drinks over?

4 A Yes.

5 Q Are you saying it was accidentally, or
6 intentionally?

7 A Accidentally.

8 Q All right. After those drinks are knocked
9 over, do you finally get a drink that you drink?

10 A Yes.

11 Q Okay. And would that be your third drink?

12 A That would have been the fourth -- that would
13 have been the fourth drink. No, let's see. One, three
14 got knocked over. I took that drink and went to the
15 other end of the bar, to where there was another pool
16 table. And there was a lot of discussion about
17 everything there, so I went down and started talking to
18 these other people because I was -- I'm trying to think
19 how to answer this. I want to say annoyed, basically.
20 When someone's drunk -- drank too much, had too much to
21 drink, I try to get away from them.

22 Q Okay.

23 A So that's why I left and went down to the
24 other end of the table. And I was talking to these
25 other people also that went down to the other end of

1 the table.

2 Q Who are you talking about? Who was annoying
3 you?

4 A I was down there talking to some people. I
5 didn't know who they were. They were just -- I
6 introduced myself and --

7 Q Let me see if I understand. You said you
8 left where your friends were to go somewhere else?

9 A Yes.

10 Q Because you said you were annoyed, someone
11 was drinking too much?

12 A Yes. Shannon was drinking too much.

13 Q So you left where your friends were and
14 started talking to these people?

15 A Yes.

16 Q How long were you over there talking to those
17 people?

18 A I guess about 20, 30 minutes.

19 Q Did you ever come back to the table?

20 A Yes, I did.

21 Q What else was going on --

22 A Well --

23 Q -- when you got back to the table?

24 A Everybody was a little upset and I had to
25 leave. I couldn't stay there and see this. I had to

1 leave.

2 Q See what? What were you seeing?

3 A Well, the way that everything was taking
4 place. I mean, when you're around someone that's
5 intoxicated, I don't want to be around them. I want to
6 get away from them.

7 Q So tell me what you -- none of us were there.

8 A Right.

9 Q So you're saying, do you know what I mean.
10 No, I don't know what you mean.

11 A I'll tell you exactly what took place.

12 I was in the bar. Shannon was drinking too
13 much. He started being obnoxious, is the word I was
14 trying to get, and he got worse and worse and more and
15 more he was drinking.

16 Q Let me stop you. What was he doing that led
17 you to believe he was obnoxious and then getting worse?
18 What did you see him do?

19 A Well, he came up. He gave me a big hug, and
20 stuff like that. And, I mean, he was just like
21 staggering all over the place.

22 Q Was he falling?

23 A Yes. Bumping into the table.

24 Q Did he ever fall on the floor?

25 A No. I didn't see that.

1 Q What were Jim and Joe doing?

2 A Sitting there. When I came back to the
3 table, I told Jimmy I had to go, I couldn't stay here
4 any longer. And they said, we've got to get out of
5 here too because Shannon's had too much.

6 Q Okay. So what did you guys do?

7 A They were still there. I left. Jim said --

8 Q Before you get into what Jim said, what did
9 you do?

10 A I left.

11 Q So you left?

12 A I said, Shannon, I'm going. And I told Jimmy
13 and Joe I was leaving. And I had left the bar and I
14 went home.

15 Q Did you have to pay for any drinks or close
16 out any tabs?

17 A No.

18 Q All your drinks were bought for you that
19 night?

20 A There was only two drinks that I had that
21 were paid for.

22 Q So you didn't pay for any drinks for
23 yourself?

24 A No.

25 Q And when you left, where were Jim, Joe, and

1 Shannon?

2 A Shannon was still shooting pool and Jim and
3 Joe were sitting at the table.

4 Q Is that the last thing that you remember
5 seeing?

6 A Yes, that's the last thing I remember seeing.

7 Q Are you sure about that?

8 A I'm positive of that.

9 Q Okay. And you go out to your car and you
10 leave?

11 A I left in my truck.

12 Q I mean your truck. Excuse me.

13 A And I got in my truck and I went home.

14 Q Do you recall seeing Shannon doing anything
15 else, talking to any other people, being obnoxious with
16 any other people?

17 A Oh, yeah.

18 Q Did you see any people complaining about him?

19 A Well, the couple that I went -- when I left
20 my table and went down to the other table, I was
21 talking to the other people. They got very offended
22 because of Shannon, you know. And he was being
23 obnoxious. So they left the table.

24 So when my third drink, I think, got spilled,
25 I got my other drink, the fourth one, or whatever, the

1 second drink I had to drink. I took that drink and I
2 walked down to the other table where them other people
3 were at. And I was just socializing and saying, hey,
4 I'm sorry about Shannon being drunk, you know, or being
5 ignorant.

6 Q Was he making like a scene in the places?

7 A Well, everybody knew he was drunk.

8 Q Did the bouncer come and say anything to him?

9 A I don't remember, like I said, seeing a
10 bouncer. But I'm sure they were probably there, but --

11 Q Well, anyone from the bar; bartender,
12 servers, manager, anyone come and talk to Shannon?

13 A No. I don't remember seeing anybody talking
14 to Shannon.

15 Q And then you left. Around what time did you
16 leave?

17 A That's vague. It could have been 1:30.
18 12:30, 1:30. I don't know.

19 Q So you didn't see Jim, Shannon, or Joe leave
20 that place?

21 A No, I did not. I left before that.

22 Q This is when you go home and start watching
23 movies?

24 A Yeah. I was watching TV and just relaxing.

25 Q Do you normally stay up until 4:00 or 5:00 in

1 the morning?

2 A Well, when you're wound up after what you've
3 been through and you go to have a pleasant evening and
4 it turns into a nightmare, I don't like to be around
5 drunk people.

6 Q Well, you were in a bar. Was anyone else
7 drunk?

8 A Everybody seemed to be holding their liquor,
9 but he was obnoxious. Everyone was drinking in the
10 bar, but I didn't see anybody act the way he did.

11 Q Okay. Well, he was bumping -- he gave you a
12 hug --

13 A Yeah. He gave me a big hug and --

14 Q And bumping into the table?

15 A Yes.

16 Q What else that affected you so bad that you
17 had to stay up all night?

18 A I stayed up because I just wanted to watch
19 TV. I wasn't sleepy.

20 Q You said you were wound up because of this
21 event.

22 A Yes. But I went home and I just watched TV.

23 Q What else did Shannon Stephen do?

24 A That was it. I mean, just --

25 Q So you're up and that's when you get this

1 phone call from Jim telling you to come over to the
2 house?

3 A Yes.

4 Q Then you get over to the house and then he
5 tells you what happened?

6 A Well, yes. He explained to me what happened.

7 Q All right.

8 A He told me directly what happened.

9 Q All right. And he said that they tried to
10 take the keys from him?

11 A He told me, he said, I tried to get the keys
12 from Shannon to drive him home. And he said, Joe was
13 going to help him, you know, drive one of the vehicles,
14 and he was going to drive Shannon's vehicle, and they
15 were going to come back and get Jim's truck.

16 Q What else did he say?

17 A He said that Shannon punched him in the
18 stomach.

19 Q That was Jim?

20 A Yes. Shannon punched him in the stomach and
21 he wanted to fight him, so he had to leave. He got
22 Shannon out of the bar.

23 Q Anything else?

24 A That's it. He told me about the two people
25 getting killed that night.

1 Q Did he tell you how he knew that?

2 A He probably did. I just --

3 Q While you were at Jim's house and he was
4 telling you what happened, did anyone else show up
5 there?

6 A No. I don't think so.

7 Q After that early morning hours when this
8 happened, when was the next time that you saw Jim?

9 A I don't remember right off.

10 Q And, again, it's your testimony that you and
11 Jim, after this night when you went over to his house
12 and he told you what happened --

13 A That morning.

14 Q That morning. You and Jim have never
15 discussed this case up until this day?

16 A No.

17 Q Are you a hundred percent positive about
18 that?

19 A I'm a very bitter person after this.

20 Q You're bitter. I asked if you're 100 percent
21 you're positive you never talked to Jim again.

22 A Yes, I'm sure. The only thing that was
23 discussed that he saw the summons on my door and he
24 said, you're going to have to go because they're going
25 to have a thing there to talk.

1 Q Had you ever talked to Joe again or saw Joe
2 again?

3 A Yes, but we never talked about this.

4 Q Where was that at?

5 A That was at Jim's house.

6 Q When?

7 A I don't know, really. I do not know the
8 exact day or whatever.

9 Q Like after, week after, two weeks after, a
10 month, last week?

11 A No. I don't remember.

12 Q Have you, Jim, and Joe hung out since this
13 time?

14 A No, not really.

15 Q So you've never gone out with Jim again to
16 have drinks since March?

17 A No.

18 Q No, you have not?

19 A No.

20 Q Have you ever discussed this case with Cara?

21 A No.

22 Q Including that night when you went over to
23 the house?

24 A No.

25 Q Have you ever heard Cara talk about this

1 case?

2 A No.

3 Q Do you have a cellular telephone?

4 A I do.

5 Q What's the number to your cellular phone?

6 A It was -- it's 992-4140 now. It used to be
7 648-9313. And that's the one my wife has now.

8 Q What phone company do you use for your cell
9 phone?

10 A Alltel. The one that my wife has is a
11 prepaid phone.

12 Q You used to have that phone?

13 A Yes, I did.

14 Q Was it a prepaid phone back then?

15 A Yes.

16 Q Do you think you ever called Jim on that
17 telephone?

18 A Yes, I did.

19 Q Is there anything -- I know I cut you off a
20 couple of times. Is there anything that you wanted to
21 say while we're here that you didn't get a chance to
22 finish saying?

23 A Other than that night, it was like a very
24 ugly night. It was like something I don't want to
25 remember. And what took place that night, I was upset.

1 I mean, I've never seen anybody go out of their way
2 deliberately to get that drunk and consume that much
3 liquor.

4 Q Did you actually see him drinking?

5 A Yes.

6 Q Do you recall what he was drinking?

7 A Yes. It's Captain and Coke.

8 Q How do you remember that?

9 A Because that's what he drinks all the time.
10 That's what everybody tells me he drinks, Captain and
11 Coke.

12 Q What people tell you? Who told you that?

13 A He told me that's all he drinks. The first
14 time we went out, me and Shannon, we went to a pub to
15 play that poker in that restaurant or bar that night.
16 That's the first time I've been out with him. We went
17 upstairs and shot pool because I was there early. He
18 was there early. And it didn't start until about 9:00
19 or 10:00, and he said all he drank was Captain and
20 Coke.

21 Q That was the first time you went out with
22 him?

23 A Yes. And I didn't have nothing to drink that
24 night.

25 Q This second time that you went out was in

1 March. When do you think that first time was?

2 A It had to be like two or three weeks prior to
3 that. It was like fresh, you know. It's like I first
4 went out with him and --

5 Q And you specifically remember his choice of
6 drink?

7 A Yes.

8 Q Did anyone ever tell you that's what he liked
9 to drink besides Shannon?

10 A Jim said he likes to drink Captain and Coke.

11 Q When did Jim tell you that?

12 A Just telling me that's what Shannon drinks,
13 Captain and Coke.

14 Q My question is, when did Jim tell you that?

15 A This was one night -- the night that we went
16 and played poker. Let's see. I don't recall exactly.

17 Q But it was before this happened or after this
18 happened?

19 A This is before this happened.

20 MR. FOOTE: All right. I think that's all
21 the questions I have for you.

22 MR. TREMBLAY: No questions.

23 (DEPOSITION CONCLUDED.)

24

25

1 DEPOSITION CERTIFICATE

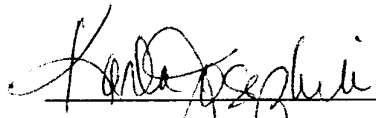
2 STATE OF FLORIDA)

3 COUNTY OF PASCO)

4 I, KARLA JOSEPHIK, RPR, certify that I was
5 authorized to and did stenographically report the
6 deposition of FRANCIS F. FIGLIOZZI; that a review of
7 the transcript was not requested; and that the
8 transcript is a true and complete record of my
9 stenographic notes.

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

15 DATED this 11 day of October, 2006.

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18 KARLA JOSEPHIK, RPR

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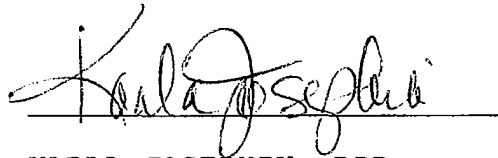
CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF PASCO)

I, KARLA JOSEPHIK, RPR, the undersigned authority,
certify that FRANCIS F. FIGLIOZZI personally appeared
before me and was duly sworn.

WITNESS my hand and official seal this 11 day of
October, 2006.



KARLA JOSEPHIK, RPR

Notary Public - State of Florida