

Shannon Stephen Hardee Correctional Institution
6901 SR-62
Bowling Green, Florida 33834

Regarding: State of Florida, v. Shannon Stephen SPN:00497502, defendant
Case No.: CRC06-0159CFAWS
GUILTY of DUI MANSLAUGHTER 29th day of May 2010
Sentence 2 X 15 years plus five years, 35 consecutive years.

My son, Shannon Stephen, is languishing in prison after a “boy’s night out” in 2006 that ended in a drunk driving accident that took the lives of two innocent victims. The first trial ended in a hung jury, and two years later, in 2010, a jury found him guilty. This letter is an introduction to testimony that casts “reasonable doubt” into my son’s case. His best friend’s wife, Kara Wallace, called to tell Shannon she told his best friend Jim she was leaving. She wanted to arrange a “boys’ night out” for Shannon to console Jim. Shannon met Jim and two others at the bar and became incredibly drunk. Shannon was tested three times, the maximum legal limit, over an hour after leaving the bar; the result was .238 g/dL- .240 g/dL. A Police Accident Reconstructionist said that this level of intoxication would prevent anyone from driving for more than 50-75 yards without crashing or driving into a ditch. Shannon’s attorney failed to obtain testimony from an expert toxicologist.

An eyewitness, Mr. Schubart, saw Shannon exit the bar with two friends holding him up because he could barely walk without stumbling. They placed Shannon in his truck from the passenger side. One man climbed in behind him; the other ran around to the driver’s side, jumped in, and drove the pickup truck away. Mr. Shubart testified that Shannon was not the driver in both the first trial that ended in a mistrial and the second, where he was convicted.

Years of analyzing Shannon’s case reveal ample, factual evidence to establish *reasonable doubt*. An important piece of evidence, a timestamped bar receipt, starts the *accident reconstruction clock* but was omitted at trial due to prosecutorial cleverness. The truth be dammed, it’s all about the prosecutor’s win/loss record. The bar receipt ties directly with a phone call from witness Schubart, seeing three men exit the bar. Shannon’s stumbling drunkenness is what attracted Mr. Schubart’s eye to the men.

The *bar receipt was in evidence at the first trial*. Two years later, in 2010, the prosecutor knew this receipt hurt his case and was one of many instances where Shannon’s defense counsel was out-lawyered. The trial transcript records indicate it was omitted “due to a procedural error,” stating that “a predicate” had not been established. Shannon’s attorney could have simply subpoenaed the charge card company, the bar owner, the bartender, and bar records to establish “a predicate.” The jury understood the importance of proving the timeline against Mr. Schubart’s testimony. During deliberations, the jury asked to see the bar receipt. The judge denied the request.

Shubart saw Shannon, Jim Wallace, and Marvin “Joe” Dalzell exit the bar together while standing just outside the door on his cell phone when they emerged. He saw Shannon staggering, being boisterous, barely able to walk, and recounts how Shannon urinated in the parking lot in front of

everyone, and then fell, hurting his knee. He witnessed Shannon's friends help him up and support him on the way to his truck. Schubart testifies that one of Shannon's friends was driving, and that the trio drove North, on Little Road, which is towards his friend, Jim Wallace's home. This ties with his two friends' testimony that places Dalzell's truck at Jim's house, not at the bar.

Schubart saw the men leave the lot during his 12:51-12:52 AM cellphone call. Nearly fifteen minutes later, a call is made to 911 by Valery H. at 1:06:39 AM near a bowling alley, about a half mile south of the bar on Old 54. It certainly didn't take Shannon 15 minutes to drive a half mile. She dialed 911 to report a drunk driver in a pickup truck. This call does not fit the prosecution's narrative of Shannon leaving the bar lot at 1:00 AM because, again, it does not take even 6 minutes to drive a half mile. The prosecutor tried to discredit Shubart because he knew the owner and was attempting to protect the bar. Logic tells us, regardless of who was driving, they were all drinking and left the same bar.

All parties agree that the accident occurred at 1:09 AM; therefore, the prosecution's time of departure from the bar lot at 1:00 AM could only happen if Schubart is lying. Shubart didn't know Shannon before that night, nor did he have any motive to lie for the bar. The 911 call logs prove when Valery spoke to the 911 call center and are not disputed. Schubart saw the truck leave before 12:52 AM and travel north towards Mr. Wallace's home. The jury apparently wanted to confirm this against the bar receipt's timestamp of 12:48:44.

As stated, Shannon's friends, Jim and Joe, testify that Joe's Van was at Jim's house and they drove together to the bar. Jim's home is located in the subdivision adjacent to the bar. The Valery H. 911 call time fits the time needed for three men (seen by Schubart) to depart from the bar lot and then travel to Jim's home, where they intended to retrieve his van and then retrace their route by passing back by the bar on their way to get breakfast at Denney's. Meeting for breakfast was part of "the plan," stated in testimony. Schubart saw the men leave the bar together, and his pickup truck wasn't seen again until Valery H. dialed 911 almost fifteen minutes later.

At the time of this accident, Shannon and Jim had been friends for 16 years. I knew him well. Shannon had a medical emergency one time, and Jim instantly came to my house, but on this night, it wasn't Jim who came over; it was their mutual friend Bonney. She picked me up and we went to Jim's house. Jim's estranged wife, Kara, answered the door and invited us inside. Jim held back and stood in the dark by the sink as we spoke. Kara did most of the talking even though she wasn't involved. I should have testified at Shannon's trial because what Jim told me contradicts his testimony at trial. It's another fatal mistake by the defense.

Jim said he and Dalzell fought with Shannon in the parking lot and that "*finally, Shannon just ran to his truck.*" Keep in mind that the bartender testified that when they paid their tabs, Jim "dangled Shannon's keys" to indicate that Shannon would not be driving. Jim also told me that while in the lot, "Frank" warned Jim to stand back so he wouldn't get hit by Shannon's truck. Shannon's three friends all testified in court that Frank left the bar "*about fifteen minutes*" ahead of the others. Jim said that Shannon sped off south, in the bar's lot, but due to the configuration of the plaza, lost sight of him before he exited (the lot).

Jim said Dalzell followed Shannon in the lot to the exit. Dalzell, Jim said, told him that Shannon turned the wrong way into a subdivision, versus towards his home on Old 54. I asked Jim how he knew because he had just said he couldn't see beyond a certain point. Jim said Dalzell called him while following behind Shannon as he left the parking lot. There is no record of this call. The record proves the first attempt by Dalzell to connect with Jim was at 1:22 AM, (after the accident), and that Jim didn't answer. After that, at 1:23 AM, Dalzell anonymously called 911.

All this is on the website. Remember, both Dalzell's and Jim's testimony states Dalzell's van was at Jim's house, not the bar.

As stipulated by all, the accident occurred at 1:09 AM. Jim called Kara at this very same time. Kara, when deposed, said that Jim called and left a message saying, "*Something bad happened, call me.*" At trial, Jim said he called his estranged wife to say, "*Honey, I'm home.*" Shortly before the first trial, the two of them reconciled, and Kara's story now mirrored Jim's version. Jim's call log demonstrates 16 frantic calls to Dalzell in the following ten minutes. Both of these issues are explored in depth on the website.

My sworn testimony was taken shortly after the accident and can be viewed online along with all the trial documents at www.letthetruthbeheard.com. I was not called as a witness at either trial. Another fatal mistake in Shannon's defense.

Shannon was so drunk that he had no memory of that night and was horrified when told of the accident upon waking up in jail. He believed he was responsible until his attorney began to unpack evidence to reconstruct the timeline. There were so many holes in his friend's testimony that seemed to indicate someone other than Shannon was driving that night.

The prosecution's narrative is entirely subjective, given the cursory investigation that led them to believe they had their man instantly upon arriving on the scene. Prosecutors Rosario and Sarabia out-lawyered Shannon's defense throughout trial #2. I wholeheartedly believe Shannon's defense was unprepared and without a plan other than banking on another mistrial. He didn't even put up a reasonable fight to get the bar receipt entered to tie with Witness Shubart's testimony.

Recently, in August of 2022, I was finally granted a meeting with prosecutor Sarabia, who had moved up the command chain. I brought up the bar receipt issue. Mr. Sarabia quickly pointed out that it "*wasn't in evidence at trial,*" and proceeded to argue the case as if we were back in court. I replied, "*We are not at trial, sir.*" Sarabia finally allowed a brief back-and-forth discussion on related facts in evidence such as cellphone records, Shubart's testimony, along with Jim and Joe's opposing testimony.

Rather than begin by agreeing to listen with an open mind, while we tied the missing bar receipt to Schubart's phone records, Sarabia fast-changed back to arguing the case and inventing a new timeline narrative never discussed at trial. Now he claims that "*Shannon must have broken away from his friends at Jim's house and driven off alone from there.*"

While I concede that when this all began, I had little to no legal experience, especially when compared to Prosecutor Sarabia, but what I do have that he did not at that 2022 meeting was 17 years of analyzing my son's case. For Sarabia, it was just another day at the office. I presented several issues that prove the prosecution's reconstruction of the accident timeline is flawed.

Prosecutors Rosario and Sarabia began their joint closing argument with jury instructions. They either did not understand the facts or invented them to protect their win-loss record. At our August 2022 meeting, I quickly proved the order in which various witnesses arrived first, where Shannon's truck came to a stop (a mile from the accident), and who saw it when, who saw it next, and so on. Sarabia insists that the victim's friends, "*Scott and Ramsey,*" arrived first, and ahead of a freelance videographer. This is patently false and easily proven.

I had the proof with trial testimony, audio, and the 911 call sheet open on his desk to show him how testimony proves the video guy arrived first. This is important because this complicated

chain of events can be difficult to understand. The videographer was on his way to the accident to tape and sell film. He arrived first, passing by Shannon's truck, which was a mile south of the accident, and at that time, he had no idea of the connection. He saw that truck and a van, and three men "*pushing, pulling, or fighting*" with someone inside the vehicle, and believing it to be a bar fight, he moved on. We believe what he saw was two men placing Shannon in the driver's seat. Sarabi alleges the truck seen by the videographer belonged to Scott and Ramsey on their way to pick up their friends, the hit-and-run victims. The problem with that is the evidence clearly shows that Scott and Ramsey had not yet arrived at that intersection.

This misinterpretation by Sarabia is easy to prove, but he refused to listen. I had the testimony marked in a booklet, but Sarabia was so stubborn, he wouldn't even look at what I was pointing to! Our meeting is recapped and available at www.letthetrugheheard.com.

Further proof is how Bartlett, the friend walking with the two victims, can be heard on his call to 911. The audio confirms Farrow's testimony. Scott and Ramsey arrive minutes later, and it is curious that they do not see the van at this time. Dalzell had left and called 911 without identifying himself or his connection to the truck. The operator asked him to return to the site for more information and he did (discussed in depth on the website).

We can hear the sirens on Bartlett's 911 audio tape. Videographer testifies to seeing Bartlett screaming, the two victims in the road, and on the phone (we know talking to 911). At this time, Scott and Ramsey are arriving at and across the intersection from Shannon's truck. They testify to hearing the siren (that we can also hear on Bartlett's 911 call). They waited until the first responder passed by before continuing. This proves the Videographer arrived first because he was ahead of them at the accident site observing Bartlett, before Scott and Ramsey.

Sarabia refused to listen to evidence in plain sight.

This is a significant point of contention with the flawed timeline by Sarabia. Sarabia had had enough and sought to end the meeting, so I handed him a phonebook-thick binder, tabbed with all I discussed above, and told him of our web link to the trial documents, depositions, and evidence.

Sarabia promised to review what we discussed and schedule another meeting. I expressed my hope to secure a shortened sentence for Shannon. After many months of unsuccessful attempts to contact Sarabia for a follow-up meeting, I called the city manager. Sarabia called back within fifteen minutes! At that meeting, Sarabia was indignant over my letters recapping our first meeting. He barely let me speak and was against any relief for Shannon. He knows the bar receipt factually corroborates Schubart's testimony, he knows his accident route is not accurate, and he knows the timeline he portrayed at trial is flawed. He refused any follow-up discussion on the voluminous other facts. He agreed the investigator on this case was less than stellar. Our opinion points to a flawed, sloppy, and incomplete investigation by FHP.

There were many failures by the police and prosecution to contact witnesses, prove the facts and the truth. The police interviewed a couple witnesses together which allowed them to sync their flawed stories. One such change up was that all of a sudden, Frank left early versus how Jim told me he was in the parking lot (see above). Schubart mentions three men, not four, contradicting both Dalzell and Jim.

There are several examples throughout the trial when the prosecution objected, the judge called a sidebar and awarded the defense to continue his line of questioning, but then, when open court resumed, the defense neglected to pick back up on the issue! Shannon's Defense attorney asked

for periodic “candy bar breaks,” complaining of “low sugar.” I wonder if he had a related illness causing these absent-minded mistakes.

I met with Shannon’s defense attorney a few months ago, more than ten years after the trial, and I was stunned at how little he understood key facts of the case. I was lenient in my prodding because I was unclear if we may need his help at some time, such as when or after we met the assistant, State Attorney, and prosecutor, Sarabia, to discuss the case.

I’m throwing out a lot of names and facts that take time to absorb. The attached bullet point outline is more detailed and is available with links to the cited testimony at www.letthetruthbeheard.com.

It’s important to pay attention to three locations of interest I label as **L1, L2, & L3**, versus how the defense presented the case with two locations, **A** and **B**. There are separate but strikingly similar details that can be confusing due to the same wording (“*pushing, pulling, fighting*”) from different witnesses on two sides of the same intersection. Each set of three men includes Shannon with two others. Defense did not adequately label or explain this critical fact at trial, which would have eliminated confusion and helped towards understanding why it could not have been Shannon driving that night. In fact, the defense touched on this in his closing argument, then stopped and told the jury to hold that thought for later. Defense never went back to describing why the two sides of that intersection tell the story of how it was not Shannon driving that night.

That Shannon’s attorney wasn’t prepared for this trial is inexcusable. In one of the (denied) appeal submissions, the prosecutor characterized Shannon’s defense counsel as “*discombobulated*.” He was correct in that assessment.

The prosecution built a misleading narrative that Shannon was the sole driver who walked out of the bar, fought with his friends in the parking lot for an extended period, and left the scene on his own at 1:00 AM, which culminated in the horrific, hit-and-run nine minutes later. I don’t understand how the jury could possibly discredit Schubart’s testimony other than having the only piece of evidence missing that was present at the first “mistrial,” the timestamped bar receipt. That the jury asked for the bar receipt is obvious; to tie the timestamp with Schubart’s testimony and the call log. By omitting Schubart’s testimony, we also lost the important fact that Shannon’s truck turned north from the bar, towards Jim’s house, along with all the events following that accurately reconstruct the accident times and route. Another inept defense mistake that allowed the prosecution to confuse the jury for a win.

We wholeheartedly believe in Shannon’s innocence and trust that anyone who has the time to investigate his case with an open mind will arrive at the same conclusion. Please don’t hesitate to email with any questions or concerns. We are available 24/7 for anyone willing to take a look at this case with us!

Thank You,

Shelley Stephen

Email Shelley@boilerman.com with questions or for phone numbers and contact info.