

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA)	
)	
vs.)	CASE NO. 16CF371
)	
ADAM MURRAY COSTELLO,)	
)	
Defendant.)	
)	

DEPOSITION OF SHANE ROMERO

DATE TAKEN: March 1, 2017.

TIME: 3:45 p.m. to 4:20 p.m.

PLACE TAKEN: Lee County Justice Center Annex,
Fort Myers, Florida

BEHALF OF: The Defendant.

REPORTER: John F. Martina, RPR
Notary Public,
State of Florida at Large.

MARTINA REPORTING SERVICES
2069 First Street, Suite 201
Fort Myers, Florida, 33901
(239) 334-6545
FAX (239) 332-2913

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

Mara Marzano, Assistant State Attorney,
Michael Columbo, Assistant State Attorney,
20th Judicial Circuit,
Fort Myers, Florida;
representing the State of Florida.

Shannon McFee, Esquire,
2671 Airport Road South, Suite 301,
Fort Myers, Florida;
representing the Defendant.

Also Present: Jennifer Reyes

I N D E X

	<u>PAGE</u>
Direct Examination by Mr. McFee	3
Cross-Examination by Ms. Marzano	33
Redirect Examination by Mr. McFee	34

1 Thereupon,

2 SHANE ROMERO,

3 a witness, produced by the State, having been first
4 duly sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. McFEE:

7 Q. Can you please state your name?

8 A. Shane Romero.

9 Q. Shane, have you ever had your deposition
10 taken before?

11 A. No.

12 Q. The biggest thing to know is this. We are
13 all here just to find out what you know. We are not
14 here to trick you. We are not here to badger you. I
15 just want to know what you know. My name is Shannon
16 McFee and I represent Adam Costello who has been
17 charged in this case leaving the scene of an accident
18 with a death. You have met Mara Marzano, I'm sure you
19 talked with Mara. She's the prosecutor. She
20 represents the State of Florida in this case. Okay.
21 So they are the prosecutors. I'm with the defense.
22 What a deposition is it is my opportunity to have --
23 after having reviewed the discovery, the paperwork
24 they give me to be able to ask questions that might
25 lead us to more questions, might clarify some things.

1 It allows me to ask the questions at this point, okay.
2 If you don't understand something that I have asked,
3 just say I don't understand what you are asking or can
4 you repeat it or whatever the case may be, okay. It
5 is not like the movies where I'm sitting here and
6 going to grill you and, you know, everything along
7 those lines. But it is real important. You are under
8 oath. Okay, that's just what you did. So the truth
9 is what you tell. There is going to be times you are
10 going to sit there and say I don't know, I don't
11 remember, and that's okay. An I don't remember
12 response is fine and don't be afraid to say that. If
13 I lead you down a way that you sit there and say I
14 don't agree with that, you don't have to agree with
15 me, okay. I know I'm an old man but you don't have to
16 agree with me. You can say, no, I don't agree with
17 that. There's nothing wrong with that. There's no
18 trouble in doing that. Two real big rules if we can
19 during this. The shaking of the head, I know you are
20 nervous and when I'm nervous I don't talk much and
21 just shake my head. See, he is typing. He can't type
22 a shaking of the head. So if I ask you a question and
23 it is a yes or no answer, if you can say yes or no.
24 Now, there might not be a yes or no to it. I might
25 say what color is the vehicle. Well, it's not yes or

1 not, right. It's white or black or whatever it is.
2 You are welcome to give the explanation and go on but
3 just a verbal response. I have been using the examine
4 uh-huh and huh-uh, two different issues but it looks
5 the same on this machine. So you will want to say yes
6 or no and that sort of thing.

7 MS. MARZANO: Yeah, and we went over all of
8 this together last week.

9 MR. McFEE: So you're saying I'm wasting
10 your time.

11 MS. MARZANO: No, you are not wasting my
12 time. You are just reassuring and letting Shane know
13 what I told him is exactly what is going to happen.

14 BY MR. McFEE:

15 Q. You haven't done it yet and just looking at
16 you, I'm sure I'm going to have to pull things out of
17 you rather than you offer, if I ask you a question, if
18 you can wait for the question to end and then give the
19 answer. So many witnesses in the last two days have
20 been guessing where I'm going with the question and
21 they start to answer it before I have been done asking
22 it and, again, it's hard for him to take both of our
23 talking parts down. Okay?

24 A. Okay.

25 Q. Now that I have wasted that amount of time,

1 Mara, I will go on.

2 MS. MARZANO: You did not waste it.

3 BY MR. McFEE:

4 Q. Now, sir, what is your date of birth?

5 A. June 5th, 1999.

6 Q. Have you ever been arrested before?

7 A. No.

8 Q. Ever been given any juvenile citations or
9 anything along those lines, not speeding and things
10 like that, but possession of marijuana, possession of
11 alcohol, anything like that?

12 A. No.

13 Q. Good. What school do you go to?

14 A. North Fort Myers high school.

15 Q. Red Knight, huh? My nephew went there. And
16 you are a senior?

17 A. Yes, sir.

18 Q. Do you work?

19 A. Yes.

20 Q. Where do you work at?

21 A. I work at Chick-fil-A and Chuck E. Cheese.

22 Q. How long have you worked at those two
23 places?

24 A. Chick-fil-A about a month and a half and
25 Chuck E. Cheese about a year and a half.

1 Q. Chuck E. Cheese is on 41, right?

2 A. Yes.

3 Q. Were you coming home from work on the night
4 this occurred back on Father's Day of 2016?

5 A. Yes.

6 Q. Okay. That seems to be that direction.
7 Let's take you back then to June 16th of 2000 -- or
8 June 19th of 2016, okay, Father's Day. Did you work
9 that day?

10 A. Yes.

11 Q. What time did you leave work?

12 A. It's hard to say. I normally get out of
13 work different times each day.

14 Q. That particular day do you remember what
15 time you got out of work? It was a Sunday?

16 A. Probably like 10:30, 11:00.

17 Q. And what path of travel? Were you heading
18 home?

19 A. Yes.

20 Q. Do you live in Cape Coral?

21 A. Cape Coral.

22 Q. What was your path of travel coming home, if
23 you remember?

24 A. Over -- I don't know which way but over the
25 bridge.

1 Q. Well, you left work. Where is work at?

2 A. 41.

3 Q. And when you leave out of the plaza, do you
4 go right or do you go left?

5 A. Left.

6 Q. So you are going now northbound on U.S. 41?

7 A. I'm not really good with directions.

8 Q. Okay. You are heading left, you were
9 heading towards Colonial?

10 A. Yes.

11 Q. When you get to -- at this point had you
12 seen the motorcycle that Mr. King was driving?

13 A. Yes.

14 Q. When did you first see the motorcycle he was
15 riding?

16 A. About two minutes after I got onto 41.

17 Q. And did you see where he had pulled out of
18 or anything?

19 A. I don't remember.

20 Q. Do you recall what plaza you saw the
21 motorcycle in for the first time when he first drew
22 your attention?

23 A. Probably near where the Steak and Shake sign
24 is.

25 Q. On 41?

1 A. Yes.

2 Q. Okay. Was there any other vehicles around
3 that motorcycle that you recognized?

4 A. Not at that moment, no.

5 Q. What drew your attention to the motorcycle
6 at that location?

7 A. Just always been nervous driving around
8 motorcycles.

9 Q. Smart. Was it loud? Did you hear the loud
10 exhaust or anything on that motorcycle?

11 A. Yes, it was loud.

12 Q. Did it seem to get louder the faster he
13 would go?

14 A. Yes.

15 Q. Okay. So when you saw the motorcycle and it
16 caught your attention, was he doing something that
17 drew your attention that made you nervous and was he
18 switching lanes a lot, what was happening?

19 A. He was just driving normal.

20 Q. What happened at that point? You are coming
21 up to Colonial. Did you stop for a light?

22 A. Yes, we stopped to turn left onto Colonial.

23 Q. Were you in front of him or behind him?

24 A. I don't remember.

25 Q. What were you driving?

1 A. A blue 2008 Dodge Avenger.

2 MS. MARZANO: I'm sorry, what kind?

3 THE WITNESS: 2008 Dodge Avenger.

4 BY MR. McFEE:

5 Q. Is that a passenger car or a truck?

6 A. It's a passenger car.

7 Q. Where in the line, if you remember, at the
8 light when you are going to turn left to go onto
9 Colonial, where in the line were you? Were you the
10 first car, second car, third car?

11 A. I was the first car.

12 Q. Was the motorcycle then behind you?

13 A. I don't remember because there's two lanes,
14 so I don't know if he was next to me or behind me.

15 Q. What happened at that point?

16 A. Well, the light turned green and I continued
17 driving.

18 Q. Making the left?

19 A. Making --

20 Q. Then there's two lanes?

21 A. And then we came from next to the overpass.
22 I got into the middle lane. Honestly, I don't
23 remember what the driving was until like the actual
24 crash happened.

25 Q. So when you guys made the turn you have to

1 move from the -- we'll call it the outside lane,
2 right. There's three lanes on Colonial; is that
3 correct?

4 A. Uh-huh.

5 Q. So we have the inside lane by the median,
6 then the middle lane, self-explanatory, then the
7 outside lane being the one furthest from the median.
8 Is that how you understand it to be?

9 A. Yes.

10 Q. When you make the turn onto Colonial do you
11 have to merge all, the two lanes come to one, is that
12 right?

13 A. Yes.

14 Q. Do you know where in that merging was the
15 motorcycle?

16 A. No.

17 Q. When you went onto Colonial past the
18 overpass, did you immediately move over into the
19 middle lane?

20 A. No.

21 Q. How long did you travel in the outside lane
22 until you moved to the middle lane?

23 A. About forty-five seconds.

24 Q. And during that period of time where was the
25 motorcycle?

1 A. Merged over to the middle lane.

2 Q. So the motorcycle was in the middle lane.

3 Did the motorcycle remain in the middle lane the
4 entire time that you saw him?

5 A. No.

6 Q. How long did the motorcycle ride in the
7 middle lane?

8 A. I don't remember.

9 Q. Okay. Do you recall the motorcycle passing
10 you at any point?

11 A. No.

12 Q. When the accident occurred then was the
13 accident in front of you or was it behind you?

14 A. Side to me.

15 Q. Okay. So you are in the right lane. Yes,
16 the right lane which is the outside lane, correct?

17 A. Uh-huh.

18 Q. The motorcycle is in the center lane. Did
19 you see any other cars on the road or trucks or
20 anything?

21 A. I did see a red truck that had a topper on
22 it, yes.

23 Q. You saw a red truck with a topper. Where
24 was that truck?

25 A. I want to say behind us.

1 Q. How far behind you?

2 A. I couldn't say.

3 Q. Okay. Do you know what lane that red truck
4 with the topper was?

5 A. No.

6 Q. Did you see any other vehicles on the
7 roadway in that area?

8 A. No.

9 Q. So now you are traveling down the road, tell
10 me what the next thing you remember seeing is?

11 A. The white truck swerving a little bit.

12 Q. So we have a red truck with a topper and we
13 have an white truck somewhere. So now there is
14 another vehicle you see. I asked you a question if
15 you saw any other vehicles and now you are telling me
16 you saw a white truck?

17 A. Yes. The white truck was there from the
18 beginning because it came from over the overpass.

19 Q. Okay. So that truck -- so as I'm
20 understanding as you are merging onto Colonial the
21 white truck was coming over the overpass?

22 A. Yes.

23 Q. You saw that come over the overpass?

24 A. Yes.

25 Q. Was it coming down the incline when you

1 first saw that white truck?

2 A. Yes.

3 Q. Okay. So which lane of travel was it in,
4 was it in the --

5 A. The middle lane.

6 Q. Did the motorcycle go in behind that truck
7 or did it go in front of that truck?

8 A. Behind.

9 Q. So that truck came over, you are looking to
10 your left and you saw that coming down the incline in
11 the center. You saw the motorcycle then move over
12 behind them?

13 A. Uh-huh.

14 MS. MARZANO: That would be yes.

15 THE WITNESS: Yes.

16 BY MR. McFEE:

17 Q. How close did the motorcycle come to that
18 vehicle as it came over?

19 A. It was a respectable distance.

20 Q. Meaning?

21 A. Two or three car lengths.

22 Q. The white truck, did you indicate to the
23 officer that that also had a topper on it?

24 A. Yes, but then I did, I remember now that I
25 did confuse the two, like I kind of meshed it all

1 because it was kind of all happening at the same time.

2 Q. So now in your recollection of it subsequent
3 to giving this statement you're saying that the white
4 truck didn't have a topper?

5 A. Yes.

6 Q. And that was some red truck with a topper?

7 A. Yes.

8 Q. Okay. So now the motorcycle is behind the
9 white truck. Could you tell what that truck was, what
10 kind of truck it was?

11 A. I want to say it was a Dodge.

12 Q. Okay. Are you fairly familiar with vehicles
13 and brands and stuff?

14 A. Not really.

15 Q. But you thought it was a Dodge?

16 A. Yes.

17 Q. Did it have an extended cab, did it have a
18 normal cab, did it have big wheels, small wheels, can
19 you describe that vehicle for me?

20 A. I don't remember.

21 Q. Okay. That's fair. When the motorcycle was
22 you said two to three car lengths behind, where were
23 you?

24 A. I was on the right.

25 Q. On the right of the truck or of the

1 motorcycle?

2 A. The truck.

3 Q. So what happens at that point, did you look
4 at the truck?

5 A. I didn't really get a look at the truck. I
6 was just noticing it going side to side in its lane a
7 little bit, so I went to speed up go like around it
8 because I didn't want to be in that situation.

9 Q. So were you behind that when you saw that
10 doing that or were you to the side it?

11 A. I was a little to the side but also a little
12 behind.

13 Q. Okay. Did you see who was driving the
14 vehicle?

15 A. No.

16 Q. Did you see how many people were in that
17 vehicle?

18 A. No.

19 Q. Do you know if there was more than one
20 person in this vehicle?

21 A. I do not know that.

22 Q. Okay. When you saw that, when you said --
23 when you say it was weaving was it coming into your
24 lane or to the other lane? What was happening there?

25 A. It wasn't really -- he was staying in his

1 lane but it was just teetering in his lane.

2 Q. Okay. Did you -- when you his, it could
3 have been a her, I guess, right?

4 A. Yes.

5 Q. When you sped up what did the motorcycle do,
6 do you know?

7 A. Moved to the inside lane.

8 Q. How do you know that?

9 A. When I seen the crash he was in the inside
10 lane.

11 Q. Okay. But -- all right, so you are basing
12 that upon where you saw the accident?

13 A. Uh-huh.

14 Q. So now --

15 MS. MARZANO: Would that be yes?

16 THE WITNESS: Yes.

17 BY MR. McFEE:

18 Q. So now you are ahead of the white truck,
19 correct?

20 A. Yes.

21 Q. You believe the motorcyclist is to the left
22 or the inside lane. So there's three of you now going
23 down the roadway?

24 A. Yes.

25 Q. Did you see any other cars behind the

1 motorcycle or the white truck?

2 A. I don't remember.

3 Q. Okay. How far ahead of the white truck were
4 you?

5 A. I'm not sure.

6 Q. Could you see the white truck as you are
7 driving in your rearview mirror from within your car
8 or could you see the white truck through your rearview
9 mirror on the outside?

10 A. The outside mirror.

11 Q. Okay. So you weren't far enough ahead that
12 you saw it through the rear view in the car yet; is
13 that correct?

14 A. Yes.

15 Q. At that point did you keep accelerating or
16 did you -- you were comfortably where you were?

17 A. I was comfortably where I was until I seen
18 the accident happen.

19 Q. How did you see the accident happen if you
20 were ahead of the accident?

21 A. Through my mirror.

22 Q. Through the side mirror?

23 A. Yes.

24 Q. Okay. Is that mirror, does it have one of
25 those little signs on it things look closer than they

1 are or look further than they are or that's the other
2 side mirror?

3 A. It is the other side.

4 Q. So this mirror that you are looking at it is
5 life size, I should say, right?

6 A. Yes.

7 Q. Okay, terrible description. Were you
8 looking straight ahead and then you just glanced? Did
9 you hear something? What made you look into your side
10 mirror at the time that you did?

11 A. I was about to merge over.

12 Q. Okay. So you were seeing if you could move
13 over yet?

14 A. Yes.

15 Q. And when you saw -- do you have headlights
16 from the truck in your mirror, is that how you see
17 that the truck is still there, that you can't move
18 over?

19 A. Yes.

20 Q. When you see these lights what did you next
21 see?

22 A. I seen the truck merge over to the left
23 lane, the inside lane, hitting the motorcycle, the
24 motorcycle guy trying to catch his balance and then
25 flew off the bike.

1 Q. Did you see the motorcycle or the truck when
2 you say it was trying to merge, did you see him with a
3 blinker moving over?

4 A. No.

5 Q. Now, your vehicle is lower, the Dodge
6 Avenger is much lower than a truck would you, right?

7 A. Yes.

8 Q. And based on where you were did you see the
9 motorcyclist himself or were you blocked by the truck?

10 A. I seen very little of the motorcycle.

11 Q. Okay. And so when this truck is moving
12 over, did it make a jerking move over or did it just
13 drift that direction?

14 A. It was drifting until he hit the motorcycle
15 then jerked back over.

16 Q. When he jerked back over did he strike you
17 or anything?

18 A. No.

19 Q. How far ahead of you -- I'm sorry. How far
20 ahead of the truck were you when you saw him jerk it
21 back over?

22 A. I couldn't say because when I did see it I
23 did speed up a little more to go ahead and turn around
24 to go back.

25 Q. You said that the motorcyclist you saw tried

1 to catch himself, what do you mean like?

2 A. When you are like falling on a bike, you
3 teeter back and forth to try to catch your balance a
4 little bit and he just couldn't control, like he
5 couldn't get his balance back.

6 Q. Did you see him hit the curb or anything,
7 the motorcycle?

8 A. Not that I remember.

9 Q. Okay. Did you see the person, any parts of
10 the vehicle fly off or anything like that?

11 A. Of the motorcycle or the truck?

12 Q. Either.

13 A. Of the motorcycle, yes. Of the truck, the
14 only thing I noticed on the truck was the tire was
15 flat and there was an indentation to the front.

16 Q. When did you recognize or see that?

17 A. When they hit.

18 Q. I'm having a hard time understanding this.
19 You are to the right of the truck and the motorcyclist
20 is to the right of the truck -- I'm sorry, to the left
21 of the truck. How are you seeing the damage to the
22 right -- the left side of the truck from the right
23 side of the truck?

24 A. To turn around I had to merge over to the
25 inside lane.

1 Q. Okay. And you are in the inside lane and he
2 is on the inside lane and how are you seeing that
3 damage?

4 A. When I turned around.

5 Q. Okay.

6 A. And made the U-turn, I glanced over my
7 shoulder.

8 Q. Was the truck still moving?

9 A. Yes.

10 Q. Did you ever see the truck stop?

11 A. No.

12 Q. It never stopped for a second, two seconds,
13 it just kept on going?

14 A. Yes.

15 Q. You said the tire was flat?

16 A. Yes.

17 Q. Which tire?

18 A. The front driver's side.

19 Q. Now, when you talked to the officer did you
20 tell the officer that you -- it could have been the
21 back one?

22 A. Yes.

23 Q. You don't remember which tire it was?

24 A. It was definitely the front tire.

25 Q. Okay. Have you seen any pictures or

1 anything since this case of the vehicle that they are
2 alleging was involved in this?

3 A. No.

4 Q. Have you seen any news reports or anything
5 along those lines?

6 A. I have seen a little bit on Facebook but I
7 didn't click on it because it brings back the memory
8 and I don't want to get involved with it.

9 Q. Where do you go on Facebook?

10 A. It was just popping up on Facebook.

11 Q. Did you go to any groups or any kind of
12 Justice or Adam King sites or anything along those
13 lines?

14 A. Not that I can think of.

15 Q. I mean I'm wondering how this popped up
16 without you going and finding it?

17 A. I am friends with some of his family members
18 on Facebook.

19 Q. Were you friends with them before this
20 incident or after?

21 A. After.

22 Q. Who have you become friends on Facebook
23 after this incident with?

24 A. His brother.

25 Q. What is his brother's name?

1 A. Alex.

2 Q. King?

3 A. Yes.

4 Q. Did Alex King reach out to you and request
5 the friend, the friend request on Facebook or did you
6 reach out to him?

7 A. I believe I reached out to him.

8 Q. Why?

9 A. I just felt I needed to talk to them.

10 Q. Did they -- have they advised you or talked
11 to you about the case at all?

12 A. No. The only one I did talk to was Alex.

13 Q. About the case?

14 A. Not even about the case, just like what I
15 seen and everything.

16 Q. If you talked to him about what you saw,
17 that's about the case, right?

18 A. I guess so.

19 Q. So you have talked to the family member
20 since this incident about the case?

21 A. Yes.

22 Q. And he talked back to you and told you what
23 he knew about the case?

24 A. Not that I remember.

25 Q. When did you speak to him?

1 A. About a week after.

2 Q. You spoke in person or just through
3 Facebook?

4 A. In person.

5 Q. Did you set up a meeting to meet with him?

6 A. Yes.

7 Q. Where did you meet?

8 A. At a Starbucks.

9 Q. Can you tell me what the discussion was? I
10 mean, it is a little unusual to hear that a key
11 witness is meeting with a family member. So what was
12 the particular discussions? How did it start, did you
13 call him?

14 A. No.

15 Q. He called you?

16 A. We never like spoke on the phone. We just
17 messaged once or twice and then he wanted to meet up
18 and I was like, okay, well, I feel like I kind of need
19 to go talk to him, tell him what happened so he
20 actually seen someone from there, the accident,
21 knowing what happened. He said that if I ever needed
22 anything to let him know because, obviously, I was by
23 myself through this whole thing.

24 Q. When you say you were by yourself, you had
25 your family and stuff, right?

1 A. But they kind of don't understand what is
2 going on.

3 Q. Have you seen a counselor or anything about
4 it?

5 A. No.

6 Q. Other than Alex King and that meeting that
7 you had at Starbucks and you said that was about a
8 week after the incident?

9 A. Uh-huh.

10 Q. I'm sorry, yes?

11 A. Yes.

12 Q. And you had messaged him a couple of times
13 on Facebook?

14 A. Yes.

15 Q. Did he invite you to join the Justice for
16 Adam King Facebook page?

17 A. I don't believe so.

18 Q. Did you sign up for that, did you join that
19 group?

20 A. Not that I recall.

21 Q. How about any other Facebook pages relating
22 to this accident or this crash?

23 A. I don't know.

24 Q. You don't know?

25 A. I don't remember. The only really group I'm

1 in is for my ROTC, that's about it.

2 Q. You're saying that you saw the tire and the
3 damage to the truck after you made the U-turn,
4 correct?

5 A. Yes.

6 Q. So at that point you are looking potentially
7 face to face with that vehicle?

8 A. Yes.

9 Q. You still couldn't tell how many people were
10 in the car?

11 A. No.

12 Q. Still couldn't tell if it was a male or
13 female that was driving?

14 A. No.

15 Q. You couldn't make any identification at all
16 of the driver of the vehicle, correct?

17 A. No.

18 Q. White or black, you wouldn't be able to
19 tell?

20 A. The windows were up and tinted, so...

21 Q. But the front window is not tinted?

22 A. No. We weren't like ahead, face to face.
23 It was kind of like driving by and I kind of just
24 glanced over.

25 Q. Is there anything in the median there that

1 would block your vision at all?

2 A. There were some trees.

3 Q. And you're saying those trees didn't affect
4 your vision at all?

5 A. No.

6 Q. What did you then do?

7 A. I drove until I found a place where I could
8 turn and park the car and then I ran over and went
9 over to where Adam was.

10 Q. Did you see where the motorcycle landed?

11 A. Yes.

12 Q. Where was that at?

13 A. It landed -- so where the median was, there
14 was also like a turning lane where like the tree -- I
15 don't know how to explain this.

16 Q. Do you want to draw?

17 A. I'm not the best drawer, so...

18 Q. And you are doing fine. Explain. Go it.

19 A. All right. So here --

20 Q. It doesn't have to be perfect. A rough
21 sketch is fine.

22 A. So this is the turning lane.

23 Q. Is that heading westbound towards Cape Coral
24 or away from Cape Coral?

25 A. This is to Fort Myers. Then this is the

1 tree and the sign and the rest of the median. The
2 motorcycle was right here.

3 Q. So the motorcycle was in the eastbound turn
4 lane, correct, if you are heading towards Fort Myers,
5 eastbound, it was in the turn lane at that median; is
6 that right?

7 A. Yes.

8 Q. And this median that you are indicating, did
9 you turn beyond that median? Is that where you
10 turned?

11 A. Yes, I turned --

12 Q. You turned before Summerlin, at Summerlin or
13 after Summerlin?

14 A. It was either before or at Summerlin.

15 Q. Did you ever see where this truck went?

16 A. No.

17 Q. You didn't see whether it crossed the
18 bridge, whether it made a turn or anything like that?

19 A. No, I did not see where it went.

20 Q. Did you ever see -- were you ever brought
21 back to another vehicle and shown a Jeep in the
22 Walgreen's parking lot?

23 A. Yes.

24 Q. And you are indicating that was not the
25 vehicle?

1 A. Yes, it was not the vehicle.

2 Q. What made you so sure that that wasn't the
3 vehicle, because that had damage to the front driver's
4 side and a blown tire, correct?

5 A. Yes, it didn't look the same as when I seen
6 it before.

7 Q. Okay. Where did the red truck with the
8 topper go?

9 A. I believe from the overpass there's little
10 shops and streets over on this side. He could have
11 turned there but I'm not sure.

12 Q. Okay. Now, you indicated today that the
13 vehicle had tinting on the windows. Was it dark tint?

14 A. It was more purplish, like bluey kind of.

15 Q. Do you recall telling the officer that --
16 when she asked the question did it have dark tint on
17 it or you are not sure, you said I'm really not sure.
18 Do you recall saying that?

19 A. I do not.

20 Q. Do you recall when the officer asked you
21 about the tire, do you think maybe -- that maybe then
22 he had a flat tire and your answer was I believe he
23 did have a flat tire. It could have been. I thought
24 it was the front but it could have been the back, too?

25 A. I remember saying that.

1 Q. So at that point immediately following this
2 you didn't know if the tire was flat?

3 A. It was just all happening just in the
4 moment.

5 Q. Sure. Would you not agree that maybe your
6 memory back then was a little better than it might be
7 today, because it had just happened?

8 A. I don't understand what you are asking.

9 Q. Could your memory have been better back then
10 about what actually happened and what you saw when you
11 first talked to the officer rather than today after
12 you have had an opportunity to talk to family members
13 and different people about the case?

14 A. I'm not sure only because like the
15 adrenaline and everything was just -- I was kind of in
16 shock like I have never really seen something like
17 that happen. It all kind of was like in the moment
18 and I don't know.

19 Q. Did it feel like your mind was playing
20 tricks on you or something?

21 A. It felt like everything was hitting me at
22 once.

23 Q. Did you see the truck turn at the light or
24 go past the light or anything like that?

25 A. I didn't see anything like that.

1 Q. Do you recall telling the officer that you
2 didn't know what the color of the truck was, the top
3 was white but you didn't know what the rest of the
4 color was?

5 A. I do not recall saying that.

6 Q. Other than what we have talked about today
7 and speaking to Alex King about a week after this
8 incident, have you spoken to anybody else about this
9 case?

10 A. Except for my family, no.

11 Q. Who in your family have you spoken to about
12 the case?

13 A. My sister and my mom.

14 Q. Did you -- you remember giving the statement
15 to the police officer that night, right?

16 A. (Nodding affirmatively.)

17 Q. I'm sorry, you have to say yes or no.

18 A. Yes.

19 Q. Did you speak to any other law enforcement
20 officers, state attorneys, prosecutors, anybody since
21 this incident?

22 A. No.

23 Q. About the facts of this case?

24 A. No, I have not.

25 MR. McFEE: I have nothing further.

CROSS-EXAMINATION

1
2 BY MS. MARZANO:

3 Q. Actually, we did meet last week, right?

4 A. Yes.

5 Q. You did talk to me about it, right?

6 A. Yes. I didn't know like if that was what he
7 was asking. I thought if he meant at that moment.

8 Q. But we did talk and just briefly went over
9 your statement and you told me what you remembered,
10 right?

11 A. Yes.

12 Q. And I told you that you were going to come
13 in here today and that you would be asked some
14 questions and all that we wanted from you was truthful
15 answers. That's what you actually can remember,
16 right?

17 A. Yes.

18 Q. And you were asked about perhaps saying the
19 night of you didn't -- you weren't a hundred percent
20 sure about the color of the vehicle, something about
21 the topper being white but are you sure as you sit
22 here today that the color of the vehicle was white, it
23 was a white truck that you saw?

24 A. Yes, ma'am.

25 Q. And that night were you pretty upset?

1 A. You could say upset. More startled and like
2 unsure of what to do kind of.

3 Q. And even now this incident that occurred and
4 having witnessed it has it affected you deeply?

5 A. It has actually. Every time I drive past
6 that going home from work I get upset, yes.

7 Q. So you have thought about what you saw that
8 night. Did you have opportunity to really think about
9 it a little bit more as you have calmed down and you
10 had a chance to reflect on it?

11 A. Yes.

12 Q. So do you think maybe you remember some
13 things better after you had time to think about it
14 than on the night when it occurred and there was just
15 a lot of things going on?

16 A. Yes.

17 MS. MARZANO: I don't think I have anything
18 else.

19 REDIRECT EXAMINATION

20 BY MR. McFEE:

21 Q. You watched the news accounts of the
22 incident, correct, whether it is on line or on TV, you
23 saw multiple stories about this case?

24 A. I have seen some, not multiple, probably
25 one.

1 Q. You saw the fact that the person they
2 arrested they had a white truck found outside of his
3 house, right?

4 A. Yes, I didn't really read into it or
5 anything.

6 Q. But you saw that the truck that they
7 identified was a white truck, rather than an I don't
8 know what color the truck was, right?

9 A. Yes.

10 Q. And that night you told the officer that you
11 saw a white topper on a truck that you don't know what
12 the color of it was that caused the accident?

13 A. I did say that, but I was mixing up the two
14 trucks, yes.

15 Q. Okay. And this was within the statement
16 given within one hour of this occurring?

17 A. Yes.

18 MR. McFEE: I don't have anything further.
19 Do you have any, Mara?

20 MS. MARZANO: No.

21 (Whereupon, a discussion was held off the
22 record.)

23

24

25

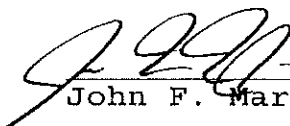
CERTIFICATE OF OATH

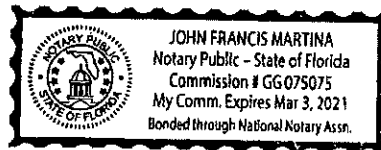
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF FLORIDA)
COUNTY OF LEE)

I, John F. Martina, Jr., Contract Reporter,
20th Judicial Circuit of Florida certify that Shane
Romero appeared before me and was duly sworn.

WITNESS my hand and official seal this 14th
day of March, 2017.


John F. Martina, Jr.



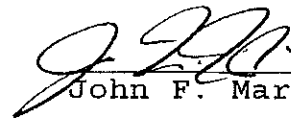
1
2 STATE OF FLORIDA)

3 COUNTY OF LEE)
4

5 I, John F. Martina, Jr., Registered
6 Professional Reporter, 20th Judicial Circuit of
7 Florida and Notary Public, State of Florida, do hereby
8 certify that I was authorized to and did
9 stenographically report the foregoing deposition of
10 Shané Romero and that the foregoing typewritten
11 transcript, consisting of pages 1 through 35, is a
12 true record of the testimony given by the witness.

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

18 Dated this 14th day of March, 2017.
19

20 

21 John F. Martina, Jr., RPR
22
23
24
25