

1 THE COURT: Okay. Hand that to me.

2 MR. DUARTE: Judge, just for the record's
3 purposes, I have had opportunity before today's
4 hearing to have reviewed those documents at the
5 office of the prosecutor on various occasions, Your
6 Honor. I have inspected them.

7 THE COURT: All right. Thank you.

8 MS. FLADER: With that, the State would
9 pass this witness.

10 THE COURT: All right.

11 MR. DUARTE: I have nothing for this
12 witness.

13 THE COURT: Thank you, sir. You may step
14 down.

15 THE WITNESS: Thank you, sir.

16 MS. FLADER: Judge, may this witness be
17 released?

18 THE COURT: Yes. Next witness, please.

19 MS. FLADER: The State calls Deputy
20 Whitlock.

21 THE COURT: You're still under oath. So,
22 you can take the stand, sir. You're fine.

23 **DEPUTY ALAN WHITLOCK,**

24 having been first duly sworn, testified as follows:

25 **DIRECT EXAMINATION**

1 BY MS. FLADER:

2 Q. Are you the same Deputy Whitlock that testified
3 in the trial earlier this week?

4 A. Yes, ma'am.

5 Q. I want to talk to you about how what happened
6 on this occasion, how this has affected you. So, I would
7 like you to walk us through right after the shooting how
8 you were affected, both, you and your family directly
9 after the shooting.

10 MR. DUARTE: Just for the record, I'll
11 object to his own victim impact, his family. I would
12 object to it. It's irrelevant, Your Honor.

13 THE COURT: It's overruled.

14 A. You're talking about from the time it happened?

15 Q. (By Ms. Flader) Yes.

16 A. From the incident, I did testify that when I
17 was struck with the bullet that come through the
18 windshield, it knocked the wind out of me, and I had to
19 honestly sit there and talk to myself, tell myself I
20 wasn't dying.

21 One thing we're trained is we've got to fight. We've
22 got to fight through everything. So, I had to tell myself
23 I wasn't dying. I tried to catch my breath, my composure,
24 and continue on. When everybody started -- when all the
25 other officers and deputies started showing up, it really

1 started to sink in again.

2 But I think the hardest thing that I had to go
3 through that night came about 4:30 in the morning. I was
4 sitting on the ambulance getting ready to leave the scene
5 and I had to call my wife and explain to her that I was
6 involved in an incident, and they were just taking me to
7 the hospital just for evaluation.

8 As a wife of a police officer, I understand that
9 telling them you are involved in an incident doesn't work.
10 They want to know what happened. And you have to tell
11 them you were shot. It was hard to talk to her because,
12 obviously, she lost some composure herself.

13 We took care of getting the kids taken care of because we
14 have two children. They had to be cared for, you know, to
15 be able to be left in the middle of the night. So, her
16 and my son came to the hospital and I seen them.

17 My mother, she showed up. From that point, my
18 six-year-old daughter -- she's going to be seven -- still
19 doesn't know. She still doesn't know about it. About
20 three weeks before the incident, my daughter woke up
21 crying, woke my wife up crying. Had a nightmare that her
22 daddy was shot. So, when that actually happened three
23 weeks later, I didn't see any reason to tell her. She'll
24 find out when the time is right.

25 It's a hard thought. I have to get dressed every day

1 to go to work. And while I was off on leave, it was --
2 the thought crossed my mind, something I believe I was
3 called to do, something I wanted to do since I was a young
4 child, not to go back.

5 I'm just -- I try to do a job, I'm doing my job, and
6 somebody intends to take my life. It's very hard to
7 explain how you feel.

8 From that point, my wife, she had -- she had some
9 health issues anyway. She had medical conditions.

10 MR. DUARTE: I object, Your Honor, again,
11 relaying the conditions of the wife, as far as
12 relevance, as far as the impact on this victim, Your
13 Honor.

14 THE COURT: It's overruled.

15 A. She was a teacher. Due to her already health
16 conditions, they became worse. The stress that was
17 relayed to her through this where she could no longer
18 carry out her job as a teacher and she had to resign and
19 get a job with less stress involved with it after she was
20 off for a while. She was off almost a year before she
21 could go back to work. And every day --

22 MR. DUARTE: I would object to the
23 narrative at this point, Your Honor.

24 THE COURT: It's overruled.

25 A. From then, myself, just getting ready every day

1 becomes hard because I leave with even -- it's still --
2 the fear is still there, it's a possibility that I don't
3 come home. It's even stronger just on the realization
4 that it almost happened on September 2nd. I almost
5 didn't go home.

6 Q. (By Ms. Flader) Do you relive that situation?

7 A. That situation -- I think about that situation
8 every night, every time I stop a car, every time I knock
9 on a door. I have to think about it. I have to be sure
10 that my level of safety that I'm doing -- the safety steps
11 I'm taking on every call, I have to be sure that I'm
12 taking.

13 Q. Tell us about the very first traffic stop that
14 you did after this situation.

15 A. The very first traffic stop I did after this
16 situation was -- I decided -- I had gone a couple of days,
17 I believe. I believe. I don't remember exactly how long
18 it was before I made my first traffic stop after I had
19 gone back to work. And when I pulled in behind the car,
20 the car stopped, or the truck, it stopped. And I walked
21 up to it. I was nervous. I mean, it was very -- very
22 hard. I had my -- I had my hand on my gun about halfway
23 out of my holster just for safety reasons. And it became
24 even harder and something I had to think about very hard
25 when the occupant of that vehicle handed me a concealed

1 handgun license because he had a gun in his pocket.
2 Something that had never affected me before, such as a
3 law-abiding citizen goes through the procedures of getting
4 their own concealed handgun license. Now I had to take
5 that gun from him while I conducted my business. I
6 wouldn't let him have it, and I gave it back to him when I
7 left. That's not normally me. It's just the level of
8 security that I have to take now to make sure -- because I
9 want to go home at the end of my eight hours.

10 Q. Other than the stress and how your wife had to
11 quit her job, has this affected your son, as well?

12 A. It has. I have a hard time talking about it
13 because he's 14. He doesn't talk a lot; I wish he did. I
14 wish he talked a lot more about how he feels about it.
15 But he too has had dreams since then that I got shot and
16 hadn't come home. He's expressed that to us that he's had
17 nightmares of me getting shot on duty since this incident.

18 MS. FLADER: Pass the witness.

19 THE COURT: Questions, sir?

20 MR. DUARTE: I have nothing for this

21 witness.

22 THE COURT: Thank you. You may step down.

23 MS. FLADER: The State would rest.

24 THE COURT: The State rests. What say the
25 defense?