

KEY WEST
CITIZEN REVIEW BOARD

In Re: The matter of
MATTHEW SHAUN MURPHY

**CERTIFIED
COPY**

M i n i

SWORN STATEMENT OF **MARIE ANNULYSSE**

Friday, August 8, 2014
Beginning at 10:39 a.m.
Ending at 11:28 a.m.
317 Whitehead Street
Key West, Florida

Stenographically Reported By:

Cathy H. Webster, FPR, RPR
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Sworn Statement of M. Annulyse 8/8/14 CRB

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 1 KEY WEST CITIZEN REVIEW BOARD In Re: The matter of MATTHEW SHAUN MURPHY SWORN STATEMENT OF MARIE ANNULYSSE Friday, August 8, 2014 Beginning at 10:39 a.m. Ending at 11:28 a.m. 317 Whitehead Street Key West, Florida Stenographically Reported By: Cathy H. Webster, FPR, RPR 302 Southard Street, Suite 107 Key West, Florida 33040 305.295.6279 cwebkw@gmail.com	3 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 Sworn statement taken before Cathy H. Webster, Registered Professional Reporter and Notary Public in and for the State of Florida at Large in the above cause. * * * * * THE COURT REPORTER: Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth? THE WITNESS: I do. MARIE ANNULYSSE, being first duly sworn, testified as follows: EXAMINATION BY MR. CINTRON: Q Is it okay if I use your first name? A Yeah, that's fine. Q And that's Marie? A Marie, yes. Q Marie, let me just give you a little bit of background. I think you may remember me from the meeting we had at the Citizen Review Board ten days or so ago. I'm the lawyer for the Citizen Review Board. Okay? And, as you know, the Citizen Review Board, that we call the CRB, has opened up an investigation of the circumstances surrounding this unfortunate incident that happened in April of 2011.
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 2 Representing the Key West Citizen Review Board: Robert Cintron, Esq. Cintron & Hogan PA 317 Whitehead St Key West, FL 33040-6542 keywestlawyer@bellsouth.net I N D E X <u>Examinations Page</u> MARIE ANNULYSSE EXAMINATION BY MR. CINTRON 3 CRB E X H I B I T S <u>No. Description Page</u> 1 Office of the Chief of Police Statement 33 Form	4 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 Yes. Q Regarding Mr. Murphy. A Yes. Q Okay. Anything you say is a matter of public record. I just wanted to let you know that. The second thing is this is really your chance to accurately describe what happened without feeling like someone is your enemy or out to get you because the Citizen Review Board is looking at this not taking any sides. We're not trying to protect anyone. We're not trying to go after anyone. We're just trying to get whatever factual information that we can get to make sure that the board, the Citizen Review Board, has all the facts when they ultimately review this situation independent of the police department and independent of State Attorney's Office. So you should feel comfortable to be forthright in answering any questions I have because the more information that we have, the better it is for the Citizen Review Board to make a decision that's based on all of the information. Okay? A Yes. Q And you understand you're under oath? A Yes. Q Which means that you have to tell the truth.

5 1 A Yes. 2 Q Please don't guess. You know, if I ask you a 3 question and you don't know the answer, just say, "I 4 don't know." Don't try to make up an answer because 5 that's always dangerous. And I realize this happened a 6 few years ago and things may not be as clear in your 7 mind today as they may have been then. So don't guess 8 at what you think it was if you don't know. 9 A Yes. 10 Q Now let's get a little bit of background. Why 11 don't you tell me a little bit about yourself; where you 12 grew up; how long you have lived in Key West; how old 13 you are. Just give me a little bit of background. 14 A Well, I'm from Haiti. I came to the U.S. when 15 I was, I believe, 11. I've been in Key West, Florida, 16 since I was 11, and I'm 26 now. 17 Q Do you have -- did you complete school in 18 Haiti? 19 A No. I did middle school and high school here. 20 Q So you completed high school here in Key West? 21 A Yes. 22 Q Did you graduate from Key West High School? 23 A No, I did not. I got a GED. 24 Q Do you have family here? 25 A I have, yeah, my mom, my brothers and my	7 1 A 320 Angela Street, Apartment 5-A. 2 Q I want to go back to the day that this taser 3 event occurred in April of 2011. 4 A Yes. 5 Q And I want to kind of find out what the 6 situation was then. Okay. Mr. Murphy, on that day how 7 long had you known that gentlemen? 8 A I knew him since 2008. 9 Q And how did you meet him? 10 A He was living in Key West for a little bit and 11 then I think he had lost his job and then he moved back 12 to West Virginia. I met him in Key West. He was living 13 here. 14 Q You met him sometime in 2008, you believe? 15 A Yeah. 16 Q And then he lost his job and went to West 17 Virginia? 18 A Yeah. Couple, maybe couple of months later, 19 maybe five or six months after we met, you know, he lost 20 his job. One of his friends that he was living with 21 died. So the place that he was living with got 22 foreclosed and he moved back home. 23 Q Now did he come back to Key West? 24 A Well, he was coming back and forth to see me. 25 And then 2009 he asked me to move to West Virginia with
6 1 sister. 2 Q What is your mother's name? 3 A Her name is Marie Larmecie Ysme. 4 Q How do you spell that, please? 5 A The middle name? 6 Q All of it. 7 A Well, it's L-a-r-m-e-c-i-e, like Larmecie. And 8 Ysme is Y-s-m-e. 9 Q And that's your mom's name? 10 A That's my mom's name. 11 Q And what's your brothers' names? 12 A My brothers' names -- I have three brothers. 13 Q Do they all three live in Key West? 14 A No. Only one of them is living in Key West. 15 Q And what is his name? 16 A Kin, K-i-n. 17 Q K-i-n, and what's his last name? 18 A Annulyse. 19 Q Okay. Do you have currently any employment? 20 A Yes, I do. 21 Q And where do you work? 22 A I work at the Lighthouse Court Hotel. 23 Q About how long have you worked there? 24 A About three years. 25 Q And what is your current address?	8 1 him and I did that and then, you know, he proposed and 2 everything, asked my mom for me and everything like 3 that. 4 Q Where in West Virginia? 5 A Huntington. Huntington, West Virginia, but his 6 family lives in Barboursville. 7 Q In where? 8 A Barboursville. 9 Q Barboursville, West Virginia? 10 A Yes. 11 Q When you went up there, did you begin living 12 with him? 13 A Yeah, we were living together. 14 Q Were you living in a house or an apartment that 15 he had? 16 A It was a house that we were leasing. 17 Q And about how long did you live up in West 18 Virginia with Mr. Murphy? 19 A Well, got pregnant with my son, Kaeden, and he 20 was working a lot. Like he would go to work all week 21 and then come on the weekends and stuff. So I would say 22 it was about like four months after I went back home. 23 Q Why did you move back home? 24 A Just missing Key West. I was missing home, 25 missing my family, and he was always away at work.

9 1 Q What was he doing up there? What was his job? 2 A He was working with the union, like -- I'm not 3 real sure. 4 Q Was it construction-type work? 5 A Yeah. Not construction but like -- what do 6 they call it? Not in mines, not the mines, but like he 7 would go work -- I can't remember, but he would leave 8 for all week. Maybe his dad, his dad know because his 9 dad got him that job. 10 Q Now do you know what year it was that you moved 11 back to Key West from West Virginia? 12 A It was about say 2010. 13 Q And he stayed up there? He, Mr. Murphy. 14 A Yeah, he stayed up there for a little bit and 15 then I came here, had my baby. 16 Q When was your child born? 17 A He was born November 11th -- November 14, 2010. 18 Q When you came back, he did not come back with 19 you at that time? 20 A No. 21 Q Where were you living then? 22 A I was living with my mom, went back to my mom. 23 Q Now once you were back to Key West, did you 24 ultimately go to work again or did you just stay home 25 with your child?	11 1 A Yes. 2 Q And what was that date? 3 A It was going to be like May-ish. 4 Q Of what year? 5 A 2011. 6 Q To your knowledge had he ever been in any 7 trouble with the law? 8 A Well, from what he told me, I know that he was 9 arrested down here for driving without a license or 10 something, but not to my knowledge that he was arrested 11 or convicted of anything. 12 Q And what about you, have you had any run-ins 13 with the law? 14 A No. 15 Q Now I want to go back to the day that this 16 happened. This happened early in the morning on the 17 11th, correct, or the 10th? 18 A April 16th. 19 Q April 16th. You're right. I'm sorry. It was 20 April 16th? 21 A Yeah. Around like 3:40-ish in the morning. 22 Q I want to go back, okay, before the incident. 23 Tell me what you all had been doing; you all being you 24 and your husband, your soon-to-be husband, Mr. Murphy. 25 What were you all doing prior to this incident?
10 1 A I just stayed home because I was really 2 pregnant. 3 Q Now with respect to Mr. Murphy, while you're 4 down here, did he come visit you from time to time when 5 you were down here? 6 A Yeah. He was working. He was sending me money 7 and stuff. So that's why I was able to not work and 8 just continue. 9 Q Did he come down from time to time to see you? 10 A While I was pregnant, no. After I give birth 11 he came down. 12 Q Now did there come a time when he moved back to 13 Key West? 14 A Yes. 15 Q When was that? 16 A I'll say like 2011 he went back, yes. 17 Q And did he find employment down here? 18 A Yes, he did. 19 Q Where was he working? 20 A He worked at Daddy Bones for a little bit doing 21 delivery. And then he worked at the Sandal Factory for 22 a little bit. And then he found line cook at the Salute 23 with Richard. 24 Q And had the two of you set the date to be 25 married?	12 1 A Well, it was his friend's birthday. 2 Q Who is his friend? 3 A Some guy that he was working with at Salute. 4 Q Do you know his first name, last name, or 5 anything? 6 A No. All I knew is that he was working in the 7 kitchen with him. 8 Q At Salute? 9 A Salute, yeah. 10 Q This gentleman, whose birthday it was, worked 11 at Salute? 12 A Yes. 13 Q If you saw him again would you recognize him? 14 A Yes. 15 Q So it was his birthday? 16 A It was his birthday. So he invited me and Matt 17 -- he invited Matt out. He was supposed to go out that 18 Saturday. So Matt was like, "You know what?" Because 19 he was going on both days. So Matt say, "I feel like 20 something is going to happen. Let's just go out today 21 and then we're going to stay in Saturday." 22 Q This was Friday night? 23 A Yes. 24 Q What do you think he meant by "I feel like 25 something is going to happen"?

13 1 A He just had a feeling. Okay. I didn't 2 question him. I was like, "Okay, we can just stay home 3 Saturday." 4 Q So Matt decided to do the party on Friday with 5 his friend? 6 A Yeah. 7 Q And you went along? 8 A Yeah. 9 Q And where was his party? 10 A Well, everybody was at Lazy Gecko. 11 Q Who is everybody? 12 A Him and the co-worker, and then I had some of 13 my friends with me that, you know, they drove downtown. 14 We walked to Duval Street. 15 Q At that time -- I didn't ask you this, but at 16 that time were you and Matt living together or were you 17 living separate? 18 A We were living together. 19 Q And was that at the Angela Street address? 20 A Yes. 21 Q So you and Matt walked to the Lazy Gecko? 22 A Yes. 23 Q About what time did the party start? 24 A Like 12:00-ish. 25 Q So it was a late start?	15 1 didn't know what he was doing? 2 A He always say, "I'm Irish," you know. He 3 doesn't -- no, he doesn't drink too much. 4 Q How about you, are you okay with handling 5 alcohol? 6 A Yeah. And, plus, I was breastfeeding. So I 7 wasn't drinking too much and stuff. 8 Q So you're at the Lazy Gecko. The party starts 9 around midnight? 10 A Uh-huh. 11 Q Right? 12 A Yeah. 13 Q And then when did the party start ending? 14 A Well, everybody started leaving around like 15 3:00-ish and we started just walking back home. 16 Q When you left the party, tell me who you were 17 with and what direction you were heading. 18 A Okay. Well, it was just me and Matt walking, 19 but then as we were walking we met -- he saw one of his 20 friends that he used to work at Daddy Bones with. I 21 don't know his name or nothing like that. He's 22 Caucasian male. So we started walking. 23 As we got right by the little stairway the 24 accident happened, this couple -- 25 Q I want to go back a little. So you and Matt
14 1 A Yeah. 2 Q What had you been doing before the party 3 started, you and/or Matt? What had you been doing? 4 Were you downtown -- 5 A Yeah. 6 Q -- doing other things? 7 A Yeah, we were just walking around and stuff, 8 walking Duval Street like we all do, you know. 9 Q When do you think it was approximately that you 10 first got to Duval Street that evening? 11 A I would say around 11:00-ish. 12 Q And did you go straight to the Lazy Gecko or 13 did you just walk around or did you go to a night club, 14 to a bar? 15 A We went walking around and then we went to Lazy 16 Gecko. 17 Q And do you drink alcohol? 18 A Yes. 19 Q And what about Matt, did he drink alcohol? 20 A Yes. 21 Q From your knowledge of Matt, did you have any 22 feeling that he had any difficulties dealing with 23 alcohol? 24 A No. 25 Q You never saw him inebriated to the point he	16 1 leave the party, just you two? 2 A Just us two. 3 Q And then you bump into this fellow that used to 4 work at Daddy Bones with Matt? 5 A Yeah. They were friends. 6 Q And is this the same fellow -- no, Salute is 7 the other fellow? 8 A Yeah. He's a black guy. 9 Q The guy at Salute is a black gentleman? 10 A Yes. 11 Q And then the fellow from Daddy Bones is a white 12 gentleman? 13 A Yes. 14 Q You don't know this person's name either? 15 A No. 16 Q Do you know anyone who knows him? 17 A Well, not that I know of. No. 18 Q But you're pretty confident he worked at Daddy 19 Bones? 20 A Yes. Because after the accident happened, I 21 went to Daddy Bones and I spoke with him. 22 Q Do you know where he is today? 23 A No, I don't. 24 Q Daddy Bones is either out of business or on the 25 verge?

17

1 **A Yeah. I know that he had went to jail for**
2 **violation of probation soon after that thing, that**
3 **incident happened. So if I see his picture I would**
4 **definitely recognize him because I went and spoke to**
5 **him.**
6 **Q** So this fellow -- so now there's three people
7 walking down Duval Street, you and Matt and this fellow
8 from Daddy Bones?
9 **A Yes.**
10 **Q** And I gather you all are heading south on
11 Duval?
12 **A Yes.**
13 **Q** On what side of the street?
14 Let me make it easy. Was it on the Hard Rock
15 side or the Grand Cafe side of Duval, or does that make
16 it difficult for you?
17 **A Across Wendy's.**
18 **Q** It was on the Wendy's side?
19 **A No. The other side.**
20 **Q** Okay. So you were on the west side of Duval
21 with Wendy's being on the east side?
22 **A Yes. If I'm walking down I'm on the left side.**
23 **Q** And you're heading south?
24 **A Yes.**
25 **Q** Did you stop at any bars or anything?

18

1 **A No, walking home. He was talking to his friend**
2 **and they were just talking about work.**
3 **Q** What was Matt -- how would you describe his
4 level of intoxication, if at all?
5 **A I mean, you wouldn't think that he was that --**
6 **he was intoxicated.**
7 **Q** Did he drink any alcohol at the party?
8 **A Yes, he did.**
9 **Q** What was he drinking?
10 **A I know that he had like a shot of Padron and**
11 **then like two cocktails because we weren't, we didn't**
12 **have money like that to spend, so we were watching our**
13 **budget.**
14 **Q** Now you're heading down Duval Street with this
15 Daddy Bones fellow and I gather you get to Caroline
16 Street, right, which is where Bull & Whistle is?
17 **A We pass Caroline Street.**
18 **Q** Now you go past Grand Cafe on the right?
19 **A Uh-huh.**
20 **Q** And did something happen about the time that
21 you got past Grand Cafe on Duval Street?
22 **A Yeah. The couple that was sitting on the**
23 **steps, it was right in front of a clothing store, they**
24 **stopped Matt. Matt, you know --**
25 **Q** Let me stop you for a second. On that side of

19

1 Duval you have got the Women's Club, right, that big red
2 brick building as you are going towards Wendy's. Had
3 you passed it?
4 **A Yes, we had passed it.**
5 **Q** Then there is a cigar store?
6 **A Across the cigar store.**
7 **Q** So you were across the street near where the
8 Southern Cross Hotel is?
9 **A Yes, a little bit -- like here's Southern Cross**
10 **and then here's the steps, right there (indicating).**
11 **Q** There's one of these Duval Street businesses
12 there that sells bathing suits and stuff?
13 **A We were past that one. So here's the bathing**
14 **suit shop, here's Southern Cross entranceway and then**
15 **here's the steps, right there (indicating).**
16 **Q** There were some people sitting there?
17 **A Yes.**
18 **Q** And I gather at that time in the morning there
19 weren't a whole lot of people on Duval Street?
20 **A Yeah, there was people walking home and stuff.**
21 **It was mostly more people across the street walking.**
22 **Q** So you all come in contact with these two
23 people. Tell me what happened. Is it a man and a woman
24 sitting there?
25 **A A man and a woman and the lady was holding a**

20

1 **little dog, a dog. And I wasn't watching. I was**
2 **just -- we wanted to go home.**
3 **Q** Did you know those people at all?
4 **A No.**
5 **Q** So what happened?
6 **A The guy stopped Matt and asked Matt for**
7 **something, because Matt went towards him and, you know,**
8 **they said something. Like he -- it's 3:00-something in**
9 **the morning. He stopped him. He was asking him for**
10 **something. So then when I saw Matt stop, I say, "Come**
11 **on, Matt. Let's go. Let's go. Like forget about these**
12 **people. Let's go."**
13 **As he's walking away, I hear the lady say,**
14 **"Nigger lover."**
15 **I'm like -- I'm like, "Is this a prank or**
16 **something? Like what the hell is going on?"**
17 **And then we thought like, "You guys are so**
18 **ignorant."**
19 **We started arguing like this is ignorant. And**
20 **there was two black guys that was walking on the street.**
21 **Like here we are and they were walking on the street**
22 **(indicating). But they stopped -- when they hear**
23 **"nigger lover," they stop. They're like, "Whoa,"**
24 **listening to what's going on, too. Everybody was just**
25 **arguing, arguing, arguing.**

21 1 And I'm like, "Matt, let's just go. Let's go." 2 I pushed him. I'm pushing him. I'm pushing 3 him across the street. And then we got him across the 4 street where like -- not Earthbound Trading -- but the 5 store that's next to it, like Chico's or something, got 6 him across the street and then I hear, "That's how you 7 make monkey babies." And then Matt just kind of like -- 8 Q Let me see if I understand what you said. The 9 initial confrontation between Matt and to some extent 10 you and these two people sitting there in front of this 11 business was verbal? 12 A Yes. 13 Q And you were trying to get Matt away from this 14 situation, but I gather you were also probably saying 15 things as well after they made that racial slur? 16 A Yeah, you know. Yeah, I'm like, "Oh, my God. 17 Are you guys stupid or something like?" 18 Q So then you all keep walking and get across 19 Eaton Street? 20 A Yeah. 21 Q And these people are following you? 22 A No, no. They were sitting, screaming. 23 Q Wait a second. If they're sitting there and 24 now you and Matt are all the way up near Earthbound, did 25 they get up to where the Earthbound was?	23 1 Q What happened to the Daddy Bones guy? 2 A They were just standing there. 3 Q So he was there and saw this? 4 A Yeah, he saw everything. 5 Q Let me see if I've got this right. You have 6 the initial kind of confrontation in front of this 7 business on the Wendy's side of the street? 8 A Yeah. Across the street. 9 Q And some words are said, you get Matt away from 10 the situation? 11 A Uh-huh. 12 Q You then cross the street and now you've 13 crossed Eaton Street and you are up near Earthbound? 14 A Yes. 15 Q Then somebody makes this racial slur. Matt 16 then decides he's going to go back and deal with it? 17 A Yeah, because Kaeden was our first son, his 18 first son. So he was just like monkey babies, like -- 19 Q I understand. So he goes back. You kind of 20 follow along? 21 A Yes. 22 Q Does the fellow from Daddy Bones go with you? 23 A No, he just stood away from it. He wasn't 24 trying -- 25 Q So he didn't go back?
22 1 A No. 2 Q What happened -- so you got as far as 3 Earthbound? 4 A Yeah, got him across the street. 5 Q You went across the street and then what 6 happened? 7 A Then one of them screamed, "That's how you guys 8 make monkey babies." 9 And then Matt just went back and just like was 10 confronting him and stuff like that. So I ran and I 11 stood in the middle of Matt and the guy. And I'm like, 12 "Look, you guys already said what you said. It's 13 whatever. You know, let's just go home or whatever. It 14 is what it is," because I've never heard somebody say 15 anything. I've lived here all my life. You know, I've 16 never had to deal with anybody because of my skin color 17 or anything like that. I've only seen it on TV, you 18 know. I've never had to deal with it. So I was so 19 shaken up like, "Are you serious?" I'm like, "These 20 people are just ignorant. Just leave it at that," you 21 know. So when I turned back, just saw Matt on the 22 floor. 23 Q When you turned back, you saw Matt on the 24 floor? 25 A Yeah. He was like his head rolled back.	24 1 A No. He stood like there's a little step -- 2 Q So what I'm trying to find out is you all had 3 basically gotten away from these people and then Matt 4 turned around to go back and you kind of trailed along; 5 right? 6 A Uh-huh. 7 Q Did the Daddy Bones guy trail along, too? 8 A Yeah, he came across the street, but he didn't 9 like go run in front of those people. He stood like 10 against -- there is a little gate. He stood right there 11 while I was in the middle of Matt. And here's the guy, 12 here's Matt in the back of me and I'm in the middle 13 (indicating). I'm talking to the guy, "Like, look, you 14 already said what you said. Whatever it is it is. 15 Leave this alone, you know." 16 And then I turned back, and I'm right here, 17 here's Matt right here, and the guy is right here 18 (indicating). I turn to the back and Matt was on the 19 floor. 20 Q Now I'm sure you've read the police report and 21 the statements some people made and what the police 22 report and these statements say is that Matt hit the 23 gentleman -- and I don't like using the word "gentleman" 24 given the things that they were saying about you -- but, 25 you know, that he hit this man. Did you ever see Matt

25 1 hit anybody? 2 A I did not see him hit anybody. 3 Q Would you not have seen that if you were right 4 between the two of them? 5 A Exactly. I did not see him. I did not. 6 Q Is it possible Matt hit him? 7 A I did not see him hit him, I mean. 8 Q Let me ask you this: Given where you were, 9 would you agree that you would have necessarily have 10 seen somebody hit somebody if somebody did hit somebody? 11 A Yeah. 12 Q Right? 13 A I would, yeah. 14 Q Are you saying that you did not see Matt hit 15 anyone or you don't know whether Matt hit anyone? 16 A Well, I don't know if he hit him because I was 17 standing in front of the guy. So if he would have hit 18 him, I would have -- like I would have had to move out 19 of the way from him. So I would have been in-between 20 all that stuff. 21 Q Was there a period of time after Matt went 22 back, after you had gotten up to Earthbound and then 23 when Matt went back, that you weren't basically in very 24 near proximity to him? 25 A I was real close to him.	27 1 started that you were always in close proximity to Matt? 2 A Yeah. Because, I mean, when he heard that, he 3 ran across the street so I ran after him. 4 Q So if anybody hit anybody with their fist, you 5 would have seen it? 6 A I would have seen it. 7 Q And what you're saying under oath is nobody hit 8 anybody? 9 A I did not see him hit the guy. I did not see 10 Matt hit the guy. So I don't know if he -- while he was 11 running and got to him and hit him, I don't know, but I 12 did not see him hit him. 13 Q And then literally the next thing you knew Matt 14 had fallen down on the sidewalk? 15 A He was on the ground. 16 Q At what point in time, if ever, did you realize 17 that the police had arrived? 18 A After he fell on the ground. I look around and 19 I see the police like kind of in the back. 20 Q Was the police officer in uniform? 21 A Yeah. 22 Q Did you know the police officer? 23 A No. 24 Q Was it a bicycle officer? 25 A I didn't see his car. So I'm assuming it was.
26 1 Q The whole time? 2 A Yeah. 3 Q And you were close enough that whole time that 4 if someone had hit him or if he had hit someone, you 5 would have seen it? 6 A Yeah. I mean, he's pretty tall. So, I mean, 7 if he would throw a fist or whatever I would have felt 8 it because I'm in the middle of them. So I don't 9 understand like this whole -- 10 Q Now this fellow at Daddy Bones, have you spoken 11 to him about this? 12 A I did spoke to him like, I believe, couple of 13 days after the thing happened because I had to rush to 14 Miami to go see him and everything. When I came back, I 15 was like, you know, I need to -- because the police 16 reports, they didn't even take his statements or 17 anything like that because he was there. 18 Q I want the record to be clear for your benefit 19 and for the benefit of whoever reads this. I'm not 20 trying to beat a dead horse. Are you saying that 21 between the point in time that you had the first 22 interaction with this man and this woman that you've 23 described up to and including the time that you got as 24 far as Earthbound Station and then when you left 25 Earthbound Station to go back basically where this all	28 1 Q Was there only one police officer at that time? 2 A There was two. When -- after he got tased, the 3 other one came up near the other guy. It was a white 4 police officer. 5 Q All right. And the other one -- 6 A Kind of black hair. 7 Q But they were both Caucasian? 8 A I would say the other one looked more like 9 Spanish. 10 Q So could have been Latin American? 11 A Yeah. 12 Q So you see Matt, what, on his back? 13 A On the ground like this (indicating). 14 Q And was he showing any signs of life? 15 A He was -- his eyes were like this (indicating). 16 He was like mumbling and stuff. 17 Q So he was mumbling a little? 18 A Yeah. 19 Q Did you see the taser wires? 20 A No. 21 Q So when you see Matt laying there, what did you 22 do next? 23 A Like I say, he didn't do anything. He didn't 24 do anything. 25 Q What did you do next?

29 1 A I kind of like back away because the guy was 2 trying to arrest him and stuff and just him like that. 3 It was just like whoa. I thought these people were 4 going to come and help us because they were being mean 5 to us. They were being -- 6 Q So what did you do? Did you stick around? 7 A No. Because he kept saying "Back off." 8 I'm like, "He didn't do anything. He didn't do 9 anything." 10 He was telling me to "Back off. Back off." 11 And then I'm thinking I'm going to get tased, 12 too. So I ran. I ran. 13 Q How far did you go when you ran? 14 A I ran all the way home. 15 Q And where did the fellow from Daddy Bones go? 16 Did he take off, too? 17 A No, he stayed there. He stayed there. He told 18 me he saw Matt getting into the ambulance and 19 everything. 20 Q So you went home to Angela Street? 21 A Yeah. I was so shook up. I was like, "Oh, my 22 gosh." 23 Because when I saw him, like they going to 24 arrest him. So I'm assuming, you know, they're going to 25 arrest him. I didn't think like all this had happened,	31 1 to go." 2 Q So you went to the police station? 3 A Yes. 4 Q What caused you to go to the police station? 5 Why did you feel that you needed to go to the police 6 station? 7 A Because I just -- because if he's in the 8 hospital, something bad must have happened. So I'm 9 like, "Oh, my gosh. I need to go talk to somebody and 10 see what's going on with him" because I thought he was 11 going to get arrested. You know, because they had him, 12 like they were going to handcuff him or anything like 13 that. So I'm thinking, you know, everything is fine, 14 you know, but. 15 Q So when you got to the police station, it was 16 the next morning? 17 A Yeah. 18 Q And when you got there, did an officer come out 19 and speak with you? 20 A Yes. 21 Q Tell me what happened. 22 A Well, it was a black officer. I believe his 23 name was Officer Williams and he just told me write the 24 statement down of what happened and stuff like that. 25 And I was still shaking from that night. So I just --
30 1 like he had a brain, like he was having an issue in his 2 head. So this whole thing was like a nightmare, you 3 know. 4 Q So when you got home, what did you do? 5 A I started screaming at my friend, "Oh, my gosh. 6 This thing just happened." 7 So she's like, "Okay. Girl, just calm down. 8 We're going to call the jailhouse to see if he has a 9 bond or anything." 10 So we started calling the jailhouse and, you 11 know, just waited like a little bit after calling the 12 jailhouse to see if Matthew Murphy is in custody or 13 what's the bond and stuff. They told us there was no 14 Matthew Murphy in there. 15 So she's like, "Okay. Get some rest and then 16 we'll call. You know, maybe it's something that takes a 17 while for it to go up. Maybe they're processing him, 18 something like that." 19 So I just fell back to sleep. And I woke up in 20 the morning. I got a missed call on my phone from 21 Jackson Memorial Hospital with a message saying Matt 22 Shaun Murphy is going in surgery. So at that time I'm 23 like crying because my ID and my car keys was in his 24 pocket. So I went back to the police station. I was so 25 shook up. I was, "Oh, my gosh. I have to go. I have	32 1 and then I had to go to Miami. I had to drive to Miami, 2 barely had any money on me. So I just had to figure out 3 a way to get everything done to go see him. So I just 4 wrote down. 5 Q So this Officer Williams, if that's his name, 6 asked you to write down a statement? 7 A Yeah, what happened. 8 Q Did he help you with your statement? 9 A No. 10 Q Or say, you know, "Make sure to say this, make 11 sure to say that"? 12 A No. No. 13 Q He just said, "Write down what you saw"? 14 A Write down what I saw. 15 Q Okay. Were you comfortable with that situation 16 with the officer? Did you feel like he was giving you 17 enough time to write down and wasn't trying to tell you 18 what to say? 19 A No, he didn't tell me anything. He just stood 20 there and give me the papers to write it down. 21 Q Okay. Let me show you a document that we got 22 from the police department. And we'll mark this as an 23 exhibit to this statement. And my question to you is is 24 this your handwriting on this document? 25 A Yeah, that's my handwriting.

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1 (CRB Exhibit 1 marked.)

2 Q (By Mr. Cintron) Is that the statement you gave
3 the next morning at the police department?

4 A Yeah.

5 Q And is that your signature?

6 A Yeah.

7 Q Why don't you -- some of the handwriting is
8 hard for me to read. Could you just read it, below
9 where it says, "Please Print Legibly." "I hereby state
10 the following:" And then it's in your handwriting.
11 Would you just read that for the record, please?

12 A "Matthew Murphy and I was walking home, walking
13 on Duval Street and a older couple started saying racial
14 slur such as 'nigger lover' and other words. Matt
15 started talking back asking him what he was saying.
16 Words got exchanged from Matt and other guy. Next thing
17 I knew Matt was on the ground being tased and the
18 officer told me to back off repeatedly." Yeah.

19 Q Did you ever hear anybody say, before Matt fell
20 down, "Police. Stop"? Anything that sounded like law
21 enforcement?

22 A Nothing. Nothing at all. I'm like, "What the
23 hell is going on?" Nothing was said, because if he
24 would have said "Police," because Matt was not -- he was
25 just defending me. He was just -- you know, he wanted

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1 somebody to hear what's going on. So he would have sat
2 down and told this officer what was going on because we
3 knew we were not at fault. They were the ones who
4 started with us. So I know he wasn't like -- he had no
5 reason to. We were just trying to go home back to our
6 sitter.

7 Q I have to ask this, and you may feel
8 uncomfortable for me asking, and if you don't want to
9 answer, it's fine. But as to Matt, had he used any
10 recreational drugs, marijuana, cocaine, anything like
11 that within the hours prior to this incident?

12 A Not that I know of.

13 Q Have you ever known him to use cocaine, or any
14 other kind of recreational drugs?

15 A Not that I know. I know that, I mean, when he
16 was in West Virginia that, you know, he had issues. I
17 mean, he was hospitalized for, you know, pain pills and
18 stuff, but nothing.

19 Q Do you know whether he was taking any
20 prescription medication, whether it was prescribed or
21 not, the day that this happened?

22 A No, not that I know of.

23 Q Were you aware of any medical conditions that
24 he had prior to this time of a serious nature?

25 A No.

35

1 Q Now as it relates to you, had you been using
2 any recreational drugs, marijuana, cocaine or anything
3 like that, either at the Gecko party, after the Gecko
4 party or prior to this incident?

5 A No.

6 Q Do you use those kind of stimulants?

7 A No.

8 Q I'm not trying to suggest that you do.

9 A That's fine.

10 Q In order to get to the bottom of all this, we
11 have got to ask these questions. I'm not suggesting at
12 all and I don't mean to insult you.

13 A No.

14 Q Sometimes drugs cause people to do things. I'm
15 just trying to get a handle on it.

16 Had you ever seen Matt get in a fight before
17 with anybody?

18 A No.

19 Q Had he ever told you that he had gotten in
20 fights with people before?

21 A No.

22 Q When is the last time you saw him?

23 A I saw him about a week before the meeting. It
24 was a Friday. I'll have to look at the date.

25 Q But it's been within the last several weeks?

36

1 A Yeah.

2 Q At least at that time he was still in Jackson
3 Memorial?

4 A He's in the long care center.

5 Q Is that connected to Jackson Memorial?

6 A Yeah.

7 Q And the last time you saw him was he able to
8 communicate at all?

9 A No.

10 Q That's all the questions that I have. But if
11 there is anything that you think is important that we
12 haven't discussed, feel free to share that with me
13 because I only know what I've read, what you have said,
14 and I may be missing something.

15 So if there is anything that sticks out in your
16 head like, "Oh, what about this? What about that?", you
17 know, it would be helpful for you to let me know. So as
18 you sit here, can you think of anything that we haven't
19 covered or that we should cover that you would like for
20 the Citizen Review Board to know about as it relates to
21 their investigation?

22 A Well, I mean, the only thing that, like I said
23 before, I don't really like what happened. Nobody ever
24 did anything about it to my knowledge. I'm sitting here
25 with you. You're taking my statement. I wish somebody

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1 would have -- I mean, because I thought what happened to
 2 him, I didn't think it was that big, you know. I
 3 thought, okay, but when he fell on the ground, you could
 4 hear it. You could hear his head fall, like hitting the
 5 concrete and stuff. But at the same time, to me, I
 6 never saw Matt like -- we always used to talk about what
 7 if something happened to me. We never talked about what
 8 if something happened to him, because to me he was like
 9 a rock. I never thought he would fall like that, never
 10 thought he would be down or out like that.
 11 Q Have you spoken to anybody in the community
 12 about this incident who may have seen something or heard
 13 something?
 14 A No.
 15 Q These two black gentlemen that you said were in
 16 the street and kind of heard these racial slurs, do you
 17 have any idea who they were?
 18 A No. They were just people walking down the
 19 street.
 20 Q If you were to go on the internet and look at
 21 the sheriff's, Monroe County sheriff's arrest page,
 22 which shows mug shots, do you think you could recognize
 23 the fellow at Daddy Bones?
 24 A Yes, definitely.
 25 Q Do you have access to a computer?

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1 A I do.
 2 Q Do you know what web page I'm talking about?
 3 A Keysso.net?
 4 Q Yeah.
 5 A I tried to look that up, but when I did the
 6 search for like 2011 and it would give me like a little
 7 bit and it wasn't letting me see like the rest of the
 8 pictures and stuff. So I don't know if it was my
 9 computer that was messing up.
 10 Q My memory is not real clear. Do you know
 11 whether this person who you've described worked at Daddy
 12 Bones who was with you when you left the Lazy Gecko,
 13 whether he was interviewed?
 14 A He wasn't.
 15 Q He was not?
 16 A He was not interviewed.
 17 Q And he was there?
 18 A He was there. He was not interviewed. He saw
 19 Matt even get into the ambulance because he told me, and
 20 they didn't even interview him.
 21 Q Here is what I would like to do. I'm a little
 22 bit concerned whether you have the technical ability to
 23 go through the sheriff's web page and what I would like
 24 to do, at a time that's convenient for you, is perhaps
 25 have you sit down with my secretary and maybe the two of

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1 ya'll could get on the web page. We know it would have
 2 been sometime after April 2011.
 3 A Yeah.
 4 Q Was he arrested after this incident?
 5 A Yes. It was for like probation violation.
 6 Q Violation of probation?
 7 A Yeah.
 8 Q And how did you know that?
 9 A Because I always check keysso and I saw him on
 10 there and it said violation of probation.
 11 Q So you saw the guy?
 12 A Yeah, I saw him.
 13 Q Because it would be very helpful if we could
 14 find him. Who is this other person that worked at
 15 Salute? What was his involvement in this again?
 16 A Nothing. I mean, he wasn't even around.
 17 Q Why did his name come up? We were talking
 18 about him earlier.
 19 A Well, it was his birthday. It was his
 20 birthday. I don't know him. I don't know nothing about
 21 him.
 22 Q We can find him because I know Richard Hatch
 23 very well.
 24 A Yeah, he invited Matt out.
 25 Q Have you had any communications with Matt's

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1 family about this?
 2 A Yeah. I mean, after that happened, you know,
 3 they're different. I mean, we don't really like sit
 4 down and talk about everything because Matt is Marlin's
 5 only son. So it's hard for him to talk about it. I
 6 understand. But we don't really talk about what
 7 happened.
 8 Q What does his father do for a living, do you
 9 know?
 10 A I don't really know much.
 11 Q Okay. Anything else?
 12 A No.
 13 Q Okay. Here's what's going to happen. We're
 14 going to try to find the fellow from Daddy Bones. I
 15 need your help to find him.
 16 And I'm going to have this typed up, so it will
 17 be a transcript that someone can read. And I think it
 18 would be helpful that once it's typed up for you to read
 19 it and make sure that there is nothing that maybe you
 20 said incorrectly or whatever, so that we can be certain
 21 that this is accurate. So when it's typed up and ready
 22 for you to look at, we'll let you know. Probably Larry
 23 Beaver from the CRB will get in touch with you and we'll
 24 get in touch with you to do that.
 25 So at this time we'll conclude. And I'm very,

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1 very sorry that this happened. It's a very, very sad
 2 situation. I hope I didn't cause you to have any upset
 3 to have to talk about this probably for the fourteenth
 4 time.

5 **A The whole situation has made me feel like**
 6 **really, you know, if Matt was dating a white girl this**
 7 **wouldn't have happened.**

8 **Q** Have you checked with Social Security to see
 9 whether or not you're eligible for assistance?

10 **A They say I wasn't. They say they couldn't help**
 11 **me. To contact Children and Family, but they don't have**
 12 **anything. Just me taking care of Kaeden.**

13 **Q** What I don't understand is he's obviously
 14 disabled. Why wouldn't he be entitled to Social
 15 Security benefits for his child?

16 **A I called. It was like sometime last year I was**
 17 **trying because it's been rough for me. I'm still living**
 18 **with my mom. I can't even get my own place. Nobody**
 19 **helps me with Kaeden. Just me doing everything.**

20 **Q** Are you getting any assistance from the
 21 government at all?

22 **A No. I just get like food stamps.**

23 **Q** Maybe that will change. I'm going to look into
 24 that myself to see whether there is somebody that at
 25 least might be able to sit down and talk with you to

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1 figure out whether it's true that you are not entitled
 2 to Social Security benefits at least for your son.
 3 There's no question that Matt is his father.

4 All right. This will end the statement. I'm
 5 sorry to upset you.

6 **A No.**

7 **Q** It's a very unfortunate situation. So the next
 8 step is try to find this fellow Daddy Bones.

9 **A He was looking so forward, when we had Kaeden,**
 10 **it changed him. He was a different person. He was**
 11 **looking forward, you know, to see him walk. He didn't**
 12 **get to see it.**

13 (Sworn statement concluded.)
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1 COURT REPORTER'S CERTIFICATE

2

3 STATE OF FLORIDA)
 4 COUNTY OF MONROE)
 5

6 I, Cathy H. Webster, Registered Professional
 7 Reporter, certify that I was authorized to and did
 8 stenographically report the foregoing sworn statement of
 9 Marie Annulyse, and that the transcript, pages 3
 10 through 42, is a true and complete record of my
 11 stenographic notes. Witness produced a Florida driver's
 12 license for identification.

13 I FURTHER CERTIFY that I am not a relative,
 14 employee, or 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 the action, nor am I
 17 financially interested in the action.

18 DATED this 19th day of August, 2014.
 19
 20
 21
 22



23 Cathy H. Webster, RPR
 Courthouse Business Center
 302 Southard Street, Suite 107
 Key West, Florida 33040

24
 25



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OFFICE OF THE CHIEF OF POLICE
KEY WEST, FLORIDA

INCIDENT #	11-2065
DATE	4/16/11

STATEMENT FORM

NAME Marie Kertonne Annulyse DOB 8/27/87
ADDRESS 320 Angela St Apt 5A Key West FL 33040 HT-5'01" 145
BUSINESS ADDRESS _____
TELEPHONE (305) 923-1894 (305) 834-0082 POB: B/F
HOME BUSINESS OTHER Haita

PLEASE PRINT LEGIBLY

I hereby state the following: Matthew Murphy and I was walking
home. walking on dual and a older
couple started saying Racial slur
such as Nigger and other words
Matt started talking back asking him
what he was saying words got exchange from
Matt & other guy next thing I know
Matt was on the floor Been Tazers
and off the officer told me to back up
Repeatedly.

I have read each page of this statement consisting of 1 page(s) and swear or affirm that it is true to the best of my knowledge or belief

Signed Marie Annulyse
Jenny Johnson / 3379
Notary Public Or Officer Authorized To Administer An Oath

Date 4/16/2011
Date 4/16/2011

