

Exhibit 2:

Jamal Daniels Deposition

page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 - - - - - X

4 MARLIN GODFREY, et al., :

5 Plaintiffs, : Civil Action No.

6 v. : 1:05-cv-2044

7 ALLEN IVERSON, et al., : (ESH)(DAR)

8 Defendants. :

9 - - - - - X

10 Washington, D.C.

11 Thursday, October 5, 2006

12

13 Deposition of JAMAL A. DANIELS, called for
14 examination by counsel for the Defendants in the
15 above-entitled matter, pursuant to notice, the witness
16 being duly sworn by CARLA L. ANDREWS, a Notary Public
17 in and for the District of Columbia, taken at the
18 offices of Blank Rome, LLP, The Watergate, 600 New
19 Hampshire Avenue, N.W., Twelfth Floor, Washington, D.C.
20 20037, at 10:40 a.m., Thursday, October 5, 2006, and
21 the proceedings being taken down by Stenotype by
22 CARLA L. ANDREWS and transcribed under her direction.

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1 P-R-O-C-E-E-D-I-N-G-S

2 Thereupon,

3 JAMAL A. DANIELS

4 was called as a witness and, after being duly sworn by
5 the notary, was examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR THE

7 DEFENDANT JASON KANE

8 BY MR. MARTIN:

9 Q Mr. Daniels, good morning.

10 A Good morning.

11 Q My name is William Martin. I am the lawyer
12 for Jason Kane. You have been brought here pursuant to
13 a subpoena in the matter of Mr. Godfrey and
14 Mr. Kittrell. Are you familiar with Mr. Godfrey or
15 Mr. Kittrell?

16 A Yes. I know both of them.

17 Q You know both of them?

18 A Uh-huh.

19 Q Would you please state your full name for the
20 record?

21 A Jamal Antonio Daniels.

22 Q And what is your home address?

page 6

1 A It is 3201 25th Court, Raleigh, North
2 Carolina.

3 Q You live in Raleigh now?

4 A Uh-huh.

5 Q Did you live in Raleigh at the time of this
6 incident?

7 A Yes.

8 Q Let me give you some preliminary
9 instructions. I would like you to listen and tell me
10 if you understand this. Do you understand that this is
11 a court proceeding in the case that I just mentioned
12 with Mr. Godfrey and Mr. Kittrell?

13 A Yes.

14 Q Even though we are not sitting in a courtroom
15 right now. Do you understand this is an actual court
16 proceeding?

17 A Yes.

18 Q Do you understand that you are under oath and
19 that your testimony will be recorded by the court
20 reporter and will be transcribed?

21 A Yes.

22 Q And that's what this young lady is doing,

page 11

1 think you testified, just tell us. The reporter will
2 go back and she will make that change on the record.

3 Before you lived with your dad, where did you
4 live?

5 A Spring Hope, North Carolina.

6 Q And how long had you lived in Spring Hope?

7 A For like six years.

8 Q Where is Spring Hope?

9 A It is a little town right outside of Raleigh
10 about like 30 minutes, 40-minute drive from Raleigh.

11 Q What's your date of birth, please?

12 A 9/2/69.

13 Q And what month and day?

14 A Excuse me?

15 Q What's the month?

16 A September 2.

17 Q You said 9/2/69.

18 A Uh-huh.

19 Q I thought you said 1969. Where were you
20 born?

21 A Raleigh.

22 Q Have you lived in North Carolina most of your

page 12

1 life?

2 A Yes.

3 Q Are you married?

4 A No.

5 Q Have you ever been married?

6 A No.

7 Q Any children?

8 A Yes.

9 Q How many children?

10 A One.

11 Q Boy or girl?

12 A Girl.

13 Q And how old is she?

14 A She is 13.

15 Q Have you ever filed for any type of personal

16 bankruptcy?

17 A No.

18 Q Are you presently employed?

19 A Yes.

20 Q Where are you employed?

21 A I do club promotions and I work for a

22 construction cleaning service.

page 22

1 Q Do you drink alcohol?

2 A Yes, occasionally.

3 Q And what do you drink?

4 A Gray Goose, tequila.

5 Q Do you drink Vodka? Anything other than Gray

6 Goose?

7 A No.

8 Q Any tequila?

9 A No.

10 Q You drink tequila?

11 A Yes.

12 Q That's pretty much it?

13 A Yes.

14 Q There was some Gray Goose in a bottle on top

15 of the table at the Eyebar nightclub that night. Did

16 you have any Gray Goose?

17 A Yes.

18 Q Let me go back and ask you if you know -- do

19 you know Marlin Godfrey?

20 A Yes.

21 Q How do you know Mr. Godfrey?

22 A We went to high school together.

page 23

1 Q Did you meet him in high school?

2 A Yes.

3 Q And roughly graduated in 1989?

4 A Uh-huh.

5 Q So when did you meet him -- three or four

6 years before that?

7 A That would be correct.

8 Q Did you hang out together in high school?

9 A No.

10 Q Were you friends in high school?

11 A No, just in passing we knew each other.

12 Q How about Mr. Kittrell? Do you know

13 Mr. Anthony Kittrell?

14 A Yes.

15 Q And how did you meet Mr. Kittrell?

16 A High school, also.

17 Q Around the same time period?

18 A Yes.

19 Q That you met Mr. Godfrey?

20 A Yes.

21 Q Did you know the two of them together?

22 A No.

page 24

1 Q How did you meet Mr. Kittrell, if you
2 remember?

3 A We had classes together. We also stayed in
4 the same neighborhood.

5 Q Did you see either Mr. -- did you see
6 Mr. Kittrell at N.C. State?

7 A No.

8 Q Did you see Mr. Godfrey in college?

9 A No.

10 Q Do you know if either of them went to college
11 with you?

12 A Yes. Mr. Kittrell attended.

13 Q N.C. State?

14 A Yes.

15 Q Did you ever see each other while at N.C.
16 State?

17 A No.

18 Q Did you ever talk to him in that time period?

19 A In passing.

20 Q Have you stayed in touch with either
21 Mr. Kittrell or Mr. Godfrey?

22 A Yes.

page 25

1 Q And why don't you describe -- what's your
2 relationship with them?

3 A Mr. Kittrell and I, we are real close
4 friends. He has -- he does printing. He has a
5 printing company. So a lot of times I go through him
6 to do a lot of the printing, the stuff that we have for
7 promotions. And he also brings me along on some
8 promotion stuff in the city introducing me. That's how
9 I got with Ukua.

10 Q You got to Ukua through him?

11 A Yes.

12 Q It would be fair to say you guys are friends,
13 wouldn't it?

14 A Yes.

15 Q How about Mr. Godfrey? What's your
16 relationship with Mr. Godfrey?

17 A We got closer as, you know, time went by.
18 And I came up here and visited a lot. And we became
19 pretty close.

20 Q Did Mr. Kittrell and Mr. Godfrey hang out
21 together?

22 A Yes.

page 26

1 Q When you visit the area, where do you stay?

2 A Hotels, sometimes Mr. Kittrell's.

3 Q Do you know his family?

4 A Yes, uh-huh.

5 Q I take it you have met his wife?

6 A Yes.

7 Q Do you remember when the kids were born --

8 his kids were born?

9 MS. MORAN: Objection.

10 BY MR. MARTIN:

11 Q Not the exact dates, but do you remember him

12 telling you I am having some kids and the kids were

13 born?

14 A Yes.

15 Q That all occurred during the course of your

16 friendship, correct?

17 A Yes.

18 MR. MARTIN: The basis for that objection?

19 MS. MORAN: The relevance to when

20 Mr. Kittrell's kids were born? Are they going to be

21 witnesses?

22 BY MR. MARTIN:

page 27

1 Q Are you a godparent to any of the kids?

2 A No.

3 Q Have you been out to clubs with Mr. Kittrell
4 previously?

5 A Yes.

6 Q How many times?

7 A That would be hard to say how many times.

8 Q And I am not trying to pin you down. I know
9 this would be an approximation.

10 A Occasionally we will go out for a drink or
11 something or discuss business. How many times? Maybe
12 twice, three times a month.

13 Q A couple times a month?

14 A Yeah.

15 Q Have you been to nightclubs with Mr. Godfrey?

16 A Once.

17 Q Was it the night at the Eyebar or one other
18 time?

19 A One other time.

20 Q And what club was that?

21 A It was Club Ozzios, I think.

22 Q Ozzios?

page 28

1 A Yeah.

2 Q On M Street?

3 A Yeah.

4 Q A cigar bar?

5 A Ukua was around there.

6 Q Ukua is by Ozzios?

7 A It was during that time.

8 Q Have you ever studied karate or any type of

9 martial arts?

10 A No.

11 Q Have you seen Mr. Kittrell work out?

12 A No.

13 Q In the martial arts?

14 A No.

15 Q Do you know that he studies martial arts?

16 A I know that he once did. I don't know if he

17 still -- I don't think he is still doing that.

18 Q On the night of the incident at the Eyebar on

19 July 19, 2005, had you taken any type of drugs?

20 A No.

21 Q Do you use drugs?

22 A No.

page 29

1 Q Have you ever used drugs?

2 A No.

3 Q I would like to direct your attention to
4 July 19, 2005. That's the night that the incident
5 occurred at the Eyebar.

6 A Uh-huh.

7 Q When did you arrive in D.C., if you remember?

8 A Two days before.

9 Q And why did you come up, if you remember?

10 A For the printing and promotion, things that
11 we had going on.

12 Q Do you remember what project that was? Was
13 it a big project?

14 A No, it wasn't a big project.

15 Q Where did you stay when you came up?

16 A I stayed in a hotel.

17 Q When did you first meet up with Mr. Kittrell?

18 A When I first arrived that two days. We went
19 out for dinner. We went over his house, spent some
20 time over there. Then later on that next day, we met
21 up for business. And then we went out that night.

22 Q That would have been the 18th or the 19th?

page 30

1 A I am not sure of the date.

2 Q The incident occurred on the 19th?

3 A Right.

4 Q You said you came up two days before that,
5 correct?

6 A Right.

7 Q The first night you went to a hotel and had
8 dinner with Mr. Kittrell?

9 A That's the 18th.

10 Q That is the 18th. I got you. That's the
11 18th. So on the 19th, what time did you meet up with
12 Mr. Kittrell to go out to the club?

13 A Around about ten.

14 Q What time did you get to the club?

15 A I am not really sure, but it was around the
16 time probably 11, 12.

17 Q Do you know? Do you know what time it was?

18 A Maybe 11. No, I don't know what time it was.

19 Q Do you know how you got to the Eyebar?

20 A Yes.

21 Q How did you get there?

22 A I rode with Mr. Kittrell.

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1 Q Who else was with you?

2 A That's it.

3 Q Where did he pick you up from?

4 A We were together already doing business.

5 Q What time did you join up with him?

6 A Earlier that day.

7 Q And like six, seven?

8 A Probably like 11 o'clock.

9 Q In the morning?

10 A In the morning, uh-huh.

11 Q Did you go to any other clubs before you got
12 to the Eyebar?

13 A No.

14 Q What did Mr. -- why did you go to the club
15 that night? What was supposed to happen? Anything?

16 A No, nothing special. Just hanging out
17 talking about business deals, interacting with people,
18 meeting.

19 Q Did he tell you who was going to be joining
20 you at the club?

21 A Yes.

22 Q Who were you expecting to join you?

page 32

1 A Marlin.

2 Q And that's it, just the three of you?

3 A Yes, at that time the three of us that I
4 was -- you know, that I was expecting. But others came
5 later.

6 Q You were only expecting just you -- what do
7 you call Mr. Kittrell? David?

8 A Tony.

9 Q When you got to the club, where were you
10 seated?

11 A In the back in the corner kind of, of the
12 club.

13 Q Do you know who seated you -- how you got
14 back there. Withdraw that question, please. When you
15 arrived at the club, tell me what happened. What did
16 you do? You walked through the door?

17 A We walked through the door, greeted and
18 met people. The owner and Tony Kittrell they know
19 each other. They do business together or something. I
20 think it was some printing stuff. He then sent a young
21 lady to seat us in the back in the corner. And he and
22 I sat down at the table, and we waited until Marlin

page 33

1 Godfrey arrived. And he arrived with a female
2 companion.

3 Q Now, there was champagne and Gray Goose on
4 the table, correct?

5 A Yes. We ordered that.

6 Q Oh, you ordered that?

7 A Yeah, we ordered that later on.

8 Q What how do you drink? How do you drink your
9 Gray Goose?

10 A Glass, cranberry juice.

11 Q I know you drink it in a glass. How do you
12 take it -- straight, mixed with something?

13 A Mixed with cranberry juice.

14 Q How many Gray Goose and cranberry did you
15 have that night, if you remember?

16 A I don't remember.

17 Q When did you have the first one? Let me
18 take -- after you got there, I take it, you ordered the
19 Gray Goose and the champagne?

20 A Correct.

21 Q They delivered the Gray Goose and champagne
22 to your table?

page 34

1 A Correct.

2 Q You had a drink and Tony had a drink?

3 A Correct.

4 Q Correct?

5 A Correct.

6 Q When did you have the next drink? Did you
7 have a drink -- when did you have the next drink, if
8 you remember?

9 A I don't remember.

10 Q You had more than one, didn't you?

11 A Yes.

12 Q Did you have more than two or do you know?

13 A Yes, I had more than two.

14 Q Okay. Do you remember when I introduced you
15 to Mr. Milstein, who is sitting here, also. And he may
16 have some questions for you. Mr. Milstein represents
17 Mr. Iverson.

18 A Okay.

19 Q So I am going to ask you some questions about
20 Jason Kane. I want you to know who Mr. Milstein is.
21 When did you first notice Mr. Iverson enter the
22 nightclub?

page 35

1 A Well, we were sitting there and a huge
2 entourage came through the door, and people kind of
3 started looking in that direction. And that's when it
4 caught my eye that someone was coming in important.
5 You can tell how they was escorted him through.

6 Q And how many people would you -- you say it
7 was an entourage?

8 A Uh-huh.

9 Q How many people do you recall being apart
10 that of that entourage?

11 A I can't be exact. But if I was guessing,
12 maybe 15.

13 Q Now, it caught your attention, didn't it?

14 A Yes.

15 Q Were other people in the club watching, also?

16 A Yes.

17 Q And you don't know of your own knowledge, do
18 you, how many people were actually there or how many
19 people might have been just hangers-on?

20 A No, I don't know.

21 Q You don't know, do you?

22 A No.

page 36

1 Q Could you tell if any one of them were
2 bodyguards?

3 A Yes.

4 Q And how could you tell that one or more of
5 them may have been a bodyguard?

6 A Just how they stood out and stood in front to
7 make sure no one came near. They kind of stood out
8 amongst the crowd in front of Iverson.

9 Q How many people did you see that night that
10 fit that description?

11 A Maybe three that I saw that I could recall.

12 Q Had you ever seen any of those people as
13 doing bodyguard work?

14 A No.

15 Q Where were you sitting when they arrived?

16 A In the corner where we was seated like --

17 Q Back at those three tables?

18 A Yes.

19 Q And you were at one of the -- which table
20 were you at?

21 A The one like in the middle.

22 Q You were at the middle table?

page 37

1 A Uh-huh.

2 Q And where did the, as you describe, the
3 entourage go to?

4 A Very back table in the corner.

5 Q Was it by your table?

6 A Yes, right beside it.

7 Q It was right beside your table?

8 A Right beside it.

9 Q And what happened when they went to that
10 table?

11 A They seemed like they was getting ready to
12 order. Like I said, I didn't even know who it was at
13 first when they came in the club. And then I noticed
14 to my left it was Allen Iverson. And he sat down and
15 he had two female companions with him. And I looked
16 over and I spoke and I nodded my head and just kept
17 doing what I was doing.

18 Q When did Mr. Godfrey join you?

19 A He joined Tony and I before all of that
20 happened.

21 Q That's why I wanted to go back. How long
22 after you arrived was it that he arrived approximately?

page 38

1 A Approximately maybe 20 minutes.

2 Q And when he arrived, what happened? Did he
3 come right over to your table?

4 A Yes.

5 Q And did he have anything to drink?

6 A When he came in, he had a drink.

7 Q So how many people were sitting at the table
8 before the entourage that you described came in?

9 A Tony Kittrell, Marlin Godfrey, and a female
10 companion of Marlin Godfrey, myself, and two more
11 gentlemen came in. And they had two female companions.
12 I didn't know them. I was introduced to them at that
13 time.

14 Q Do you remember their names?

15 A Not exactly.

16 Q So by the time that this group of people that
17 you have described had come in, all the people that you
18 have just described were sitting at the table or
19 sitting on the couches by the table?

20 A They were partying.

21 Q When you say they were partying, what does
22 that mean?

page 39

1 A Dancing having a good time.

2 Q Is there a separate dance floor?

3 A Yes.

4 Q So some people were up from the table at the
5 dance floor?

6 A No. Everybody was still at the table. They
7 was having a good time dancing in the area at the table
8 around the table on the sofas.

9 Q So what you are telling me is they weren't
10 sitting down. They were dancing and partying around in
11 the area?

12 A Yes.

13 Q Who was dancing on the couch or couches?

14 A It was a female. I don't know her. And Tony
15 Kittrell was up there at the time.

16 Q So when the group comes in, you guys are
17 partying?

18 A Yes.

19 Q And then the group comes in, and you
20 described that you looked over and nodded and
21 acknowledged Mr. Iverson and he nodded back?

22 A Yes.

page 40

1 Q Anybody say anything threatening to you?

2 A No.

3 Q Anybody touch you inappropriately?

4 A No.

5 Q So what happened next? What happened?

6 A We were then approached by -- well, what
7 happened next? We was sitting; we were partying. And
8 I recall Allen Iverson he got up, and he went and stood
9 on top of the sofa. And the bodyguard or entourage or
10 whatever was in front of him, and he was like looking
11 over them. And then I really -- I remember that. And
12 then a security guard came, and he asked us if it would
13 be okay if he moved our table -- moved us to another
14 table because they needed more space. And we said,
15 Yeah, no problem. And they started moving all the
16 bottles and stuff to another table.

17 Q And what happened?

18 A They was moving the bottles and stuff to
19 another table. Marlin Godfrey was standing and talking
20 with one of the security personnel that worked for the
21 club. Then my back was turned, and I was moving to the
22 table. And a ruckus kind of broke out or like a fight.

page 41

1 And I turned around and you could see the commotion
2 that was coming from that area where Marlin and Iverson
3 and all of those were at that time.

4 Q Let me ask you this. You didn't hear any
5 words exchanged, did you?

6 A No.

7 Q You couldn't tell -- when you say the
8 commotion broke out, whatever happened had already
9 started by the time you turned back around?

10 A That's correct.

11 Q Do you know who threw the first punch?

12 A No.

13 Q When you turned around, what did you see?

14 A I just saw guys fighting. I couldn't really
15 tell at the moment who they were fighting. They was
16 just consumed all over someone. I could see that they
17 were beating and kicking and throwing things like
18 glasses and things at someone, but I didn't know who it
19 was at the time.

20 Q How many people were fighting?

21 A It seemed like it was only like two or three
22 people fighting.

page 42

1 Q Do you know who was fighting? Did you ever
2 find out who was fighting?

3 A Yes, I found out.

4 Q How did you find out who was fighting?

5 A I saw -- it was two of the guys -- two of the
6 security personnel fighting someone. I didn't know who
7 it was at the time. Then the security from the club
8 intervened, and it kind of broke a gap into the
9 fighting. And I saw who was lying on the ground. And
10 I saw the print on Marlin's shirt that I recall and I
11 remembered. And that's when I knew that it was Marlin
12 that they were beating that way.

13 Q What was Marlin doing -- withdraw that. Who
14 was Marlin fighting with?

15 MS. MORAN: Objection.

16 THE WITNESS: I didn't see Marlin fighting.

17 BY MR. MARTIN:

18 Q Well, who was involved -- you called it a
19 beating. Who was involved in the incident?

20 A Security that I saw.

21 Q Who? Do you know who?

22 A I don't know these guys.

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1 Q Can you describe them?

2 A Yes.

3 Q Describe them for me.

4 A Six, maybe 6'2", 6'4" gentleman, maybe 200
5 and something pounds, 300 pounds, a huge guy.

6 Q Had you ever seen them before?

7 A No.

8 Q Do you know Jason Kane?

9 A No.

10 Q Has anybody ever shown you any pictures of
11 Jason Kane?

12 A I have seen -- afterwards, yes, I have seen
13 him.

14 Q Who showed you pictures?

15 A No, nobody has showed me pictures. I have
16 seen him twice prior to that.

17 Q Where had you seen after?

18 MR. MILSTEIN: Did you see prior to that or
19 after?

20 THE WITNESS: I seen him after.

21 BY MR. MARTIN:

22 Q Where did you see him after?

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1 A It was on a television show. It was funny
2 because he was with Iverson on a television show
3 called -- I think it was Punked or something like
4 that. And I was watching the show, and I saw Iverson.
5 And it caught my attention. That's the guy that was
6 with them that night. And then I seen him another time
7 at a nightclub.

8 Q Which club?

9 A Ozzios.

10 Q And when was that?

11 A I can't say exactly when.

12 Q Was it before the incident or after the
13 incident?

14 A After.

15 Q How much after?

16 A I can't be exact.

17 Q Months, years?

18 A Months.

19 Q And what was he doing at Ozzios when you saw
20 him?

21 A He was entering.

22 Q Who told you his name?

page 45

1 A Tony.

2 Q When did Tony tell you his name?

3 A Afterwards. They -- I think he got an
4 attorney or whatever. And they did their research and
5 whatever. And he described the security force. He
6 named the security force and named the gentlemen in the
7 security force.

8 Q And he told you that he had done this?

9 A Yes.

10 Q What did he tell you as best you recall?

11 A As best I recall, he said that the company
12 was called the Horsemen or something like that. And he
13 named a couple of the guys' names, but I probably
14 couldn't put names with faces. I just know faces.

15 Q What did he tell you about the Horsemen?

16 A They were just a security force that worked
17 for Iverson.

18 Q You said the Horsemen worked for Allen
19 Iverson?

20 A They worked for him at that time. I am sure
21 they worked for other people, also.

22 Q Did he tell you anything else about the

page 47

1 other fights that these so-called Horsemen may have
2 been in, do you, of your own personal?

3 A Not of my own personal knowledge.

4 Q All you know is what Mr. Kittrell has told
5 you?

6 A That's right.

7 Q What did you see Jason Kane do that night, if
8 you can identify Mr. Kane? What did you see him do?

9 A I can identify him. He hit Marlin Godfrey
10 and was kicking him and throwing glasses and things
11 like that at him.

12 Q Now, Mr. Kittrell told you that --

13 A I don't know if that's Jason Kane.

14 Q That's what I am asking you. I am asking
15 you --

16 A I only know him by face. I don't know names.

17 Q You say you saw the man at Ozzios and you saw
18 a man on Punked?

19 A Right.

20 Q How many men on Punked did you see that you
21 recognized?

22 A None but that individual and Allen Iverson

page 48

1 that I recognized.

2 Q You saw one individual on Punked that you
3 recognized. It was one of the big guys that you
4 described?

5 A Right. One of the security guards from the
6 club.

7 Q Who was with you when you watched Punked?

8 A No one.

9 Q You saw it at home or on your own TV?

10 A Yes.

11 Q Had you and Mr. Kittrell talked about the
12 show Punked?

13 A Yes.

14 Q You have talked about it, haven't you?

15 A Yes.

16 Q And did you talk about who was in the show?

17 A No, not really. Just the phone call, Hey,
18 like I saw Allen Iverson on Punked and I saw one of
19 those guys.

20 Q And what did he say?

21 A Nothing really. And then that was basically
22 it.

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1 Q Did you ask him -- tell him to go look at it?

2 A Yeah, I told him I don't know when it is
3 going to come on again or whatever, but if you catch
4 it.

5 Q And at some point he called and told you he
6 had seen it, didn't he?

7 A Yes.

8 Q What did he tell you he had seen?

9 A The same thing.

10 Q What?

11 A Allen Iverson and the same guy that we both
12 acknowledged that we saw.

13 Q How many of the people you are calling the
14 Horsemen or bodyguards did you see involved in any type
15 of altercation?

16 A I don't know who really the Horsemen are or
17 none of that. I don't know names. I just know faces.
18 I saw two guys beating Marlin. And I only can describe
19 them by face.

20 Q And it is your testimony that there are only
21 three people involved in this fight?

22 A That I saw, yes.

page 79

1 was him being escorted out.

2 BY MR. MILSTEIN:

3 Q And when you had turned around and saw the
4 fight that was going on, did you see Mr. Godfrey?

5 A No, not at that time.

6 Q You just saw somebody was in the fight?

7 A Right.

8 Q And how many people did you say you saw
9 actually throwing punches?

10 A Two.

11 Q Two. And these were big guys?

12 A Yes.

13 Q And when you say -- is it two different
14 guys -- you saw two different guys throwing punches?

15 A Yes.

16 Q Was Mr. Godfrey standing up or was he on the
17 ground -- was the person they were hitting standing up
18 or on the ground?

19 A I couldn't see.

20 Q Could you see whether the two guys you saw
21 whether they were punching each other?

22 A No.

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1 Q You saw two guys punching a third person?

2 A Punching someone.

3 Q Was that person standing up or on the ground?

4 MS. MORAN: Objection.

5 THE WITNESS: I couldn't tell. Their back --

6 I just saw him punching. And I could just see them --

7 the figures. But they were covering because they were

8 big. I couldn't see exactly who they was covering.

9 BY MR. MILSTEIN:

10 Q I see. So the people who were punching had

11 their backs to you?

12 A Their backs to me to the side, but I still

13 couldn't see the individual that they were punching.

14 Q And how long at that point in time did you

15 see punching going on?

16 A How long? I really don't know the time of

17 how long.

18 Q Did the security from the club -- the guys

19 with the black shirts -- come and intervene?

20 A Yes.

21 Q Almost immediately?

22 A Yes.

page 81

1 Q And then when they intervened, did the
2 punching stop?

3 A No.

4 Q Did the people from the club and these big
5 guys, did they punch each other?

6 A Yes. I don't know if the people from the
7 club was punching. It seemed like they were more
8 trying to break it up.

9 Q Well, did they break it up?

10 A They did the best they could, I guess. They
11 got them off of him.

12 Q How many punches --

13 A The commotion was still going on and they was
14 still swinging. And the fighting was still going on
15 and things were still thrown. It was just a commotion.

16 Q How many punches would you estimate you saw
17 thrown?

18 A I don't know exactly -- exactly how many
19 punches. I wasn't counting.

20 Q I think you testified to Mr. Martin that you
21 saw kicking, also?

22 A Yes.

page 82

1 Q How could you see kicking if you were
2 standing where you had described and you were
3 looking -- wasn't there tables and other things in
4 between you and the people?

5 A No. All of that stuff was moved out of the
6 way because of the fighting. Stuff knocked over,
7 tables knocked over, chairs knocked over. And you
8 could clearly see the full body figures. And
9 someone -- I don't know who it was, you know, in the
10 middle. You could see kicking and you could see
11 punches and see throwing of objects.

12 Q Throwing the objects where?

13 A Towards that individual.

14 Q Towards the individual?

15 A Right.

16 Q I think you said at some point somebody threw
17 an object where you were standing, correct?

18 A Correct.

19 Q Do you know who threw it?

20 A One of the security guys.

21 Q One of what security guys?

22 A The security guys from Allen Iverson's group.

page 83

1 Q Well, you don't know who --

2 A I don't know his name. I just know his face.
3 He is the one that I seen -- that I saw kicking and
4 punching.

5 Q But you also don't know whether he was a
6 security guy. You just know it was a big guy, right?

7 A He was a big guy.

8 MS. MORAN: Hold on, Mr. Daniels. If you
9 could pause. Objection. I don't know what question
10 you are asking. That was like three or four questions
11 in one.

12 BY MR. MILSTEIN:

13 Q You can answer the question.

14 MS. MORAN: Do you understand it?

15 BY MR. MILSTEIN:

16 Q You don't know who Mr. Iverson's security
17 was, correct. All you know is they were big guys with
18 Mr. Iverson?

19 MS. MORAN: Objection.

20 BY MR. MILSTEIN:

21 Q Correct.

22 A Those guys seemed like his security guys.

page 84

1 Q They seemed like, but do you know whether
2 they were hired as security?

3 A No, I don't.

4 Q Do you know whether they were just big buys
5 who happened to be in Mr. Iverson's vicinity?

6 A They was with him and they were securing
7 him. I saw that exactly just how they came and how
8 they made sure he was safe and how they stood in front
9 of him. You could tell that he was security. I don't
10 know if he hired him. I don't know any of that.

11 Q Did they have anything on them that
12 identified them as security?

13 A No.

14 Q Were they wearing a uniform?

15 A No.

16 Q Were they wearing the same clothes as each
17 other?

18 A No.

19 Q At what point did someone throw something in
20 your direction?

21 A At what point?

22 Q At what point? Was it after the fighting had

page 85

1 stopped, after the punching had stopped?

2 A It was when the security from the club
3 intervened. And they was kind of breaking it up and
4 got those guys off of Marlin. And like I said, Tony
5 was going over to check on Marlin or to do whatever for
6 Marlin. And then one of the security guys was coming
7 at him and saying something to him. And then that's
8 when he ran behind me and got up on the sofa. And I
9 was standing there, one of the guys in the group was
10 there, and the security guy beside me. And he was
11 pointing and he was cursing, and he threw an object.

12 Q Who was cursing?

13 A The security guy.

14 Q See, when you say the security guy, are you
15 talking about the security guy from the club?

16 A Not from the club. From my point, that came
17 in with Allen Iverson.

18 Q One of the big guys who you thought was with
19 Mr. Iverson?

20 A Yes.

21 Q What was he saying to --

22 A I don't know what he was saying.

page 86

1 Q -- to Mr. Kittrell?

2 A I don't know.

3 Q Well, was Mr. Kittrell right behind you at
4 that point?

5 A Yes.

6 Q What was Mr. Kittrell saying to him?

7 A I didn't hear him say anything.

8 Q So the big guy was cursing at Mr. Kittrell
9 and Mr. Kittrell ran behind you?

10 A Yes.

11 Q And then it is your testimony that the big
12 guy then threw something?

13 A In that direction.

14 Q In that direction?

15 A Uh-huh.

16 Q At Mr. Kittrell who was behind you?

17 A I don't know if he threw it at Mr. Kittrell
18 or me or whoever. I just know he threw it.

19 Q And how far did -- how close to you was it
20 when it whizzed by?

21 A It was very close.

22 Q Like how close?

page 87

1 A It went right by me. Right by my head or
2 over my head.

3 Q And when it went right by your head, did you
4 hear it hit anything?

5 A I didn't -- no, I didn't hear it hit
6 anything.

7 Q Did you hear breaking glass?

8 A No.

9 Q Did you hear Mr. Kittrell say something like,
10 oh, it hit me or "ou"?

11 A No.

12 Q At that point in time -- so one of these big
13 guys at that point was facing you; is that correct?

14 A Yes. He seemed like he was about to come in
15 our direction but he never did.

16 Q And was this the guy that was 6'2"?

17 A This was the bigger.

18 Q He was 6'2" about?

19 MS. MORAN: Objection.

20 THE WITNESS: I don't know exactly how tall
21 he was. I said maybe around 6'2", 6'4".

22 BY MR. MILSTEIN:

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1 Q Between 6'2" and 6'4".

2 A Yeah.

3 Q And about 300 pounds?

4 MS. MORAN: Objection.

5 THE WITNESS: I don't know exactly his

6 weight.

7 BY MR. MILSTEIN:

8 Q And is this the guy that you saw on Punked?

9 A Yes.

10 Q Was it just coincident you just happened to
11 be watching Punked?

12 A Yes, uh-huh.

13 Q And when you saw him on Punked, was this the
14 guy who on Punked was saying, Make me move?

15 MS. MORAN: Objection.

16 THE WITNESS: Make me move?

17 BY MR. MILSTEIN:

18 Q Yeah. Do you remember him?

19 A I don't remember any of that.

20 Q So what was he doing when you saw him on
21 Punked?

22 A He was just walking with Allen Iverson,

page 89

1 standing around.

2 Q Did you see the other guy who you thought
3 was -- the other big guy, who you thought was throwing
4 punches at somebody? Did you see that person's face?

5 A Did I see his face in that --

6 Q In the commotion. You say the guy who you
7 say threw something at you or Mr. Kittrell was facing
8 you cursing?

9 A Right.

10 Q And he was 6'2" to 6'4" about 300 pounds,
11 correct?

12 MS. MORAN: Objection. That's not what he
13 said. He did not say he was 300 pounds.

14 THE WITNESS: I don't know the weight.

15 BY MR. MILSTEIN:

16 Q You don't know the weight?

17 A Or the height.

18 Q I thought you said he was 6'2" to 6'4".

19 A I said maybe around 6'2" or 6'4". I don't
20 know.

21 Q Around 6'2" to 6'4".

22 A And I said maybe 200 to 300 pounds. I don't

page 90

1 know the weight.

2 Q Around is fine. Approximately is fine. He
3 was a big guy?

4 A He was a big guy.

5 Q Around 6'2" to 6'4", correct?

6 A Right.

7 Q And between 200 and 300 pounds, correct?

8 A Correct.

9 Q What was he wearing, do you know?

10 A I don't recall.

11 MR. MARTIN: Mr. Milstein, let me ask this.

12 I am 200 pounds. Bigger than me?

13 THE WITNESS: Yes.

14 MR. MILSTEIN: I am 200 pounds. I know he is
15 bigger than me.

16 THE WITNESS: Yes.

17 BY MR. MILSTEIN:

18 Q Did he have any facial hair?

19 A No.

20 Q Did he have any tattoos?

21 A No, not that I recall. I didn't see.

22 Q Was he wearing a black shirt or a blue shirt?

page 91

1 A I don't recall what he was wearing.

2 Q Okay. Now, I may have asked you this, but I
3 forgot what your answer was.

4 MS. MORAN: Probably.

5 BY MR. MILSTEIN:

6 Q The other guy who you saw throwing punches,
7 did you get to see his face?

8 A Get to see his face?

9 Q Yeah. Did you ever see his face?

10 A Yes.

11 Q But that guy wasn't on Punked, correct?

12 A No.

13 Q The only guy who was on Punked was the guy
14 who was facing you 6'2" to 6'4" who was cursing and
15 threw something, correct? That was the only guy you
16 saw on Punked?

17 A That was the only guy I recognized.

18 Q That was the only guy who was on Punked who
19 was also in the club that night other than Mr. Iverson?

20 MS. MORAN: Objection. He said that he
21 recognized.

22 BY MR. MILSTEIN:

page 92

1 Q Correct?

2 A That's the only guy I recognized. I don't
3 know if it was on Punked. I don't know. I just know
4 that individual I recognized.

5 Q Let me just make sure I have this straight.
6 The only person you recognized as being in the club
7 that night, other than Mr. Iverson, who was also on
8 Punked was this big guy 6'2" to 6'4" --

9 MS. MORAN: Approximately.

10 BY MR. MILSTEIN:

11 Q Two to 300 pounds who was cursing and who
12 threw something, correct?

13 A Correct.

14 Q After he -- after this big guy looked at you
15 guys and threw something, what happened next?

16 A I really can't recall. Things just kind of
17 settled down. And I turned around. I was looking for
18 my friends that I came in the club with. And I didn't
19 see them. And then that's when I headed toward the
20 door.

21 Q Toward the door -- the exit door?

22 A Yes.

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1 Q And you walked out the exit door?

2 A Yes.

3 Q And was Mr. Kittrell still with you?

4 A No. He was outside when I got there.

5 Q Mr. Kittrell was already outside?

6 A Yes.

7 Q And then when you say you were looking for
8 your friend, did you mean Mr. Kittrell as opposed to
9 Mr. Godfrey?

10 A Did I meet them?

11 Q Did you mean Mr. Kittrell as opposed to
12 Mr. Godfrey when you said, I was looking for my
13 friends?

14 A I was looking for all of my -- yeah,
15 Mr. Kittrell and Mr. Godfrey, the guys that I was with
16 at the table. I was looking for any of those because
17 we got separated. I didn't see anybody.

18 Q And then you walked outside. And at that
19 point, Mr. Iverson and his group were gone to your
20 knowledge?

21 A I didn't see them.

22 Q You didn't see him?

page 94

1 A I didn't see them.

2 Q And how about this big guy, the 6'2" to 6'4"
3 guy. You didn't see him anymore the rest of the night?

4 A No.

5 Q And the other guy who you think may have
6 thrown some punches, you never saw him again. And you
7 didn't see him in the Punked video. And you haven't
8 seen him ever since, correct?

9 MS. MORAN: Objection. Mischaracterizes his
10 testimony.

11 BY MR. MILSTEIN:

12 Q Is that right?

13 A I saw him again at Ozzios.

14 Q Oh, the other guy?

15 A Yeah.

16 Q Not the 6'2 to four?

17 A Yes, him, also.

18 Q You saw him together?

19 A Yes.

20 Q I see. Do you know what either of their
21 names are?

22 A No.

page 95

1 Q And so how long were you outside before you
2 and Mr. Kittrell went to the hospital?

3 A Time I don't know exactly. Time -- I just
4 wasn't -- with all the commotion and everything going
5 on, it wasn't a thing about time that I was thinking
6 about. I would be guessing if I say anything about
7 time.

8 Q Okay. But you drove?

9 A Yes.

10 Q Did you feel you were inebriated at all?

11 A No.

12 Q By the way, before the commotion started,
13 were you inebriated at all?

14 A No. I was fine.

15 Q Well, you had had at least two Vodkas and
16 cranberries?

17 A Yes.

18 Q How many Vodkas and cranberries does it take
19 before you start to feel that you are a little
20 inebriated?

21 A Usually six.

22 Q Six? Had anybody opened the champagne?

page 96

1 A No, not of my knowledge. I didn't drink
2 champagne.

3 Q To your knowledge, was Mr. Kittrell
4 inebriated before the commotion started?

5 A No.

6 Q How many drinks did you see him take?

7 A I am not sure.

8 Q Was Mr. Godfrey inebriated?

9 A Not of my knowledge.

10 Q Which of those two guys is into martial arts
11 to your knowledge?

12 A Both.

13 Q Both?

14 A Uh-huh. Marlin is an instructor.

15 Q Marlin is an instructor. And you are friends
16 with both of them, correct?

17 A Yes.

18 Q Have you ever talked with Marlin about his
19 martial arts skills?

20 A Yes.

21 Q Have you ever seen him perform martial arts
22 skills?

page 97

1 A Yes, just in front of me he had done
2 something.

3 Q Does he claim to be a good martial artist?

4 A Yes.

5 Q And you know him to be a good martial artist?

6 MS. MORAN: Objection.

7 THE WITNESS: I don't know how good he is. I
8 just know what he said.

9 BY MR. MILSTEIN:

10 Q Have you ever heard him talk about fighting
11 anyone?

12 A No.

13 Q Have you ever known him to be in a fight
14 before?

15 A No. He is not that type of individual of my
16 knowledge from the time I have known him. He don't
17 seem to be that type of guy.

18 Q So you go to the hospital with Mr. Kittrell,
19 and you drop him off and then you leave. Is that what
20 you said?

21 A Yes.

22 Q Whose car was it?

page 98

1 A I didn't drop him off. I stayed for a while
2 and then eventually I left.

3 Q Okay. Whose car did you drive over there or
4 did you go in a cab?

5 A His car.

6 Q His car?

7 A Uh-huh.

8 Q So you left his car there and then you left?

9 A Uh-huh.

10 Q How did you get out? Cab?

11 A Cab, uh-huh.

12 Q When was the next time that you talked to
13 either him or Mr. Godfrey about the incident?

14 A I talked to Mr. Kittrell the next day.

15 Q And what was the occasion of talking to him
16 the next day?

17 A To see if he was okay.

18 Q And did he say he was okay?

19 A He said his jaw was hurt a little bit. And
20 we just talked about, wow, we can't believe that
21 happened and what happened.

22 Q And what did he say what happened?

page 99

1 A In detail? Basically the same things I was
2 talking about and, I mean, how they beat Mr. Godfrey
3 and we can't believe that that even occurred or what
4 even happened.

5 Q Did he say anything to you about I am going
6 to sue somebody and make some money on this?

7 A No.

8 Q Did you know him to need any money?

9 A No.

10 Q Did you know him to owe anybody any money?

11 A No.

12 Q Did you have any other conversations with
13 either -- did you ever have a conversation with
14 Mr. Godfrey about what happened?

15 A Not the next day.

16 Q Well, when was the first time you had a
17 conversation with Mr. Godfrey about what happened?

18 A Exactly when, I can't really say. I just
19 know I did get in contact with him finally just to
20 check on him to see if he was okay.

21 Q Did he say he was okay?

22 A No.

page 100

1 Q What did he say?

2 A He said he was beat up. And he was
3 describing the injuries in detail what he had, what he
4 had went to the hospital for, and what the medical
5 situation was.

6 Q Did either of them ever tell you that
7 Mr. Iverson ever hit them?

8 A No.

9 Q If they had told you Mr. Iverson hit them,
10 you knew that wouldn't be true, correct?

11 MS. MORAN: Objection.

12 THE WITNESS: I wouldn't know. Like I said,
13 I wasn't seeing everything. My back was turned, so.

14 BY MR. MILSTEIN:

15 Q Well, the only guys you saw hitting whoever
16 was on the ground were two big guys, correct?

17 A Correct.

18 Q Neither of whom are Mr. Iverson?

19 A No, they wasn't Mr. Iverson.

20 Q In fact, you saw Mr. Iverson leave the club
21 almost immediately after the commotion started,
22 correct?

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1 BY MS. MORAN:

2 Q Mr. Daniels, with respect to the Punked
3 video, did you say you saw that by chance?

4 A Yes.

5 Q And when you contacted Mr. Kittrell and you
6 told him that you saw it, he hadn't seen it yet, had
7 he?

8 A No.

9 Q And he didn't tell you to watch it?

10 A No.

11 Q In fact, you informed him that you saw
12 Punked, and you saw at least one of the individuals
13 from that evening at the Eyebar, correct?

14 A That I saw Allen Iverson and one of the
15 individuals.

16 Q And you were sure at the time that you saw it
17 that the person in the Punked video with Allen Iverson
18 was one of the big guys that you talked about who was
19 hitting and kicking Marlin Godfrey, correct?

20 A Yes.

21 Q So Mr. Kittrell in no way shaped your belief
22 that the guy in the Punked video was one of the guys at

page 109

1 the Eyebare who beat up Mr. Marlin Godfrey, correct?

2 A No. I told him. I alerted him that that's
3 what I saw and that's that guy.

4 Q Now, that night at the club, you didn't have
5 a stopwatch, did you?

6 A No.

7 Q So you weren't timing the events of that
8 night?

9 A I know nothing about timing. I really wasn't
10 concerned about that.

11 Q You went out that night to enjoy yourself,
12 correct?

13 A Correct.

14 Q So you weren't watching clocks and watching
15 the watch and timing what people were doing, were you?

16 A No, I wasn't.

17 Q And you don't know what time Mr. Iverson
18 actually came into the venue at the Eyebare, do you?

19 A No.

20 Q And you don't know when he actually left the
21 venue, do you?

22 A No.

page 110

1 Q In fact, you only know the point in time when
2 you saw him in your view?

3 A Correct.

4 Q And you testified that at some point in the
5 evening you recognized that a commotion was going on,
6 correct?

7 A Correct.

8 Q But you don't know when the commotion
9 actually started, do you?

10 A No, I don't.

11 Q And you don't know how long the commotion had
12 actively gone on before you recognized that it was
13 occurring, do you?

14 A Correct.

15 Q So it is possible that before you noticed
16 that it was going on, it had already been going on for
17 a while?

18 A Yes.

19 Q And it could have been only going on for
20 seconds?

21 A Yes.

22 Q You have no idea when it started?

page 111

1 A No, I don't.

2 Q And you don't know how it started?

3 A No, I don't.

4 Q So you don't know if Mr. Iverson himself
5 actually threw the first punch, do you?

6 A No, I don't.

7 Q And you don't know if the gentlemen that you
8 identified as the two big guys, who you later know were
9 hitting and kicking Marlin Godfrey, you don't know if
10 one of them threw the first punch, do you?

11 A No, I don't.

12 Q You have no idea how it started?

13 A No idea. My back was turned.

14 Q But at the point in time when you did see the
15 two big guys hitting and kicking Marlin Godfrey, were
16 they the aggressors?

17 A Yes.

18 Q And at that point, you didn't see anybody
19 hitting or kicking them, did you?

20 A No.

21 Q So they could have walked away if they wanted
22 to at that point in time?

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1 MR. MARTIN: Objection to form and

2 foundation.

3 BY MS. MORAN:

4 Q You can answer the question.

5 A Yes, they could have.

6 Q And when you saw these two individuals at
7 Ozzios, you were sure that it was the two gentlemen at
8 the Eyebar?

9 A Yes.

10 Q And who was with you at Ozzios that night?

11 A Me and a couple of friends, Tony.

12 Q Tony Kittrell was there?

13 A Yes.

14 Q So he saw these individuals, too?

15 A I saw them. I don't know if he saw them.

16 Again, I alerted him then that I think -- well, I
17 saw -- I said I saw those guys. I told him.

18 Q Because you wanted to make him aware that
19 they were in the building?

20 A Right.

21 Q And is it possible that on the Punked tape
22 there's other individuals in that tape who were at the

page 124

1 I am not going to object to it.

2 MS. MORAN: I mean, he didn't really have an
3 ID on him.

4 MR. MILSTEIN: Well, who was the guy that you
5 saw --

6 MS. MORAN: Okay. Who is asking the
7 questions now?

8 THE REPORTER: Do you all want to go on the
9 record?

10 MR. MILSTEIN: Yeah, we are on the record.

11 MS. MORAN: We are on the record. And Mr.
12 Martin is asking questions.

13 BY MR. MARTIN:

14 Q Did you recognize anybody in that video?

15 A Yes.

16 Q Who did you recognize?

17 A Allen Iverson and the security guy that was
18 with him that night.

19 Q What was that person that you recognized
20 doing -- the one that you recognized as the security
21 guy, what was he doing that night?

22 A Beating Marlin Godfrey.

page 125

1 Q That's the person you described as beating
2 Marlin?

3 A Yes.

4 Q That's the person who was beating Marlin when
5 Mr. Iverson left?

6 MS. MORAN: Objection.

7 THE WITNESS: I don't know when Mr. Iverson
8 left. I mean, when I saw him going by -- passing me,
9 it looked like they were escorting him out, yeah.

10 BY MR. MARTIN:

11 Q The person that was beating him was still
12 beating him, correct?

13 A Right.

14 MR. MILSTEIN: And that's the person with the
15 hat turned on --

16 MS. MORAN: Mr. Martin, are you done with
17 your line of questioning this guy? We need to do this
18 in some type of order so that I can --

19 MR. MARTIN: No, I am not done.

20 MS. MORAN: Okay. I move to strike
21 Mr. Milstein's last question based on the fact it was
22 in the middle of Mr. Martin's redirect.

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1 MR. MARTIN: I don't have anything, Counsel.

2 EXAMINATION BY COUNSEL FOR THE

3 DEFENDANT ALLEN IVERSON

4 BY MR. MILSTEIN:

5 Q Did you say you recognized the guy with the
6 hat turned backwards?

7 A He looked familiar, but that's not the guy
8 that I was focused on when I was talking about beating
9 Marlin Godfrey. That's not the individual. That's not
10 the individual that I saw when I first watched the show
11 and I pointed out the individual I was talking about.
12 And I think they was blurring his shirt out. It was
13 something on his shirt.

14 MS. MORAN: Let's go off the record for a
15 second.

16 (Discussion was held off the record.)

17 FURTHER EXAMINATION BY COUNSEL FOR THE PLAINTIFFS

18 BY MS. MORAN:

19 Q So, Mr. Daniels, the individual that you are
20 referring to that you saw beating and kicking Marlin
21 Godfrey even at the point when Mr. Iverson was leaving
22 out of your view is the guy in the black shirt with the

page 127

1 white writing on it?

2 MR. MILSTEIN: Objection. Form.

3 THE WITNESS: This guy here, yes.

4 MS. MORAN: Let the record reflect --

5 THE WITNESS: The blurring on his shirt of
6 the writing.

7 MS. MORAN: Let the record reflect that he is
8 pointing to a gentleman with a black shirt on with a
9 white writing across the shirt that's blurred out with
10 no hat on. And next to the gentleman on the right is a
11 shorter guy and a black shirt that cuts off at the
12 elbow with a hat on backwards.

13 MR. MILSTEIN: Objection. I don't know if he
14 is shorter. I don't know that.

15 MS. MORAN: Okay. Well, let me be a little
16 clearer. In the video, the guy with the hat on
17 backwards, the top of his head is below the other
18 gentleman's nose in the view on the picture.

19 MR. MARTIN: That's the camera angle. I
20 don't know if he's actually shorter.

21 BY MS. MORAN:

22 Q And the person that you identified on the

page 128

1 tape with the black shirt on with the white blurred
2 writing is the person who you saw throwing things in
3 the direction of you and Mr. Tony Kittrell?

4 A Yes.

5 MR. MILSTEIN: Objection to form.

6 MS. MORAN: I don't have anything further.

7 MR. MARTIN: I would have a follow-up on it.

8 FURTHER EXAMINATION BY COUNSEL FOR THE

9 DEFENDANT JASON KANE

10 BY MR. MARTIN:

11 Q Today you seem to recognize the guy with the
12 baseball hat turned around. You have seen this before,
13 haven't you?

14 A Yes.

15 Q And have you ever told anybody that you
16 recognized the second guy in that video?

17 A No.

18 Q What is it today that caused you to recognize
19 this man now with the baseball cap turned around?

20 A I have just seen it again, and he just looks
21 familiar. I have only seen this one time. I haven't
22 really -- the time that I saw it was just immediately I

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1 noticed that one person and then the phone call was
2 made.

3 Q Did Mr. Kittrell call you back after he had
4 seen the video?

5 A After he seen the video?

6 Q Sure.

7 A No.

8 Q He never told you he had watched the movie
9 Punked or the program Punked?

10 A Yes, but he didn't call me back and tell me
11 that. You know, as time went on, he told me he said,
12 yeah, I saw it.

13 Q What did he tell you?

14 A He just said, yes, he saw the video and, yes,
15 that was the same guy.

16 Q How many guys did he talk about?

17 A He didn't talk about any.

18 Q He said it was the same guy. He only talked
19 about one guy?

20 A He said that was the same guy, so I don't
21 really know.

22 Q You don't know which guy he is talking about?