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IN THE CRIMINAL COURT, DIVISION VI  
FOR DAVIDSON COUNTY, TENNESSEE

STATE OF TENNESSEE,	)	
	)	
Plaintiff,	)	
	)	Case No. 2019-I-384
VS.	)	
	)	
MICHAEL JOHN REYNOLDS,	)	
	)	
Defendant.	)	
	X	

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TRANSCRIPT OF PROCEEDINGS  
TAKEN ON DECEMBER 6th, 2019  
THE HONORABLE MARK J. FISHBURN, PRESIDING

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*Prepared by:*  
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APPEARANCES:

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FOR THE PLAINTIFF:

GEN. BRIAN EWALD, ESQUIRE  
222 SECOND AVENUE, NORTH  
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FOR THE DEFENDANT:

EDWARD YARBROUGH, ESQUIRE  
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1                   (Whereupon, the following proceedings were  
2                   held in open court.)

3                   THE COURT: All right. Are we ready to  
4                   proceed on *State v. Michael Reynolds*?

5                   GEN. EWALD: Yes, Your Honor.

6                   THE COURT: All right.

7                   GEN. EWALD: Your Honor, this is set for a  
8                   hearing on Mr. Reynolds. Mr. Reynolds pled guilty to  
9                   four counts, aggravated criminal trespass, three counts  
10                  of assault. Mr. Reynolds has eligibility for 40-35-313.  
11                  So, this hearing is to determine essentially the length  
12                  of sentence, manner of sentence, whether or not Mr.  
13                  Reynolds will be granted judicial diversion. The State  
14                  would ask that a copy of the presentence report be made  
15                  an exhibit to this hearing. And I have two witnesses  
16                  that are here, a third that I hope is on the way, but I  
17                  could get started calling them. At this point, I would  
18                  first call Joetta Alderson.

19                  THE CLERK: Mr. Ewald, there is an addendum.

20                  GEN. EWALD: Okay. I'll ask that that also  
21                  be made.

22                  THE COURT: Oh, there is?

23                  THE CLERK: Yes, sir. It's just a one-page  
24                  addendum.

25                  (Collective Exhibit 1 was marked and entered

1 into evidence.)

2 Whereupon,

3 Joetta Alderson,

4 having been first duly sworn, was examined and testified

5 as follows:

6 DIRECT EXAMINATION BY GEN. EWALD:

7 Q. Ma'am, will you please state your name for  
8 the record?

9 A. My name is Joetta Alderson.

10 Q. Can you please slowly spell your first and  
11 last names?

12 A. J-o-e-t-t-a, A-l-d-e-r-s-o-n.

13 Q. And Ms. Alderson, where do you live?

14 A. I live at 1208 Ashwood Avenue.

15 Q. How long have you lived there?

16 A. Fifty-some-odd years.

17 Q. All right, and your next door neighbor, if  
18 you're looking out your front door to your left, who is  
19 that?

20 A. That's Conese Halliburton.

21 Q. Okay, and she's the alleged victim in this  
22 case. How long have you known Ms. Halliburton?

23 A. Ever since she was born.

24 Q. Okay. Has she lived at that location since  
25 she was born?

1           A.     Yes.

2           THE COURT:   Just for clarification, is she  
3 your next door neighbor to your left or across the  
4 street and to your left?

5           THE WITNESS:  It's right next door to my  
6 left.

7           THE COURT:   Okay.  Thank you.

8   BY GEN. EWALD:

9           Q.     And do you know a third individual, Justin  
10 Roddick, do you know that individual as a neighbor of  
11 yours?

12          A.     Yes.

13          Q.     Where does he live?

14          A.     He lives at 1209 Ashwood Avenue.  It's kind  
15 of adjacent to where I live.

16          Q.     Okay.  Is that on your side of the street or  
17 across Ashwood?

18          A.     It's across the street.

19          Q.     Okay.  All right.  Directly next door to your  
20 right of your home, what is located there, the next --

21          A.     It's an Airbnb.

22          Q.     Okay, and are there actually -- is it one  
23 lot, two homes built on that lot?

24          A.     Yes.

25          Q.     Okay.  That's a common thing in Nashville,

1 common set up in 12th, South; is that correct?

2 A. Yes.

3 Q. Okay, and you said it's an Airbnb. There are  
4 two buildings there, two homes. Are they each rented  
5 out as Airbnbs?

6 A. Yes.

7 Q. Okay. How long has that been going on for?

8 A. Three, four years now.

9 Q. Okay.

10 A. Every since they built them.

11 Q. Okay, but no one has ever lived there  
12 permanently in those?

13 A. There was a lady that lived there, but she  
14 did sell it. And after she sold it, then it became the  
15 Airbnb.

16 Q. Okay. All right. I'm going to direct you to  
17 July 9th of 2018, which is where an incident took place  
18 in the early morning hours. I'm not going to ask you  
19 about that incident, okay, but later on on July 9th, as  
20 the day went on --

21 A. Yes.

22 Q. -- did something happen that you were present  
23 for on Ashwood?

24 A. Yes.

25 Q. What was that?

1           A.       That was when Ms. Halliburton confronted the  
2 Defendant.

3           Q.       Okay. Before we get to that, have you had  
4 contact with Ms. Halliburton before that took place?

5           A.       She and I were sitting out on my porch. We  
6 were talking.

7           Q.       Okay. So, had you been filled in a little  
8 bit on her account of what had happened earlier that  
9 evening during the night?

10          A.       Yes.

11          Q.       Okay. All right. So, with whatever  
12 information she supplied to you, you're sitting on your  
13 porch. What did you see?

14          A.       They proceeded to come out of the Airbnb.  
15 And when they came out of the Airbnb, she went across  
16 the street. I went with her, and then she began to  
17 confront -- to talk to them about what had happened.

18          Q.       All right. Now, we're referring to them.  
19 Describe this group that we're talking about.

20          A.       It was a bunch of men, okay.

21          Q.       How many, do you think?

22          A.       Six, seven, something like that.

23          Q.       Okay, and they came out. Now, again, there  
24 are two Airbnbs. Is this the one right next door to you  
25 or would this have been the one one next to it?



1           A.     It was the -- it's the blue one. One is  
2     gray, I believe, and the other one is blue. It's the  
3     blue.

4           Q.     Okay. So, this blue one, there's a house in  
5     between your house and it; is that right?

6           A.     Yes.

7           Q.     Okay. So, these individuals all come out of  
8     that Airbnb, and Ms. Halliburton goes down to talk to  
9     them, and you go with her; is that right?

10          A.     Yes.

11          Q.     All right. Describe that interaction, what  
12     was said, what the tenor of the conversation was like?

13          A.     Well, Ms. Halliburton was upset because, you  
14     know, what had happened about one of them breaking into  
15     the house, okay. And it was -- it was another guy  
16     there. He was saying well, we're policemen from New  
17     York, okay. It's not really a big issue or anything  
18     like that. He just probably had maybe too much to  
19     drink, and Ms. Halliburton said she wanted him arrested.

20          Q.     The person that was doing most of the talking  
21     from that group, the group of men, was that the  
22     individual Ms. Halliburton was identifying as the  
23     individual that had broken into her home?

24          A.     No.

25          Q.     Okay.

1 A. No.

2 Q. All right. So, the individual that was  
3 making these statements about it was not a big deal --

4 A. Yes.

5 Q. -- that's a different person than --

6 A. That is correct.

7 Q. -- Officer Reynolds; is that correct?

8 A. That is correct.

9 Q. All right. Do you recall the individual she  
10 was pointing out as the person? Do you recall what that  
11 person looked like, the person that broke into her home?

12 A. Yes, that gentleman over there.

13 Q. Okay, and you've said over here. Can you  
14 indicate who you are referring to by what he's wearing?

15 A. Blue. It's either blue or black, or gray, or  
16 something tie.

17 MR. YARBROUGH: We'll stipulate that that's  
18 our client, Your Honor.

19 THE COURT: All right.

20 GEN. EWALD: Thank you.

21 THE WITNESS: Okay, and he began to  
22 apologize. He apologized to me. He said he was sorry.  
23 He had too much to drink, and I said to him, you need to  
24 tell her that because it happened to her. It didn't  
25 happen to me.

1 BY GEN. EWALD:

2 Q. Okay. What was Ms. Halliburton's demeanor  
3 like as that conversation kind of progressed?

4 A. She was upset. She was very upset, and her  
5 children were afraid, you know. So, that made her even  
6 a little bit more upset.

7 Q. Okay. Going back, and I hate to go backwards  
8 in time, but when Ms. Halliburton was telling you and  
9 explaining to you what had happened overnight, what was  
10 her demeanor then in expressing what had happened?

11 A. She was shaken up.

12 Q. Okay.

13 A. She was shaken up.

14 Q. Okay. What -- how did the conversation end  
15 then with this group of men?

16 A. Well, they were going on back into the house.  
17 She went back to her home, to back to my steps, and she  
18 went to her home, and then she called the police, came  
19 back and she sat down -- you know, we were sitting on  
20 the steps just kind of talking then. By that time,  
21 whoever must have managed the Airbnb, they had gotten  
22 kicked out. And so, they left. They got in the car and  
23 left. She had called the police and was waiting for the  
24 police to come and, you know, they got in the car and  
25 just left.

1 Q. Okay. Did they police eventually arrive?

2 A. Yes.

3 Q. Okay, and that was kind of a follow-up call  
4 from the initial call that happened overnight, right?

5 A. Yes. Yes.

6 Q. How long did it take for the police to  
7 arrive?

8 A. About an hour and a half, maybe two.

9 Q. Okay, and that group was gone by then?

10 A. They were gone by then, yes.

11 Q. Okay. Anything else from that conversation  
12 that happened in the street, that you remember, that you  
13 think is relevant to this hearing that was said?

14 A. The one that did a whole lot of the talking,  
15 it's like he kept trying to incite some type of  
16 altercation between us and them as though that, if the  
17 police did call, it's not going to be a big issue  
18 because they were policemen from New York.

19 Q. Okay. Okay. What was your reaction to that  
20 statement or those kind of statements?

21 A. I thought that it made it seem like there was  
22 no justice to me. What had happened to her could happen  
23 to anybody, but as long as they were policemen, then it  
24 was okay. Now, the policemen that did come tried to  
25 offer us the best solutions that they could for this

1 situation.

2 Q. Okay. So, the police that did respond, Metro  
3 Police --

4 A. Yes.

5 Q. -- they did not ignore the --

6 A. No.

7 Q. -- complaints that were provided or didn't  
8 kind of sweep it under the rug or anything like that?

9 A. They didn't sweep it under the rug, but you  
10 can't arrest somebody that's not there.

11 Q. Sure. Sure, and as far as you know, that  
12 group of men didn't return back to that house or come  
13 back to the street?

14 A. That is correct.

15 Q. Is that right?

16 A. That's correct.

17 Q. Ms. Alderson, I was going to show a clip that  
18 I was hoping that you could identify. I'll stop it here  
19 for a second. Do you recognize -- hang on a second. It  
20 will pop up on your monitor. There you go. Ms.  
21 Alderson, do you see that? Oh, it's not on yours?

22 A. No.

23 Q. Okay.

24 THE COURT: Can you see mine?

25 THE WITNESS: I can see some of yours. That

1 looks like it's Justin's house. That's 1209 Ashwood.

2 BY GEN. EWALD:

3 Q. If you want to go -- if you can see well  
4 enough for me to just kind of establish what we're  
5 looking at, that's fine. So, you think this is --  
6 that's Mr. Roddick's house; is that correct?

7 A. Yes.

8 Q. Okay, and in relation to this front yard that  
9 we're looking at here and the foreground, where would  
10 your home be, where would these Airbnbs be and where  
11 would Ms. Halliburton's house be?

12 A. The Airbnb would be directly across the  
13 street. See, look at the white van.

14 Q. Right there?

15 A. Right there.

16 Q. Okay.

17 A. That's where the Airbnb would be.

18 Q. So, kind of one there and one there, maybe?

19 A. Yes.

20 Q. Okay.

21 A. And you see the next house. It looks like  
22 green steps. That's my house.

23 Q. Okay, and Ms. Halliburton's house would then  
24 be this next one --

25 A. Her house would be the next one, yes.

1 Q. -- down that way; is that right? All right,  
2 and we've got a group of folks right here, it looks like  
3 on the sidewalk or street, in front of Mr. Roddick's  
4 house. Do you recognize that group?

5 A. Well, I know that's us.

6 Q. Okay. So, this is --

7 A. And them.

8 Q. This is the conversation that you're  
9 referring to; is that correct?

10 A. Yes.

11 Q. I'm going to play it because there's some  
12 audio that it picks up.

13 (Whereupon, the video was played.)

14 BY GEN. EWALD:

15 Q. Is that what you recall?

16 A. Yes.

17 Q. Is that an accurate representation of what  
18 took place that afternoon?

19 A. Yes.

20 GEN. EWALD: I'll ask that that clip be made  
21 an exhibit to this testimony, and I actually have a disk  
22 with another clip on it that I'll submit after all the  
23 testimony is done.

24 THE COURT: All right.

25 (Exhibit 2 was marked and entered into

1 evidence.)

2 BY GEN. EWALD:

3 Q. Ms. Alderson, can you -- being a resident of  
4 this neighborhood for fifty-plus years and looking at  
5 the changes that have occurred in very recent time in  
6 that neighborhood, can you talk a little bit to the  
7 Court about how the changes in the neighborhood have  
8 affected long-time residents like you and Ms.  
9 Halliburton?

10 A. I grew up there. We moved over there when I  
11 was thirteen years old. I used to know everybody that  
12 lived up and down the street. You know, everybody knew  
13 this one's family and that one's family. Everybody  
14 knew. It was a neighborhood then. It wasn't -- it  
15 wasn't a lot of drugs or anything like that. There  
16 wasn't any gangs or anything like that, but it was a  
17 neighborhood. Now, with the Airbnb, it's a fight to do  
18 anything and everything. They feel entitled to do  
19 anything that they want to. They can come through your  
20 yard if they want to. They can put a hammock in your  
21 yard. They throw t-shirts on top of your roof. They  
22 throw tobacco in the yard. This is the Airbnb. These  
23 people come in. They're there for a weekend. They're  
24 going back home. So, whatever happens there, it just  
25 happens. Now, you can have them put out, but still, I'm



1 the one that's got to go out there in the yard and clean  
2 up whatever they've thrown out there. They put trash in  
3 my trash cans. Sometimes, it gets knocked over. My  
4 neighbors have had to come and help me to pick it up,  
5 but it has been a great change. I am a reasonable  
6 neighbor. They hoop, and holler, and sing two or three  
7 o'clock in the morning. It's just -- it's been a bad  
8 change. People are entitled to come and visit, but  
9 treat it like you would treat your home. That's all the  
10 neighborhood wants. Don't do all the damage, and then  
11 you're gone away.

12 Q. Ma'am, is there anything I've failed to ask  
13 you about that you think needs to be said at this  
14 hearing or anything you remember from that time, July  
15 9th, that I've failed to cover with you?

16 A. No, you've covered it pretty much.

17 Q. Okay.

18 A. I just ask for justice.

19 GEN. EWALD: Thank you, ma'am.

20 THE WITNESS: Do I get up?

21 THE COURT: No.

22 MR. YARBROUGH: Very briefly, Your Honor.

23 CROSS EXAMINATION BY MR. YARBROUGH:

24 Q. I'm sorry, I didn't pick up the correct  
25 pronunciation of your name. Please, ma'am, tell me

1 again?

2 A. Joetta Alderson.

3 Q. Alderson?

4 A. Yes.

5 Q. Thank you very much. This may come as a  
6 surprise, but I lived at 12th and Caruthers when I was  
7 seven years old, and I know exactly what you're talking  
8 about. How far is Ashwood from Caruthers?

9 A. Just a couple of blocks.

10 Q. A couple of blocks?

11 A. Uh-huh.

12 Q. And my daughter, who graduated from Belmont  
13 just a few years ago, lived on Kirkwood.

14 A. Uh-huh.

15 Q. And that's just a few more blocks south,  
16 isn't it?

17 A. That's correct.

18 Q. Yes, ma'am, and speaking just as a lawyer for  
19 Mr. Reynolds, I agree with you a hundred percent about  
20 what you're saying about these things.

21 A. Thank you.

22 Q. But I want to make sure I understood your  
23 testimony about one thing. Mr. Reynolds was not the man  
24 making those statements that we all feel were  
25 inappropriate. He was not the person making those

1 statements, was he?

2 A. He made the statement that he was --

3 Q. He was sorry?

4 A. -- he was sorry.

5 Q. Yes.

6 A. He had too much to drink.

7 Q. Right.

8 A. He made that statement.

9 Q. But the other statements were made by one of  
10 his companions?

11 A. Yeah, one of his companions.

12 MR. YARBROUGH: Thank you very much, yes,  
13 ma'am.

14 THE WITNESS: Do I get down?

15 THE COURT: What, if anything, did Mr.  
16 Reynolds do in response to this friend that was with him  
17 that you kind of called an agitator?

18 THE WITNESS: He just -- he just said I'm  
19 sorry, I'm just sorry, I had too much to drink.

20 THE COURT: But did he do anything to try and  
21 have his friend step down or?

22 THE WITNESS: He didn't try to stop him or  
23 anything like that. No, he didn't try to stop him.

24 THE COURT: Anything else?

25 GEN. EWALD: No, Your Honor, not for this

1 witness.

2 THE COURT: All right. Now, you can step  
3 down, Ms. Alderson. Thank you very much.

4 GEN. EWALD: The State calls Justin Roddick.  
5 Whereupon,

6 Justin Roddick,  
7 having been first duly sworn, was examined and testified  
8 as follows:

9 DIRECT EXAMINATION BY GEN. EWALD:

10 Q. Sir, can you please state your name for the  
11 record?

12 A. Justin Roddick.

13 Q. And please slowly spell your first and last  
14 names?

15 A. J-u-s-t-i-n, R-o-d-d-i-c-k.

16 Q. And Mr. Roddick, where do you live?

17 A. 1209 Ashwood Avenue.

18 Q. Okay, and do you know Ms. Alderson who just  
19 got off the witness stand?

20 A. Briefly. We've lived on Ashwood for ten  
21 years on the other side of the street. So, we don't  
22 necessarily hang out a lot, but great neighbors, yeah.

23 Q. Okay. Across the street neighbor?

24 A. Yeah.

25 Q. What about Ms. Halliburton, Conese

1 Halliburton, do you know her?

2 A. The first time I met her was -- was the day  
3 -- the morning after it happened.

4 Q. Okay. All right. So, you've lived on  
5 Ashwood for ten years. And since you have lived there,  
6 at some point, you installed a Ring camera security  
7 system; is that correct?

8 A. Yeah, it's actually the Nest camera --

9 Q. Nest, I'm sorry.

10 A. Yeah, we have six because it was starting to  
11 get to be a problem with Airbnbs. So, we decided that,  
12 since we couldn't get any help, we just would monitor it  
13 ourselves.

14 Q. Okay. How long have you had that in place  
15 before July 9th of 2018, if you know?

16 A. About a year, and I'm kind of the go-to guy.  
17 When something happens on the street, the neighbors come  
18 and ask me for the footage.

19 Q. Okay. So, you're saying this has happened  
20 more than once when people have come looking for  
21 footage?

22 A. This isn't even the first breaking and  
23 entering. So, no.

24 Q. Okay. We can go to that now if you want to  
25 discuss that issue. I asked Ms. Alderson about that as

1 well. You, as a ten-year resident on Ashwood, have also  
2 seen a lot of changes happen in the recent years,  
3 correct?

4 A. Yes, sir.

5 Q. Can you tell the Court also your opinion of  
6 how the changes have been, what it's like living on that  
7 street as houses get torn down and tall skinnies get put  
8 up, Airbnbs move in? Tell the Court a little bit about  
9 that.

10 A. It is a very busy area now. A lot of Ubers  
11 and Airbnbs, and we're fine with -- you know, we're fine  
12 with the business models. There's several on the  
13 street. You would never know there was an Airbnb. The  
14 two directly across the street from my house can hold  
15 twenty-four people on a given weekend, and they both  
16 have roof-top decks. So, it gets kind of wild down  
17 there. So, we've been on the news several times, and  
18 we've -- we've gone to the city. We've talked to the  
19 Mayor. We've talked to as many people as we can, and  
20 still not -- it's just crazy.

21 Q. Okay. Are those still operating as Airbnbs  
22 today?

23 A. Yes.

24 Q. Okay. All right. Let's go to July 9th of  
25 2018. And I don't want to go into necessarily the

1 incident that took place, any information you got from  
2 anyone else, but at some point on July 9th, did someone  
3 approach you asking about footage from your Nest camera?

4 A. Yes. In the morning, Conese came over and  
5 she was crying and shaking, and I was out in my yard  
6 mowing the grass. And she said hey, something really  
7 horrible happened last night, do you mind looking at  
8 your footage. And I said no, and I instantly went  
9 inside, went into my office, and I told her -- I said  
10 hey, let me go get it and I'll -- meet me back outside  
11 in twenty minutes. And I basically went and checked it,  
12 and some of the footage was just shown, but we have the  
13 night-of footage and the morning footage. And I was  
14 basically -- I came back outside. Conese walked across  
15 the street on my side of the sidewalk, and we were --  
16 that's when we were back in the camera view of the  
17 footage you just saw. And basically, that's -- I was  
18 showing her the footage when the cab pulled up that the  
19 Airbnb guests got out of.

20 Q. Okay, and obviously, you're referring to the  
21 clip I just played. Initially, that's... I'll pull up  
22 just the beginning of it so you can identify it. Do you  
23 see that?

24 A. I can see it on --

25 Q. That's still not working. Can you see off

1 the Judge's --

2 A. I can see it on the -- yeah, the Judge's  
3 screen.

4 Q. That's your home; is that correct?

5 A. Yes, sir.

6 Q. So, we're going off of your Nest security  
7 camera; is that right?

8 A. Yes, sir.

9 Q. And were you present in this conversation  
10 when this took place?

11 A. Yes, sir.

12 Q. Okay. What do you remember from that  
13 conversation?

14 A. I started the conversation. When the Airbnb  
15 pulled up, they looked at me. Like six or seven guys  
16 got out of a van and said what are you looking at, and I  
17 said I think I'm looking at the people that broke into  
18 my neighbor's house last night, and that's when it  
19 started.

20 Q. Okay. So, this group showed up in a van?

21 A. Uh-huh.

22 Q. Okay. So, they weren't emerging from the  
23 home, they were --

24 A. No.

25 Q. -- in a van?



1           A.     Obviously, they got breakfast or something  
2     like that.

3           Q.     Okay, and what time of day is this?

4           A.     11:00 or 12:00, I think, because I -- the  
5     camera should say it on there.

6           Q.     There's -- the clip is named July 9th, 2018  
7     at 6:45 p.m. Is that -- do you think that's accurate?

8           A.     Yeah, maybe it was a little bit later in the  
9     day. I don't know an exact time of day.

10          Q.     Okay. All right. So, the van pulls up.  
11     You're aware of this information from Ms. Halliburton.  
12     You've already seen the footage?

13          A.     Yeah, I was explaining to her what had  
14     happened. I said yeah, they did go right back in that  
15     house, and she said I knew it, I knew it.

16          Q.     Okay. So, a van pulls up. Do you remember  
17     which individual said to you -- and by which, I mean do  
18     you know if it was Officer Reynolds or if it was  
19     somebody else?

20          A.     Originally, it wasn't. He was the last one  
21     to get out of the van.

22          Q.     Okay.

23          A.     And I was already talking -- the guy that  
24     they're talking about that was the agitator, he was a  
25     shorter guy and he was definitely the talker of the

1 group. And he's the one who pulled me aside, as Conese  
2 was yelling, what you didn't see in the video is me  
3 trying to calm everybody down and get everybody back in  
4 their houses because it was a crazy scene. And he  
5 turned to me and said look, we're just a couple cops  
6 trying to have a good time. And I said yeah, but you  
7 can't do what you did. And that's kind of how we  
8 diffused the situation. And so, Conese said hey, you  
9 know, we need to call the police, I want you arrested.  
10 You can hear her saying I want you arrested, and the  
11 smaller guy said, you know, that he had immunity. And  
12 then another guy laughed and said he had immunity, and  
13 then they all said we have immunity.

14 Q. Okay, and that was with Ms. Halliburton  
15 standing there as well; is that correct?

16 A. Yes. Yes.

17 Q. Okay. Anything else about the conversation  
18 that you remember that is -- that you think is relevant  
19 to this hearing, anything else that was said?

20 A. No. I just -- I remember telling Conese to  
21 go back into her house, and I asked them to go back into  
22 their Airbnb just because it was getting out of hand.

23 Q. Okay. I don't know if you were still around  
24 when the police showed up or not. I didn't know if you  
25 spoke with them on that day. Do you remember?

1           A.     No, they did not -- I did not speak with them  
2     on that day.

3           Q.     Okay. Eventually, the police met with you,  
4     got these clips from you; is that correct?

5           A.     Yeah. I think that, originally, the police  
6     had told us that there wasn't anything they could do.  
7     It was just a misdemeanor at best, and I called the  
8     chief of police and, you know, gave him the footage.

9           Q.     Okay. All right. I'm going to move from  
10    this clip. If I can move to the -- another clip. All  
11    right. I'll pause it here on the first -- first frame.  
12    Do you recognize what's depicted there?

13          A.     Yeah. It's probably when the Metro Police  
14    showed up, or close to it, or when they got out of the  
15    Airbnb originally.

16          Q.     Okay.

17          A.     Without the audio, I can't --

18          Q.     Sure. Then the clip, again in the upper  
19    left-hand corner, is entitled July 9th, 2018 at 2:29  
20    a.m. Does that sound to be --

21          A.     Yeah, that sounds right. That's when they  
22    got out of the cab.

23          Q.     Okay. I'm going to play it at this point,  
24    the clip. As you said, there's some audio that you can  
25    hear as well. I think I'll play maybe the first ten

1 minutes or so.

2 (Whereupon, the video was played.)

3 BY GEN. EWALD:

4 Q. I'm stopping at 8:03 just to point out so  
5 we're all looking in the right area. Kind of right back  
6 here, we start to see an individual emerge; is that  
7 correct?

8 A. Yes, sir.

9 (Whereupon, the video was played.)

10 BY GEN. EWALD:

11 Q. Mr. Roddick, these headlights we're seeing at  
12 about 9:45, 9:50, are the police responding, correct?

13 A. Yes, sir.

14 Q. And this point is essentially the police get  
15 involved, they find this individual --

16 A. Yeah, and I was asleep for all of this. I  
17 didn't see this until the next day. So, I can't really  
18 speak to anything that happened.

19 Q. There's no further activity other than kind  
20 of the police response and --

21 A. I believe, if you -- if you were to watch the  
22 entire tape, I think you see them taking Conese's son in  
23 a police car and around the block. And they had the  
24 suspect on the porch, and then...

25 Q. This -- this guy?

1 A. Yes.

2 Q. The guy on the wall, not the other people  
3 that are --

4 A. I don't know. I have no idea. I just know  
5 that they sent him around, and you can see a car  
6 stopping, and that's it. I have nothing to say.

7 GEN. EWALD: Okay. Fair enough. I'll ask  
8 that this be made an exhibit to Mr. Roddick's testimony.

9 THE COURT: All right.

10 MR. YARBROUGH: No objection.

11 BY GEN. EWALD:

12 Q. And Mr. Roddick, I'm just going to hand a few  
13 pictures and a map up to you of the area. If you can  
14 take a look at those three documents and see if you  
15 recognize what's depicted in them?

16 A. Conese's house, the Airbnb, and then this is  
17 an overlay of our part of the neighborhood.

18 GEN. EWALD: Okay. I'll ask that that be  
19 made a collective exhibit to Mr. Roddick's testimony.  
20 If I can briefly publish them?

21 (Collective Exhibit 3 was marked and entered  
22 into evidence.)

23 BY GEN. EWALD:

24 Q. All right. Mr. Roddick, we're looking at the  
25 corner here of 12th Avenue, South and Ashwood Avenue

1 right here.

2 A. Yeah.

3 Q. And this block down to this street, that's  
4 kind of what we're referring to; is that correct?

5 A. Yes, sir.

6 Q. If you can -- is that screen working in front  
7 of you right now?

8 A. It just started working, yes.

9 Q. Great. If you can kind of use your finger  
10 and kind of indicate where your house is, where the  
11 Airbnbs are?

12 A. This is me. This was the Airbnb. This is  
13 Conese's house.

14 Q. Okay, and right in between is Ms. Alderson's  
15 house; is that correct?

16 A. Yes.

17 GEN. EWALD: All right. Thank you, sir.  
18 Okay. This will be marked as, I guess, 2(b)?

19 THE COURT: Three.

20 GEN. EWALD: Three, I'm sorry. Oh, I'm  
21 sorry, 3(b).

22 BY GEN. EWALD:

23 Q. Do you recognize what's depicted in 3(b)?

24 A. Yeah, that's Conese's house to the left.

25 Q. This one here, correct?

1 A. Yes, sir.

2 Q. Okay, and then 3(c). Do you recognize what's  
3 depicted there?

4 A. Yeah, those are the Airbnbs.

5 Q. So, these Airbnbs, this is Ms. Alderson's  
6 house there?

7 A. Yeah.

8 Q. Ms. Halliburton is one more down, correct?

9 A. Yes, sir.

10 Q. And then, to your knowledge, do you know  
11 which one of these two Airbnbs this group was staying  
12 at?

13 A. The blue one, yeah.

14 GEN. EWALD: I'll ask that that be made an  
15 exhibit.

16 BY GEN. EWALD:

17 Q. Mr. Roddick, is there anything I've failed to  
18 ask you about that you think is relevant for the Court  
19 to hear about this incident that happened on July 9th,  
20 anything that you think needs to be said that I have  
21 failed to ask of you?

22 A. I think everything has been said that I can  
23 speak to.

24 GEN. EWALD: Okay. Thank you, sir.

25 THE WITNESS: Yes, sir.

1 MR. YARBROUGH: We have no questions, Your  
2 Honor.

3 THE COURT: Thank you, Mr. Roddick.

4 THE WITNESS: Thank you.

5 THE COURT: Oh, I do have one question,  
6 excuse me.

7 THE WITNESS: Yes, sir.

8 THE COURT: You said that they all started --  
9 you used the term, they all started claiming immunity,  
10 including the Defendant?

11 THE WITNESS: Yes, sir.

12 MR. YARBROUGH: Well, if you have that  
13 question, may I --

14 THE COURT: Come back, Mr. Roddick.

15 THE WITNESS: Oh, I'm sorry. Sorry.

16 THE COURT: I think I've opened up something.

17 CROSS EXAMINATION BY MR. YARBROUGH:

18 Q. How many were there, how many of the men were  
19 there?

20 A. Five, six.

21 Q. Okay, and I thought I heard you say earlier  
22 on direct examination that Mr. Reynolds was just kind of  
23 looking down and saying he was sorry?

24 A. Oh, that wasn't me. I think that was the  
25 other...



1 Q. Okay. Well, would you agree with her  
2 testimony?

3 A. Yeah, you can hear him say that he is sorry,  
4 and then he -- they -- they were laughing at her as she  
5 was visibly upset.

6 Q. Okay, but Mr. Reynolds was laughing when he  
7 was saying he was sorry?

8 A. Yes, sir. They were all -- it was -- they  
9 had already --

10 Q. I don't want a broad brush here, sir. I want  
11 --

12 A. Okay.

13 Q. Mr. Reynolds is saying he's sorry, and now  
14 you're saying he's laughing. To me, those are two  
15 different things. Which is it?

16 A. Have you ever -- I can re-enact it for you.  
17 Hey, I'm sorry.

18 Q. No, I'm just asking you which it is, sir?

19 A. He was laughing, sir.

20 Q. But also saying he was sorry and that he just  
21 got drunk?

22 A. He was sorry, but they -- they were obviously  
23 -- had been drinking again the next day. So, this was  
24 the next day. They had come back from being out, and I  
25 -- I was right there when Conese said it was you, it was

1 you. He goes hey, I'm sorry, it was the wrong house.  
2 That's not an I'm very sorry, ma'am. It was hey, I'm  
3 sorry, sorry.

4 Q. Would you not agree, sir, that that's a very  
5 different recollection of what happened from what the  
6 lady said just before you?

7 A. I would say that I was there, and it was my  
8 camera footage, and I was physically part of the  
9 conversation, sir.

10 MR. YARBROUGH: Nothing further.

11 THE COURT: Thank you, Mr. Roddick.

12 GEN. EWALD: Last witness is Ms. Halliburton,  
13 Your Honor.

14 Whereupon,

15 Conese Halliburton,  
16 having been first duly sworn, was examined and testified  
17 as follows:

18 DIRECT EXAMINATION BY GEN. EWALD:

19 Q. Ma'am, will you please state your name for  
20 the record?

21 A. Conese Halliburton.

22 Q. And can you please slowly spell your first  
23 and last names, please?

24 A. I'm sorry. C-o-n-e-s-e,  
25 H-a-l-l-i-b-u-r-t-o-n.

1 Q. And Ms. Halliburton, where do you live?

2 A. 1206 Ashwood Avenue.

3 Q. And how long have you lived there?

4 A. All my life.

5 Q. Okay, and I hate to do this to you, but how  
6 old are you?

7 A. Forty-two.

8 Q. Okay. Ms. Halliburton, who lives at your  
9 home on Ashwood with you?

10 A. Right now, it's me and three of my sons.

11 Q. Okay. What are their ages?

12 A. Eighteen -- one of them's birthday is  
13 tomorrow -- so, he will be ten, and twelve.

14 Q. And back on July 9th of 2018, was it you and  
15 the three boys as well or was there --

16 A. No, it was four then.

17 Q. A fourth son; is that correct?

18 A. Yes.

19 Q. And how old was he then?

20 A. Twenty.

21 Q. Okay. All right. I've asked everybody this  
22 question who has testified from your neighborhood. So,  
23 I'm going to ask you too. There have been a lot of  
24 changes in your neighborhood over the years, especially  
25 the recent years; is that correct?

1 A. Yes.

2 Q. Do you want to tell the Court a little bit  
3 about how -- this case aside, obviously, we'll get into  
4 this case -- how the neighborhood and your life, in  
5 specifics, has been affected by the changing of the  
6 neighborhood?

7 A. It went from knowing like everybody to you  
8 barely know your neighbors. You really don't see kids  
9 anymore playing outside. Everything is like different.

10 Q. Have there -- have you been able to tell a  
11 difference with these folks that come in and stay for  
12 the weekend and leave?

13 A. Oh, definitely. It's -- so, that's an Airbnb  
14 behind my house. Of course, you know, the one up the  
15 street, and you've got some people that's respectable  
16 and then some people that's not. So, it just all  
17 depends. You know, some people come to party and some  
18 people come to actually take a vacation.

19 Q. I'm going to talk to you about what happened  
20 on July 9th, all right. That night, was everybody that  
21 you just testified about, you and the four boys, were  
22 they all at home that night?

23 A. Yes, they were at home.

24 Q. Okay, and do you remember what time y'all  
25 went to bed, went to sleep?

1           A.     Two were asleep. My oldest was asleep and  
2     the one that's twelve now. They were asleep, but the  
3     one that's eighteen now, he was seventeen. He was up.  
4     I was up, and my youngest son, we were still up.

5           Q.     Okay, and where were you in the home when  
6     this incident began?

7           A.     I was in my bedroom with my youngest son, and  
8     my seventeen year old, I believe he was in his room on  
9     his game.

10          Q.     Okay, and let's talk a little bit about the  
11     way your house is set up, okay. I guess, I should grab  
12     3(b), I think. Ms. Halliburton, I'm going to put a  
13     photograph that's been previously marked as Exhibit 3(b)  
14     on the overhead. Do you recognize what I've zoomed in  
15     on there?

16          A.     That's my house.

17          Q.     All right. So, you've got a set of steps  
18     here leading up to your front door; is that correct?

19          A.     That's correct.

20          Q.     And a porch here?

21          A.     Uh-huh.

22          Q.     All right, and then when you enter your home,  
23     what is this room?

24          A.     That's the living room.

25          Q.     Okay, and then what are these windows?

1           A.     That's the first bedroom and the second one,  
2     the two circles, that's my bedroom.

3           Q.     Okay. So, this is where you were?

4           A.     Yes.

5           Q.     Correct?

6           A.     That's correct.

7           Q.     And then, when you enter your home into the  
8     living room, how do you get to these bedrooms?

9           A.     You have to walk down a hallway.

10          Q.     Okay. So, there's a hallway that kind of  
11     spans all the way down the length of the house; is that  
12     correct?

13          A.     That's correct.

14          Q.     All right, and on the other side of the  
15     hallway, as in the back side of the house, are there  
16     bedrooms on that side as well?

17          A.     There's a bathroom that's across from that  
18     first bedroom and then, across from my bedroom, there's  
19     another bedroom.

20          Q.     Okay, and you can kind of see one of the  
21     windows to it over there; is that right?

22          A.     That's it.

23          Q.     Okay. All right. On the early morning hours  
24     of July 9th, and we're talking it was like 2:30 in the  
25     morning; is that correct?

1 A. That's correct.

2 Q. Okay. What do you remember happening?

3 A. I was laying in the bed. Actually, my son --  
4 my youngest was in the bed with me. We was talking and  
5 having a conversation, and I could hear like someone  
6 like yelling, and it was like really loud, and it  
7 sounded close. And I told Jayden, I was like go look  
8 out the window. I was like something doesn't sound  
9 right. And --

10 THE COURT: Excuse me, who is Jay? Is that  
11 the seventeen --

12 THE WITNESS: That's the seventeen year old.  
13 He looked out the window and --

14 BY GEN. EWALD:

15 Q. Which window would this have been?

16 A. The living room, the big window.

17 Q. Okay.

18 A. And he seen Mr. Reynolds in the yard, in the  
19 middle of the yard, and he was yelling. And I said get  
20 my phone because I was going to call the police because  
21 he shouldn't have been in my yard.

22 Q. And so, you initiate a 9-1-1 call before  
23 anything has actually even happened to your home?

24 A. Right, because he was -- it was loud, and it  
25 was like -- it was like -- it's like -- normally, when

1 you can hear people like walking up and down the  
2 sidewalk -- his voice was like too close, and that's  
3 when I dialed 9-1-1.

4 Q. Okay.

5 A. And I told the operator, I was like hey,  
6 there's this guy standing in my yard, and I got no  
7 trespassing signs up on -- there's a tree that's like  
8 right there. It's a big no trespassing sign. We  
9 actually --

10 Q. This tree here?

11 A. Uh-huh.

12 Q. Okay.

13 A. I have one up in the front and the back  
14 because of the Airbnb because people was cutting through  
15 the yard to the other one that's on the back side of the  
16 house. So, I put those up for safety purposes, but  
17 anyway --

18 Q. Let me break in. I'm sorry to break in, but  
19 could you tell what he was saying while he was in your  
20 yard? I know you could hear his voice, but could you  
21 tell what was being said?

22 A. I couldn't make out what he was saying. It  
23 was just like loud yelling, just like really loud. And  
24 while Jayden was like looking out the window and I was  
25 on the phone, he said mom, I can't see him anymore. And



1 so, I'm telling the operator, I was like I don't know  
2 where he is, but I know he's still out there because he  
3 was still yelling. And while I was on the phone with  
4 her, you know how it sounds like knock -- when somebody  
5 is like knocking at your door, but my dogs was like  
6 barking like really loud and the house started like  
7 shaking. It was like vibrations, like really loud. It  
8 was like boom, boom, boom, and I'm telling the lady. I  
9 was like it sounds like he's trying to come in my house  
10 because it wasn't a knock. It was a boom, and it  
11 continued to the point that the last one, you heard the  
12 dogs run. And when they ran, Jayden had already -- I  
13 think Jayden was already trying to get my oldest son up  
14 when he started beating at the door. He was getting him  
15 up. My other son that's here today, he had woke up from  
16 the sound of him on the door. He came like --

17 Q. I've got to ask you to be specific. When  
18 you're saying he, who are you referring to?

19 A. Mr. Reynolds. He was like in the house, not  
20 like in the living room. He was... He made it past  
21 that first bedroom. And as he --

22 Q. This one?

23 A. Uh-huh.

24 Q. Okay.

25 A. As he was walking down the hallway -- can I

1 cuss?

2 Q. If you're saying what he said --

3 THE COURT: If you're quoting what he says.  
4 Don't curse just to be cursing.

5 THE WITNESS: No, I won't curse just to be  
6 cursing. He was like -- he's like this is my mother  
7 fucking house. This is my mother fucking house. And  
8 so, I'm on the phone with the 9-1-1 operator and I'm  
9 telling her, I was like he's in my house, like hurry up  
10 and, you know, get to my kids because he just kept  
11 coming like down the hallway. And even though -- even  
12 though the dogs -- I had two dogs that was absolutely  
13 trying to like bite at him, at his shorts, he was still  
14 like fighting them off and he still was coming like down  
15 the hallway.

16 BY GEN. EWALD:

17 Q. Where are you standing in the hallway?

18 A. I was standing at my bedroom door.

19 Q. So, back here?

20 A. Back that way. So --

21 Q. And the hallway starts up here?

22 A. The hallway starts right there. So, if you  
23 was like inside the house, it would be like in between  
24 where the two windows that you had marked. That's how  
25 far he made it like down the hallway. And so, even with

1 my sons, he's like standing there. And they're like  
2 trying to push him back, and he's still like -- he still  
3 kept coming down the hall. Nothing was like stopping  
4 him.

5 Q. So, your son was actually in between you --

6 A. My oldest son and my seventeen year old was  
7 like in between.

8 Q. And were they in physical contact with him?

9 A. They had their bodies up against him. They  
10 were like close. They was like -- they was like this  
11 close, and I was telling -- and the operator was telling  
12 me like tell your sons like don't fight him, just like  
13 the police is coming, the police coming. And so, they  
14 was like all just arguing. And the... They was just  
15 arguing like in the hallway trying to tell him like get  
16 out, get out. Like, he was in the house for like seven,  
17 eight minutes the whole entire time. So, it was like  
18 dogs barking. They're arguing and he's not backing down  
19 at all.

20 Q. What was he saying?

21 A. He just kept repeating that this was his  
22 house. I can't remember. He was saying other stuff,  
23 but like I was scared. I didn't even realize like my  
24 youngest son was like hanging onto me like looking  
25 around. My other son that was across the hall, he was

1 like watching. So, they all like just -- they're just  
2 watching everything happen.

3 Q. How did it eventually end?

4 A. The only way that -- I think, once he heard  
5 me say and I was telling my sons like the police is like  
6 coming, like they're coming. And the lady was telling  
7 me, she's like they're like around the corner, they're  
8 like coming down the street. And I said they coming  
9 down the street, and then my oldest son says to him,  
10 he's like if you don't get out of the house -- I can't  
11 remember if he said I'm going to fuck you up, I'm going  
12 to do something. And then he throws up his hands like  
13 see, see, look, you hear what he said to me, you hear  
14 what he said to me. And my other son was --

15 Q. Just to be clear, who was throwing up his  
16 hands?

17 A. Mr. Reynolds.

18 Q. Okay. Thank you.

19 A. And as he -- he's walking. Like, I'm coming  
20 down the hall and he's walking. Like, he walked -- he  
21 didn't run out the door. He leisurely just walked out  
22 the door. He's saying something about I'm going to  
23 shoot y'all niggars, something like that, as he walks  
24 out the door. And then, Metro comes probably not even a  
25 minute later. It wasn't a lot of time that he walks out

1 and they pull up.

2 Q. You said he made a statement. You said it  
3 was something like I'll shoot you and used the N. word?

4 A. Uh-huh.

5 Q. I have to be specific just so I understand.  
6 When you say it was something like that, do you  
7 specifically remember that was what was said?

8 A. He said shooting niggars.

9 Q. Okay. Was that the only time he used that  
10 word?

11 A. I don't know if he said it any other time  
12 during that -- the exchange.

13 Q. Okay. So, your -- none of your sons ever did  
14 actually physically engage him; is that right?

15 A. No.

16 Q. That never happened?

17 A. No.

18 Q. Okay. He walks out. Do the dogs run after  
19 him or are the dogs contained within the house?

20 A. One dog was scared. She ran the other way,  
21 and they just barked.

22 Q. Okay. Nothing was taken from inside,  
23 correct?

24 A. No.

25 Q. Okay. The officers come real quickly,

1 correct?

2 A. Uh-huh.

3 Q. Did you see where Mr. Reynolds went? Like,  
4 were you able to know which way he went --

5 A. No, but I knew he had to be somewhere close  
6 because he disappeared too fast.

7 Q. Okay, and did you know prior to this whole  
8 incident whether or not -- had you seen Mr. Reynolds  
9 like over the weekend at some point connected to that  
10 Airbnb two doors down or --

11 A. I think I recall seeing him like -- like  
12 maybe days like prior when I was sitting on Ms.  
13 Alderson's porch.

14 Q. Okay. So, you knew there was at least  
15 somebody in the Airbnbs?

16 A. Yeah, because it was close to the 4th of  
17 July.

18 Q. Okay. When the officers arrived, what  
19 happened next?

20 A. I told the -- I can't remember his name, but  
21 we gave the officer the description of what he had on  
22 because we all knew what he had on because we seen what  
23 he had on. And he got on his radio and he kept putting  
24 -- he said the wrong description. We was like no,  
25 that's not what he had on. We knew exactly like what he

1 had on. And they -- I remember seeing, you know, some  
2 of them was like going to the side of the house looking  
3 for him. And I kept telling the guy, I said go look in  
4 the Airbnb, and I said look at the one that's like  
5 directly next to the -- to my neighbor's house. I was  
6 like there's no way that he could have disappeared that  
7 fast during the -- during that time because it was too  
8 many officers on the scene for somebody to just  
9 completely disappear like that in the dark. It was like  
10 he had to be in the house. And I had a panic attack and  
11 I started getting sick, and I went and I started  
12 throwing up, but they took Jayden to go see if they  
13 could identify somebody. And they was like well, we  
14 have somebody that was sitting outside on the wall and  
15 maybe that could be him, but when Jayden came back, he  
16 said mom, he's like I don't think that was him not  
17 unless he went inside and changed clothes.

18 Q. Okay. So, to your knowledge, Mr. Reynolds  
19 was not located that night, correct?

20 A. No, I don't -- and I don't understand why.

21 Q. Okay. Did you go out, or see where the  
22 police went, or any further interaction outside of your  
23 home that evening like in the middle of the night?

24 A. I went to my neighbor like that's directly  
25 across the street way after the police left.

1 Q. Okay. After the police were gone?

2 A. Yeah.

3 Q. Okay. The next time you saw -- obviously,  
4 you went to Mr. Roddick at some point that -- basically,  
5 later that day, correct?

6 A. Uh-huh.

7 Q. And why was that?

8 A. I had posted on the Nextdoor app to see if  
9 anybody had like camera footage, just anything, if  
10 anybody knew anything, had seen anything. You know, a  
11 couple people responded back what I need to do, and I  
12 seen my neighbor across the street, and I was talking to  
13 her. And when I seen Justin outside, I was like I'm  
14 going to ask him. And I went to go ask him did he have  
15 any footage, and he's like oh -- he's like my camera is  
16 directed -- you know, aimed towards your house, and he  
17 was like I have audio. And I was like okay, could you  
18 look at it, it was around 2:30. And he's like okay, no  
19 problem. And he went in his house, and he came back  
20 out, and we were looking at footage of him and another  
21 guy pulled up in a -- I can't remember. It was like a  
22 car, but it was Uber.

23 Q. Uh-huh?

24 A. They pulled up a little ways from my house.

25 Q. Okay. I don't know if it was while you were



1 interacting with Justin that time or if it was later in  
2 the day or something, but did you eventually see this  
3 group emerge from this --

4 A. Uh-huh, while we -- while I was talking to  
5 Justin. They -- I remember them coming out. I remember  
6 there was an Uber that pulled up.

7 Q. Okay.

8 A. And they came out like a group. It was like  
9 a big group of them. They came out. And so, I'm  
10 looking at it, and Justin, he's actually the one that  
11 spoke up for me because I couldn't say anything. I was  
12 shaken. When I seen him, I knew immediately that that  
13 was him.

14 Q. That's what I was going to ask. Did you  
15 recognize Mr. Reynolds in that group as the same person  
16 that you had seen the night before?

17 A. I did.

18 Q. Okay, and what was the interaction like?

19 A. When I seen him, I was like -- I was pointing  
20 as they was like coming out of the house, and I was like  
21 no, that's not you. I was like no, it's you right  
22 there, and I was like you. And Justin is saying which  
23 one of y'all kicked in my neighbor's door. So, they  
24 were all like oh, you know, we don't know what you're  
25 talking about like very nonchalant and joking like it

1 was funny and it was a joke. And I was like you know  
2 what you did. And I'm saying, when the police came and  
3 questioned, why didn't you say anything, why didn't you  
4 say it. So, then he says oh, I'm sorry, I was drunk.  
5 And I was like no, you're not sorry, you should have  
6 said it was you, you should have said something. And  
7 he's like I'm sorry. And I was like I want you  
8 arrested. I said, as a matter of fact, I'm going to go  
9 call the police right now. And I walked off and called  
10 Metro again.

11 Q. Did you see what happened with the group  
12 during the time between you making that phone call and  
13 the police showing up?

14 A. It was a lot of -- it was a lot of arguing  
15 because like, just like Justin said, it was that one guy  
16 that was talking a lot of mess and it was a joke like it  
17 was funny. And even when we were waiting -- we had to  
18 wait for Metro to come. We waited for like an hour or  
19 so. When Metro arrived, while I was talking to the  
20 officer, they left the scene. And a couple of them came  
21 back, but he didn't come back with them. It was a joke  
22 then because one of them waved at me while I was sitting  
23 outside talking to the cop like it was still funny. And  
24 when Metro went and questioned them, they acted like I  
25 was crazy and they didn't know anything that we were

1 talking about, they didn't know him, they didn't know  
2 the -- nothing about the incident even happened.

3 Q. And you were present for when that was taking  
4 place?

5 A. Yes.

6 Q. You saw the officer go and talk to --

7 A. Yes.

8 Q. -- talk to those individuals?

9 A. Yes, and he came back. He said they don't  
10 know -- they don't know anything that's going on.

11 Q. Did you -- were you aware at that point that  
12 they were, or at least were claiming to be, police  
13 officers?

14 A. I found out after I went in the house. When  
15 I was coming back out, Joetta and Justin was like we've  
16 got something to tell you, and they was like all of them  
17 in that house are police officers.

18 Q. Okay. How did that affect you?

19 A. I was scared, and then it made sense why they  
20 didn't find him that night because, if they was bold  
21 enough to tell civilians that, I'm pretty sure they told  
22 them that night that they went to the house.

23 Q. And we've talked a lot about this case over  
24 the year and a half that it's been pending, correct, and  
25 you -- I don't want to put words in your mouth, but

1 what's your -- what has been your feeling about the idea  
2 of Nashville police investigating New York City police  
3 in this case? You've not felt comfortable about that?

4 A. I'm not comfortable at all because the  
5 officer that took the initial report, he tried to cover  
6 it up.

7 Q. What do you mean by that?

8 A. The initial report that he put in there, he  
9 had the description of him wrong, that I did not want to  
10 prosecute, that we didn't know who he was, that there  
11 was no damage to my door. He kicked it hard enough and  
12 hit it hard enough. He used all his police tactics to  
13 break into my home that the door hinge at the top --  
14 I've got a metal door, but the door hinge, that part  
15 bent. Everything, the whole door together was  
16 completely knocked off. He split the -- the frame was  
17 completely split, and it was visible to that officer's  
18 eyes. And even on the report, he said there was no  
19 damage. So, he tried to cover it up.

20 Q. Now, Detective Bevis and Lieutenant Dusche,  
21 who are present here in the courtroom, who did not  
22 respond to the scene, but got the case eventually, they  
23 investigated the case, met with you and fully  
24 investigated the case --

25 A. Right.

1 Q. -- after it went on. It was just the initial  
2 experience where you didn't understand why Mr. Reynolds  
3 hadn't been found and arrested right away was kind of  
4 where your discomfort came; is that correct?

5 A. That's exactly it.

6 Q. But you were treated very well by Detective  
7 Bevis, Lieutenant Dusche and the police department since  
8 then; is that correct?

9 A. Exactly, yeah. They were -- they did what  
10 they was supposed to do even though it took me a while  
11 to trust Detective Bevis. I can't remember the other  
12 guy's name. Yeah, they did.

13 Q. Okay. Let's talk a little bit about how this  
14 has affected you, okay. And I've told you this a while  
15 back, that this was going to be your opportunity to tell  
16 the Court how this has affected you and what you would  
17 like the outcome of this to be, correct? Do you  
18 remember me telling you that?

19 A. Uh-huh.

20 Q. If you want to talk a little bit about how  
21 you were emotionally prior to this happening, and then  
22 how that has affected you since, if you were fragile  
23 before and it's worsened or whatever you want to say,  
24 whatever you want to tell the Court. Tell the Court a  
25 little bit about how this has affected you personally.

1           A.     Personally, before, I struggled with a lot of  
2 stuff. And it took me to this Summer to actually watch  
3 that video, and it was like hard to watch the video and  
4 to know that he had more than one opportunity to go to  
5 that Airbnb. He didn't have to come to my house. And  
6 to know that there was another person outside... To  
7 know that he had a friend that was sitting outside and,  
8 on the video, you could hear his friend say don't go,  
9 and then to hear his friend say did you make her strip.  
10 It was no accident that you came into my house. So, for  
11 a person that's already struggled with a lot of stuff,  
12 to hear something like that on that video, that set me  
13 back a lot, and then to hear my kids. One of them, he  
14 doesn't even like to go outside when it's dark or to be  
15 in -- to be comfortable in your own home, to always have  
16 the lights on, to drive down the street and you see a  
17 Metro car. You don't know if you're going to get  
18 harassed or -- or to always get questioned. I don't  
19 talk about it. I let my kids talk about it because they  
20 can get it out, but to get questioned on why are you not  
21 in jail, why did he have to do it to us. I don't  
22 understand why is this going on. It's hard.

23           Q.     Have you sought any kind of counseling or --

24           A.     We're all in counseling.

25           Q.     Okay.

1           A.     Except for the oldest. I think everybody  
2 pretty much walks around on edge.

3           Q.     Have you considered moving from the  
4 neighborhood because of this incident?

5           A.     My kids want to move. They don't want to be  
6 in that house anymore. We don't have peace. To know  
7 that you've been living somewhere all your life, and you  
8 don't have that anymore, and where would you go, it's  
9 not fair. And it's not fair that somebody can laugh in  
10 your face and their friends can laugh about it like it's  
11 a joke, and your life stops, and their life can keep on  
12 going. And they're supposed to keep a job, and you're  
13 supposed to uphold the law. And you break the law in  
14 another state and you feel like you're supposed to get  
15 away with it. There's nothing about that right. And to  
16 hear them brag about they got immunity, and for this to  
17 go on this long, it was so many -- he had so many  
18 different opportunities to walk away from that decision  
19 that he made, and he still didn't do it. That is not  
20 right. It's not fair. My kids don't have that choice.  
21 My boys wouldn't have a choice to sit and break into  
22 anybody's house, and get away with it, and not serve any  
23 time and get probation, and get a slap on the wrist, get  
24 immunity because why, they're a police officer. He  
25 should be treated just like anybody else would. It's

1 plenty of people that have broke into somebody's house,  
2 and have terrorized the family, and they serve time.  
3 Why should he be any different. It's -- there should be  
4 some type of justice served in this.

5 Q. I know this is not at the forefront of your  
6 worries, but what damages caused out-of-pocket expenses  
7 for you from this incident?

8 A. If I could afford a new mind and give my kids  
9 a new mind, there's no price on that. You can't put a  
10 price tag on peace. You can't give back what was taken  
11 away from us that night. I wish it wouldn't have ever  
12 happened.

13 Q. Have you --

14 A. My kids changed when they went to school. I  
15 have good kids. They don't get in trouble, but this  
16 week alone, a son that never gets in trouble at school  
17 and I don't never get a call, he already had I.S.S. for  
18 fighting. And I know where it's coming from. It's pent  
19 up from this incident.

20 Q. Have you seen a consistent change in behavior  
21 amongst all your sons since this?

22 A. I have, yeah. I have. You know, one is away  
23 at school. He kind of like pushes it back, but he  
24 talked about it one day, and he was just like you know,  
25 I wish I could have did more for you, momma. He's like



1 I feel like I let you down. He feels like he let the  
2 house down. I know my oldest son feels that same way  
3 too. He feels like he should have did more. The two  
4 youngest ones, they worry like all the time. They worry  
5 like -- they can't -- one can't even concentrate in  
6 school because that's all he worries about, is he going  
7 to be safe, are we going to be safe or how are we going  
8 to -- let's get somewhere else. That's all he ever  
9 talks about, like I don't even want to be here no more,  
10 you know.

11 Q. Have you had to do anything to your home to  
12 install any kind of security reasons, or replace your  
13 door that was damaged, do anything that basically you  
14 didn't have to do before this incident took place that  
15 you had to take some measures to --

16 A. I haven't done it yet.

17 Q. Okay. Do you intend to?

18 A. Yes.

19 Q. What is that?

20 A. I want to move.

21 Q. You want to move?

22 A. Yeah. I just want to get away from there,  
23 but I mean, if I had to stay, I don't -- I don't even  
24 know if I would still feel safe with a lot of cameras.  
25 I don't know.

1 Q. Okay. Did you have to replace the door?

2 A. I still need to get it replaced.

3 Q. Okay. So, the same door is still there?

4 A. With his same footprint still on it.

5 Q. Okay. Have you incurred any expenses for  
6 counseling, or treatment, or for your children in any  
7 way?

8 A. They go to treatment. Yeah, we're all in  
9 treatment.

10 Q. Does it cost you money?

11 A. No, it's not out-of-pocket right now.

12 Q. Okay. I want to make sure the Court has  
13 heard about anything that has come out of your pocket  
14 because of this incident just so it can be notated for  
15 the purposes of restitution. Is there any amount of  
16 money that you've had to pay out because of this  
17 happening to you?

18 A. Not right now.

19 Q. Okay, and obviously, money is not what you're  
20 here about. Is there anything I've failed to ask you  
21 about or that you would like to speak further on to this  
22 Court about what took place on July the 9th?

23 A. No.

24 Q. Okay. You touched on this, but I'll ask you  
25 specifically. The Court is going to make a

1 determination about the length of the sentence. You  
2 know that Mr. Reynolds pled guilty to four A  
3 misdemeanors, correct? Each one is up to an eleven  
4 month and twenty-nine day sentence, and then the Court  
5 will determine the length of those sentences and then  
6 how they're going to be served, probation, in custody,  
7 some portion of each, something like that. And also,  
8 the Court is going to make a determination about whether  
9 or not those convictions can be pled under something  
10 called judicial diversion, which we went over, correct,  
11 which is a special statute which allows someone to plead  
12 guilty, go on probation and, if they complete the  
13 probation successfully, have those convictions expunged  
14 from their record, right? Do you remember us discussing  
15 that?

16 A. (Nodding in the affirmative.)

17 Q. Okay. That's a mouthful for me, but what  
18 would you like to see this Court do, keeping in mind  
19 that's what the frame work is of the sentences that are  
20 available to the Court? What would you like to see done  
21 in this case?

22 A. Not expunged from his record, like at all.  
23 It should stay there. He should be known for what he's  
24 done.

25 Q. What about probation versus confinement?

1           A.     No, he needs to be in jail. I would be in  
2 jail if I broke into your house.

3           Q.     Anything else I've failed to ask you about?

4           A.     No.

5           GEN. EWALD: Okay. Thank you, ma'am.

6           CROSS EXAMINATION BY MR. YARBROUGH:

7           Q.     Ms. Halliburton, I'm Ed Yarbrough. I'm one  
8 of the lawyers representing Mr. Reynolds. I have very  
9 few questions. I understood you to say that the first  
10 words out of his mouth, in your presence that morning,  
11 were that he was sorry, that he was drunk. Did I  
12 understand you correctly?

13          A.     With a smile on his face.

14          Q.     Okay.

15          A.     You can't be sorry and smiling at the same  
16 time. That's not sincere.

17          Q.     Okay. I understand you didn't believe him,  
18 but is that what he said?

19          A.     With a smile on his face.

20          Q.     Yes, ma'am, and he said it more than once?

21          A.     With a smile on his face.

22          Q.     Yes, ma'am. Let me assure you, as the  
23 attorney for Mr. Reynolds, Ms. Halliburton, that this is  
24 inexcusable, what he did. There's no defense to it  
25 whatsoever. What happened to you and your family should

1 never have happened in this city. It should never  
2 happen to anyone. And later on, when he testifies, I'll  
3 be asking him to state, on the record and under oath,  
4 what his true feelings are about this matter, but I just  
5 wanted to assure you, as his attorney, that this should  
6 never have happened and I am certain that he is  
7 extremely, extremely sorry.

8 A. He's sorry because he got caught. And if it  
9 wasn't a video, he's -- the only reason why he's  
10 apologizing and the only reason why he is sorry is  
11 because there's a video. If that video did not exist,  
12 he would still be in New York living his life.

13 Q. Ms. Halliburton, are you not aware that Mr.  
14 Reynolds and his attorney went to the police department  
15 and gave a full confession to what he did?

16 A. After it was pressed that I was trying to  
17 figure out who he was.

18 Q. Well, he was called and asked if he would  
19 come and make a statement, and he flew to Nashville,  
20 went to the police station and made a full statement.

21 A. He should have did that the night the police  
22 went up to the Airbnb.

23 Q. Yes, ma'am, I agree --

24 A. He had the opportunity to do that that night  
25 and the day that Metro came the second time.

1           Q.     I agree. I agree with you about that, Ms.  
2 Halliburton, but I'm just saying are you aware that he  
3 did that?

4           A.     That's no excuse.

5           Q.     Yes, ma'am, and are you also aware that he  
6 has agreed that, as a part of this hearing today,  
7 whatever restitution amount that the Court finds to be  
8 appropriate, he's agreed absolutely to make those  
9 payments to you?

10          A.     I heard you.

11          Q.     Yes, ma'am. I'm not asking you to forgive  
12 him. I'm not sure I could forgive him if I were in your  
13 shoes. I just wanted you to know the full extent of  
14 what's being done here today.

15          A.     I heard you.

16                   MR. YARBROUGH: Thank you.

17                   THE COURT: Anything else?

18                   GEN. EWALD: No, Your Honor.

19                   THE COURT: Thank you, Ms. Halliburton.

20                   GEN. EWALD: That's the State's proof, Your  
21 Honor.

22                   THE COURT: All right. How many witnesses do  
23 you have?

24                   MR. YARBROUGH: Just Mr. Reynolds, Your  
25 Honor.

1 THE COURT: All right. Put him on.  
2 Whereupon,  
3 Michael Reynolds,  
4 having been first duly sworn, was examined and testified  
5 as follows:

6 DIRECT EXAMINATION BY MR. YARBROUGH:

7 Q. State your full name for the Court, please.

8 A. Michael John Reynolds.

9 Q. Mr. Reynolds, where are you from originally?

10 A. Rockland County, New York.

11 Q. All right. Try to keep your voice up so  
12 everybody can hear. If you need to move that mic a  
13 little bit or move closer to it. Where did you say you  
14 were from?

15 A. Rockland County, New York.

16 Q. All right, sir. How old are you?

17 A. I just turned twenty-six on Monday.

18 Q. All right. Judge Fishburn has seen the  
19 presentence report, which has your biographical  
20 information in it, but just for the sake of this  
21 hearing, very briefly, can you tell the Court where you  
22 were educated and what you do for a living and so on?

23 A. I completed high school at North Rockland  
24 High School. I attended Rockland Community College for  
25 two years. I went to John Jay College of Criminal

1 Justice, was hired by the police department when I  
2 turned twenty-one and I'm currently completing my  
3 Bachelor's degree next week.

4 Q. All right, sir. I don't think you'll have to  
5 lean forward now. Just speak up. Mr. Reynolds, let's  
6 get to the incident itself. Why were you in Nashville,  
7 Tennessee back in July of 2018?

8 A. My best friend was getting married. It was  
9 the bachelor party.

10 Q. Nashville has become well known for bachelor  
11 and bachelorette parties in recent years, and you've  
12 heard some of the reaction to that from some local  
13 residents. Were you aware that Nashville had a  
14 reputation for this kind of thing?

15 A. Not until after the fact.

16 Q. Okay. Did you and your friends think that  
17 you could come to Nashville, and get drunk, and just do  
18 whatever you wanted to do and get away with it?

19 A. Absolutely not.

20 Q. Where had you been just prior to arriving on  
21 Ashwood Avenue in the early morning hours of July the  
22 9th, 2018?

23 A. I was on Broadway at one of the bars.

24 Q. Did you consume alcohol while you were on  
25 Broadway?



1           A.     I did.

2           Q.     Do you have any idea how much, sir?

3           A.     I do not.

4           Q.     Do you know it was too much?

5           A.     Yes, sir.

6           Q.     Do you remember any details of that night?

7           A.     That night, very little.

8           Q.     All right, sir.  When you came to Nashville  
9           to make that statement that I referred to a moment ago  
10          with Ms. Halliburton, when did that occur?

11          A.     That occurred approximately a month after the  
12          incident date.

13          Q.     And was that the result of a telephone call  
14          made to you by a member of the Metropolitan Nashville  
15          Police Department?

16          A.     Yes, sir.

17          Q.     And did you come voluntarily?

18          A.     Yes, sir.

19          Q.     Did you tell them what you believed the  
20          absolute truth was about this incident?

21          A.     Yes, sir.

22          Q.     Can you think of anything that you told them  
23          in that statement, Mr. Reynolds, that was not true or  
24          something significant that you might have left out?

25          A.     No, sir.

1 Q. Now, you heard Ms. Halliburton say that you  
2 used a racial slur that night. Do you have any  
3 recollection of that?

4 A. I do not.

5 Q. Are you trained not to use that type of word?

6 A. Yes, sir.

7 Q. Do you normally use that type of word in your  
8 work or in your daily life?

9 A. No, sir.

10 Q. If you did use that type of word or that word  
11 -- the specific word that was referred to, what do you  
12 say to her and this Court about that?

13 A. I'm absolutely sorry I said that word. I'm  
14 very remorseful. It's cost me my job, my life,  
15 everything.

16 Q. All right. Now, as Ms. Halliburton correctly  
17 pointed out, there are two different things here. One  
18 is the regret that it's costing you your life and  
19 livelihood potentially, but there's also regret because  
20 it's wrong. Which is it?

21 A. Both.

22 Q. Now, do you -- you heard the description of  
23 your conduct at the house. Do you have any excuse for  
24 that whatsoever?

25 A. No, sir.

1 Q. Do you have any doubt that what she said was  
2 true?

3 A. No, sir.

4 Q. Do you have anything you want to say to her  
5 on this record about what you did that night?

6 A. I'm sorry. I made a mistake. I consumed too  
7 much alcohol. I couldn't understand what you and your  
8 children are going through. If that had ever happened  
9 to me, I don't know what I would be going through.

10 Q. All right. Now, you used the word mistake,  
11 which is not a word that we like to hear necessarily in  
12 criminal court. You realize that getting drunk, and  
13 going in somebody's house, and terrorizing them is not a  
14 mistake. That's a crime, right?

15 A. Yes, sir.

16 Q. And you admit freely that you committed a  
17 crime that night?

18 A. Yes, sir.

19 Q. Multiple crimes. You've pled to those  
20 crimes?

21 A. I did.

22 Q. And Mr. Reynolds, that night when you  
23 apparently left the house and walked a couple of doors  
24 down the street, and then went in the Airbnb, did you  
25 actually confront -- or were you confronted by police

1 officers that night?

2 A. Yes, sir.

3 Q. Do you know who it was?

4 A. No, sir.

5 Q. Were they uniformed officers?

6 A. Yes, sir.

7 Q. Were you still drunk?

8 A. Yes, sir.

9 Q. Do you have any idea what sort of a  
10 conversation you had with them?

11 A. I just remember I identified myself as a  
12 police officer.

13 Q. Okay, and do you have any idea, in your own  
14 mind, as to why you weren't arrested on the spot?

15 A. I do not.

16 Q. You just know that you weren't, right?

17 A. I was not.

18 Q. And you went to sleep?

19 A. Yes, sir.

20 Q. Tried to sleep it off?

21 A. Yes, sir.

22 Q. Were you successful in that?

23 A. Sleeping it off?

24 Q. Sleeping it off, yes, sir.

25 A. I would like to think so.

1 Q. All right. What did you do the next morning?

2 A. The next morning, I had to ask what happened  
3 last night.

4 Q. Okay. Did you talk to your buddies about it?

5 A. Yes. They said --

6 Q. Did they know what you had done?

7 A. They didn't know what I did either. They  
8 thought I was in the house sleeping.

9 Q. Do you know who this person is that  
10 apparently was doing all the talking, the person who was  
11 described as a short man?

12 A. Yes, it was his bachelor party.

13 Q. Okay. Did you, in any way, authorize him to  
14 speak for you that night or that next day?

15 A. No, sir.

16 Q. Did you even agree with what he was saying?

17 A. No, sir.

18 Q. But apparently, you didn't attempt to correct  
19 him or stop him while they were talking to the police;  
20 is that right?

21 A. No, sir.

22 Q. Why is that?

23 A. The next day when he was speaking to the  
24 police?

25 Q. Yes, sir.

1           A.     I was not there.

2           Q.     Okay.  Now, one of the witnesses made it  
3     sound like you were there and didn't say anything.  Do  
4     you remember that?

5           A.     I was there when I was speaking to the  
6     victim, but not when the officers were there.

7           Q.     Okay.  What did you say to Ms. Halliburton  
8     that next morning?

9           A.     I repeatedly said to her that I was sorry.

10          Q.     And were you truly sorry?

11          A.     I was.

12          Q.     Were you smiling?

13          A.     No, sir.

14          Q.     Were you laughing?

15          A.     No, sir.

16          Q.     Now, Mr. Reynolds, when you got back to New  
17     York after you were arrested and booked here in  
18     Nashville, Tennessee, what sort of disciplinary actions  
19     commenced in the New York Police Department?

20          A.     I was suspended for thirty days without pay.  
21     I was asked to give my firearm, my shield and my  
22     N.Y.P.D. belongings to the department.

23          Q.     Okay.  At some point, did you decide that you  
24     needed alcohol treatment?

25          A.     Yes.

1 Q. Do you recall when that was?

2 A. Upon when I returned from being arrested.

3 Q. Okay. Did you apply to some type of a  
4 treatment center at a hospital to initiate that program?

5 A. Yes, sir.

6 Q. Do you recall the name of that?

7 A. It was through Nyack Hospital, which is a  
8 local hospital in Rockland County.

9 Q. Okay, and I believe that's attached to the  
10 presentence report, the letter that indicates that you  
11 were a successful participant in that program; is that  
12 correct?

13 A. Yes, sir.

14 Q. What did you learn about use of alcohol in  
15 that program, Mr. Reynolds?

16 A. How it has negative consequences any time you  
17 drink it.

18 Q. Yes, sir, and the more you drink, the more  
19 negative those consequences, isn't that about right?

20 A. Absolutely.

21 Q. You of all people now know that, don't you?

22 A. Yes, sir.

23 Q. At some point after that treatment, did you  
24 resolve to just stop drinking altogether?

25 A. Yes, sir.

1 Q. How long have you been sober?

2 A. Approximately, seven months.

3 Q. Did you participate in an A.A. twelve-step  
4 program?

5 A. Just the N.Y.P.D. program and the Nyack  
6 Hospital program.

7 Q. Were you successful in that?

8 A. Yes, sir.

9 Q. And you're sober right now?

10 A. Yes, sir.

11 Q. And you have been for seven months?

12 A. Yes, sir.

13 Q. Now, I'm sure that somebody will point out  
14 that it's been a year and a half since this happened.  
15 Why did it take a year for you to finally take the  
16 complete cure on this?

17 A. I was sober for nine months after completing  
18 the program, went on vacation with my family, drank one  
19 night and never wanted to drink again after that.

20 Q. Now, with respect to the future, Mr.  
21 Reynolds, if you are placed on probation and somehow  
22 allowed to stay with the New York Police Department,  
23 what will happen to you after the judgement of this  
24 Court, assuming that the judgement is something that  
25 allows you to stay employed?



1           A.     If I'm allowed to stay employed, my -- I'll  
2     be suspended most likely for another fifteen to thirty  
3     days and I'll serve a year of dismissal probation, which  
4     is during a year, I will be breathalyzed randomly from  
5     9:00 a.m. to 9:00 p.m. throughout the year. If I blow  
6     anything on that breathalyzer, it's immediate  
7     termination, no questions asked.

8           Q.     Okay. Now, I want to be sure we're clear on  
9     this. Even if you get diversion here, you'll be on  
10    supervision under what's called dismissal probation for  
11    at least a year; is that correct?

12          A.     Yes, sir.

13          Q.     And that includes random breathalyzers. In  
14    other words, you don't know it's coming. They just call  
15    you up and test you?

16          A.     Yes, sir.

17          Q.     And if you go positive on one time, you're  
18    gone?

19          A.     Yes, sir.

20          Q.     Is that it?

21          A.     Yes, sir.

22          Q.     Mr. Reynolds, you're not married; is that  
23    right?

24          A.     No, sir.

25          Q.     And you don't have children right now?

1           A.     No, sir.

2           Q.     You live -- if I understand it correctly, you  
3 live with your parents?

4           A.     Yes, sir.

5           Q.     What would this represent to you, sir, if you  
6 were to receive a sentence that did not allow you to  
7 return to work, what would happen?

8           A.     It would be a tremendous disappointment to my  
9 family and my friends, everybody in my small town that I  
10 live in too, and I'll have to move on.

11          Q.     How long have you been a police officer?

12          A.     Five years next month.

13          Q.     Have you ever had disciplinary issues or  
14 things like that?

15          A.     Before this, no, sir.

16          Q.     This is your first arrest of any kind?

17          A.     Yes, sir.

18                 MR. YARBROUGH: I believe the T.B.I. report  
19 came back clean. Your Honor, please, I'm not sure if  
20 we've turned that in, but we have one. We'll do that at  
21 the appropriate time.

22         BY MR. YARBROUGH:

23                 Q.     Mr. Reynolds, how can you assure Judge  
24 Fishburn that something like this won't ever happen  
25 again with you?

1           A.     Because it has cost me my job, my life. I  
2     couldn't ever bear to go through this again.

3           Q.     I may have already done this, but I just want  
4     to be absolutely sure. What do you want to say to Ms.  
5     Halliburton and her family for what has happened to  
6     those folks?

7           A.     I'm truly sorry for everything that has  
8     happened to you and your family within the last year and  
9     a half and for everything to come in the future. It was  
10    honestly an accident. I had no intention of getting  
11    that intoxicated that night. If I could take it back, I  
12    definitely would have never come to that bachelor party.

13          Q.     Do you realize that being drunk is not a  
14    legal defense? That's why you pled guilty, right?

15          A.     Yes, sir.

16          Q.     But you have resolved not to drink again?

17          A.     Yes, sir.

18          Q.     And the police department, if you're still  
19    employed there, they're going to make sure of that,  
20    right?

21          A.     Yes, sir.

22          Q.     Anything else you want to say to the Court?

23          A.     I'm truly sorry for coming to your town, your  
24    city, your state and committing a crime. It was not my  
25    intention. I know everybody is having problems here

1 with Airbnbs, and I'm sorry that it happened to me, and  
2 I wish I never came here and did that.

3 MR. YARBROUGH: Your witness.

4 CROSS EXAMINATION BY GEN. EWALD:

5 Q. Mr. Reynolds, I want to make sure I  
6 understand one thing. You testified multiple times just  
7 now about how this has cost you your job and you've lost  
8 your job, but you have not lost your job yet, correct?

9 A. Correct. I can't lose my job until a formal  
10 trial within the N.Y.P.D.

11 Q. Okay. So, you were suspended for thirty  
12 days, and I guess you are decommissioned. That's a word  
13 we use around here when you can't have a gun or a badge.  
14 Is that correct?

15 A. Yes, sir.

16 Q. Are you still being paid?

17 A. Yes, sir.

18 Q. Okay. All right, and so, while you're saying  
19 you have lost your job, really, your job is in jeopardy  
20 right now, but it's not lost yet. It has not cost you  
21 your job yet?

22 A. Not yet, yes, sir.

23 Q. Okay. This occurred in the early morning  
24 hours of a Sunday; is that correct, is that how you  
25 remember it, July 9th?

1           A.     Early hours of a Monday.  Sunday night into  
2 Monday.

3           Q.     It was a Monday, okay.  How long had you been  
4 in Nashville?

5           A.     I arrived that morning, Sunday morning.

6           Q.     So, the bachelor party was from Sunday  
7 morning to Monday departure time or did you leave early?  
8 What was the bachelor party supposed to be?

9           A.     It was supposed to be from Sunday to  
10 Wednesday.

11          Q.     Okay.  Sunday to Wednesday.  And so, this was  
12 the first night in Nashville, correct?

13          A.     Yes, sir.

14          Q.     When did you actually return to New York?

15          A.     I returned to New York on Tuesday.

16          Q.     And were you kicked out of the Airbnb on  
17 Monday, or did y'all just leave voluntarily, or did you  
18 stay there?

19          A.     On Monday, we left.

20          Q.     Okay.  Why was that?

21          A.     I received a phone call that we were no  
22 longer welcome in the Airbnb.

23          Q.     From the owner or the --

24          A.     From the Airbnb company.

25          Q.     Okay, and was that before or after the

1 interaction on the street that we've seen?

2 A. After.

3 Q. After?

4 A. Yes, sir.

5 Q. So, y'all were returning back there. At that  
6 point, you were planning on staying the night there,  
7 correct?

8 A. Yes, sir.

9 Q. All right. So, where did you spend Monday  
10 night?

11 A. A hotel.

12 Q. And then you left Tuesday, which was  
13 obviously a day early, correct?

14 A. Yes, sir.

15 Q. So, you were in town so to speak with the  
16 ability to remain on -- it wasn't like you had to leave  
17 on that Monday after that conversation happened where  
18 you knew the police were being called. You didn't have  
19 to run to the airport or anything like that, right? Do  
20 you understand my question?

21 A. No. Can you repeat yourself?

22 Q. That conversation occurs in the evening on  
23 Monday --

24 A. Yes, sir.

25 Q. -- July 9th. You didn't have to go catch a

1 plane on Monday and that's why you didn't remain around  
2 after the police were called --

3 A. No.

4 Q. -- by Ms. Halliburton --

5 A. I didn't have to catch a plane on Monday.

6 Q. Right, okay. Where did you go when some of  
7 your friends came back to the Airbnb?

8 A. I went to go get the hotel.

9 Q. Okay. All right. Let's talk about the group  
10 that you were here with. How many individuals were  
11 there?

12 A. Seven.

13 Q. Were they all police officers?

14 A. Only three of us.

15 Q. Three. Are they New York City police  
16 officers also?

17 A. Yes, sir.

18 Q. And has the department done anything to those  
19 three officers?

20 A. The other two officers?

21 Q. The other two?

22 A. Yes, they were punished.

23 Q. In what way?

24 A. They received vacation days taken from them.

25 Q. One of whom was the man you said was -- whose

1 bachelor party it was?

2 A. Yes, sir.

3 Q. What was his name?

4 A. Thomas Geberth.

5 Q. Geberth?

6 A. G-e-b-e-r-t-h.

7 Q. When you had arrived on Sunday, about what  
8 time was it?

9 A. It was early. I would say probably like 8:30  
10 in the morning, nine o'clock.

11 Q. Okay, and did you spend much time at the  
12 Airbnb?

13 A. We didn't get to the Airbnb until -- I think  
14 one o'clock was check-in.

15 Q. Okay. Did you see Ms. Halliburton or anyone  
16 in the neighborhood who appeared to be a resident of the  
17 neighborhood during the time you were there before this  
18 occurred?

19 A. No, sir.

20 Q. The Airbnb appeared to be a two or  
21 three-story building; is that correct?

22 A. Yes, sir.

23 Q. Kind of a narrow -- we call them tall  
24 skinnies here in Nashville; is that correct?

25 A. Yes, sir.



1 Q. Okay, and you would agree with me that it  
2 looked significantly different than Ms. Halliburton's  
3 home, correct?

4 A. Yes, sir.

5 Q. You testified that you remember, after this  
6 took place, that you went directly back to the Airbnb.  
7 And as you can see, we can see you walking from Ms.  
8 Halliburton's home back in the direction of the Airbnb,  
9 right, on the surveillance footage?

10 A. I don't remember leaving Broadway and going  
11 back to the Airbnb.

12 Q. Okay. You testified, as I understood it,  
13 that you remembered interacting with a police officer  
14 that night at the Airbnb?

15 A. Yes.

16 Q. Right, and you remembered identifying  
17 yourself as a police officer?

18 A. Yes.

19 Q. Is it your testimony that -- other than those  
20 two points that you identified yourself as a police  
21 officer and you were talking to a police officer, is it  
22 your testimony that everything else is a black-out for  
23 you?

24 A. Yes, that night, I remember -- yeah, I  
25 remember speaking to an officer and just identifying

1 myself. I don't remember what words were exchanged  
2 between me and that officer, officers.

3 Q. And do you remember, when you got back to the  
4 Airbnb, if there were other people awake, up, if your  
5 other friends were still awake?

6 A. I don't.

7 Q. Do you know if your other friends also  
8 interacted with the police officer?

9 A. I don't know which ones interacted with them.  
10 I know one of them was the one that was on the sidewalk.

11 Q. Let's talk about when you woke up the next  
12 morning on Monday -- well, later on Monday and you  
13 rehashed what went on with your friends, right, you said  
14 what happened last night?

15 A. I said what happened.

16 Q. What did they tell you about what happened  
17 from the time that you got back to the Airbnb?

18 A. They said apparently, you went into somebody  
19 else's house when they thought I walked into the house  
20 with them.

21 Q. So, they were obviously aware -- made aware  
22 by these officers that came to the house --

23 A. That night.

24 Q. -- of what they were investigating and  
25 ultimately, what it was that you had done, right?

1           A.     Yes, sir.

2           Q.     Okay. Do you know what your friends told  
3 those officers?

4           A.     That night?

5           Q.     Yes?

6           A.     After the fact, they just -- they were  
7 confused. They were like what are you guys talking  
8 about because they still didn't know I went into that  
9 house.

10          Q.     Okay. You don't remember denying it,  
11 obviously?

12          A.     That night, no.

13          Q.     Okay. We can agree that you surely did deny  
14 going into that house that night because the question  
15 was posed, you were not arrested on the spot. You don't  
16 know why. You would agree with me, especially from your  
17 experience as a police officer, that if you had admitted  
18 that you had gone into that house that night, you would  
19 have been arrested more than likely?

20          A.     More than likely, yes.

21          Q.     Okay. So, we can agree that you denied it?

22          A.     I don't remember.

23          Q.     Okay. You arrive back with just one of your  
24 friends in that Uber according to that video that we can  
25 see?

1           A.     There was all of us in that Uber.

2           Q.     Everyone else got out of that vehicle and  
3     it's just not on the clip?

4           A.     Besides one.  Yes, six people.

5           Q.     Okay, and that one individual who was seated  
6     on the wall there fell asleep, or not, whatever, who was  
7     that?

8           A.     One of my friends.  He wasn't a police  
9     officer.

10          Q.     Okay, and he was the one who actually had to  
11     go through what we refer to as a show-up identification  
12     procedure, right?

13          A.     Yes, sir.

14          Q.     Did he talk about that with you the next day?

15          A.     No, sir.

16          Q.     Where he was -- did you ever hear about that?

17          A.     He barely remembers.

18          Q.     He doesn't remember that either?  Okay,  
19     because he wasn't arrested for public intoxication, was  
20     he?

21          A.     No, sir.

22          Q.     Even though he was basically passed out in  
23     the front yard on a wall, correct?

24          A.     Yes, sir.

25          Q.     What was the general discussion then after

1 you've rehashed and you're aware that someone, a  
2 neighbor, has called the police on you claiming that you  
3 went into their house, broke into their house? What is  
4 the general reaction from the group, including your two  
5 other officer friends, about what's going to happen  
6 going forward?

7 A. They just said the cops came that night.  
8 They spoke to you and told you to go to bed.

9 Q. Okay. Was there discussion that hey, maybe  
10 we need to get lost for a little while during the day?

11 A. No.

12 Q. That wasn't talked about?

13 A. I assumed, if they were going to arrest me,  
14 it would have been that night. They knew it was me.

15 Q. Okay. So, when y'all -- where did you go on  
16 Monday?

17 A. We went to dinner. That's when we seen them.

18 Q. That was on the way back from dinner?

19 A. No, before we went to dinner.

20 Q. Okay. So, you came out into the street  
21 before you got in an Uber to go to dinner?

22 A. Yes, sir.

23 Q. Okay, and it sounded like this Geberth,  
24 Thomas Geberth, bristled up against Mr. Roddick at  
25 least, what are you looking at, right? That was his

1 statement that Mr. Roddick testified about. Do you  
2 remember that?

3 A. No, sir.

4 Q. Do you remember, when you came out and you  
5 saw these two individuals standing on the sidewalk  
6 there, or three individuals, I guess, Ms. Halliburton,  
7 Ms. Alderson and Mr. Roddick, what did -- did that  
8 impact you in any way? Did you think I -- these are the  
9 people that might have something to say about what I did  
10 last night? Did you get scared?

11 A. I was -- I was assuming that one of them was  
12 the person's house that I went into. I didn't know  
13 which person it was.

14 Q. Okay, and did everyone in the group kind of  
15 have that feeling, that this was something that needed  
16 to be addressed?

17 A. Yes, sir.

18 Q. And your friend, Mr. Geberth, took a -- let's  
19 say an unmagnanimous approach to dealing with it. He  
20 took -- he tried to bully them?

21 A. I don't remember him bullying them. I  
22 remember him speaking to them, being like the primary  
23 speaker.

24 Q. Do you remember him downplaying the  
25 seriousness of the incident?

1 A. No.

2 Q. Do you remember him laughing?

3 A. No.

4 Q. Do you remember the immunity comment?

5 A. No.

6 Q. Do you remember immunity comments made by  
7 others in the group?

8 A. No, sir.

9 Q. And you heard two separate people testify  
10 about that, correct?

11 A. Yes, sir.

12 Q. When you learned that Ms. Halliburton was  
13 going to call the police again right then and there, you  
14 didn't stick around, correct?

15 A. No, we went to dinner.

16 Q. Okay, and you didn't come back again?

17 A. No, because I got the phone call, when we  
18 were out, that we needed to leave the Airbnb.

19 Q. Okay, but your stuff was still at the Airbnb?

20 A. Yes.

21 Q. But you didn't come back to get your stuff?

22 A. No, I went to go check into the hotel with  
23 one of my other friends.

24 Q. Okay, and so, the friends that did go back,  
25 which was also testified about, and may have interacted

1 with the police then, they, according to the testimony,  
2 told the police they didn't know what they were talking  
3 about?

4 A. I don't know. I wasn't there.

5 Q. Okay. Did you drink on that Monday at  
6 dinner?

7 A. No, sir.

8 Q. So, you stopped drinking then?

9 A. Yes, sir.

10 Q. And was it because of this incident or  
11 because you were hungover?

12 A. The incident.

13 Q. You testified that, since this incident, you  
14 got treatment. You've only, as I understand it, had  
15 imbibed alcohol one night, which was on a family  
16 vacation?

17 A. Yes, sir.

18 Q. Is that right? And you said, because of  
19 that, you never want to drink again?

20 A. Yes, sir.

21 Q. What happened that had such a -- I guess, did  
22 you black out again?

23 A. No.

24 Q. Or did you have some uncontrollable binge?

25 A. No, sir.



1 Q. What was it about that incident that made you  
2 not want to drink ever again?

3 A. Just waking up the next day feeling terrible  
4 and realizing that being sober is -- you feel a lot  
5 better in life.

6 Q. Okay. Are you an alcoholic?

7 A. No, sir.

8 Q. How are you assigned by the N.Y.P.D. -- well,  
9 prior to this, what kind of work did you do?

10 A. Patrol. Patrol.

11 Q. Patrol?

12 A. Yes, sir.

13 Q. In what part of New York City?

14 A. Washington Heights.

15 Q. And where is that?

16 A. Manhattan.

17 Q. What part of Manhattan?

18 A. Manhattan, North.

19 Q. Is that a diverse neighborhood?

20 A. Very diverse.

21 Q. And New York is a very diverse city, isn't  
22 it?

23 A. Yes, sir.

24 Q. Do you come into contact with African  
25 Americans while you work patrol in New York City?

1 A. Every day.

2 Q. How can you explain then the fact that you  
3 used this word when you were in the middle of someone  
4 else's home essentially terrorizing them?

5 A. I can't explain it. I don't remember. I  
6 don't know why I would ever say something like that.

7 Q. Is that a word you've used before?

8 A. No, sir.

9 Q. And somehow, it just happened to pop out of  
10 your mouth that night?

11 A. Yes, sir.

12 GEN. EWALD: Those are all my questions, Your  
13 Honor.

14 MR. YARBROUGH: Your Honor, with the Court's  
15 permission, I just want a couple of things --

16 THE COURT: Sure, go ahead.

17 MR. YARBROUGH: -- in the record.

18 REDIRECT EXAMINATION BY MR. YARBROUGH:

19 Q. Mr. Reynolds, let's be clear about this. In  
20 order for you to be able to remain on the department in  
21 New York, you have to be able to carry and employ a  
22 firearm; is that correct?

23 A. Yes, sir.

24 Q. A normal condition of probation in this  
25 court, in this state, is -- even on a misdemeanor, which

1 does not make you ineligible to possess a weapon, but  
2 nonetheless, the rule is that you can not possess a  
3 weapon. You're asking the Court to fashion a probation  
4 sentence that allows you to carry a weapon in your  
5 official capacity as a police officer; is that correct?

6 A. Yes, sir.

7 Q. And you've agreed to pay whatever amount of  
8 restitution the Court or the probation officer finds to  
9 be appropriate in order to make some kind of recompense  
10 for Ms. Halliburton, although we all know she could  
11 never be made whole from this, but you've agreed to make  
12 whatever restitution is applicable; is that right?

13 A. Yes, sir.

14 MR. YARBROUGH: Thank you.

15 THE COURT: Is there kind of an unwritten  
16 rule of professional courtesy that police officers tend  
17 to try and help out other police officers?

18 THE WITNESS: Yes, sir.

19 THE COURT: Is that why you remember telling  
20 that police officer the night of this incident that you  
21 were a police officer in the hopes of this thing going  
22 away?

23 THE WITNESS: I just identified myself when  
24 he asked me.

25 THE COURT: But with the professional

1 courtesy thought in mind?

2 THE WITNESS: I don't remember that night,  
3 no, sir.

4 MR. YARBROUGH: Your Honor, I'm not sure --  
5 stop me if I'm wrong here. My understanding is that the  
6 other officer that was passed out on the wall told the  
7 first patrol officer.

8 THE COURT: He said that that was the only  
9 thing he remembered that night was speaking to a police  
10 officer and advising that Metro Police Officer that he,  
11 as well, was a police officer.

12 MR. YARBROUGH: Okay, but I think the first  
13 encounter was with the man on the wall who, I think,  
14 also said that.

15 THE COURT: May have. I don't know, but he  
16 remembers saying it specifically, but the man that was  
17 sleeping on the wall, was he a police officer?

18 THE WITNESS: No, sir.

19 THE COURT: Did you go to the wedding?

20 THE WITNESS: Yes.

21 THE COURT: Did you drink at the wedding?

22 THE WITNESS: No, sir.

23 THE COURT: Pardon?

24 THE WITNESS: No, sir.

25 THE COURT: You made the comment that you

1 learned in treatment that drinking, particularly  
2 drinking too much, has consequences. That's what you  
3 learned. Is that what I understood you to say?

4 THE WITNESS: Yes, sir.

5 THE COURT: At that point in time, you had  
6 been on the police force almost four years and you  
7 didn't realize -- with patrolling North Manhattan, you  
8 didn't realize the consequences of drinking too much?

9 THE WITNESS: I knew drinking too much had  
10 bad consequences. I was never a big drinker. So, I  
11 never came close to experiencing any of these negative  
12 consequences.

13 THE COURT: But you had obviously seen it?

14 THE WITNESS: I did doing patrol, yes, sir.

15 THE COURT: So, it wasn't something  
16 astoundingly new to you when you went through treatment  
17 --

18 THE WITNESS: Yes, sir.

19 THE COURT: -- to learn that? I was a little  
20 unclear. The next day, you're going to dinner, the  
21 group is going to dinner, and Ms. Halliburton and them  
22 or Mr. Roddick and them are outside, and somehow or  
23 another the attention is brought and she says that's the  
24 one who did it or what are you looking at from your  
25 police friend, or whatever the case may be. You're

1 denying the description of the interaction as provided  
2 by Mr. Roddick and Ms. Halliburton?

3 THE WITNESS: I'm denying that we were  
4 laughing, yes, sir.

5 THE COURT: Did you tell them or did any of  
6 your group tell them that you were police officers?

7 THE WITNESS: Yes.

8 THE COURT: Why?

9 THE WITNESS: Because he -- the kid whose  
10 bachelor party it was, he was like listen, we're not  
11 here to cause problems, we're all police -- we're police  
12 officers in New York City.

13 THE COURT: And you denied that anything was  
14 said about the fact that you were police officers means  
15 that nothing was going to happen?

16 THE WITNESS: Yes, sir, we know it's a lot  
17 worse because we are police officers, that we'll be  
18 treated a lot harder.

19 THE COURT: Can you explain why the person  
20 who was sleeping on the wall yelled out did you make her  
21 strip?

22 THE WITNESS: He never stated that, I don't  
23 believe, sir.

24 THE COURT: Well, you said you don't  
25 remember. Do you know why he would do that? Was there

1 any discussion the next day of why he would make that  
2 comment?

3 THE WITNESS: No, sir.

4 THE COURT: When you said that you came down  
5 here voluntarily to give a statement, the presentence  
6 report said that you did not respond to voicemails left  
7 for you?

8 THE WITNESS: I called a lawyer.

9 THE COURT: Before you responded?

10 THE WITNESS: Before I responded, I called a  
11 lawyer, and I believe Mr. Adams called Detective Bevis.

12 THE COURT: And you believe what?

13 THE WITNESS: My lawyer notified the  
14 detective and set up the appointment.

15 THE COURT: Okay. Was this also after I.A.  
16 had --

17 THE WITNESS: I.A., I don't --

18 THE COURT: Had entered the picture?

19 THE WITNESS: I'm not sure because they don't  
20 really tell us much, but my union was notified.

21 THE COURT: Before you came down?

22 THE WITNESS: Yes, sir.

23 THE COURT: Was Michael Gaines one of the  
24 people that came down with you?

25 THE WITNESS: No, sir.

1           THE COURT: Did I understand you to say that  
2 your friends did not realize that you had actually gone  
3 to that house, they thought you had gone upstairs and  
4 gone to bed?

5           THE WITNESS: Yes, sir.

6           THE COURT: Going back to the encounter the  
7 next day. When you left there, all of you went to  
8 dinner?

9           THE WITNESS: Yes, sir.

10          THE COURT: And you didn't go back to the  
11 Airbnb, why?

12          THE WITNESS: I received a phone call, when  
13 we were at dinner, that we were -- we had to leave the  
14 Airbnb. So, me and one of the kids, we went to get a  
15 hotel while the other ones went back.

16          THE COURT: Who called you indicating that  
17 you weren't welcome back?

18          THE WITNESS: It wasn't the owners of the  
19 house. It was the actual Airbnb themselves.

20          THE COURT: Okay, the Airbnb management.  
21 Were you the one who set up the reservations?

22          THE WITNESS: I did.

23          THE COURT: Okay. So, were you kind of  
24 spearheading this bachelor party?

25          THE WITNESS: Was I in charge of it?



1 THE COURT: Yeah?

2 THE WITNESS: I set it up, yes, sir.

3 THE COURT: All right. Anything else?

4 MR. YARBROUGH: No further proof, Your Honor.  
5 We -- I'd like to make a short comment.

6 GEN. EWALD: Your Honor, I will be brief. I  
7 think Ms. Halliburton's testimony will kind of stand on  
8 its own as to guide the Court, as to the wishes from the  
9 victim in particular and the community in general, on  
10 how this case should be treated and how the manner of  
11 sentence should be served. I will, of course, point out  
12 to the Court that, even if the Court is inclined to  
13 grant judicial diversion, that confinement is still an  
14 option to this Court up to thirty days.

15 THE COURT: Would that be thirty days on  
16 each?

17 GEN. EWALD: I wondered the same thing, and I  
18 don't -- I don't know the answer to that. I don't know  
19 if it's specifically delineated in the statute.

20 THE COURT: Also includes, but is not limited  
21 to, the requirement that a qualified defendant serve a  
22 period or periods of confinement in the local jail, not  
23 to exceed a total of thirty days. So, the total, I  
24 don't know if that -- that seems to suggest that --

25 GEN. EWALD: That's the cap.

1 THE COURT: All encompassing.

2 GEN. EWALD: Yeah, but it's certainly an  
3 option to the Court, but what I wanted to talk about  
4 really were just a few kind of thoughts that come into  
5 your head when you review the facts of this case. One  
6 of which was brought up by Ms. Halliburton on her  
7 testimony, which was what would happen with this same  
8 factual scenario and it was her son. Don't know, but  
9 it's a good point to bring up. Another scenario to  
10 consider. What if a Nashville Police Officer went to  
11 New York City and did this, broke into a home, was  
12 alleged to have tossed a racial insult at a home owner  
13 in Washington Heights, and then avoided capture, and  
14 came back to Nashville and then eventually the process  
15 went from there. I don't think it would be a quiet  
16 little story in a tiny courtroom that about fifteen  
17 people would be aware of. I think it would be national  
18 news that someone from the South went to the North,  
19 slings N. bombs, breaks into someone's home and  
20 terrorizes them. Again, just a thought I have as to  
21 guiding this Court into what the ultimate conclusions  
22 should be as to how it handles these sentences.

23 Clearly, Mr. Reynolds' behavior, setting aside the  
24 fact that he's a police officer, is criminal behavior,  
25 behavior that can not be condoned, that, while maybe you

1 could say sure, everybody gets drunk, everybody makes  
2 mistakes, I think this is far beyond that sort of  
3 innocent mistake. I think there are so many things that  
4 occurred in this fact pattern that would lead you to  
5 conclude that this was something that Mr. Reynolds was a  
6 little more in control of than he is testifying about  
7 today, that this was just a black-out where he was a  
8 walking incompetent human who didn't know where he was  
9 going. A lot had to happen. He was dropped off right  
10 in front of the home that he was supposed to go into.  
11 His buddy is literally lying on the rock wall yelling  
12 for him to come back, dude, where are you going,  
13 continues to yell at him, and then you can hear -- you  
14 can hear Mr. Reynolds screaming at some point about  
15 seven and a half minutes into that video, engaging in  
16 consistent behavior with what Ms. Halliburton has  
17 testified about. So, it's difficult for the State to  
18 buy that this was just something that was alcohol  
19 induced.

20 This Court sees a lot of behavior caused by alcohol  
21 addiction and other drug addiction. We infrequently see  
22 this. Taking that, and then adding on top of it that  
23 Mr. Reynolds is a police officer, and his behavior --  
24 and yeah, you can't necessarily impute his buddy's  
25 behavior onto him a whole -- you know, a whole cloth,

1 but from the testimony of Mr. Roddick and Ms.  
2 Halliburton, it's clear that Mr. Reynolds was not some  
3 outlier within this group, but was behaving similarly,  
4 laughing, acting like this was not very serious, you  
5 know, essentially trying to -- bully is my word, but I  
6 think that's a good word, bully their way through this  
7 or out of this. And that's an absolute violation of the  
8 trust that is instilled within him as a sworn officer.

9 I think that Mr. Reynolds is commendable, since  
10 this has taken place, in addressing some issues, but I  
11 agree with Ms. Halliburton. Nothing would have changed,  
12 he wouldn't have done a thing, if somehow Detective  
13 Bevis and Lieutenant Dusche had not chased down all the  
14 leads they could to identify him. Otherwise, he was  
15 gone scot-free, keep quiet, don't tell anybody a thing  
16 and we'll get out of this. You know, we went, we cut up  
17 in another city, what happens in Nashville stays in  
18 Nashville, let's get out of town early and live our  
19 lives.

20 It's up to this Court to decide what the  
21 appropriate punishment is, and I'll leave that to the  
22 Court, but I honestly will stand on Ms. Halliburton's  
23 testimony. I think she said it as perfectly as anyone  
24 could and clearly stated how this has impacted her,  
25 which has impacted her significantly and permanently.

1 So, I would ask the Court to consider that.

2 MR. YARBROUGH: Your Honor, I'm obviously at  
3 a disadvantage here. The General is very eloquent in  
4 describing the conduct of a drunken person and how  
5 unreasonable, arbitrary, damaging and criminal it can  
6 be. And there's no excuse, as I have already said once  
7 or twice at this hearing, for what he did. There can't  
8 be an excuse. There can't be a justification. We're  
9 not trying to justify it. These are misdemeanors, his  
10 first ever criminal offense. True, he's a police  
11 officer and should have known better. I think we would  
12 all agree to that, but to give him what is, in effect,  
13 an economic death penalty, which would be the effect of  
14 a jail sentence or the inability to possess a weapon,  
15 either one of those basically deprives him of his entire  
16 career over one night, very bad, very inexcusable, very  
17 indefensible conduct.

18 And I'm not sure that I completely agree with the  
19 General when he talks about the regional bias, the  
20 racial bias. It was my impression that, in this, as in  
21 all courts in the state of Tennessee, that we are equal  
22 before the Court regardless of our race, regardless of  
23 our creed or our region. And I'm quite certain that no  
24 such bias will be a part of any judgement from this  
25 Court, either to be harsh or to bend over backwards to

1 be too lenient, but the overall point that we're trying  
2 to make here today is that this young man, who has made  
3 a horrible decision in his career to come down here and  
4 do all this stuff, stands at a crossroads. And the  
5 Court possesses the power to send him into a tailspin  
6 which could be career and life ending or give him a  
7 second chance, which will obviously be monitored very  
8 closely by the people of New York, not just our people  
9 here, to not drink again. And there is no evidence in  
10 this record --

11 THE COURT: For a year was the testimony.

12 MR. YARBROUGH: Well, it could certainly be  
13 extended if Your Honor chose to do that, I would think,  
14 in various ways, but regardless of that, yes, for a year  
15 for sure. But the point is to salvage a life, to  
16 salvage a career, and to give him an opportunity to  
17 prove the statement that he made under oath that he will  
18 never be guilty of this type of offense again seems to  
19 be a plausible answer that's consistent with our state  
20 law. And that's all we can ask. We can't justify what  
21 he did. That's impossible. And so, the question is  
22 what now. And I'm only saying this because I realize  
23 the Court has a difficult decision to make, but we say  
24 what now should be something that salvages a life and  
25 doesn't cost a life over one very bad night in

1 Nashville, Tennessee. And apparently, from all the  
2 evidence, that's what we have here.

3 Now, I realize there's also a retribution issue  
4 because Ms. Halliburton has been offended -- might have  
5 been -- her family, and there is no excuse for that on  
6 Earth, but a punitive judgement won't change that. The  
7 only thing that can be salvaged out of this is his life  
8 and career, and then he makes restitution to them in  
9 whatever measure Your Honor beats out and that he does  
10 whatever term of probation Your Honor beats out, which  
11 could be multiple years as I understand it under the  
12 law. That's pretty punitive for a police officer. And  
13 even if Your Honor does that, I don't think there's a  
14 guarantee that he stays employed, but certainly that  
15 opens the door to it or the possibility of it. And  
16 that's really all we're asking because, without that,  
17 he's finished. And that just doesn't seem to be what we  
18 would call equal justice under the law considering all  
19 the facts and circumstances, and we do appreciate the  
20 Court's patience with all of this. Thank you.

21 THE COURT: Just a question. If he were to  
22 be given probation, we don't transfer misdemeanor  
23 probations from one state to the next. There's no way  
24 to supervise him.

25 GEN. EWALD: Right.

1 MR. YARBROUGH: Well, Your Honor --

2 THE COURT: That's just the way it is. I  
3 mean, no state will accept a misdemeanor transfer --  
4 probation transfer.

5 MR. YARBROUGH: I'm certainly aware of the  
6 problem, but I would -- but I'm pretty sure --  
7 certainly, Your Honor is more up to date on this than I  
8 am, but I'm pretty sure I've had cases in the past where  
9 people were living in other states but were supervised  
10 from Davidson County. And that supervision could  
11 include correspondence with the police department to be  
12 sure that he is taking those breathalyzers and passing  
13 every single one because, at the moment that he fails  
14 one of them, he's fired there and he's potentially  
15 violated here if that's part of Your Honor's order.

16 THE COURT: All right. I'll let you all know  
17 in a few minutes.

18 (Recess observed.)

19 THE COURT: All right. This is the *State of*  
20 *Tennessee v. Michael Reynolds*, Case No. 2019-I-384. Mr.  
21 Reynolds is before the Court having entered pleas of  
22 guilty to the lesser included offense of aggravated  
23 criminal trespass and three counts of simple assault  
24 arising out of an incident on July 9th or July 8th,  
25 morning of July 9th, 2018. The issue before the Court



1 is the manner -- length and manner of service of the  
2 sentences for each of the four misdemeanors to which he  
3 has pled guilty. Although these are misdemeanors, there  
4 was a presentence report prepared, not required by law,  
5 but it was prepared in this particular case. So, in  
6 determining the appropriate sentence for these --  
7 sentences for these offenses, the Court has considered  
8 the evidence presented at the sentencing hearing, the  
9 presentence report including the findings of the Strong  
10 R. Risk Assessment Report, principles of sentencing as  
11 set forth in 40-35-103, the arguments made as to  
12 alternative sentencing, the nature and characteristics  
13 of the criminal conduct involved, the evidence and  
14 information offered on enhancing and mitigating factors,  
15 the testimony of the Defendant on his own behalf here at  
16 the sentencing hearing, his potential for rehabilitation  
17 or treatment and the general purposes for which the  
18 Sentencing Reform Act of 1989 was enacted as set forth  
19 in 40-35-102.

20 The real issue, and -- one of the primary issues in  
21 this case is whether or not Mr. Reynolds should be given  
22 the benefit of judicial diversion, which requires some  
23 additional factors to be considered in addition to the  
24 ones that are set forth statutorily. Those factors  
25 include the accused's amenability to correction, the

1 circumstances of the offense, his prior criminal record,  
2 his social history, his physical and mental health and  
3 the deterrence value to the accused as well as others.  
4 Those factors will be addressed in addition to a number  
5 of other factors that bear on whether or not an  
6 alternative sentence is appropriate in this particular  
7 case.

8         The enhancement and mitigating factors, in the  
9 sense of a misdemeanor, generally are not very relevant,  
10 I mean, since they are set forth primarily for a person  
11 who is convicted of felonies, but I think that probably  
12 one of the most important -- I mean, let's boil it down  
13 real quick and real simple. If you look at the factors,  
14 almost everything is favorable to Mr. Reynolds. He has  
15 no prior record, which is not surprising if you're  
16 seeking judicial diversion. I mean, it's kind of hard  
17 to have much of a prior record. You can have some B and  
18 C misdemeanors. I mean, certainly, if alcohol was his  
19 issue, certainly he's gone through treatment and  
20 certainly can continue on that path to where he is  
21 amenable to corrections and the treatment necessary to  
22 keep him on the straight and narrow if that is his only  
23 issue.

24         I don't know a lot about his social history. He  
25 grew up in a small town. He's apparently well-respected

1 in that small town. He's a police officer in Manhattan.  
2 There's no issues with his physical or his mental health  
3 that would prevent him from successfully completing an  
4 alternative sentence, but here's the problem that has to  
5 be weighed against that. One is the circumstances of  
6 the offense. I don't know that I've -- twenty years on  
7 the bench, I don't know that I've necessarily heard,  
8 except for intentional home invasions usually where  
9 they're going in to rob people of drugs, things of this  
10 nature. I mean, the facts and circumstances of this  
11 particular incident are extremely egregious. I mean,  
12 for seven to eight minutes, there was a mother who was  
13 peacefully laying in her bed with her youngest son  
14 having a conversation. Her two -- her older sons are in  
15 the house, a couple of them asleep and a couple -- and  
16 the other one, the seventeen year old at that time,  
17 awake enjoying the peace and quiet of their home, which  
18 is what everyone is entitled to, and suddenly -- I mean,  
19 fortunately, Ms. Halliburton was, I think, astute enough  
20 that the yelling that was going on outside was beyond  
21 the pale of the normal yelling and screaming that goes  
22 on in the party situations that are notoriously common  
23 in these Airbnb situations, and she called the police  
24 then because I'm not sure what would have happened had  
25 she waited until he was in the hallway before she called

1 the police because it appears that the only reason he  
2 left was that she said the police are on that street.  
3 And it was at that point in time, he beelined it out of  
4 the house, didn't run, but beelined it out of the house  
5 because, at that point in time, nothing had worked. And  
6 for someone who has no idea where they are or what  
7 they're doing, sure made it to that Airbnb mighty quick.  
8 He didn't have any problem, at that point in time,  
9 returning to the location where he was staying. Not  
10 only were they terrorized for that seven or eight  
11 minutes, which probably seemed like seven or eight  
12 hours, they've continued to suffer repercussions of it  
13 to this very day. I mean, you can tell, just in the way  
14 Ms. Halliburton was testifying, that it's still fresh on  
15 her mind and she's still coping with the consequences of  
16 what occurred.

17 I also noticed that, when Mr. Reynolds got up here  
18 to testify, and I don't know if it was a son, but one of  
19 the individuals that I assumed was her son, when he got  
20 up, he just shook his head and walked out of the room  
21 like, you know, I just can't deal with this. So, the  
22 Court is fully satisfied that the consequences of the  
23 seven or eight minutes go well beyond that night and  
24 continue to this very day to the extent that a person  
25 who has lived in her -- this same house all of her life,

1 and therefore her children in that same house all their  
2 life, none of them want to live there any longer. They  
3 can't find any peace, and comfort, and safety in their  
4 own home, which is supposed to be the one place we all  
5 are able to go to and have those things and total peace  
6 of mind. And that has been clearly and unequivocally  
7 stolen from the Halliburtons, all of them.

8 And the Court, quite frankly, I just -- I can't  
9 accept the testimony of Mr. Reynolds at face value. I  
10 just -- I mean, as I said, he comes down to that house  
11 with his -- one of his friends yelling at him to come  
12 back, don't go down there, hey, we're over here and he  
13 responds to him. I mean, he hears him. He responds to  
14 him. I couldn't pick up exactly what he says, but he  
15 continues on the path to the Halliburton's house. As I  
16 said, after he left, he had no problem returning to that  
17 house and going into the bedroom where I think he was  
18 hoping he could go to sleep without being discovered.  
19 And when the police do arrive, he has enough wherewithal  
20 to make sure that they know he is a police officer, and  
21 I think he did that for one reason. And I find the  
22 reason he did that was in the hopes of getting the  
23 professional courtesy that police officers frequently  
24 give to each other and that this thing would blow over.

25 Then again, I can't accept what he said in terms of

1 the events that occurred that next evening before they  
2 went to dinner. Not only did Ms. Halliburton describe  
3 the demeanor of this group. Mr. Roddick, who doesn't  
4 even have a dog in this hunt, has nothing to gain or  
5 lose by it, he comes up here and he clearly testifies to  
6 the exact same thing that Ms. Halliburton testified to,  
7 and he testified to it before. I mean, and again, the  
8 Court believes that -- I think these gentlemen thought  
9 that, because they were police officers, they would be  
10 able to get away with it.

11 Mr. Reynolds tries to put a positive perspective on  
12 this case to say listen, I flew down at my own expense  
13 and voluntarily gave a statement as to what occurred on  
14 this particular occasion. He did that after he gets a  
15 voicemail left from the Metropolitan Police Department.  
16 Up until that point in time, I suspect he was having a  
17 ten-day, twenty-day, however many days it was before the  
18 phone call came in, sigh of relief that life was back to  
19 normal in New York, and I can go on, and this is all  
20 behind me and nothing is going to happen. And then  
21 oops, there's a voicemail left by a detective who had  
22 the wherewithal to investigate this matter much further  
23 to try and get to the bottom of what was going on and  
24 with the grace of Mr. Roddick having video kind of  
25 assisted in establishing the events that occurred on

1 that evening. According to the presentence report,  
2 before he came down here, I.A. was also involved, so  
3 internal affairs. So, while he comes down here  
4 voluntarily, I don't think he was in a position to do  
5 otherwise. He knew that the gig was up. Metro knew  
6 exactly who his was. They were able to identify him,  
7 and they weren't going to just drop the ball and say  
8 don't come back to Nashville.

9 And then, quite frankly, in his *mea culpas* today,  
10 every one of those *mea culpas* started out with the fact  
11 that I regret this because of what it has done to my  
12 life. The only time -- or the first time that it came  
13 up, and the impact that it had on the Halliburtons, was  
14 when Mr. Yarbrough so eloquently directed him to that  
15 particular aspect of that situation, that oh, yeah,  
16 there was somebody else that, you know, was in -- was  
17 involved in this, that maybe I ought to say I'm sorry  
18 for what it caused to them as well. So, I kind of  
19 question just how sincere his apology was, just how  
20 regretful he was. I think, had he really felt that from  
21 the beginning, he would have dealt with it while he was  
22 here in Nashville. They would have come clean. They  
23 would have told the police what was going on. He found  
24 out the next day that his friends lied to the police.  
25 They did nothing to correct those very lies, and they're

1 police officers. I mean, they, of all people, I'm sure,  
2 get frustrated constantly by citizens who lie to them  
3 when they're trying to do investigations. And yet, they  
4 are perpetrating that absolute lie and fraud on the  
5 Metro Police Department. And again, but for a couple of  
6 detectives who stayed on top of it, they would have  
7 gotten away with it.

8 As far as the racial slur, obviously everyone in  
9 this courtroom absolutely knows how abhorrent that is,  
10 and repugnant, and cannot, under any circumstances, be  
11 -- well, I can't even get the word out, mitigated. Let  
12 me use that word. And I just don't know what I -- I  
13 will -- I don't have any reason to believe he has any  
14 kind of racial animosity in him. It just seems awful  
15 unusual that, out of the blue, something that is not a  
16 part of you becomes a part of you on a particular night,  
17 but there's no question that the seriousness of that  
18 vile type of conduct...

19 I understand the Defendant's desire for judicial  
20 diversion because it could potentially implicate his  
21 career, his livelihood. Her testimony where the  
22 livelihood -- not necessarily the livelihood, but the  
23 lives of four people have been forever shattered.  
24 Hopefully, counseling and time will take care of it to  
25 some extent, but I don't think that's the type of thing



1 that will ever leave you permanently.

2 Under all the circumstances and -- well, deterrence  
3 value. Nashville does have a nightmare of a problem  
4 with these Airbnbs. For whatever reason, our elected  
5 officials allow it to go on the way it is. That's for  
6 another day and another body to deal with, not this  
7 Court, but they are a quite common problem and it's  
8 routinely talked about, written about, broadcasted that  
9 they just kind of run a muck in neighborhoods. And  
10 while Mr. Reynolds says he wasn't aware of Nashville's  
11 reputation as kind of the Nash-Vegas, and go there and  
12 party, and do what you want to, I mean, you go around  
13 town and there's not any kind of mobile device that  
14 hasn't been turned into a rolling bar. And some of  
15 them, you don't even need wheels. I mean, they've got  
16 horses pulling carriages and so on and so forth. I  
17 mean, it's -- it is a part of Nashville, and we love our  
18 visitors, but the kind of conduct that occurred on that  
19 night just can not be tolerated under any circumstances.

20 And while I understand and somewhat empathize for  
21 the possible consequences it can have on Mr. Reynolds,  
22 his personal interest under no circumstances outweighs  
23 the interest of one, the community generally, but two  
24 and more importantly and most importantly, the  
25 Halliburtons, who again have -- are going to have

1 long-term consequences as well.

2 I don't accept that, if -- if Mr. Reynolds were to  
3 lose his job as a police officer, that he's incapable of  
4 other employment. I don't -- his livelihood is not lost  
5 forever. Certainly, he's got other qualifications.  
6 He's got mental abilities, and physical abilities, and  
7 everything else, but police officers, right or wrong,  
8 are sometimes held to a greater standard, particularly  
9 when you go into a cover-up mode after the event. So,  
10 the facts themselves were egregious. The response to  
11 those facts, once they sobered up the next day just make  
12 it even worse and can not be allowed to go unpunished.  
13 I think the reality of it is, when they said that hey,  
14 we're police officers, we have immunity, if I were to  
15 grant judicial diversion, I'm granting them immunity  
16 because, in two or three, four years, the -- it would be  
17 erased as if it never happened, and I don't think that  
18 is appropriate under the facts and circumstances in this  
19 case.

20 Therefore, I'm going to sentence Mr. Reynolds to  
21 eleven months, twenty-nine days on each case. The  
22 assaults will all run consecutive to each other. The  
23 aggravated criminal trespass will run concurrent with  
24 Count 2, I guess, whichever victim that is. Those  
25 sentences will be suspended except fifteen days in

1 Counts 1 and 2. I don't know. There's no real way to  
2 adequately supervise that probation since the interstate  
3 compact for probation does not provide a method in which  
4 to transfer, from one state to the next, misdemeanor  
5 probations. So, he will be required to return to this  
6 Court once every six months for the Court to, I guess,  
7 serve as his probation officer. He'll have thirty days  
8 to report. There are no fines, no special conditions.

9 I want to also point out that, while I think that  
10 our laws favor alternative sentences, which he's, for  
11 the most part, getting and looks to community service  
12 work, looks to restitution and things of this nature --  
13 the financial aspects of this, whatever it may be, a  
14 couple hundred dollars is an insult to suggest that that  
15 restitution would, in any form or fashion, address the  
16 emotional scars that have been inflicted upon the  
17 Halliburtons. As she herself said, you can't put a  
18 price tag on peace of mind. And so, I want to add that  
19 to my comments. Anything else?

20 MR. YARBROUGH: Your Honor, I just want to be  
21 clear. The fifteen days are consecutive. So, it's a  
22 total of a thirty-day jail sentence?

23 THE COURT: No, it's -- the Counts 1 and 2  
24 are concurrent.

25 MR. YARBROUGH: Okay.

1 THE COURT: So, it's fifteen days. Those two  
2 are concurrent. So, it's fifteen days. Counts 3 and 4  
3 are suspended fully.

4 MR. YARBROUGH: Right.

5 THE COURT: It would only be if one of those  
6 were imposed a sentence would there be more. I think  
7 the main thing is that this not be swept under the rug  
8 four years from now. It was attempted to be swept under  
9 the rug last year. To allow it to be expunged would  
10 sweep it under the rug four years from now or three  
11 years, whatever probationary period I might have placed  
12 on him. So, anything else?

13 GEN. EWALD: No, Your Honor.

14 MR. YARBROUGH: We would ask Your Honor, even  
15 though it's probably moot at this point, that the Court  
16 allow that the condition the he not possess a firearm --

17 THE COURT: I don't have a problem with -- I  
18 mean, I'm going to leave the internal affairs and his  
19 job up to the state of New York, the city of New York,  
20 whichever one is supervising him. It's misdemeanors.  
21 He's not precluded under our laws in Tennessee to own,  
22 possess a firearm. So, I'm not going to get into that.  
23 You can strike that as a restriction. Well, he's not  
24 being supervised by you. So, yes, I mean, if you want  
25 to prepare an order --

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MR. YARBROUGH: I can do that.

THE COURT: Making it clear that that is not

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MR. YARBROUGH: Right.

THE COURT: -- a condition of his probation,  
I don't have any problem with that. I'm just going to  
leave that --

MR. YARBROUGH: Right.

THE COURT: The matter of his employment is  
totally up to New York.

MR. YARBROUGH: All right. Thank you.

THE COURT: Anything else?

GEN. EWALD: No, Your Honor.

THE COURT: Just come back June 4th.

(Whereupon, the proceedings were concluded.)

CERTIFICATE

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STATE OF TENNESSEE       )  
COUNTY OF DAVIDSON       )

I, G. Thomas Nebel, Court Reporter with offices in Nashville, Tennessee, hereby certify that I have reported the foregoing transcript of proceedings in the case of *State of Tennessee v. Michael Reynolds*, by stenomask, to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

\_\_\_\_\_

G. Thomas Nebel  
Criminal Court Reporter  
State of Tennessee  
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CERTIFICATE OF THE COURT

I, Mark J. Fishburn, Judge of the Criminal Court, Division VI, for Davidson County, Tennessee, hereby certify that I have read the foregoing transcript of proceedings in the case of *State of Tennessee v. Michael Reynolds* and have found the same to be a true and accurate transcript of the proceedings.

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Judge Mark J. Fishburn