

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CRIMINAL NO. 15-00226CFANO

STATE OF FLORIDA,

vs.

JOHN N. JONCHUCK,

Defendant.

PLACE: PINELLAS COUNTY JUSTICE CENTER
Room 1100
14250 49th Street North
Clearwater, Florida

DATE: September 4, 2018

TIME: 2:10 p.m. - 2:34 p.m.

REPORTED BY: Marcy K. Guincho
Registered Professional Reporter
Notary Public at Large

DEPOSITION OF DANIEL CRUZ

Pages 1 - 23

MORGAN J. MOREY & ASSOCIATES
333 Third Avenue North, Suite 510
St. Petersburg, Florida 33701
(727) 8984-7407

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

APPEARANCES

DOUGLAS ELLIS, ESQUIRE
PAUL BOLAN, ESQUIRE
Assistant State Attorneys
Office of Bernie McCabe, State Attorney
Pinellas County Justice Center, Room 1000
14250 49th Street North
Clearwater, Florida 33762

Attorneys for the State

JANE McNEILL, ESQUIRE
JESSICA MANUELE, ESQUIRE
GREGORY WILLIAMS, ESQUIRE
Assistant Public Defenders
Office of the Public Defender, Bob Dillinger
Pinellas County Justice Center
14250 49th Street North
Clearwater, Florida 33762

Attorneys for the Defendant

1 DANIEL CRUZ,
2 the deponent herein, being first duly sworn, was examined
3 and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. MANUELE:

6 Q. Could you please state your name for the record?

7 A. Daniel Cruz.

8 Q. How are you employed?

9 A. With the City of St. Petersburg Police
10 Department.

11 Q. How long have you been with St. Pete PD?

12 A. Approximately 14 years.

13 Q. Currently assigned to any specialized units?

14 A. Currently assigned to the major crimes unit.

15 Q. How long have you been in major crimes?

16 A. Since November 2014.

17 Q. We're here today because you've been listed as a
18 witness in the State of Florida versus John Jonchuck
19 regarding the death of Phoebe Jonchuck that occurred
20 back on January 8th of 2015. Are you familiar with the
21 case?

22 A. Yes, ma'am.

23 Q. And as far as writing a supplemental report is it
24 just the one substantive supplement that you wrote?

25 A. Yes, ma'am.

1 Q. Okay. And I have page numbers -- may very well
2 change now -- but it looks like the supplement date was
3 January 13th of 2015?

4 A. Yes, ma'am.

5 Q. Okay. And then I have an evidence voucher that
6 you submitted also?

7 A. Possibly.

8 Q. Does that sound about -- the extent of the
9 report?

10 A. Seems like it.

11 Q. Okay. Do you have the narrative that you've
12 authored with you today?

13 A. Yes, ma'am.

14 Q. Have you had an opportunity to review it?

15 A. Yes, ma'am.

16 Q. Was there anything in that report that you found
17 to be inaccurate or that you would like to change?

18 A. No, ma'am.

19 Q. Okay. Tell me how you first become involved in
20 the investigation.

21 A. I was at home. I received a phone call from my
22 supervisor indicating that there had been a homicide and
23 that I was instructed to meet Detective Kenny Miller at
24 the Manatee County Sheriff's Office because the
25 defendant was taken into custody.

1 Q. Okay. Is that the first place that you responded
2 to was Manatee County SO?

3 A. Yes, ma'am.

4 Q. When you arrive at Manatee Sheriff's Office is
5 Mr. Jonchuck already there yet?

6 A. Yes, ma'am.

7 Q. Is Miller there yet?

8 A. I wanna say I believe so. I don't really
9 remember but I would like to think -- we were both in
10 the interview room together. I don't know who got there
11 first.

12 Q. Okay. Was the extent of your interaction with
13 Mr. Jonchuck, was that all limited to that interview
14 room?

15 A. Yes.

16 Q. So you didn't have any contact with him outside
17 of what was recorded; is that fair?

18 A. Correct.

19 Q. Okay.

20 A. I was a rookie.

21 Q. Prior to entering the room and making contact
22 with John who, if anybody, did you speak to at the
23 Sheriff's Office?

24 A. I don't recall speaking to anybody really in the
25 Sheriff's Office. I remember Sergeant Hubble -- she's

1 now retired -- Terri Hubble, I remember her being there.
2 I remember speaking with her briefly but nothing -- just
3 basically she was down there. I don't know why she was
4 there. I can't remember why she was there. But she was
5 there.

6 Q. At the time that you entered the room though
7 you're aware of what has transpired throughout the
8 night?

9 A. Yes, my supervisor as I'm driving down -- it's
10 about a 30-, 40-minute drive for me from my house to
11 there -- I'm getting phone calls basically kinda telling
12 me what's going on, what happened and why because
13 originally I was supposed to be the scene detective. I
14 was gonna go to the scene. But as I was traveling I was
15 instructed to go to Manatee instead and help Kenny with
16 the interview.

17 Q. Okay. When you first walk in and see
18 Mr. Jonchuck what is your initial take on his
19 appearance?

20 A. Seemed like a normal guy at the beginning. I
21 mean at the time he wasn't, you know, doing anything
22 erratic that I observed. I remember him saying
23 something about a Bible. He asked for a Bible or he
24 made mention of a Bible. You would obviously have to
25 ask Detective Miller more about that. I remember

1 something about a Bible or he wanted a Bible. But
2 that's it. Seemed like just a normal guy. He was kinda
3 quiet.

4 Q. Were you at all surprised by his demeanor or is
5 it what you expected?

6 A. I didn't know what to expect. I mean, learning
7 of the facts and circumstances of the case as I was
8 traveling down there I was trying to rationalize
9 everything in my head myself, kinda figure out how to
10 talk to the guy. I didn't know how far we would get. I
11 didn't know if the guy would talk to us. So I didn't
12 know really what to think. I just kinda went in there
13 blind.

14 Q. Up to this point -- so like January 2015 -- had
15 you had any specialized training in interviewing
16 mentally ill suspects?

17 A. I mean, we go through training courses throughout
18 the year to talk to people of that nature. So besides
19 those standard courses that everybody takes on like
20 videos and stuff like that, yes. Nothing out of the
21 ordinary.

22 Q. What do you mean like standard courses?

23 A. Say they'll come out with someone has autism,
24 right? So there will be like a 45-minute video for you
25 to watch that it talks about how to talk to somebody

1 with autism and you kinda sign in, log into your
2 computer, you watch a 45-minute video and that's it.
3 But there is other courses, you know, that you go
4 through throughout the year similar to that or of that.

5 Q. Would you say that you had any specialized
6 training talking to mentally ill people at that time?

7 A. No, I didn't go like to a two-week school just to
8 learn how to talk to someone who is mentally challenged,
9 no.

10 Q. Do you stay at the Manatee Sheriff's Office until
11 John is transported from there?

12 A. I don't remember.

13 Q. At any point did you observe him outside of the
14 room?

15 A. No.

16 Q. So if you were there you didn't see him head down
17 to transport or anything like that?

18 A. No, ma'am.

19 Q. The Bible that he was asking about, do you know
20 where that was at that point?

21 A. I wanna say it's in the car because according to
22 my report I removed it -- the Swedish Bible -- from a
23 car. But I don't remember the whereabouts of the Bible.
24 This is something kinda like I was doing after the fact,
25 like after we interviewed him, everything else, I did a

1 search warrant for the vehicle. I remember the Bible
2 being in the vehicle and I remember opening up this huge
3 book that's like a Swedish or something or -- I don't
4 understand it. Just a real big Bible.

5 Q. Was there a Bible in the Sheriff's Department
6 somewhere there?

7 A. May have been. I don't know.

8 Q. Where do you go from Manatee County?

9 A. I wanna say I go back to the police department.

10 Q. To St. Pete?

11 A. Yes.

12 Q. What do you do there?

13 A. We start working on the search warrant for the
14 vehicle.

15 Q. What is your next involvement after that?

16 A. We get the search warrant signed. After we get
17 the search warrant signed I assist with the execution of
18 the search warrant for the vehicle.

19 Q. And from the vehicle you obtained a blue Bible,
20 Metro PCS cell phone, a black tote bag and a Swedish
21 Bible?

22 A. Yes, ma'am.

23 Q. There were some documents that were submitted in
24 the case, like a letter from Social Security. I'm
25 thinking of one off the top of my head. Where did that

1 come from?

2 A. I don't know off the top of my head. I would
3 have to look at the main report to tell you. Did I
4 submit it into evidence?

5 Q. I have no idea.

6 A. If it came from the vehicle it would have been on
7 that return most likely. It may have been some
8 paperwork that got shifted around or something that was
9 in maybe the tote. I'm guessing though. I don't know
10 exactly where it came from.

11 Q. But you don't remember specifically retrieving
12 any paperwork when you executed the search warrant
13 return; is that correct?

14 A. Not that I can remember right now, no.

15 Q. After the search of the vehicle what's your next
16 involvement?

17 A. I go ahead and I travel to Tampa on the 9th and I
18 interview --

19 MS. MANUELE: Pause real quick.

20 MR. WILLIAMS: Dave, can you introduce yourself
21 to the court reporter please?

22 MR. BALUT: Sure. David Balut and I'm an
23 investigator with the Public Defender's Office.

24 MR. ELLIS: Spell your last name.

25 MR. BALUT: B as in Bob, B-a-l-u-t.

1 THE DEPONENT: Sign there at the X and -- here
2 you go.

3 MR. ELLIS: What's he signing, Detective Cruz?

4 THE DEPONENT: Signing for Jonchuck's cell phone.
5 If you want the evidence number it's 228-6712.

6 MR. ELLIS: Where did you retrieve that from?

7 THE DEPONENT: Detective Miller gave me this cell
8 phone. He pulled it out of evidence at the
9 St. Petersburg Police Department.

10 MR. ELLIS: That was today?

11 THE DEPONENT: I believe so, yes.

12 MR. ELLIS: It's in a sealed envelope?

13 THE DEPONENT: Yes, it's kinda sealed with
14 masking tape then, if you want.

15 MR. ELLIS: This is pursuant to a court order,
16 correct?

17 THE DEPONENT: I don't know. I believe so.
18 Sorry.

19 MR. WILLIAMS: Parties agree it's pursuant to a
20 court order.

21 THE DEPONENT: Just sign anywhere on here.
22 That's fine. Thank you, sir.

23 MR. WILLIAMS: Let the record reflect that
24 Detective Cruz has given custody and control of the
25 aforementioned cell phone over to Dave Balut,

1 investigator for the Public Defender's Office. Thank
2 you, Dave.

3 MR. BALUT: You're welcome. Anybody else need a
4 card?

5 MS. MANUELE: Thank you.

6 BY MS. MANUELE:

7 Q. You said you then went to Tampa on January 9th;
8 is that correct?

9 A. Yes.

10 Q. Were you at all present for any interviews of
11 John Jonchuck, Sr. or either of the Michele Jonchucks or
12 Michelle Kerr?

13 A. No, ma'am.

14 Q. Go to Tampa to interview Cesar Petilla; is that
15 correct?

16 A. Yes.

17 Q. That's at St. Lawrence Catholic Church?

18 A. Yes.

19 Q. Was that arranged in advance, like you had spoken
20 to him over the phone, let him know that you were coming
21 or how did that go?

22 A. Honestly when I read the report I don't even
23 remember how we got the information and I was trying to
24 figure out why we went there. I believe somebody told
25 us about him going to the church. I was instructed to

1 go to the church and find the reverend and sit down and
2 talk with him.

3 Q. Okay. What was your impression of Mr. Petilla?

4 A. He was a priest.

5 Q. Was he cooperative?

6 A. Yes, he was very cooperative.

7 Q. Did you record your interview of him?

8 A. No.

9 Q. Why not?

10 A. Because he's a witness and he's at the church.

11 Q. You didn't record his interview because he was a
12 witness?

13 A. Well, he's at the church. He didn't really
14 provide a statement. We were at the church. He told me
15 that he couldn't because he's part of the clergy, part
16 of the ministry, that he couldn't tell me what was said
17 between them because of the religious, you know, oath
18 that he takes. So he wouldn't reveal anything to me.
19 But he basically in a nonchalant way basically said that
20 he was asking for something over his expertise and
21 instructed him to go to some other location.

22 Q. And did he indicate that he had directed him to
23 go to another church?

24 A. Yes.

25 Q. Did Petilla say anything to you about discussing

1 with John any mental illness?

2 A. Not that I remember.

3 Q. Did Mr. Petilla tell you that Petilla had told
4 John he should go see his psychiatrist or psychologist?

5 A. Not that I remember. Once again, he wouldn't get
6 into it, that I remember. It was very blunt that he
7 wouldn't tell me anything.

8 Q. But he did tell you that he sent him to another
9 church?

10 A. Correct.

11 Q. Did you do any followup with the phone numbers
12 that were found in John's phone to see what numbers
13 those belonged to?

14 A. No.

15 Q. So did you ever ask Petilla to come down to the
16 police station to provide an interview at the police
17 station?

18 A. No, ma'am.

19 Q. As far as you know were there any witness
20 statements that were recorded during this homicide
21 investigation?

22 A. I don't know.

23 Q. What's St. Pete's policy on recording interviews
24 in homicide investigations?

25 A. We typically don't record witnesses.

1 Q. Typically don't record witnesses?

2 A. Not really like a policy. We just don't record
3 our witnesses if we don't need to. We can talk to them
4 because they come in and they give a live statement to
5 the State Attorney's Office.

6 Q. After speaking with Mr. Petilla what did you do?

7 A. I believe I returned back to St. Petersburg
8 Police Department.

9 Q. Did you conduct any additional interviews?

10 A. No, ma'am.

11 Q. I didn't see in your report that you documented
12 your interaction with Mr. Jonchuck; is that correct?

13 A. Yes, ma'am.

14 Q. Why did you not document your interaction with
15 him?

16 (Mr. Ellis now absent.)

17 A. My interaction was very brief. I may have just
18 introduced myself to him and that's it. Whatever you
19 see on the recording was my interaction with him. It
20 was very, very, very brief. I walked in the room and I
21 believe Detective Miller was trying to go over the oath
22 form or something like that and -- rights form -- excuse
23 me -- and he invoked and that was it. That was as far
24 as the conversation ever got with him that I can recall.

25 Q. Any other involvement other than what we've

1 discussed?

2 A. Not that I remember.

3 BY MS. McNEILL:

4 Q. You indicated I think that you were called at
5 home for this case?

6 A. Mm-hmm.

7 Q. Can you say yes or no for the record?

8 A. Yes.

9 Q. In the process of driving from home to the
10 Manatee County Sheriff's Office did you have to cross
11 the Dick Misener Bridge?

12 A. Yes.

13 Q. So in doing so there is a scene going on there I
14 would assume?

15 A. Yes.

16 Q. Did you stop and talk to anyone?

17 A. No.

18 Q. You just went straight on by?

19 A. Yes. I remember going by because I remember I
20 had my lights on and I was getting told to get there and
21 in a hurry. So I had my lights on and it was blocked.
22 So I can't remember where it was blocked at but I had to
23 put my lights on to get past the officers that had
24 blocked the bridge and I remember having my lights on
25 completely until I went over the Skyway until I got

1 almost to Manatee.

2 Q. Did you have to pass by the location where
3 Mr. Jonchuck's vehicle was stopped or did you exit
4 before then?

5 A. I exited before that because I think that was far
6 down.

7 Q. That was at University.

8 A. I don't remember where the Manatee office is that
9 I went to. I wanna say I got off at like somewhere but
10 I didn't see his vehicle until the vehicle was towed and
11 back at the police department.

12 Q. Which leads me to my next question. So when you
13 did the search warrant on Mr. Jonchuck's vehicle the
14 vehicle had already been towed, impounded and placed
15 into a secure location?

16 A. Yes, ma'am.

17 Q. Was any of the process of you executing the
18 search warrant video recorded?

19 A. Not that I'm aware of, no.

20 Q. You said that while you were driving to Manatee
21 you were getting phone calls and, you know, hearing what
22 was going on and you said that you were trying to
23 rationalize it in your head.

24 A. Mm-hmm.

25 Q. Right?

1 A. Yes.

2 Q. Did you come up with anything?

3 A. Well, the original allegations that I heard is
4 that he threw a child over the bridge. Me being a
5 father it was disturbing. So I was trying to
6 rationalize all these facts that I'm hearing and
7 everything in my head. So no, I didn't come up with
8 anything at all. I was trying to figure out, Did he
9 really do this? And at the time I don't believe they
10 had found the little girl. So it was very hard for me
11 to believe that he threw a child off the bridge.

12 Q. When you were doing the search warrant on the
13 vehicle you found the phone, right?

14 A. I would have to double-check. I apologize. Yes.
15 Go ahead.

16 Q. Do you have any recollection of like opening the
17 phone, going into the phone, looking at anything?

18 A. No, ma'am.

19 Q. That was a bad question on my part. Did you go
20 into the phone and look at anything inside the phone?

21 A. No, I did not.

22 Q. When you spoke with Cesar Petilla in Tampa you
23 wrote about his statement in your police report?

24 A. Yes, ma'am.

25 Q. Is there anything that you could testify to about

1 what Cesar Petilla told you that is not contained in
2 your report?

3 A. No, ma'am.

4 Q. So I just wanna make sure that we didn't miss
5 asking you something and there is gonna be some other
6 revelation on the stand at trial.

7 A. Of course.

8 Q. Everything is there?

9 A. Yes, ma'am.

10 Q. And then finally you said that with regards to
11 the St. Pete homicide squad and interviewing witnesses
12 and whether or not to record them you said that if
13 you -- I guess you used the word need, like if we need
14 to record them we will, or something to that effect.
15 How do you determine if you need to video or audio
16 record an interview?

17 A. Okay. For an example, I had a homicide where I
18 had a witness who was a transient. He doesn't have a
19 phone number, doesn't have a location, I don't have any
20 way of getting hold of this person. Due to the
21 circumstances of the investigation, the time of day,
22 everything, I went ahead and recorded it. That was one
23 incident where I recorded it. That was all.

24 Q. So you have the capability of recording the
25 interviews?

1 A. If they are at the St. Petersburg Police
2 Department, yes, ma'am.

3 Q. And if it's out in the field do you have a phone
4 with you or something like that that you could record?

5 A. Yes, I could.

6 MS. McNEILL: That's all.

7 MR. BOLAN: I don't have anything. Thanks.

8 (Deposition concluded at 2:34 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF PINELLAS)

I, Marcy K. Guincho, RPR, certify that Daniel Cruz, personally appeared before me and was duly sworn.

WITNESS MY HAND AND OFFICIAL SEAL this 9th day of September, 2018.

Marcy K. Guincho

MARCY K. GUINCHO, RPR
Notary Public, State of Florida at Large

MY COMMISSION # FF 237014
EXPIRES: June 30, 2019

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

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF PINELLAS)

I, Marcy K. Guincho, RPR, certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record of the testimony given by the witness.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or counsel connected with the action, nor am I financially interested in the action.

DATED this 9th day of September, 2018.

Marcy K. Guincho

MARCY K. GUINCHO, RPR

