

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

State of Florida,	:
Plaintiff,	:
vs.	: Case No.
	: 15-00226CF-I
John Nicholas	:
Jonchuck, Jr.,	:
Defendant.	:
-----/	: -----/

Taken by: Doug Ellis, Esquire
On Behalf of State

Date: Friday, January 4, 2018

Time: 9:58 a.m. - 10:15 a.m.

Place: Criminal Justice Center
14250 49th Street North
Room 1100
Clearwater, FL 33762

Reported by: KayLynn Boyer
Court Reporter
Notary Public
State of Florida at Large

Telephone Deposition of:
Heather Davis

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APPEARANCES:

Douglas Ellis, Esquire
Assistant State Attorney
14250 49th Street North
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Clearwater, FL 33762

Appeared on behalf of Plaintiff

Jane McNeil, Esquire
Assistant Public Defender
14250 49th Street North
Clearwater, FL 33762

Appeared on behalf of Defendant

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

2 MS. McNEIL: Heather, do you affirm that
3 everything you tell us today will be the truth?

4 A. Yes.

5 MS. McNEIL: Okay.

6 MR. ELLIS: Are you ready?

7 A. Yes.

8 DIRECT EXAMINATION

9 **BY MR. ELLIS:**

10 Q. **Would you state your name and where you work**
11 **for the record, please.**

12 A. My name is Heather Davis, and I work at North
13 Florida Evaluation and Treatment Center in Gainesville,
14 Florida.

15 Q. **And what is your job title there?**

16 A. I'm the Counseling and Social Service
17 supervisor.

18 Q. **Do you know why we're conducting this depo**
19 **today?**

20 A. You have additional questions about the case
21 relating to Mr. John Jonchuck, who is assigned to my
22 caseload.

23 Q. **We have a limited basis to ask these questions,**
24 **do you know the area of inquiry that we're talking**
25 **about?**

1 A. I think it has to do with the evaluation
2 completed by Dr. Emily Lazarou, I'm not sure I'm saying
3 her name right.

4 Q. **Lazarou, correct. She did two interviews of**
5 **Mr. Jonchuck, on October 24, 2017, and on May 15, 2018,**
6 **does that sound correct?**

7 A. That's correct.

8 Q. **Okay. It's my understanding that there were**
9 **statements that you may have overheard Dr. Lazarou make**
10 **that were not part of the interview?**

11 A. That's correct. This occurred on the first
12 visit on the 24th of October, 2017, when I took her and,
13 I believe it was you guys, the prosecution attorneys,
14 upstairs to set up for the evaluation.

15 Q. **Okay. So this would have been only on the**
16 **first interview?**

17 A. Right. I wasn't here for the second interview
18 so I set it all up but then I had one of my employees
19 handle it.

20 Q. **Now, you said this is while you were taking up**
21 **Dr. Lazarou and the two assistant state attorneys?**

22 A. Yes.

23 Q. **Who else was with you at that time?**

24 A. I believe there was also the public defender,
25 the male, I'm not really sure of his name.

1 Q. Mr. Williams?

2 A. Yes. He was setting up the camera too. Like
3 you both had cameras that you were setting up and trying
4 to figure out which was the best location for people to
5 sit and where to put the stuff, and we were having a
6 general conversation and she made some comments.

7 Q. Now, if we meet in a room downstairs, take an
8 elevator up to the room where the depositions are
9 conducted, where were these comments made? Downstairs,
10 elevator, or up in the room where the interview was
11 being conducted?

12 A. Up in the room where the interview was being
13 conducted.

14 Q. So, at that point it would have been you
15 present, Mr. Williams present, Mr. Bolan, Mr. Ellis, was
16 there a security officer, for lack of a better word, a
17 corrections officer there?

18 A. No, there was not.

19 Q. Okay. Anyone else present in this room?

20 A. No.

21 Q. Okay. Where were you located when you heard
22 these statements?

23 A. I was standing between the table and the
24 elevator door watching you guys set up the stuff.

25 Q. Okay. Where was Dr. Lazarou?

1 A. She was at the front of the table where she was
2 deciding where to sit, and indicating where she thought
3 would be a good place for the attorneys and where John
4 should sit.

5 Q. **Where was Mr. Williams?**

6 A. He was off to my left like setting up a table
7 where he had like a little tripod and a camera where
8 he's trying to get it to work.

9 Q. **And where was Mr. Ellis and Mr. Bolan?**

10 A. They were on the other side of the table from
11 Dr. Lazarou, kind of setting up a place to sit, and I
12 believe it was Mr. Bolan was working with the camera.

13 Q. **Okay. Now, these statements that you heard,**
14 **did you document them in any way?**

15 A. I did not document them, but they concerned me
16 so I had a conversation with the treatment team about
17 what I should do with the information.

18 Q. **Who is the treatment team that you had a**
19 **conversation with?**

20 A. That would be Dr. Williams, he's the lead of
21 the treatment team, and also the attending psychiatrist
22 for Mr. Jonchuck, and Tristan Maelia, who is the
23 qualified mental health professional assigned to the
24 team.

25 Q. **Could you spell Mr. Maelia's last name for the**

1 **court reporter.**

2 A. M-a-e-l-i-a.

3 Q. **And when did you have this conversation with**
4 **him?**

5 A. The same day.

6 Q. **Okay. And after that conversation with that**
7 **treatment team what did you elect to do with that**
8 **information?**

9 A. Well, they said that I should have a
10 conversation with the public defenders about what I
11 heard, so I let Jessica Manuele know what I had heard.

12 Q. **When did you do that?**

13 A. I believe it was the same day later in the
14 afternoon.

15 Q. **Okay. Did you have any other conversations**
16 **with anyone else about these statements prior to today's**
17 **deposition?**

18 A. I had conversations with the public defenders
19 when we talked about it, you know, like a month ago.

20 Q. **Who did you have that conversation with?**

21 A. Jessica Manuele and the other attorney who's
22 first name is Jane, I think it's McManus, I don't know
23 what her last name is. Jane.

24 Q. **McNeil?**

25 A. Sure, there we go.

1 Q. **And what was that conversation about?**

2 A. It was about what I overheard and what happened
3 as a result, like who I talked to, they basically asked
4 the same questions you are.

5 Q. **Okay. How many statements did you hear?**

6 A. I heard two statements.

7 Q. **Two, okay.**

8 A. I heard -- are you asking me what I heard?

9 Q. **I will be in just a second.**

10 A. Okay.

11 Q. **I'm asking you to give them in order. Do you
12 recall the order they were given in?**

13 A. Yes.

14 Q. **The first statement that you heard, this was
15 Dr. Lazarou speaking?**

16 A. Yes.

17 Q. **Are you going to give me an exact quote, word
18 for word, or are you giving me a summary of what you
19 recall?**

20 A. I'm going to give you a summary of what I
21 recall.

22 Q. **Okay. You can not give me an exact quote
23 because of the length of time?**

24 A. Yes.

25 Q. **Understandable. Now, the first statement was**

1 **just one sentence or was it several sentences in this**
2 **statement?**

3 A. A few sentences.

4 Q. **Okay. So when you say statements you're**
5 **talking about several sentences per statement?**

6 A. Yes.

7 Q. **Alright. What was the first statement?**

8 A. Okay. The first statement was that she didn't
9 need to interview John to know that he didn't have a
10 mental illness, and that he was just personality
11 disorder.

12 Q. **Okay. That was the first statement?**

13 A. Right.

14 Q. **Then was anyone talking to her at that point?**

15 A. She was actually talking toward the prosecuting
16 attorneys, Mr. Ellis and Mr. Bolan.

17 Q. **Then what happened?**

18 A. After that I was thinking like, oh, my God, did
19 I just hear that kind of thing and what should I do with
20 that information, because it concerned me. And then I
21 heard her in the background saying something about
22 interviewing his mother and his uncles, and so that's
23 how I knew that she was definitely talking about John,
24 because I know the history of, you know, how he was
25 raised between his mother and living with the uncles for

1 a while, so there was no doubt in my mind we're
2 definitely talking about John here.

3 Q. Okay. So is that the second statement that
4 you're talking about when she was talking about the
5 uncles?

6 A. Yes. Hm-mm. Yes, sir.

7 Q. You recall a second statement of her saying she
8 was going to interview the uncles and his mom?

9 A. Right.

10 Q. Do you remember if it was step mom or
11 biological mom?

12 A. I just heard mom.

13 Q. Okay. What else was said?

14 A. Well, that's it. At that point I called the
15 elevator up, I stepped in and went back down.

16 Q. Okay. You said the cameras were up and running
17 at that point or you're not sure?

18 A. No, the cameras were not running because to my
19 knowledge both of the people were still like fiddling
20 with them trying to get them to work.

21 Q. Okay. Did you hear any other statements made
22 by Dr. Lazarou that we haven't talked about?

23 A. No.

24 Q. Okay. We conducted a deposition of you on
25 September 13th, 2018, you did not bring this information

1 **up, why?**

2 A. It was not asked.

3 Q. **You did not feel it was important enough to**
4 **bring up?**

5 A. I feel like I don't volunteer information
6 during a deposition, and that I'm supposed to respond to
7 your questions, and you did not ask a specific question
8 about this doctor.

9 Q. **Not knowing that you heard those statements it**
10 **would have been impossible for to us ask that question,**
11 **wouldn't you agree?**

12 A. If you had asked the question I would have
13 answered it at the time.

14 Q. **But not knowing to ask it how could we have**
15 **asked it? You didn't volunteer that information at that**
16 **point?**

17 A. I did not volunteer the information at that
18 point.

19 Q. **Any other statements that you heard?**

20 A. No.

21 Q. **And again, that's not a direct quote, that is**
22 **something that you are summarizing?**

23 A. Yes.

24 Q. **Was there a response by anyone to her**
25 **statements?**

1 A. Not to my recollection.

2 Q. Did you confer with Mr. Williams if he heard
3 that statement?

4 A. No. I only spoke with Jessica about it.

5 Q. Okay. They never told you whether Mr. Williams
6 heard it or not?

7 A. No.

8 Q. So you don't know if anyone else heard that
9 statement other than yourself?

10 A. That's correct.

11 Q. No one responded to her, no one acknowledged it
12 so you may have been the only one to have heard it?

13 A. I was under the impression that she was talking
14 to the prosecuting attorneys, so since they were around
15 and pretty close by it was my interpretation that you
16 guys heard it. But you did not respond verbally so I
17 can not say for sure.

18 Q. Okay. I'm now not sure what else to ask you.
19 Is there anything else that you think we ought to know
20 that we don't know from the two depositions that have
21 now been taken?

22 A. The only other concern that there was about Dr.
23 Lazarou is that she was dressed inappropriately during
24 the interview and that the administration had told her
25 that she had to cover up or end the interview.

1 Q. Okay. And what was your role in that?

2 A. Well, I had noticed early on that I thought her
3 clothing was a little revealing in terms of her top, but
4 security let her through the access area, and usually
5 they are the ones that police the clothing issue, so I
6 assumed that everything was going to be okay.

7 Q. Hm-mm.

8 A. I did not say anything to her. And then later
9 on in the day I got called upstairs to administration
10 and told that she was dressed inappropriately and asked
11 why I didn't address it. I told them that I thought it
12 was security's role and I just got reminded that we are
13 all responsible for that.

14 Q. When you say administration, is there a
15 particular person that you dealt with?

16 A. That would be the attorney there, Pamela
17 Brockway.

18 Q. And after that meeting with Ms. Brockway, how
19 do you spell that?

20 A. Oh, B-r-o-c-k-a-w-a-y, Brockaway. I'm not the
21 best speller in the world, that's the best I can do.

22 Q. Okay, thank you. After that meeting with Ms.
23 Brockway, what did you do?

24 A. I didn't talk to anybody else on staff about it
25 but I did talk to John after the interview and he made a

1 comment about her clothing being revealing, and
2 indicated to me that it was hard for him to concentrate
3 because he felt like she was going to fall out of her
4 top.

5 Q. **Someone gave her information to cover up, that**
6 **was not you?**

7 A. No, I didn't tell her to cover up.

8 Q. **Alright. Anything else that you're aware of?**

9 A. No.

10 MR. ELLIS: Jane may have some questions
11 for you.

12 CROSS EXAMINATION

13 BY MS. McNEIL:

14 Q. **Heather, I just want to follow-up very briefly.**
15 **When you were called in the afternoon to say Dr. Lazarou**
16 **has to cover up or leave, what did you do with that**
17 **information? Were you responsible for then going to Dr.**
18 **Lazarou and telling her that or did hospital admin**
19 **somehow take care of that?**

20 A. No, hospital admin, I was told, had already
21 talked with security. And then security, I believe, had
22 a conversation with Jessica who asked her to put on a
23 jacket or end the interview. I didn't have anything to
24 do with her covering up. I was just told in terms of an
25 advisory status, like the learning episode.

1 Q. Got it. When you spoke with John about it
2 afterwards was it something that he brought up to you or
3 did you ask him about it?

4 A. He brought it up with me. He brought -- can I
5 amend that, he brought the clothing issue up to me, but
6 I asked him, are you okay, after the evaluation. So I
7 brought the evaluation up to see how he was, and he
8 brought the clothing issue up.

9 Q. Okay. After the evaluation is that kind of a
10 common practice or something that you would do is just
11 talk to the patient and ask them how they are doing?

12 A. Absolutely, because depending on their stress
13 level their symptoms could increase, we have to make
14 sure that perhaps they are not experiencing some type of
15 depression, some suicidal ideation, or anything related
16 to the stress.

17 Q. Okay. So you weren't like fishing for
18 information specifically about Lazarou, you were
19 checking in with John?

20 A. Right.

21 Q. And his response was to tell you that it was
22 hard to concentrate because he thought she was going to
23 fall-out of her shirt?

24 A. Right.

25 Q. Okay.

1 MS. McNEIL: I don't have anything else.

2 MR. ELLIS: Thank you, Ms. Davis.

3 A. Are we done?

4 MR. ELLIS: Yes, ma'am.

5 A. Thank you.

6 MS. McNEIL: Thanks, Heather.

7 (Whereupon the taking of this deposition
8 was concluded at 10:15 a.m. and reading and
9 signing were not waived.)

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