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

15-00226-CF-I
522015CF000226000APC

THE STATE OF FLORIDA

v.

JOHN NICHOLAS JONCHUCK, JR.
PID: 2923683

KEVIN BOWNE
CLERK OF CIRCUIT COURT
AND COUNTY CLERK

2019 JAN 29 PM 4:04

CRIMINAL COURT RECORDS

FILED

DEPOSITION OF: DR. RANDY KURT OTTO

TAKEN: Pursuant to Notice

TIME: Beginning at 10:00 a.m.
Concluded at 11:00 a.m.

DATE: Wednesday, January 3, 2019

PLACE: Mills Reporting Group, Inc.
412 East Madison Street
Suite 817
Tampa, Florida 33602

BEFORE: LYNDA J. MILLS, RPR, RMR, FPR
Registered Merit Reporter
Notary Public
State of Florida at Large

1 APPEARANCES:

2 On behalf of the State:

3 DOUGLAS ELLIS, ESQUIRE
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C O N T E N T S

	PAGE
Direct Examination by Mr. Ellis	3
Stipulations	19
Certificate of Oath	20
Certificate of Reporter	21
Errata Sheet	22

1 DR. RANDY KURT OTTO,
2 having been duly sworn to tell the truth, the whole
3 truth, and nothing but the truth, was examined and
4 testified as follows:

5 DR. OTTO: I do.

6 COURT REPORTER: Thank you.

7 DIRECT EXAMINATION

8 BY MR. ELLIS:

9 Q Would you state your name and occupation for
10 the record, please?

11 A Randy Kurt Otto, K-u-r-t O-t-t-o. I'm a
12 licensed psychologist in Tampa, and I'm also a faculty
13 member at the University of South Florida.

14 Q And, Dr. Otto, you previously testified in
15 this case regarding your evaluation of Mr. Jonchuck
16 regarding his sanity at the time he committed the
17 murder; correct?

18 A I did.

19 Q Okay. And that deposition was on Friday,
20 August 31st, 2018?

21 A It was August for sure. I don't --

22 Q You -- okay.

23 A -- I don't remember the date, per se.

24 Q Subsequent to that date, we received some
25 records from an Attorney Torres, T-o-r-r-e-s, who

1 Mr. Jonchuck had hired prior to the murder regarding
2 some family member matters. Have you received those
3 records as well?

4 A I have.

5 Q Okay. Do you have those records with you?

6 A I have them electronically and I can pull
7 them up.

8 Q Okay. How many pages of records did you
9 receive?

10 A I estimate nine maybe, but I can pull that up
11 and check if my memory is correct.

12 Q If you would, please. If you would, please.

13 A Oh, well, 42.

14 Q Okay.

15 A I was way off. 42.

16 Q That's what concerned me for why I wanted to
17 make sure that you received everything.

18 A Yeah, sorry about that. I don't know where I
19 got nine.

20 Q All right. And you've had an opportunity to
21 review those records?

22 A Yeah, I think twice.

23 Q When did you review -- first get those
24 records?

25 A I will estimate a few months ago, but I could

1 go into my e-mail and give you a precise date.

2 Q If you would, please.

3 A Okay. I guess I'm going to have to get online
4 I think.

5 (Discussion off the record.)

6 THE WITNESS: Ms. Manuele, what's the name of
7 your assistant? I believe she sent them to me.

8 MS. MANUELE: Jacquelin Alvarez.

9 A Yes, September 21st in an e-mail from her
10 assistant.

11 Q Okay. And you said you have reviewed the
12 contents of all 41, 42 pages twice since then?

13 A Twice now, yeah.

14 Q Did you have any conversations with the Public
15 Defenders who represent Mr. Jonchuck regarding the
16 documentation that you received from the attorney?

17 A Yes.

18 Q What conversations was that?

19 A We spoke yesterday.

20 Q Okay. You had not spoken to them since
21 receiving that information?

22 A No.

23 Q All right. And what conversations did you
24 have yesterday?

25 A She asked if it changed my opinion. Well, we

1 talked about my opinions. We talked about opinions I
2 formed based on my review of the records, yeah.

3 Q Okay.

4 A And one of the questions she asked me is if it
5 changed my opinions regarding the defendant's mental
6 state at the time of the offense.

7 Q We will start generally and we will get into
8 specifics. Generally what opinions did you form, if
9 any, upon receipt of these documentations and their
10 review?

11 A Well, I think it's probably fair to say I have
12 a number of opinions. That it demonstrates that he was
13 making sense and communicating with his attorney
14 over time. That wasn't inconsistent with opinions I had
15 previously formed.

16 And I guess there was one, there were a couple
17 things in the documents, in the communications, at
18 least, between Mr. Jonchuck and his attorney that led me
19 to think that maybe there was an indication of some
20 impaired thinking along with that he was able to
21 communicate with counsel.

22 Q So you're saying some of the e-mails showed
23 impaired thinking?

24 A At least one of the e-mails for sure. I'm
25 thinking of one in particular.

1 Q Okay. Which e-mail was that? They are timed
2 and --

3 A Oh sure, I can just, I'll find it.

4 Q Okay.

5 A And I will just tell you the page when I get
6 to it, okay? It would be the e-mail on January 4th of,
7 I'm sorry, January 2nd. You know, one of the
8 difficulties, I'm sure you experience when you look at
9 e-mails, is you read an e-mail and then there's an
10 e-mail embedded within it. This would be the January, I
11 believe this is the January 2nd, 2015 e-mail sent by
12 Mr. Jonchuck to counsel, January 2nd, 2015, 1:14 P.M.

13 Q That's what I was going to ask you.

14 A Yeah.

15 Q And could you read through that e-mail for us
16 on the record and then explain to us why you think it
17 shows impaired thinking?

18 A You just want me to read it?

19 Q Out loud.

20 A Yeah. "Thanks, we really need to do the
21 non-removal because after doing visitation up there I
22 had concerns and called CPI and Michelle said that she
23 passed her drug test and was going to file false report
24 and tried to get the retraining order --" that's
25 retraining, it should be restraining I assume "-- tried

1 to get the retraining order one for me and one for
2 Phoebe and it got denied and was recommended I do that
3 by the investigator they had knives and live amos,"
4 a-m-o-s, which I inferred was ammo, "and she looked
5 under the influence and the guy she is with verbally
6 scolded her harshly in front of me and has been arrested
7 for DV," I inferred domestic violence, "on her twice at
8 the 2118 Delightful Drive, Ruskin, FL 33570. His name
9 is funny but it's real, Guy Kissler," K-i-s-s-e-r. Is
10 there anyone at your office to sign the retainer I told
11 Michelle I was going to when you got back and she
12 stopped harassing us but this is serious Missy,"
13 M-i-s-s-y.

14 Q You said that indicated to you some impaired
15 thinking?

16 A Yes.

17 Q Could you explain why you believe that?

18 A It's just sort of a free flow of ideas and
19 represents a jumping from one topic to the other with
20 little organization and focus.

21 Q So because it's one paragraph with several
22 different topics, that shows impaired thinking?

23 A That's from -- that's I infer impaired
24 thinking, impaired thought form from that communication.
25 That's my opinion based on that evidence.

1 Q Any other e-mails? You said there might have
2 been a second one?

3 A Yeah.

4 Q I was curious as to what that might be.

5 A Yeah. And the one immediately above it which
6 appears to be from Mr. Jonchuck to counsel on January
7 4th.

8 Q At January 4th, 2015 at 11:04 P.M.?

9 A Correct.

10 Q Okay, go ahead.

11 A Do you want me to read it?

12 Q Yes, please.

13 A "Also if you can add this HCSO arrest inquiry
14 Guy Kisser and Pasco County arrest Guy Kisser arrested
15 for violent crimes um," u-m, "attempted murder and
16 disorderly conduct disgusting."

17 Q And why did you find that to show impaired
18 thinking?

19 A It, again, in my opinion it reflects
20 disorganized thinking.

21 Q How so?

22 A Well, for example, twice referring to the
23 individual in the sentence is unnecessary. I think
24 simply offering the word disgusting after disorderly
25 conduct is evidence of impairment.

1 Q So putting Mr. Kissler's name in twice you
2 think shows impaired thinking even though he's been
3 dealing with multiple subjects in this ongoing
4 conversation with the Torres, doctor -- Attorney Torres?

5 A In the same sentence, right. Not in the same
6 e-mail, in the same sentence. I think anyone would look
7 at this sentence and say this is not a very
8 well-organized sentence. From that I infer impaired
9 thinking. That's my opinion, impaired thought form.

10 Q Okay. Now, on January 7th of 2015 at 10:25
11 P.M. --

12 A I will have to find that. Can you tell me the
13 page, by any chance?

14 Q On these notes that I have it's on the same
15 page right above the January 4th.

16 A Right above where we were?

17 Q Yes.

18 A Uh-huh.

19 Q At least that's what I -- in my notes that I
20 have.

21 MS. MANUELE: I think there's a few different
22 copies of the same e-mail in the file because they
23 get repeated every time somebody replies.

24 BY MR. ELLIS:

25 Q I can show it to you --

1 A Sure.

2 Q -- if that would make it easier for you.

3 A Yeah, well, just save us time.

4 Q At the very top this. Do you see where I'm
5 talking about?

6 A Yes.

7 Q Could you read that one as well, please?

8 A "I will be there in the morning to give you
9 the last hundred dollars." Then another line. "Will be
10 there thanks at 9:30 A.M."

11 Q Okay. And that's at 10:24 P.M. on January
12 7th?

13 A 10:25.

14 Q 10:25?

15 A Yeah.

16 Q Sorry. And that's approximately an hour and
17 a half to two hours before the murder?

18 A Yes.

19 Q Okay. Does that show any impaired thinking?

20 A Well, can I see it again?

21 Q Yes, sir.

22 A "Will be there thanks at 9:30 A.M." suggests
23 the possibility of impaired thinking, right. You
24 wouldn't put thanks in the middle of a sentence. And,
25 "I will be there in the morning to give you the last

1 hundred dollars," certainly doesn't in any way suggest
2 impaired thinking to me.

3 Q Okay.

4 A Impaired thought form.

5 Q And there's, I'll just show this one to you as
6 well. This is January 27th.

7 A Sure.

8 Q January 7th, sorry, 07, at 2015, 8:27 P.M.

9 Would you look at that one and read that, please?

10 A And you want me to read it?

11 Q Out loud, yes, sir.

12 A "My mom will be by to drop off the last
13 hundred dollars before you all close lol haha," h-a-h-a,
14 "thanks for everything and we are a part of the St,"
15 Saint, "Pauls," P-a-u-l-s, "now."

16 Q Does that suggest any impaired thinking to
17 you?

18 A Does not suggest impaired thought form or
19 logic to me or delusional thinking, or impaired thought
20 content for that matter, such as, delusional thinking.

21 Q And that would have been approximately three
22 and a half to four hours before the murder?

23 A That's my understanding.

24 Q Based on those e-mails that we have just
25 discussed, especially the last two on January 7th, does

1 that change your opinion regarding Mr. Jonchuck's sanity
2 at the time of the murder?

3 A No.

4 Q Why not?

5 A What I believe is most significant was what I
6 believe to be his thinking at and around the time of the
7 offense. And that really doesn't change my thinking
8 about his thinking at and around the time of the
9 offense.

10 Q Why not?

11 A Because I think his -- the offense was largely
12 fueled by delusional thinking, and that those messages
13 that you had me read don't make me think that he's --
14 they don't lead me to conclude that he wasn't delusional
15 and impaired at the time of the offense.

16 Q Well, you were indicating that he wasn't
17 delusional or impaired thinking on the 8:27 e-mail on
18 January 7th.

19 A I didn't testify to that. I didn't testify to
20 that but --

21 Q I thought you indicated that he was not
22 impaired, did not, that did not show delusional or
23 impaired thinking that e-mail?

24 A Well, that saying that that statement doesn't
25 indicate delusional or impaired thinking does not mean

1 he wasn't delusional or impaired when he wrote the
2 statement; right?

3 Q Okay. Well, tell me how that if someone is
4 delusional and impaired they can provide a
5 non-delusional, non-impaired e-mail?

6 A Okay. Or how about just a non-delusional
7 communication. Someone could be delusional and say,
8 "I'm hungry." Yeah, you're hungry. You are, you're
9 really hungry. That's not -- you have all kinds of
10 delusions regarding the FBI, the Secret Service, and
11 Tampa Police Department conspiring against you, you
12 suggest you're hungry.

13 In fact, you e-mail your friend and say,
14 "Let's go to IHOP for breakfast," that doesn't indicate
15 delusional thinking. You're delusional, just not
16 reflected in that commentary or that statement; right?

17 Q And you can have that kind of non-delusional
18 communications and shortly thereafter become so
19 delusional that you drop your own child off a bridge?

20 A Yes.

21 Q Okay. Again, how does that work?

22 A I don't, I don't know how to answer that
23 question. What I testified to previously when I was --
24 I think this might be helpful -- when I was first
25 deposed, what I told the deposing attorney at that time

1 was to make the mistake -- it is a mistake to think that
2 if you have a severe and persistent mental illness you
3 are, you demonstrate your impairment in everything you
4 do, say, and think. That's simply not the way mental
5 illness works.

6 Now, admittedly there are some people who are
7 so overwhelmingly impaired that they demonstrate, they
8 reflect impairment almost all the time with everything
9 they do and say, but that's not all people with mental
10 illness, including severe and persistent mental illness.

11 Q You, I think you indicated in the first
12 deposition that he had had this severe and persistent
13 mental illness for a while prior to the murder?

14 A Yes.

15 Q Okay. On the 7th we go from indicating that
16 he's going to see the attorney tomorrow and provide her
17 monies, and even the specific time he was going to see
18 her, which was 9:30, to committing a murder shortly
19 thereafter.

20 When did these, how is it these delusions
21 overcame him so much that in a short amount of time he
22 went from planning something due tomorrow to killing his
23 child tonight?

24 A It's a tough question, and my answer is is
25 that that's the complicated nature of mental illness,

1 right, that I assume he had the intent to meet with the
2 attorney when he sent the message and then his mental
3 state changed.

4 I know, I know that long before those e-mails
5 were sent he was, his thinking was pretty impaired. So
6 it's not as if his impaired thinking simply developed
7 after those e-mails were sent.

8 Q You've had a chance to review his records and
9 interview him. Then what changed between those e-mails
10 and murdering his daughter? Because you said his mental
11 illness or mental state must have changed --

12 A Yes.

13 Q -- what changed and what caused it to change?

14 A I don't know.

15 Q So you're not aware of any trigger event, for
16 lack of a better word, that would have caused him to do
17 that?

18 A I don't see -- I'm sorry. Can you repeat the
19 question?

20 Q You indicated that from the e-mails on January
21 7th at 8:27 P.M. and 10:25 P.M. that his mental state
22 changed --

23 A Yes.

24 Q -- before the time of the murder. I am asking
25 what changed and what caused it to change?

1 A I don't know what caused it to change. But I
2 infer from the e-mails that he intended to meet with the
3 attorney the following day and he had no intent to, or
4 no conscious intent that or he wasn't thinking about
5 killing his daughter when he sent the e-mail. That
6 would just be illogical. What brought forth the
7 delusional thinking I don't know.

8 Q Okay.

9 A That's the challenge of mental illness is what
10 I would say.

11 Q Do you feel that you would need to
12 re-interview Mr. Jonchuck to delve into that issue?

13 A I think I, as best I could, I tried to get
14 from Mr. Jonchuck an understanding of his thinking in
15 the weeks up to and shortly after his daughter's death.
16 I could ask again, but I'm not so sure I would get any
17 more helpful information.

18 Q So you don't feel the need to do that?

19 A No.

20 Q Okay. Do you know where he was when he was
21 sending these e-mails?

22 A I don't.

23 Q Okay. And do you know if -- then you wouldn't
24 know who he was with at the time?

25 A No, I don't.

1 Q All right.

2 MR. ELLIS: I don't have any further
3 questions.

4 MS. MANUELE: No questions.

5 MR. ELLIS: Put him as a read, please.

6 (Whereupon, the deposition was concluded at
7 1:50 p.m.)

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It was stipulated by and between counsel for the respective parties herein that:

1. Reading and signing of the deposition by the deponent before filing are not waived.

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, the undersigned authority, certify that DR.
RANDY KURT OTTO personally appeared before me on January
3, 2019 and was duly sworn by me.

WITNESS my hand and official seal this 20th day
of January, 2019.

Lynda J. Mills

LYNDA J. MILLS, RPR, RMR, FPR
Registered Merit Reporter
Notary Public, State of Florida

Commission No: GG 080346

Expires: May 27, 2021

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CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, LYNDA J. MILLS, RPR, RMR, FPR, do hereby
certify that I was authorized to and did
stenographically report the deposition of the
aforementioned witness; that a review of the transcript
was not requested; and that the transcript is a true and
complete record of my stenographic notes thereof.

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

DATED this 20th day of January, 2019.

Lynda J. Mills

LYNDA J. MILLS, RPR, RMR, FPR
Registered Merit Reporter

ERRATA SHEET

CASE NAME: ST. v. JOHN NICHOLAS JONCHUCK, JR.

WITNESS NAME: DR. RANDY KURT OTTO

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Witness Signature

Please return to:

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