

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY
CASE NUMBER CRC23-03157CFANO

STATE OF FLORIDA,

Plaintiff,

vs.

THOMAS ISAIAH MOSLEY,

Defendant.

_____ /

PROCEEDINGS: COMPETENCY HEARING

BEFORE: THE HONORABLE SUSAN ST. JOHN
 Circuit Court Judge

DATE: August 12, 2025

PLACE: Courtroom 2
 Pinellas County Justice Center
 14250 - 49th Street North
 Clearwater, Florida 33762

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(Pages 1 to 99)

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(P R O C E E D I N G S)

THE COURT: All right. Can we have Mr. Mosley out, please.

(THE DEFENDANT ENTERED THE COURTROOM)

THE COURT: All right. Mr. Mosley is present in court. Ms. Russell is present for defense. Ms. Sullivan for the State.

If I recall, your mitigation specialist was going to appear via Zoom. I do not see anybody in the waiting room.

MS. RUSSELL: Okay. Let me check with her.

THE COURT: Okay.

(PAUSE IN PROCEEDINGS)

THE COURT: Do you have a scheduling update?

MS. RUSSELL: All right. Yes, your Honor. Bernard Currington should be on his way.

THE COURT: Okay.

MS. RUSSELL: He should be here in five or ten minutes.

THE COURT: The three days that we discussed for next week, what did you have worked out?

MS. RUSSELL: We have Dr. Whitney, who is ready to testify on the 20th. He can be available at any time that day. I didn't know what your morning calendar was like and if you prefer for him

1 to start at 11:00 or at 1:30.

2 THE COURT: Who else do you have scheduled for
3 those two days?

4 MS. RUSSELL: Well, Dr. Torrealday will
5 testify on the 19th, assuming we can get her
6 deposition done on the 14th.

7 THE COURT: Okay.

8 MS. RUSSELL: Our office has just switched
9 over to a new case management software that is
10 causing all of us --

11 THE COURT: I've heard.

12 MS. RUSSELL: Yeah. So as I understand it, we
13 have at least requested that a deposition notice go
14 to her. Whether or not that has actually been
15 produced and served with the new software is the
16 question, but we're doing our best to effectuate
17 that.

18 THE COURT: I'll be happy to notice her when
19 she comes in on the 14th.

20 MS. RUSSELL: Okay. Well, I was gonna say
21 also, the State very kindly reached out to her.

22 MS. SULLIVAN: I reached out to her after
23 court yesterday. I haven't heard back from her.
24 I'm still getting her "I'm out of the country"
25 emails.

1 THE COURT: Right.

2 MS. SULLIVAN: But I let her know about the
3 Thursday morning hearing that you're requiring her
4 to be here. I told her about the depo in the
5 afternoon. I figured your Honor would tell her
6 that, too. I sent her a subpoena both by email and
7 by mail for the 19th at 11:00. So all of that has
8 been communicated to her. I've told her twice
9 about the Thursday morning hearing at this point.

10 THE COURT: Okay.

11 MS. RUSSELL: And I also do have dates from
12 Dr. McClain.

13 THE COURT: Okay.

14 MS. RUSSELL: Unfortunately, what I've learned
15 is that on the -- you know, like I basically made
16 her give me her entire schedule for next week. She
17 has two hearings in person in Hillsborough County
18 on the 19th, and she is in Jacksonville August 18th
19 on a death penalty case. On August 22nd she has
20 three hearings in Pinellas County already, but she
21 could be here for an hour that afternoon if that
22 would be helpful to the State and the Court.

23 THE COURT: I have three sentencings that
24 afternoon. Does she have time on the 19th, 20th,
25 and 21st, which are the days I set aside and

1 canceled hearings?

2 MS. RUSSELL: Yes. She, unfortunately, is --
3 well, what she is is in a death penalty trial in
4 Polk County.

5 THE COURT: Okay.

6 MS. RUSSELL: And she is under subpoena for a
7 three-day period.

8 THE COURT: Okay.

9 MS. RUSSELL: And what I asked her was, you
10 know, like, obviously, you're not gonna be
11 testifying for three days in the trial. They're
12 just keeping you open. So could you slide in in
13 the case that you're --

14 THE COURT: Right.

15 MS. RUSSELL: Either before or after your
16 testimony once things begin to shake out or if the
17 case resolves. And she said she would be happy to
18 do that for us and we would be first in line on the
19 waitlist. Unfortunately, I won't really know about
20 that until early next week.

21 THE COURT: Okay. So --

22 MS. RUSSELL: We'll, obviously, try our best
23 to corral her into one of those times. I'm sure it
24 will work out, but it will probably just take a
25 little --

1 THE COURT: Well, okay. So a couple things
2 about that. I think Thursday, the 21st, was the
3 only day we didn't have somebody scheduled at this
4 point. I'll fit her in any of those three days.

5 MS. RUSSELL: Okay.

6 THE COURT: Okay? And I appreciate that she's
7 going to try to do that. If she needs a more
8 narrow -- if she needs assistance with Polk County,
9 I'm happy to call over there. I'm not going to do
10 that unless you-all ask me to, but I would be happy
11 to call whoever the judge and as for an
12 accommodation that we have Dr. McClain free one of
13 those days to come here and do this. That way she
14 can do both. I won't do that unless you-all ask me
15 to do it. Okay? So whatever day you want her to
16 be here.

17 It sounds like the only day we don't have
18 someone scheduled is that Thursday, the 21st. My
19 preference would be we do her testimony the 19th,
20 20th, or maybe early on the 21st so we can do --
21 entertain closing arguments on the afternoon of the
22 21st. That would be my preference. But, again,
23 I'm going to be flexible. She's trying to be
24 flexible. So that's kind of where I'm at with
25 that. Does that make sense?

1 MS. RUSSELL: Makes sense. Let me reach out
2 to her and see what's pertinent of her in terms of
3 trying to get her scheduled. And thank you for the
4 offer of reaching out to Polk County.

5 THE COURT: Yes.

6 MS. RUSSELL: It might, indeed, to get that --

7 THE COURT: Yeah. It's been my experience
8 that any time I do that -- well, I mean, it's not
9 me being pushy or anything. It's just, hey, can we
10 do both, and everyone is usually very accommodating
11 unless there is something really unusual going on,
12 right? So, anyway, I'm happy to do that. Just let
13 me know and keep me updated. And if you could just
14 email a schedule so Jill can keep track of what I'm
15 doing.

16 MS. RUSSELL: Sure.

17 THE COURT: That would be great. Who else was
18 I going to hear from today other than --

19 MS. RUSSELL: Renee Mosley.

20 THE COURT: Okay. Is she ready to go, then?

21 MS. RUSSELL: No. She's at a doctor's
22 appointment, but she is supposed to be here by
23 11:30. I apologize. Your Honor, may we approach
24 on another matter? And, also, Ms. Carrier
25 mentioned that she was in the waiting room.

1 THE COURT: I see nobody in the waiting room.

2 MS. RUSSELL: I wonder if maybe --

3 THE COURT: If she just wants to give Jill a
4 call and make sure she has the right info. Do you
5 need to approach on something else?

6 MS. RUSSELL: Yes, your Honor.

7 (BENCH CONFERENCE)

8 MS. RUSSELL: Your Honor, I had previously
9 mentioned about Renee Mosley and Bernard
10 Currington. You know, they are not only
11 Thomas Mosley's family, but they are also the next
12 of kin in this case. Their grandbaby was one of
13 the victims.

14 THE COURT: Right.

15 MS. RUSSELL: It's been chronically difficult
16 to get them here. I've really, really been
17 wrestling with a lot of things just trying to get
18 them to testify.

19 THE COURT: I understand.

20 MS. RUSSELL: And their family is going
21 through a lot right now. Mr. Mosley, David Mosley,
22 has just been diagnosed with prostate cancer, and
23 their other son has had like a stroke and is in
24 rehab. I understand that the media cannot be
25 closed out of this hearing. I'm a little surprised

1 and taken aback that they are here today.

2 THE COURT: I didn't know until this morning
3 that they were coming either. Why --

4 MS. SULLIVAN: They haven't been here the
5 whole time.

6 THE COURT: Why this day, I don't know. I
7 have no idea.

8 MS. RUSSELL: I don't know either. I was
9 going to ask is it possible for them not to have
10 that big, long-lens camera like 10 feet --

11 MS. SULLIVAN: I think she just moved to the
12 back.

13 MS. RUSSELL: Okay. I was going to ask if
14 they could just be in back of me.

15 THE COURT: Sure, yeah.

16 MS. RUSSELL: It might make my victims a
17 little bit more comfortable.

18 THE COURT: That's fine. Generally speaking,
19 just based on my experience -- and I can clarify
20 with Mr. Thompson -- they generally only take
21 pictures of me and the defendant. They generally
22 don't take pictures of witnesses. Sometimes they
23 do. But I can certainly make the request and see
24 what happens. Do you want me to make that request?

25 MS. RUSSELL: Yes. It's just incredibly

1 difficult for the family. I don't want to
2 encourage them to take pictures, but they are
3 entitled to.

4 THE COURT: Sure, of course. I can just --
5 all I can do is ask with the understanding there's
6 zero requirement that they do that. Okay?

7 MS. RUSSELL: Thank you.

8 THE COURT: Do you mind if I say that out loud
9 on the record now and just --

10 MS. RUSSELL: Sure.

11 (BENCH CONFERENCE CONCLUDED)

12 THE COURT: So, Mr. Thompson, we're going to
13 hear from family members today. Family members of
14 not only Mr. Mosley, but they are also, obviously,
15 family of one of the deceased victims in this case.
16 It's going to be an emotional day for them if they
17 testify in this hearing. My preference would be --
18 and, of course, I cannot require it -- but that if
19 there's going to be photographs taken, generally
20 speaking, it's been my experience the media
21 generally only takes pictures of Mr. Mosley, the
22 lawyers, and myself. That we try to make this as
23 painless as possible for the family and perhaps not
24 take their photograph.

25 MR. THOMPSON: Let me consult with the

1 photographer.

2 THE COURT: Of course, they are welcome to be
3 here and take pictures of anything they want to,
4 but that would certainly be my preference.

5 MR. THOMPSON: Okay. Let me speak to them.

6 THE COURT: Okay.

7 (PAUSE IN PROCEEDINGS)

8 MR. THOMPSON: They are interested only in the
9 photograph of Mr. Mosley, which they have.

10 THE COURT: Okay.

11 MR. THOMPSON: So they will not take
12 photographs of anyone else.

13 THE COURT: All right. I appreciate that.
14 Thank you.

15 All right. Ms. Russell, one of your witnesses
16 has arrived?

17 MS. RUSSELL: Yes. Defense calls Bernard
18 Currington.

19 THE COURT: Okay.

20 THE BAILIFF: Come on up, sir, right here. If
21 you would, stand right here for me. Face
22 madam clerk. Raise your right hand and take the
23 oath.

1
2 THEREUPON,

3 BERNARD CURRINGTON,
4 the witness herein, having been first duly sworn, was
5 examined and testified as follows:
6

7 THE BAILIFF: This way, sir, if you would. Go
8 ahead and sit down. Scoot up to the microphone.
9 Talk to the Court in a loud and clear voice,
10 please.

11 **DIRECT EXAMINATION**

12 BY MS. RUSSELL:

13 Q Good afternoon -- or morning still,
14 Mr. Currington.

15 A Good morning.

16 Q Would you introduce yourself to the Court,
17 please.

18 A My name is Bernard Currington, and I'm Thomas'
19 brother.

20 Q How old are you, Mr. Currington?

21 A Thirty-four.

22 Q And what do you do for a living?

23 A I work for the Veteran Affairs, and I'm a
24 hearing officer.

25 Q Do you have any volunteer work that you do in

1 your spare time?

2 A Yes, with the St. Petersburg Police Department.
3 I'm, basically, a volunteer. I help out in the community.
4 Do kind of, like, work traffic crashes, vehicle fire
5 scenes, tag abandoned vehicles.

6 Q How long have you done that?

7 A For 12 years.

8 Q Do you have any siblings or half siblings,
9 Mr. Currington?

10 A Yes.

11 Q Who are they?

12 A I have a stepsister and I have a stepbrother.

13 Q What are their names?

14 A Kreesha (phonetic) Mosley and David Mosley, Jr.

15 Q And do you have another half-brother?

16 A Thomas Mosley and Isaac Mosley.

17 Q And is Thomas the youngest of all your siblings?

18 A Yes.

19 Q So you were raised by your mom?

20 A Yes.

21 Q Her name is?

22 A Renee Dixon.

23 Q Does she go by another name?

24 A It's hyphenated Mosley.

25 Q And did you ever live with David Mosley?

1 A Junior or Senior?

2 Q Senior.

3 A Yes.

4 Q For how long?

5 A Probably for about -- up until I was about 21.

6 I kind of moved out when I was around -- it was 2016 when
7 I moved out from the home.

8 Q And so you lived in the same house as Thomas?

9 A Yes.

10 Q For how many years?

11 A Probably for about maybe -- maybe like almost
12 20 years, maybe.

13 Q And you moved out in 2016?

14 A I moved out in 2016, yes.

15 Q And at that point Thomas was 14 years old?

16 A Fourteen, 15.

17 Q Now, you had a different father than Thomas?

18 A Correct.

19 Q But you lived in the home with David and
20 Renee Mosley?

21 A Yes.

22 Q Did your parents read to you when you were a
23 child?

24 A Yes.

25 Q What kind of things did you read?

1 A It was mostly school-related articles, books,
2 magazines. Stuff like that.

3 Q And did you graduate from high school?

4 A Yes.

5 Q When was that?

6 A It was June of 2010.

7 Q Did you graduate from college?

8 A Yes.

9 Q When was that?

10 A May 2016.

11 Q And what was your degree in?

12 A Criminology.

13 Q Did you do well in school?

14 A Yes.

15 Q Now I want to talk to you a little bit about
16 Thomas' early childhood and elementary school when you
17 were present in the home.

18 A Okay.

19 MS. RUSSELL: May I approach the witness?

20 THE COURT: Yes.

21 BY MS. RUSSELL:

22 Q Mr. Currington, just so you can have a picture
23 in your mind's eye, I'm going to show you Defense
24 Exhibit 36.

25 MS. RUSSELL: This is a subset of what's

1 already been admitted in Defense Exhibit 4.

2 THE COURT: All right. Thank you.

3 BY MS. RUSSELL:

4 Q Who is that?

5 A That's my brother.

6 Q Around what age was he in that picture?

7 A Maybe around like 10, 12.

8 Q Elementary school?

9 A Yes.

10 Q Now, in his early childhood in elementary
11 school, was he in special classes?

12 A As far as I know, he was in different IEP
13 courses that they have, the school has.

14 Q Did you know whether or not he did well in
15 school?

16 A Not necessarily.

17 Q How come?

18 A Because I was always like in and out of the
19 home, you know, do I my own thing, either working or
20 school. So it was really hard to kind of keep up with
21 him.

22 Q Now, focusing on that elementary school, those
23 elementary school years, did you ever help him with his
24 homework?

25 A Most of the time.

1 Q And how was that?

2 A It was a little bit of a struggle.

3 Q Why?

4 A Just a lot of focusing and understanding certain
5 things of the assignment that was provided.

6 Q Are you saying that he had trouble focusing?

7 A Yes.

8 Q And had trouble understanding?

9 A Yes.

10 Q Did you ever see your mom reading to Thomas when
11 he was young?

12 A No.

13 Q Why not?

14 A I don't know.

15 Q Did you ever see him reading books on his own
16 when he was a kid?

17 A No.

18 Q Did he ever play games with rules like Uno or
19 checkers or chess?

20 A Not to my knowledge.

21 Q Did he talk a lot? Was he loud?

22 A Not necessarily.

23 Q Well, what was your experience of how he was?

24 A Just being around him, always very quiet, didn't
25 really, you know, talk a lot. If you ask him a question,

1 one or two, you know, you -- it's kind of wait for a
2 response. It's a big pause. Just hard to pick up and,
3 you know, try to comprehend what, you know, it is that
4 he's saying from what I'm explaining to him.

5 Q Now, moving forward to his middle school years
6 when he was just a little bit older, did he have trouble
7 expressing himself to you?

8 A Yes. He was always kind of like -- his body
9 language was very silent, wasn't really social.

10 Q What about emotions? Did he express emotions
11 well?

12 A Depressed was his emotions most of the time
13 being around him.

14 Q Did he have issues with his hygiene? Could he
15 take care of his own bathing and shampoo and --

16 A No.

17 Q Did he ever smell fresh?

18 A No.

19 Q Tell me about that.

20 A It was hard for him to take care of his hygiene
21 properly like as an adult would. Basically, you would
22 have to tell him to make sure that he put on deodorant or,
23 you know, make sure he, you know, washes his clothes.
24 Things like that.

25 Q Did that make him different than most kids his

1 age that you knew?

2 A No.

3 Q It didn't?

4 A Not -- not -- not to my knowledge it didn't
5 really make him different, the kids that I knew. I mean,
6 every kid is different. They grow up differently. So,
7 you know, they -- certain kids need guidance, certain kids
8 may not need guidance.

9 Q But you felt Thomas needed guidance --

10 A Yes.

11 Q With personal hygiene?

12 A Structure. Yeah.

13 Q What about family chores?

14 A The only thing that I could recall is, I mean,
15 he would take out the garbage, but it may take him a while
16 to do it. Clean around the house, again, it may take him
17 a while to do it.

18 Q Lots of reminders?

19 A Yeah.

20 Q Didn't work independently?

21 A No.

22 Q He needed a lot of support?

23 A Yes.

24 MS. SULLIVAN: Objection. Leading.

25 THE COURT: Rephrase your question.

1 BY MS. RUSSELL:

2 Q Did he need support?

3 A Yes.

4 Q With household chores?

5 A Yes.

6 Q Were there other activities that he struggled
7 with as a child?

8 A As far as I know with him growing up and when he
9 played football, he, you know, got a lot of guidance and
10 support when he was at the age to play little league
11 football. His coach supported him and helped him, you
12 know, the best way they could.

13 Q Do you think he still understood the rules of
14 football? Was he studying the playbook at night?

15 A I'm not -- I don't know.

16 Q Now, did he understand school discipline rules?

17 A I would say no because when things would happen,
18 it was kind of like, you know, he didn't -- he may of not
19 have understood what, you know, type of discipline was
20 being -- you know, happening to him. So I would say no.

21 Q Did you ever talk with him or experience him
22 when he got a detention, for example?

23 A It was kind of like -- I mean, when he did get
24 in trouble at school, he -- you know, I had a talk with
25 him, but it was kind of like, you know, he just, you know,

1 didn't know how to move forward with what was explained to
2 him from the school, the nature of the detention or the
3 school suspension or whatever it was, after-school, you
4 know, detention and stuff like that.

5 Q He didn't understand?

6 A He didn't understand as far as like what, you
7 know, what -- what was the recourse could be from it, like
8 what would happen, you know, if he kept, you know, doing
9 the same thing or whatever it was that was causing the
10 detentions and stuff like that at school.

11 Q How else was he different from other kids that
12 you knew or from your other siblings?

13 A A little bit just quiet and, you know, I would
14 say not really social. You know, didn't really talk a
15 lot. Just kind of like stayed to himself, very distant.

16 Q Did he have lots of girlfriends?

17 A I don't know.

18 Q And as he got older did you ever feel that he
19 could live independently without the support from your
20 parents?

21 A No.

22 Q And he never did live independently, right?

23 A Correct.

24 Q He lived in the home with your parents all the
25 way up until the time that he was arrested?

1 A Correct.

2 Q Do you think it would have been possible for him
3 to live independently?

4 A No.

5 Q Why not?

6 A Because he's not really capable of managing
7 certain affairs, whether it's responsibility, you know,
8 education, as far as like, you know, trying to grow and,
9 you know, be a better person. He would need that guidance
10 and support.

11 Q Were you surprised that he didn't graduate from
12 high school?

13 A I was disappointed.

14 Q Now, you've done some video visits with
15 Thomas Mosley?

16 A Correct.

17 Q What are the nature of those calls and visits?

18 A He doesn't really look directly straight ahead
19 at me. Just kind of like, you know, a depressed emotion
20 feel type, you know, with seeing him on the video. Not
21 really talkative, just, you know, no -- doesn't really
22 want to say a whole lot.

23 Q From those calls, what do you think he
24 understands about the nature of the seriousness of his
25 criminal situation?

1 A I -- if -- I mean, I really don't know. I mean,
2 all I can really say is that it's more so he's just not,
3 you know, capable of -- it's some type of, you know,
4 disorder, disability. I mean, I -- I don't really know if
5 he knows what's going on, so.

6 Q Has he always had poor eye contact with you or
7 is that a new thing on the video visits?

8 A It's been since everything's been going on as
9 far as I know.

10 Q So that would have been even before he was
11 arrested he didn't make great eye contact?

12 A Not necessarily.

13 Q Do you ever feel that Thomas understands your
14 feelings?

15 A I don't know.

16 Q All right. Mr. Currington, I don't have any
17 further questions. The State is going to have an
18 opportunity to ask.

19 THE COURT: Ms. Sullivan, any questions?

20 MS. SULLIVAN: Yes, thank you.

21 **CROSS-EXAMINATION**

22 BY MS. SULLIVAN:

23 Q Good morning.

24 A Good morning.

25 Q What's the age difference between you and your

1 brother; do you know?

2 A No.

3 Q How old are you?

4 A I'm 34.

5 Q Do you know how old your brother is?

6 A Twenty-three?

7 Q Okay.

8 A Yeah, there's a big gap between us.

9 Q About 11 years?

10 A Yeah.

11 Q Okay. You were living with your mom and your
12 brother while you were in school; is that what you
13 testified to?

14 A Correct.

15 Q So he would have been significantly younger than
16 you while you were living in the house, right?

17 A Correct.

18 Q So during this time period where he's in the
19 third grade and going forward, if you're 11 years older,
20 were you into your twenties? Were you in college at that
21 time?

22 A Yeah. I was either in college or, you know, out
23 of college. I can't recall offhand. Yeah.

24 Q All right. So when you said you would try to
25 help him with his homework, how old was he then?

1 A He was about in high school then around that
2 time. So under -- like maybe like 16, 17.

3 Q All right. So had you moved out by then,
4 though?

5 A Yeah.

6 Q So what were you doing, coming over to mom's
7 house and helping him with his homework?

8 A Well, I would just go there to see my parents
9 and then, you know, try to give him guidance and support
10 for his homework.

11 Q You say guidance and support, but what do you
12 mean by guidance and support?

13 A Basically, trying to help him the best way that
14 I can so that he can be successful.

15 Q Okay. Can you give me an example?

16 A Basically, explaining to him a homework
17 assignment that the teachers provided for him.

18 Q And that's when he was about 17 years old?

19 A Yes.

20 Q All right. Hygiene. You said -- are you saying
21 he couldn't bathe or he didn't want to bathe?

22 A Well, he -- he just didn't want to sometimes.
23 It was just hard to, when somebody would explain something
24 to him, to get him to do it.

25 Q Because he didn't want to?

1 A Correct.

2 Q So you're not saying he can't. He knows how to
3 bathe, right?

4 A Yes.

5 Q He knows how to take a shower, right?

6 A Right.

7 Q He knows how to wash his clothes if he wants to,
8 right?

9 A Yeah.

10 Q All right. Taking out the trash, you said it
11 would take a long time, but he knows how to take out the
12 trash, right?

13 A Correct.

14 Q Okay. He can do that activity?

15 A Okay.

16 Q You're not telling this Court that he doesn't
17 know how to do these daily tasks, are you?

18 A No.

19 Q Okay. I want to talk about that video visit you
20 had. It's in evidence. The Court's gonna see it.

21 A Okay.

22 Q What's been moved into evidence is dated
23 March 30th of this year. Do you recall visiting your
24 brother that day on a video visit?

25 A Not -- yeah, I -- it was -- yeah.

1 Q All right. You're not disputing that you
2 visited him, right, a video visit?

3 A I have had many video visits with him.

4 Q And this year, in fact, you visited with him,
5 right?

6 A Yes, correct.

7 Q Okay. And when you went to visit him, you
8 didn't do it from a remote location. You actually went --

9 A I always come here, yeah.

10 Q To the van.

11 A Correct.

12 Q And I think you just said on video visits that
13 your brother just looks straight ahead, is depressed, and
14 doesn't want to say a whole lot; is that your testimony?

15 A Correct.

16 Q Well, let's talk about your video visit from
17 March 30th of 2025. All right?

18 A Okay.

19 Q When you had that visit, your brother told you
20 what he had to eat that day, and he told you he was
21 playing cards in the jail, right?

22 A Uh-huh.

23 Q Do you recall that?

24 A Yeah.

25 Q All right. You both had a back-and-forth

1 conversation with each other, didn't you?

2 A Correct.

3 Q Your brother was, in fact, asking you questions
4 about what you had been doing that day, right?

5 A That I recall, yeah.

6 Q You told him that you'd been to church?

7 A Correct.

8 Q You're heavily involved in the church, right?

9 A Correct.

10 Q He -- your brother told you that he'd been
11 watching TV, right?

12 A As I recall, yes.

13 Q Okay. Do you recall him telling you he was
14 watching that show with Nick Cannon?

15 A That I recall, yes.

16 Q Okay. Your brother, in fact, told you he
17 remembered it was one of your acquaintance's birthdays
18 during that visit, right?

19 A Repeat that again.

20 Q He remembered and told you that it was an
21 acquaintance of your's birthday that day, right?

22 A An acquaintance of my birthday?

23 Q Yes, someone you both know. Do you remember
24 talking about that, it being someone's birthday?

25 A Not that I recall.

1 Q Okay. Maybe this will help you. He mentioned
2 that he remembered it was that person's birthday because
3 it's always after his mom's birthday, your mother's
4 birthday, right?

5 MS. RUSSELL: Objection. If you'd like to
6 refresh the witness' recollection, I suggest that
7 you show him the video as opposed to continuing to
8 ask him the same question over and over when he
9 says he does not recall.

10 THE COURT: Rephrase -- first, I've already
11 watched the video as part of my analysis, so I'm
12 familiar with what's being said.

13 Secondly, try and rephrase your question.

14 BY MS. SULLIVAN:

15 Q Do you remember during the video visit that your
16 mom's birthday was mentioned, right? Because you -- when
17 is your mother's birthday?

18 A May 26th.

19 Q When is it?

20 A May 26th.

21 Q Okay. So you're saying you don't remember him
22 recalling that it was someone else's birthday the day that
23 you were visiting him?

24 A No.

25 Q Okay. Your brother told you he'd been reading

1 the bible, right?

2 A I recall that.

3 Q Did that seem odd to you? You know he can read,
4 right?

5 A Not -- I mean, to him reading the bible, I mean,
6 I don't know if he's actually reading it just because he's
7 telling me that.

8 Q So you don't really know what level his reading
9 level is?

10 A Correct.

11 Q You can't speak to that at all?

12 A No, I can't.

13 Q All right. When he's at that video visit, he
14 asked you if you were doing the visit by the PJAC
15 building, right?

16 A I don't recall that.

17 Q Okay. Do you recall that there's a portion of
18 the video where you two are joking because he sees that
19 you got a haircut?

20 A I do.

21 Q So he was laughing during that video visit,
22 wasn't he?

23 A Correct.

24 Q So when you say he acts depressed and stares
25 straight ahead, that wasn't happening during that video

1 visit, was it?

2 A Not that I recall.

3 Q I'm sorry?

4 A Not that I recall.

5 Q Okay. You guys talk about the NFL draft and
6 about other people that you both know, right?

7 A That I recall.

8 Q And this is, again, a back-and-forth
9 conversation where you guys are catching up and talking
10 about what other people are up to, right?

11 MS. RUSSELL: Objection. He said he didn't
12 recall.

13 THE COURT: So your question was they
14 discussed the NFL draft and the answer was -- what
15 was your answer, you remember that or your don't
16 remember that?

17 THE WITNESS: I remember that, but the other
18 part of the question she asked, I don't recall
19 that.

20 THE COURT: What was the other part of your
21 question?

22 MS. SULLIVAN: That they talked about people
23 they know and what they were up to.

24 THE COURT: Okay. You don't remember that?

25 THE WITNESS: No, ma'am.

1 THE COURT: All right.

2 BY MS. SULLIVAN:

3 Q He was asking you a lot of questions during that
4 video visit, wasn't he?

5 A Not that I can recall. I mean, we're in -- this
6 is August. That was back in March. I mean, there's a lot
7 of stuff that's been going on between me coming here, you
8 know, doing the video visits versus my own personal life
9 and school and stuff I have going on. So I can't really,
10 you know, try to give you a direct answer versus from
11 March to we're in August right now.

12 Q And that's fine. Would you disagree that if I
13 said he was asking you a lot of questions that --

14 A I would agree that he was asking me questions,
15 but I just can't recall what the questions were.

16 Q And that's fair. I understand that. But it's
17 not unusual for him during a visit with you or a chat for
18 him to ask questions of you, right, and carry on a
19 conversation?

20 A Correct.

21 Q Okay. He's not just sitting there and you're
22 asking him questions and he's staring at you?

23 A Well, sometimes he does. I mean, there's been
24 plenty of other visits where he just doesn't really say a
25 whole lot. You know, I don't know what would be going on

1 at that time because he's not saying a whole lot.

2 Q And it's your testimony that he needed structure
3 while he was in school, right?

4 A Correct.

5 Q He got -- did he get in trouble a lot?

6 A I don't know. I just know from being in the
7 home there was times that he did get in trouble, but as
8 far as when you're asking did he get in trouble a lot, I
9 can't answer that.

10 Q Are you aware whether or not he missed a lot of
11 classes during his school years?

12 A I'm not aware of that.

13 MS. SULLIVAN: That's all the questions I
14 have. Thank you.

15 THE COURT: Okay. Any redirect?

16 MS. RUSSELL: Yes, your Honor.

17 **REDIRECT EXAMINATION**

18 BY MS. RUSSELL:

19 Q Mr. Currington, you've known your brother for
20 his entire lifetime, right?

21 A Being in and out, yes.

22 Q And you lived in the same home for at least
23 14 years?

24 A At least, yeah.

25 Q And when you talked about the fact that he made

1 poor eye contact --

2 A Uh-huh.

3 Q -- and had a flat affect, was that only in that
4 one video visit or were you talking about --

5 A It was in -- that I recall, it was in multiple
6 video visits. I mean, sometimes, you know, he would be
7 looking behind him like this. So --

8 Q And sometimes --

9 A -- it wasn't direct attention like toward me
10 like eye contact.

11 Q And sometimes were there video visits where it
12 was you and your family present?

13 A The only video visit that I was in with other
14 family around was when it had happened at home. But all
15 visits that I've had with him have been here on
16 49th Street.

17 Q And there have been a number of them?

18 A I don't know how many, but there have been some
19 visits, yes.

20 Q And in those he made poor eye contact?

21 A Correct.

22 Q And had a flat affect?

23 A Correct.

24 Q Expressed little emotion?

25 A Correct.

1 MS. SULLIVAN: Objection. Leading.

2 THE COURT: Rephrase your question.

3 BY MS. RUSSELL:

4 Q During your video visits, your many video
5 visits --

6 A Uh-huh.

7 Q -- did Thomas Mosley have a flat affect?

8 A Yes.

9 Q And make poor eye contact?

10 A Correct.

11 MS. RUSSELL: All right. Give me one minute,
12 your Honor.

13 THE COURT: Sure.

14 MS. RUSSELL: All right. I have no further
15 questions.

16 Thank you, Mr. Currington.

17 MS. SULLIVAN: Your Honor, may I ask one
18 follow up, I'm sorry, to that?

19 THE COURT: Yes. Just hold -- before you walk
20 off, have a seat, sir. We have one more question.
21 Just one, right?

22 MS. SULLIVAN: Hopefully. I only plan on it
23 being one.

24

25

RECROSS-EXAMINATION

BY MS. SULLIVAN:

Q You've only visited your brother on a video visit once since he's been back from the state hospital this time; isn't that right?

A I can't recall that, ma'am.

MS. SULLIVAN: Okay.

THE COURT: Can he go now? Yes?

MS. RUSSELL: Yes.

THE COURT: All right. Now you can go. Thank you.

Do you have an ETA on mom?

MS. RUSSELL: Could we take a quick recess and let me --

THE COURT: Well, why don't we -- we have three days to pick from next week. All right. Here's the thing. If she's at a doctor's appointment, who knows, right? I think we've all had the experience where we sit there for ten minutes and you get in right away or you sit there for four hours before you see the doctor. Do you want to check real fast and see where she's at?

MS. RUSSELL: Yes, if you don't mind, your Honor.

THE COURT: Sure.

1 MS. RUSSELL: Give me a second.

2 (PAUSE IN PROCEEDINGS)

3 THE COURT: What did you learn?

4 MS. RUSSELL: I learned that she is 20 minutes
5 from the courthouse.

6 THE COURT: Okay. Do you want to come back at
7 1:30?

8 MS. RUSSELL: Do you have time to fit her in
9 if it takes till 1:00 or 1:15?

10 THE COURT: I can start at 1:00, 1:15.

11 MS. RUSSELL: Oh, actually, I mean, that's
12 fine. We can start at 12:30. I just didn't know
13 if you had --

14 THE COURT: No. I've got to give everybody a
15 break, though.

16 MS. RUSSELL: Okay.

17 THE COURT: All right? So let's come back --
18 are you good for that, 1:15, 1:30?

19 MS. RUSSELL: Sure, yes.

20 THE COURT: Okay. Madam court reporter, can
21 you make that work?

22 THE COURT REPORTER: Yes.

23 THE COURT: Clerks?

24 THE CLERK: Yes, your Honor.

25 THE COURT: 1:15. That way she can get here,

1 put her purse down, talk to her, take a breath and
2 be ready to testify. Okay?

3 Can we make sure Mr. Mosley gets lunch?

4 THE BAILIFF: Yes, your Honor.

5 THE COURT: All right. Sounds good. 1:15.

6 (RECESS)

7 THE BAILIFF: All rise. Court is back in
8 session.

9 THE COURT: You can have a seat. Thank you.
10 We can have Mr. Mosley back in, please.

11 MS. SEIFER-SMITH: Your Honor, I have several
12 depositions this afternoon. So I was gonna pop in
13 the back for a Zoom one --

14 THE COURT: Sure.

15 MS. SEIFER-SMITH: -- and then go downstairs
16 if witnesses show up in person if that's all right.

17 THE COURT: Are you asking if you can leave?

18 MS. SEIFER-SMITH: Yes.

19 THE COURT: Of course, yes. Come and go
20 freely.

21 MS. SEIFER-SMITH: Thank you. I just wanted
22 to let you know that I wasn't just aimlessly
23 wandering around the courtroom.

24 THE COURT: You stay plenty busy. I would not
25 suspect that.

1 (THE DEFENDANT ENTERED THE COURTROOM)

2 THE COURT: All right. Mr. Mosley is present.

3 Let me get Zoom back on so your associate can
4 rejoin us.

5 Madam Clerk, what exhibit were we talking
6 about before lunch?

7 THE CLERK: Thirty-six.

8 MS. RUSSELL: Number 36, your Honor.

9 THE COURT: Okay. And that is included -- did
10 you say that's included in Exhibit 4 already?

11 MS. RUSSELL: It is a page included in
12 Exhibit 4, but I was going to ask to also have it
13 separately --

14 THE COURT: That's all right. If I've already
15 admitted it, we can just make it 36. So it will be
16 admitted as 36 as well.

17 THE CLERK: Okay.

18 (DEFENSE'S EXHIBIT NUMBER 36 WAS RECEIVED IN
19 EVIDENCE)

20 THE COURT: Okay. I have Zoom back on so when
21 your mitigation specialist wants to join us, I'll
22 let her in. There she is.

23 THE BAILIFF: Your Honor, do you want the
24 screen on?

25 THE COURT: I don't think so. I think she's

1 just observing.

2 THE BAILIFF: Okay.

3 THE COURT: Thank you, though.

4 Okay. Everybody is back. Mr. Mosley is
5 present. And it looks like mom's arrived?

6 MS. RUSSELL: Yes. The defense calls
7 Renee Mosley. Renee Dixon-Mosley.

8 THE BAILIFF: Good afternoon, ma'am. If you
9 want to stand right here. Face madam clerk. Raise
10 your right hand to take the oath.

11

12 THEREUPON,

13 RENEE DIXON-MOSLEY,
14 the witness herein, having been first duly sworn, was
15 examined and testified as follows:

16

17 THE BAILIFF: This way, ma'am. Go ahead and
18 have a seat. Scoot up to the microphone. Talk to
19 the Court in a loud, clear voice, please.

20 **DIRECT EXAMINATION**

21 BY MS. RUSSELL:

22 Q Would you introduce yourself to the Court,
23 please.

24 A Renee Dixon-Mosley.

25 Q Mrs. Mosley, what do you do for a living?

1 A I work as a veteran service customer
2 representative for Veterans Administration.

3 Q Have you ever testified in court before?

4 A No, I haven't.

5 Q Do you have some fears about being here today?

6 A I have a little concerns. A little nervous.

7 Q Why are you here?

8 A I'm here to give my testimony.

9 Q Are you married?

10 A Yes.

11 Q To whom?

12 A David Mosley.

13 Q How long have you been married?

14 A Twenty-nine years.

15 Q And is there a reason why David Mosley couldn't
16 come to testify today?

17 A Yes. He's dealing with a serious health
18 condition. He has to have treatment.

19 Q Chemotherapy?

20 A More like radiation.

21 Q Where do you live?

22 A I live in St. Pete.

23 Q And the address?

24 A 1700 21st Street South, St. Petersburg, Florida
25 33712.

1 Q How long have you lived in that house?

2 A I've lived there since May of '99. So as long
3 as I've been on my job, almost about 29 years.

4 Q And how long has David lived there?

5 A David lived there about 29 years, the same, same
6 time.

7 Q How do you know Thomas Mosley?

8 A That's my son. I know him by birthing.

9 Q And did Thomas Mosley live with you and David in
10 the same house his entire life up until the time he was
11 arrested?

12 A Yes, he did.

13 Q Where did your son live growing up?

14 A He lived with me.

15 Q Did he live anyplace else?

16 A No. He lived with me at the same address,
17 1700 21st Street South.

18 Q And does he have any brothers and sisters?

19 A Yes, he does.

20 Q Who are they?

21 A He has two brothers, Isaac Mosley and
22 Bernard Currington, Jr., and he also has a stepsister,
23 Takreesha (phonetic) Mosley and David Mosley, Jr.

24 Q Now I'd like to talk to you about Thomas' early
25 childhood and elementary school days.

1 MS. RUSSELL: May I approach?

2 THE COURT: Yes.

3 BY MS. RUSSELL:

4 Q Just as a reminder, I'm going to show you what's
5 been marked as Defense Exhibit 36. Is that a picture of
6 Thomas Mosley?

7 A Yes.

8 Q About how old was he when that picture was
9 taken?

10 A Maybe between six and eight, maybe.

11 Q When was Thomas born?

12 A He was born March 29th, 2002.

13 Q Did he go to pre-K?

14 A Yes, he did.

15 Q Where did he go?

16 A He went to a center called Gingerbread.

17 Q Was that like a daycare?

18 A It was like a school, like a house, daycare, but
19 it was pre-K.

20 Q And he went there while you were at work?

21 A Yes, he did.

22 Q Was there something weird that happened at the
23 Gingerbread House when he was there?

24 A Yes. There was an incident that -- something
25 about Gatorade bottles. There was some kind of chemicals.

1 Q Was it like paint cleaner?

2 A I'm not sure what it was. I mean, it was some
3 kind of chemicals that was hazardous for kids to drink.

4 Q And was the Gingerbread House eventually shut
5 down because of that?

6 A Yes, it was.

7 Q So he didn't go there after that happened?

8 A No, he did not.

9 Q Were you involved in Thomas' education?

10 A Yes, I was.

11 Q What kinds of things did you do when he was in
12 elementary school?

13 A I did a lot of things, like go out to
14 parent-teacher conferences out there, you know, get
15 involved in his academics. You know, just -- you know, I
16 was there for him like the teacher called and needed
17 assistance, you know, assisting him in different things,
18 help him with fundraisers and stuff like that.

19 Q Where did he go to elementary school?

20 A Well, he went to three different elementary
21 schools. He went to Perkins Elementary, Melrose, and
22 Lakewood Elementary.

23 Q When did he start at Perkins in terms of the
24 grade?

25 A He started Perkins first -- I believe first to

1 third grade, I believe.

2 Q And why did he switch schools?

3 A He started having -- he switched from Perkins
4 because he was hanging out with different other students
5 older than him. He was having some behavior issues.

6 Q And where did you move him?

7 A I moved him from Perkins to Melrose Elementary.

8 THE COURT: Melrose?

9 THE WITNESS: Melrose Elementary.

10 THE COURT: Okay.

11 THE WITNESS: Yes.

12 BY MS. RUSSELL:

13 Q So what grade was he in at Melrose?

14 A He was in the third grade at Melrose. I believe
15 he was in second, third grade at Melrose.

16 Q And how did you like Melrose?

17 A I put him in Melrose. I thought maybe, you
18 know, he would get better, his academics and stuff, but
19 come to find out I didn't think Melrose was a good fit for
20 him.

21 Q So where did he go next?

22 A I put him in Lakewood Elementary.

23 THE COURT: Lakewood?

24 THE WITNESS: Lakewood.

25

1 BY MS. RUSSELL:

2 Q And did he do better at Lakewood?

3 A He did better at the -- like when he first
4 started, he did good, but then he started not doing so
5 good once he got into Lakewood.

6 Q So that was three elementary schools before he
7 even got to the sixth grade?

8 A Yes.

9 Q Did he repeat third grade?

10 A Yes, he did.

11 Q More than once?

12 A Yes, he did.

13 Q How many times?

14 A I would say two, maybe three.

15 Q And you were aware that he had an individual
16 education plan, or IEP, right?

17 A Yes, he did.

18 Q When did he start with IEPs?

19 A He started with that at the beginning of
20 Perkins. When he started at Perkins, I believe, in the
21 first grade.

22 Q Do you know what those IEPs were for?

23 A Well, it was for his academics not being grade
24 level.

25 Q He had trouble reading?

1 A He had trouble -- he struggled in reading and
2 writing.

3 Q And he was language impaired?

4 A Yes, he was. It was slow learning disability.

5 Q Was he in special classes?

6 A Yes, he was in classes. He would leave out his
7 main class and go into different classes just with special
8 learning, you know, for slower kids, but he was in a
9 class -- he would leave his regular class to go into a
10 second class with, you know, like maybe three or four
11 students in that one class versus being 15, 20 students.

12 Q So what did you notice about him that was
13 different than his brothers and his sister when he was
14 that age?

15 A He was a slow learner than my other kids.

16 Q So did you take him to Sylvan Learning Center at
17 any point in elementary school?

18 A Yes. He was going to Sylvan for tutoring.

19 THE COURT: Hold on. Ma'am, I just need you
20 to -- I know you're nervous about being here. A
21 little bit louder and a little bit slower. I'm
22 having a hard time hearing you and I'm sitting
23 right next to you. Okay?

24 THE WITNESS: Okay.

25 THE COURT: Your last question was what?

1 BY MS. RUSSELL:

2 Q Did you take him to Sylvan Learning Center when
3 he was in elementary school?

4 A Yes, I did.

5 Q Why?

6 A He needed help in school. He needed help with
7 academics.

8 Q Did you try to help him yourself, too, by
9 helping him with homework?

10 A Yes, I did try to help him myself.

11 Q And how did that go?

12 A Some days it was good. Some days it was not so
13 good.

14 Q Did you take Thomas to church?

15 A Yes, I did take him to church.

16 Q Did he do better in Sunday school?

17 A Well, we had -- we had two different sides for
18 adults and we had another side for young -- the youth
19 part. And we would take him in the youth part, but he
20 wouldn't stay over in the youth part. So he would want to
21 be in the adult part with the adults.

22 Q Did he have a lot of friends in elementary
23 school?

24 A At Perkins, I noticed he had just one friend.
25 So I didn't see him too much with any other friends while

1 he was going to the other -- when he went over to Melrose
2 and Lakewood.

3 Q Do you feel like social interaction was
4 difficult for him?

5 A Sometimes it was.

6 Q What did you notice?

7 A I noticed that it was hard for him to
8 communicate with other students and he would not engage in
9 conversations.

10 Q Did you feel like you -- when you were
11 communicating with him that you had to repeat yourself?

12 A Yes, I did.

13 Q And was that pretty consistent over all of his
14 elementary school years?

15 A Yes.

16 Q Did you feel like he ever overreacted to noises
17 when he was a young child?

18 MS. SULLIVAN: Objection to leading.

19 THE COURT: Rephrase your question.

20 BY MS. SULLIVAN:

21 Q Did you ever see that he was overreacting to
22 things?

23 A Yes, he would overreact to things.

24 Q Like what?

25 A Like if you tell him to do something and he

1 didn't want to do it, he would overreact with that. He
2 would overreact to -- if you take something from him, you
3 know, different noises and stuff, he would overreact to
4 not getting the things he wanted sometimes.

5 Q Was he sensitive to light?

6 A Yes. At one -- at some point he was, yes.

7 Q When did you notice that?

8 A He would be laying down, and I would like go in
9 the room and pull the blinds open for the sun to get in,
10 and he would hold his hands up to his face.

11 Q To cover his eyes?

12 A Yes.

13 Q Did he ever have any strange focus on specific
14 objects or specific topics?

15 MS. ELLIS: Objection. She's leading the
16 witness.

17 THE COURT: All right. Rephrase your
18 question, please.

19 BY MS. SULLIVAN:

20 Q Did he ever focus on specific objects? Did he
21 have an obsession?

22 A Yes. He had an obsession with video games and
23 football.

24 Q What about a scooter?

25 A He had a scooter that he would ride all the

1 time, yes.

2 Q And did he repeat that behavior on the scooter?

3 A Yes. He would use it to ride all the time until
4 he got tired of it.

5 Q Would he just sit on it without riding it?

6 A No. He would just -- it would just be on the
7 ground. He would just be standing -- sitting there
8 watching it.

9 Q Did you ever, as a mom -- some mom's might give
10 a look. Did you ever give Thomas a look? Were you ever
11 able to communicate with him nonverbally?

12 A Yes, I have.

13 Q Were you able to communicate with him? Did he
14 understand your nonverbal cues?

15 A I believe he did.

16 Q Let's talk about middle school at Johns Hopkins.
17 Did he have any of the same things that made him different
18 than other kids when he was in middle school?

19 A He had the IEP in middle school. So he had the
20 same academic issues and struggled a lot.

21 Q Did he have repetitive behaviors in middle
22 school that you knew of?

23 A Yes, he did.

24 Q Like what?

25 A Like skipping schools, you know, not following

1 instructions.

2 Q What about communication problems?

3 A Yes.

4 Q Can you give me an example?

5 A Not letting the teacher know like if he needed
6 something or he needed help. You know, he wouldn't ask
7 for help. You know, he wouldn't go to his teacher for
8 help in his school. I guess he would feel like they
9 didn't want to help him.

10 Q Did he have an obsession with trains and train
11 noises?

12 A I don't think he had an obsession with trains,
13 but I know he couldn't stand noises, loud noises like
14 trains.

15 Q What did he do?

16 A He would hold his ears.

17 Q Was that true with other loud noises?

18 A Like loud music around the streets, loud trucks,
19 yes.

20 Q Did he have any true friends in middle school?

21 A I don't -- I don't think he did.

22 Q Did people come inside the house and play games
23 with him?

24 A No.

25 Q Did he go to other friends' houses and play

1 games with them?

2 A No. Not to my knowledge, no.

3 Q Did he participate in social activities?

4 A No, he did not.

5 Q Was he gullible?

6 A Sometimes.

7 Q How was he gullible?

8 A He would be -- I think he would let people use
9 him.

10 Q And he didn't realize he was being used?

11 A I don't think he did.

12 Q Did he have chores at home in middle school and
13 high school?

14 A Yes, he did.

15 Q What were those chores?

16 A Pretty much taking out the trash, you know, kind
17 of cleaning the yard and helping his dad around the house.

18 Q Did he do a good job with those chores?

19 A He did chores, but you had to keep telling him
20 over and over again, you know, take out the trash. You
21 know, we going to clean out the yard, pick up the paper
22 around the yard.

23 Q Could he work independently?

24 A No, I don't think he could.

25 Q So I'd like to talk to you about high school.

1 So did Thomas stay in Pinellas schools all the way up to
2 high school?

3 A Yes, he did.

4 Q Did he ever get extra education at Tomlinson?

5 A Yes, he did.

6 Q When was that?

7 A I believe it was after I tried to homeschool
8 him, and instead of him going back to high school, it was
9 either -- it was either before I tried to homeschool or
10 either after he left Bogie to catch up on his grade
11 because he was falling behind at a grade level. So he was
12 going to Tomlinson to try and catch up on his grades so he
13 could graduate on time.

14 Q And when you say Bogie, you're talking about
15 Boca Ciega High School?

16 A Yes.

17 Q Okay. So there was a point when you
18 homeschooled him. How old was he when you tried to
19 homeschool him?

20 A Maybe 16, 17.

21 Q And why did you do that?

22 A I tried to homeschool him because he was having
23 problems in public schools, and I felt like that he didn't
24 need everything in the public school as opposed to me
25 homeschooling. He only needed so much.

1 Q So you were trying to help him learn?

2 A Yes, I was.

3 Q And one of the things you did, again, was send
4 him to Tomlinson Adult Learning Center in 2018?

5 A Yes.

6 Q How did that go?

7 A It didn't go well.

8 Q Why?

9 A I got a report back from the teacher stating
10 that he was just on his phone. You know, he wasn't even
11 learning. You know, he didn't understand. And she was
12 just telling me that he didn't -- you know, it was a waste
13 of time for him coming.

14 Q So did you take him out?

15 A Yes.

16 Q How many times did he repeat the ninth grade?

17 A Maybe two times that I can remember.

18 Q And why was that?

19 A Because of his learning, his understanding.

20 Q And when did he quit school all together?

21 A He quit school, I believe, at age -- I want to
22 say 18.

23 Q And at that point he was somewhere between the
24 ninth and tenth grade?

25 A Yes.

1 Q So he was a lot older than everybody else in his
2 grade?

3 A Yes, he was.

4 Q Because he had been retained over and over?

5 A Yes.

6 Q Starting in the third grade?

7 A Yes, yes.

8 Q Did Thomas get a learner's permit at age 15?

9 A I believe at age 15 to 16 he got the permit, the
10 learner's permit.

11 Q How did he do on the written driver's test? Do
12 you remember him trying to get a learner's permit?

13 A Well, he went out to the DMV. He took the test
14 over and over and over and over to receive the permit.

15 Q Do you know how he finally passed?

16 A Well, he took -- I remember him going out there
17 taking the test, and you have to wait an hour to retake
18 it. So he took it and took it and took it and eventually
19 passed it.

20 Q Do you know how he eventually passed?

21 A I believe they -- when you take the test, you
22 have so many questions correct and then you go and take it
23 again. I guess they count the ones that you didn't get
24 right. I'm not sure. That's what I was thinking.

25 Q Did he ever get an actual real driver's license

1 that entitled him to drive that you know of?

2 A No. I believe he still had the learner's
3 permit.

4 Q And that was up until the time he was arrested?

5 A Correct.

6 Q Was he a good driver?

7 A To me, I didn't think he was a good driver
8 because I didn't -- I didn't like the way he drove when I
9 was in the car with him. I mean, he would drive all up on
10 other cars, and I didn't like that. So from my
11 perspective, I didn't think so.

12 Q Did he have trouble following the rules of the
13 road?

14 A I believe some of them he did.

15 Q So after Thomas left Boca Ciega High School,
16 where did he live?

17 A He lived with me at 1700 21st Street South.

18 Q And did he have the skills to live independently
19 at that point even though he was 18 or 19 years old?

20 A No, I don't believe he did have the skills to
21 live alone independently.

22 Q Why is that?

23 A Because a lot of stuff he didn't know. I mean,
24 he didn't know a lot of different stuff. He didn't know
25 how to shop. He didn't know how to wash. He didn't know

1 how to count money. And then he didn't have a job, an
2 established job to pay bills, you know, like rent or
3 anything. So I didn't think he would be able to live
4 independently.

5 Q All right. We're going to talk about his job
6 history in a couple minutes, but I'd like to focus right
7 now on the question did you ever give Thomas, for example,
8 a shopping list and ask him to go to the store and buy
9 some things for you?

10 A Yes, I did.

11 Q And how did that work out?

12 A It didn't work out too well. He would call me
13 from the store to ask me what -- you know, I guess specify
14 what I really needed and what I wanted. He would -- back
15 then when I did tell him that, when he called me with the
16 list, he would come back still with the wrong stuff.

17 Q And then would he come back with the wrong stuff
18 at the end of the trip?

19 A Yes, he would come back with the wrong items.

20 Q So could you reliably send him to do shopping
21 for the family?

22 A No, I couldn't.

23 Q Could he cook meals for himself?

24 A He could cook like maybe the scrambled eggs for
25 himself, like noodles in the microwave or hotdogs, but he

1 couldn't cook like a four-course meal for himself, no.

2 Q Did he do his own laundry and cleaning?

3 A He would throw all of his clothes in the washer,
4 just all his clothes, not separating. Just throw them all
5 in there to wash together.

6 Q And what would happen?

7 A He just would wash them all together instead of
8 separating them. Some of them would come out -- you know,
9 if he washing a black shirt, it might come out on white,
10 or, you know, if he washing jeans, the color may come out
11 on a different shirt and it may fade.

12 Q Did you ever notice that he had trouble
13 maintaining his own hygiene?

14 A Yes, I notice he have trouble maintaining his
15 own hygiene. I would always tell him to -- that he was
16 musky all the time. Meaning that, you know, his poor
17 hygiene, he needed deodorant on.

18 Q And was that all the way from middle school
19 through high school and after high school, or what was the
20 time frame on that?

21 A It was pretty much when he started, you know,
22 like preteen, 12, all the way to high school.

23 Q Did that ever get better?

24 A It didn't get better until he probably got,
25 like, 18.

1 Q Did he ever try to get some training at PTEC?

2 A Yes. He went down to PTEC because he say he
3 wanted to drive trucks, so he went down there to PTEC. I
4 guess he thought he was gonna get into the driving truck
5 program, but he didn't know that he had to be into a
6 program. So he had to fill out an application and all
7 that to get into the program. So he went down and people
8 talked to him about it, and he came back with the
9 information, you know, and application. So I guess he
10 just didn't want to do it because he had to fill out an
11 application. I guess he thought when he went down there,
12 was just gonna be driving trucks, but it wasn't easy like
13 that for him.

14 Q So he never filled out the application?

15 A No, he didn't.

16 Q Do you think that he could have been trained to
17 be a truck driver?

18 A I believe he could have, yes.

19 Q I want to talk a little bit about his employment
20 history. Do you know what his first job was and when he
21 got it?

22 A I believe his first job was when -- for the
23 Tropicana Field.

24 Q What was he doing?

25 A He was like a bathroom attendant.

1 Q And how long did he work there?

2 A It was seasonal, so I believe he worked through
3 like the summer.

4 Q Was it a couple weeks or a couple months?

5 A It was like a summer. Maybe a month, a couple
6 of -- maybe a couple of months.

7 Q And what happened at the end of that job?

8 A It was like a seasonal job like with a temp
9 agency.

10 Q Do you know what he did at Tropicana Field.

11 A He was a bathroom attendant, I believe.

12 Q And do you know what his duties of his job were?

13 A I guess when people come in the bathroom, I
14 guess he give them paper towels and make sure the toilet
15 paper and stuff is stocked, I believe. I'm not sure.

16 Q When he was done with that, what was his next
17 job?

18 A I believe he got a job with Waste Management.

19 Q And what were the job duties of that job?

20 A It was like a garbage helper.

21 Q And how long do you think he had that job?

22 A I think he had that job maybe about three months
23 or more or less.

24 Q And do you know what happened?

25 A It was a temp -- temporary position. It ended.

1 Q And they didn't keep him on?

2 A No.

3 Q What was his next job after that?

4 A It was another temp agency with Waste
5 Connections, I believe.

6 Q And what were the duties of that job?

7 A Pretty much the same thing, a garbage helper.

8 Q And how long did that job last?

9 A Maybe a few months.

10 Q And what happened with that job?

11 A It was an issue with the manager about him
12 working with someone that he didn't want to work with --

13 Q So he had --

14 A -- hours.

15 Q He had trouble getting along with the other
16 employees?

17 A Pretty much.

18 Q Did he have another job?

19 A He had one job off of the Bryan Dairy Road at
20 night. It was a night job. I believe it was a packing
21 position. And he went out there, but he couldn't -- he
22 couldn't stay out there to work.

23 Q Why was that?

24 A Because he kept -- he kept getting anxiety by
25 working around other people.

1 Q And how long did that job last?

2 A It didn't last a few weeks.

3 Q Did he ever apply to work for the City of
4 St. Pete?

5 A Yes.

6 Q In the trash department?

7 A Yes, he did.

8 Q Tell me about that.

9 A It was a -- that was also a temp position where
10 he went out for the City of St. Petersburg to start
11 working. First day going out there, he went out there --
12 he was told to come out there and wait. I guess meet the
13 manager. When he got out there, he said that some guys
14 approached him asking him, you know, what you doing here?
15 What are you waiting for? Who are you waiting on, I
16 guess. And he got frustrated with them and just left.

17 Q So how long did that job last?

18 A Not a day.

19 Q Was he good at doing other household chores
20 independently?

21 A Not independently, but he would work around the
22 house with his dad.

23 Q Did David think he was a good worker?

24 A Yes, he was -- yes, David did think he was a
25 good worker.

1 Q But he worked under direct supervision of David?

2 A Yes. David had to tell him what to do.

3 Q How was he at managing money?

4 A Not good at all.

5 Q Do you have an example of what he did?

6 A When he saved his money, he would take his money
7 and, you know, put it on like rap music, videos. You
8 know, just not managing it, just wasteful.

9 Q Did he spend it on anything else?

10 A Music, videos, sometimes shoes, food.

11 Q Did he have communication challenges?

12 A Yes, he did.

13 Q What were those?

14 A Not being able to communicate, you know -- you
15 know, he wouldn't want to communicate -- just talk to him
16 about, you know, you know, look, you know, you need to
17 save money. What you doing? You know, he wouldn't want
18 to communicate about it. You know, he just wouldn't kind
19 of listen to you.

20 Q Was he good at expressing his emotions?

21 A Sometimes he was. Sometimes he wouldn't express
22 them.

23 Q How was he at taking care of the car?

24 A He would just put gas in the car. I mean, the
25 car needed like an oil change and then he -- his dad would

1 show him how to change a tire. So pretty much just
2 putting gas in it, you know, not maintenance, not knowing
3 if it needed water and stuff like that.

4 Q So if there was maintenance of the car, David
5 helped him with that?

6 A David would have to go out and look at the car
7 for him to let him know if it needs an oil change, you
8 know, or if it needs another tire, to add tires -- air
9 going flat in the tire and stuff like that.

10 Q He couldn't do that independently?

11 A No, he couldn't.

12 Q Did he have any repetitive behaviors with
13 parking in the driveway?

14 A Yes, he had some -- parking in the driveway was
15 kind of like I would need -- when I come home from work, I
16 would need to park -- you know, that's my parking space in
17 the driveway. So he would just park in the driveway
18 knowing that, you know, when I get off, I park there. So
19 normally when I get off, you know, I used to text him and
20 tell him, look, I'll be home. He at the driveway -- he
21 would still be sitting in the driveway knowing that I
22 needed back in the driveway. So when I go home from work,
23 I'm home. I don't go anywhere. And he would just sit
24 there in the driveway without moving.

25 Q So day after day the same mistake over and over?

1 A Yes, and on the weekends, too.

2 Q Was there anything else that was different about
3 Thomas' behavior in comparison to his sister and his
4 brothers?

5 A Well, for my -- his other two brothers, he
6 just -- he learned different, you know. I mean, he
7 learned a little slower. You know, he did things, you
8 know, sometimes, you know, without understanding, you
9 know, what he was doing. He just had a different way of
10 learning. I mean, I feel that he was slower than them,
11 you know, in different ways as far as knowledge.

12 Q Mrs. Mosley, you've talked to a lot of doctors
13 in conjunction with this court case over the past few
14 months and you've done a lot of tests for the doctors. I
15 want to ask you everything you know about the symptoms of
16 autism.

17 A I don't really know much about autism. I mean,
18 back years ago whenever I ever heard the word autism, I
19 used to think autism would be like, you know, a person or
20 child that couldn't, you know, stand loud noise. But I
21 don't really know anything about autism.

22 Q Tell me everything you know about the symptoms
23 of intellectual disability.

24 A Don't know much about that.

25 Q Now, looking back, did a doctor named

1 Dr. Michael Railey make an appointment to interview you
2 and David Mosley on May 18th?

3 A I'm sorry. Could you repeat that?

4 Q Well, did a doctor named Dr. Michael Railey make
5 an appointment to interview you on Sunday, May 18th?

6 A Yes, they did make an appointment, but we didn't
7 get to interview with them.

8 Q Did he ever call you during that time or reach
9 out or anything?

10 A He reached out. He emailed me with certain
11 surveys.

12 Q But he never called you during the time that he
13 said he was gonna interview you?

14 A I received an email. I didn't get a call.

15 Q After the 18th?

16 A Yes.

17 Q So you waited around all afternoon and
18 Dr. Railey never called?

19 A No, he didn't.

20 Q And he never interviewed you; he just sent you a
21 questionnaire?

22 A Correct.

23 Q I want to talk to you about Thomas' mental
24 illness now. When did you first suspect that Thomas might
25 have a mental illness?

1 A I had a concern when he was acting out when he
2 was in middle school, going to Johns Hopkins Middle
3 School. I had a concern about his behavior and how he was
4 acting.

5 Q So what did you do?

6 A I took him to All Children's and spoke with his
7 provider about it, and then they referred me to see a
8 psychiatrist.

9 Q Did you follow up with a psychiatrist?

10 A Yes, we did.

11 Q And what happened?

12 A We first went into the psychiatrist. He talked
13 to -- he talked to me and David alone and then he talked
14 to Thomas by himself, and then he diagnosed him with
15 depression anxiety.

16 Q Did he get medication?

17 A Yes, he did.

18 Q Did he take it?

19 A He first started out taking it, yes.

20 Q Did he have any suicide attempts in his high
21 school years?

22 A Yes, he did.

23 Q What were those?

24 A He tried to kill himself, commit suicide by
25 slitting his wrists.

1 Q When was that?

2 A That was -- I believe he was -- I want to say
3 17 years old. Between 16 and 17, I want to say.

4 Q So what happened after he tried to slit his own
5 wrists?

6 A I took him down to All Children's Hospital, and
7 they went in -- they wanted to Baker Act him, and then
8 they took him to a center called Whitmore.

9 Q How long was he there?

10 A I want to say about two weeks or more or less.

11 Q And then he came home?

12 A Yes.

13 Q Did he have another suicide attempt that you
14 know of?

15 A Yes, he did.

16 Q When was that?

17 A I believe that was -- he had to be about 18, I
18 believe.

19 Q And what happened?

20 A He tried to OD himself on his -- he took over 20
21 pills of his medication that he was using for his mental
22 behavior, his mental issues.

23 Q Was it Prozac?

24 A I believe it was.

25 Q And what happened after that?

1 A His dad called 211, the crisis hotline, and he
2 talked with them, and they sent out the police to the
3 house and they took him down to get him Baker Acted.

4 Q Mrs. Mosley, do you need a minute?

5 MS. RUSSELL: Does anybody have a tissue?

6 May I approach the witness?

7 BY MS. RUSSELL:

8 Q Are you okay?

9 A Yes.

10 Q Mrs. Mosley, you've asked that Thomas read the
11 23rd Psalm?

12 A Yes, I did.

13 Q And he has a bible in the jail?

14 A Yes.

15 Q Did you send that to him?

16 A I gave it to him when he went over to the
17 south -- the help center.

18 Q How does that 23rd Psalm go?

19 A It goes, The Lord is my shepherd; I should not
20 want. He makes me lie down in green pastures. He leads
21 me beside the still waters. He restoreth my soul. He
22 leads me in the path of righteousness for his name's sake.
23 Yea, though I walk through the valley of the shadow of
24 death, I will fear no evil for thou art with me; they rod
25 and they staff they comfort me. Thou prepare a table --

1 prepare before me a table in the presence of mine enemies;
2 thou anointest my head with oil; my cup runneth over all.
3 Surely goodness and mercy shall follow me all the days of
4 my life.

5 THE COURT REPORTER: I'm sorry. Could you
6 slow down, please.

7 THE WITNESS: Oh, I'm sorry. Do you want me
8 to start over?

9 BY MS. RUSSELL:

10 Q I don't --

11 A Surely goodness and mercy shall follow me all
12 the days of my life; and I will dwell in the house of the
13 Lord forever.

14 Q What does that mean to you?

15 A It means guidance and protection.

16 Q Do you think that Thomas understands that when
17 he reads the 23rd Psalm?

18 A I don't think he understands it. I had to
19 explain it to him.

20 MS. RUSSELL: Give me one minute.

21 Thank you, Mrs. Mosley. The State is going to
22 ask you some questions now.

23 THE COURT: Okay.
24
25

CROSS-EXAMINATION

BY MS. SULLIVAN:

Q Good afternoon.

A Hello.

Q I just want to ask you a few things. First, going back to when your son was in third grade, he was evaluated for IEPs, right?

A Yes.

Q And special education classes and things like that, right?

A Yes.

Q And you would meet with those teachers to provide input when they were doing those evaluations, right?

A Yes, I would meet with them when I could.

Q Around the third grade when you were asked about his learning, you reported no concerns at home regarding your son's language skills; isn't that right?

A I can't remember.

Q Okay. If that was put into the school records, would you disagree that you said that?

A I would have to see it.

Q Okay.

MS. SULLIVAN: Defense, I'm going to show State's Exhibit 4, tab 6, page 4, to the witness.

1 May I approach?

2 THE COURT: Defense exhibit?

3 MS. SULLIVAN: Four, tab 6, page 4.

4 THE COURT: Thank you.

5 BY MS. SULLIVAN:

6 Q If you just want to read those two lines there.
7 I'm sorry. Did you have an opportunity to review the
8 school records? Did you look at that?

9 A I saw that.

10 Q Okay. So in the school records it's reported
11 that you did not report any concerns regarding his
12 language. Are you disagreeing with what's in the school
13 records?

14 A No, I'm not.

15 Q Okay. Going -- starting with more his childhood
16 and then we'll move into his teenage years, you went
17 through a lot of examples -- I'm not going to rehash
18 them -- that sometimes he would overreact to things or
19 didn't want to do things; is that right?

20 A Yes.

21 Q And that he would overreact when he didn't get
22 what he wanted, right?

23 A Correct.

24 Q Okay. Sounds -- what age was it that he was
25 doing this?

1 A I can't remember.

2 Q Okay. You said he was obsessed with video games
3 and football and all of that. Normal childhood likes;
4 wouldn't you say? A boy liking video games, a boy liking
5 football, that's unusual to you?

6 A No.

7 Q Okay. Throughout his education, you would agree
8 that he skipped school a lot, right?

9 A I didn't say a lot. He skipped school one -- or
10 several times, but not a lot.

11 Q All right. When you met -- did you continue to
12 meet with teachers and check in with them throughout the
13 course of his education?

14 A When I could, yes.

15 Q And did they indicate to you that he was absent
16 from class a lot?

17 A No, they didn't.

18 Q Okay. They never told you that he was not going
19 to class?

20 A No, they didn't.

21 Q All right. You -- if it was in the school
22 records that that was occurring, would that surprise you?

23 A No.

24 Q Okay. You said you decided to homeschool your
25 son because of problems in public school. Were those

1 behavioral problems?

2 A Sometimes.

3 Q All right. When he was at Johns Hopkins Middle
4 School, you said that there was some issues there, right?

5 A He had some issues.

6 Q Okay. In fact, he was going out and checking
7 for key fobs in people's cars with other students, wasn't
8 he?

9 A Yes, he was.

10 Q Okay. So that's the type of situation and
11 problems that he was getting into at that middle school,
12 right?

13 A Yes.

14 Q Okay. You've spoken since your son has been
15 arrested, about two and a half years. You talk to him a
16 lot on phone calls, right?

17 A Yes.

18 Q And you do a lot of video visits with him,
19 right?

20 A I do several.

21 Q Okay. About a year ago you two, not
22 extensively, but you would talk about upcoming court dates
23 and things like that, right?

24 A He would mention court dates.

25 Q He would mention the court dates to you, right?

1 A Uh-huh.

2 Q Okay. You guys don't talk about court dates
3 anymore since his return from the state hospital this last
4 visit, right?

5 A I haven't talked to him on the video call since
6 June.

7 Q I'm sorry?

8 A I haven't talked to him on a video call since
9 June.

10 Q Since he got back, though, there is a chunk of
11 time -- he got back around February, March time -- you
12 have talked a lot, right?

13 A Yes, I have.

14 Q You do about one video visit a month with him
15 since he's been back from the state hospital; is that
16 fair?

17 A I try to.

18 Q All right. And you do those from home because
19 the jail allows you to do that remotely now?

20 A Yes.

21 Q For an easier convenience for family members to
22 talk to inmates, right?

23 A Uh-huh.

24 Q Yes? Sorry. You just have to say yes or no
25 for --

1 A Yes.

2 Q Okay. And when you do talk to your son, he
3 understands how the video visits work, right?

4 A Yes, he does.

5 Q And you don't have to talk slow to him for him
6 to understand what you're saying; isn't that right?

7 A No, I haven't been talking slow to him.

8 Q You just speak like we're talking right now.
9 You speak your normal speech pattern with him, right?

10 A Yes.

11 Q And you ask him questions about if he's eating,
12 if he's sleeping, right?

13 A Yes.

14 Q And he asks you questions about how you're doing
15 and how your family members are doing, right?

16 A I bring up the conversation about family
17 members. He's never asked me.

18 Q All right. Sometimes when you do those video
19 visits from your home, you have people over during those
20 calls, right?

21 A Yes.

22 Q And your son shows an interest in seeing those
23 people and knowing who's over, doesn't he?

24 A Yes.

25 Q And it actually -- he seems happy to talk to

1 those people and ask them questions about what they're up
2 to, right?

3 A Yes.

4 Q He's interested in that?

5 A Yes.

6 Q You're remodeling your home currently? You've
7 been in the process of remodeling your home; is that
8 right?

9 A Yes, I have.

10 Q And you spend the majority of those video visits
11 showing your son the remodeling you've been doing, right?

12 A Yes.

13 Q And he understands what you're showing him and
14 the rooms that are being remodeled, and you're actually
15 doing an addition to your house, right?

16 A Yes.

17 Q And he has no trouble following you when you're
18 talking about that, right?

19 A Sometimes he does.

20 Q Okay. Well, he never says to you, I don't
21 understand, Mom, does he?

22 A He never did.

23 Q In fact, in all the jail calls and the video
24 calls on any topics that you two are having, he has never
25 once said to you, I don't understand, Mom, has he?

1 A No, he hasn't.

2 Q You are the one who will tell him that he
3 doesn't understand something, aren't you?

4 A It just depends on what it is.

5 Q Okay. But you are the one who, if any topic
6 comes up, whether it's court or what's going on with him
7 at the state hospital, you initiate and say to him, Well,
8 you don't understand that. I'll look into it. Right?

9 A Sometimes I do.

10 Q Okay. You are a religious person, right?

11 A Yes.

12 Q You encourage your son to read the bible in the
13 jail, don't you?

14 A Yes.

15 Q He can read, can't he?

16 A Just depends on what it is.

17 Q Okay. But he can read the bible?

18 A He can't read that bible.

19 Q He can't?

20 A He says he can, but I assure you he cannot.

21 Q All right. But you're telling him to read?

22 A I'm telling him to read the best he can.

23 Q All right. He tells you how he's watching TV at
24 the jail and he's eating. He goes through all those steps
25 when you ask him how he's doing, right?

1 A Yes.

2 Q He knows when your birthday is, right?

3 A Yes, he does.

4 Q And he has an interest in what you're doing for
5 your birthday, where you're going to dinner and all that,
6 right?

7 A Yes, he asks me that.

8 Q You guys can talk back and forth and have a
9 conversation that -- those video visits last a little
10 under an hour, don't they?

11 A About 40 -- 35 to 40 minutes.

12 Q And, in fact, when it come to just his life in
13 the jail, he understands how the commissary works, doesn't
14 he?

15 A Yes, he does.

16 Q You two have a lot of back and forth about -- I
17 think in the beginning you would send him some packages,
18 and you may still do that, but he understand when -- how
19 that works and when he receives a package, doesn't he?

20 A Yes.

21 Q He understands commissary and putting money on
22 the account so he can buy items and also talk to you on
23 the phone, doesn't he?

24 A Just for the commissary. I have to put the
25 money on the phone.

1 Q He understands what time he's allowed to talk on
2 the phone and what time he's not allowed to talk on the
3 phone in the jail, doesn't he?

4 A Yes.

5 Q In fact, he was able to tell you how the time
6 changed once he got back to the jail from the state
7 hospital, didn't he? That was probably a poor question.
8 Let me rephrase it. At the state hospital he had certain
9 hours that he could talk to people, right?

10 A I guess that's how it works there, yes.

11 Q Okay. And that's different from at the jail?

12 A Yes, it is.

13 Q And he was -- I'm sorry. I don't want to cut
14 you off. What was that?

15 A I guess so.

16 Q Okay. And he understood the process at each
17 facility and the time constraints when he could speak to
18 his mom, right?

19 A Yes.

20 Q And, in fact, on your visits, you were the one
21 to say to him I know you are down and depressed and not
22 eating. Thomas isn't saying that to you, is he? You're
23 telling him that that, that he's sad.

24 A I'm saying that to him. The last conversation
25 we had, he told me he wasn't eating on his own.

1 Q But he's never said, I'm depressed, Mom, has he?

2 A At some point he has said that sometimes.

3 Q Okay. You went through with defense he has --
4 he has worked since high school since he turned 18, right?

5 A Yes.

6 Q And she went through a few examples, but it
7 sounds like, basically, if your son's not happy or has a
8 disagreement, he just walks off from the job, doesn't he?

9 A He would call me.

10 Q Okay. He's not getting fired from these jobs,
11 right? Have you ever heard that he's gotten fired from a
12 job?

13 A Yes, I have.

14 Q Okay. The jobs we were talking about with Waste
15 Management and everything, he was walking away because he
16 didn't like one of the employees, right?

17 A I believe they told him he was fired. I'm not
18 sure. I was not there.

19 Q Okay. You and I spoke back at the beginning of
20 this case after your son was arrested, right?

21 A Yes, we did.

22 Q And I asked you the circumstances during that
23 statement of where he worked and what happened with those
24 jobs, right?

25 A I don't recall you asking me that.

1 Q Okay. You never told me he was fired from that
2 job?

3 A I never recalled you talking about that.

4 Q Okay. You talked about his two suicide attempts
5 when he was in his teens. The night of why we're here, he
6 showed up on your door with his hands cut, right?

7 A Yes, he did.

8 Q Okay. Bleeding pretty badly?

9 A I'm sorry?

10 Q His hands were bleeding pretty badly, weren't
11 they?

12 A They were bleeding. I didn't even look at his
13 hands that night.

14 Q Okay. And in that instance he told you that he
15 had cut his hands himself, right?

16 A No, he did not tell me that.

17 Q He didn't tell you that he did that because he
18 didn't want to live anymore?

19 A He did not tell me that.

20 Q What part?

21 A He did not tell me any of that.

22 Q Okay. So you're saying you've never told me
23 before that he said he did that to himself because he
24 doesn't want to live anymore?

25 A He didn't tell me that.

1 MS. RUSSELL: Objection. Asked and answered.

2 THE WITNESS: He told his brother that.

3 THE COURT: Overruled.

4 THE WITNESS: He didn't tell me directly
5 that --

6 THE COURT: All right.

7 THE WITNESS: -- until one of his --

8 THE COURT: I need one at a time, please. The
9 objection is overruled.

10 The answer is, ma'am?

11 THE WITNESS: No, he did not tell me that.

12 THE COURT: He told?

13 THE WITNESS: One of his brothers.

14 BY MS. SULLIVAN:

15 Q At what point in time did he tell one of his
16 brothers that?

17 A I'm not sure.

18 Q Was it on that night?

19 A I don't recall.

20 MS. RUSSELL: Objection. She said she wasn't
21 sure.

22 THE COURT: Let's move on.

23 BY MS. SULLIVAN:

24 Q He was Baker Acted the night that he showed up
25 at your house with his hands bleeding, right?

1 A When I went to the emergency room, the doctor
2 came -- the emergency doctor came and said that he was
3 gonna Baker Act him.

4 Q Okay.

5 A That's what he told me.

6 Q All right. Because he had told them that the
7 wounds were self-inflicted?

8 A I don't know what he told them.

9 Q Okay.

10 A But I know when I went down, the ER doctor told
11 me they were gonna Baker Act him.

12 Q All right. You said that you didn't think he
13 could live independently and that he had lived with you
14 throughout his life until his arrest. In fact, he had
15 moved in with Pashun three weeks before his arrest, hadn't
16 he?

17 A That's what I was told, but he didn't tell me
18 that himself that he moved with her.

19 Q Okay. That's what you were told. He lived with
20 you before, right?

21 A Yes.

22 Q Did you notice three weeks up to his arrest that
23 he was no longer living with you?

24 A He was in and out.

25 Q Okay.

1 A I didn't have a definite answer that he was
2 living with her.

3 Q Okay. Again, you spoke to me. You gave a sworn
4 statement. You raised your hand. You said -- you swore
5 to tell the truth, and you told myself and Ms. Ellis that
6 were there that three weeks before his arrest he had moved
7 in with Pashun and Taylen, didn't you?

8 MS. RUSSELL: Objection.

9 THE WITNESS: I don't recall.

10 MS. RUSSELL: Objection. If she's gonna
11 impeach, we'd like to see what she's impeaching
12 with, please.

13 THE COURT: Okay. Do you have a sworn
14 statement?

15 MS. SULLIVAN: I do.

16 THE COURT: Would you show Ms. Russell,
17 please.

18 MS. SULLIVAN: Yeah.

19 She's objecting to the impeachment.

20 THE COURT: Okay. Your question was what?

21 MS. RUSSELL: Your Honor --

22 THE COURT: Let me -- I need to hear the
23 question.

24 MS. SULLIVAN: Well, I've been asking her
25 about --

1 THE COURT: Whether or not --

2 MS. SULLIVAN: He was living with Pashun and
3 Taylen the three weeks before his arrest.

4 THE COURT: Correct.

5 MS. SULLIVAN: And she objected.

6 THE COURT: And her answer was he comes and
7 goes. She's not really sure. And I think you were
8 trying to be a little more specific about that.

9 MS. SULLIVAN: Uh-huh.

10 THE COURT: And so the objection is what?

11 MS. RUSSELL: First of all, the objection is
12 it's improper impeachment because it's not really a
13 direct -- it's not really a direct conflict in the
14 testimony. The second is that this is -- this
15 whole line of questioning is far outside the scope
16 of the direct exam.

17 THE COURT: Okay. Overruled. So do you want
18 to ask your question again for us?

19 MS. SULLIVAN: Yes.

20 BY MS. SULLIVAN:

21 Q So I believe where I stopped was I was reminding
22 you that you gave us a sworn statement back right after
23 your son was arrested in this case, right? Do you
24 remember that?

25 A I remember coming in, yes.

1 Q Okay. And a court reporter was there and you
2 swore to tell the truth, right?

3 A Correct.

4 Q And we were -- we talked about a lot of things
5 that day, but one of the things that I asked you was
6 whether or not your son had moved in with Pashun and
7 Taylen in Pashun's apartment the three weeks leading up to
8 this -- his arrest. Do you recall that?

9 A I don't recall that.

10 MS. SULLIVAN: If I may approach with the
11 sworn statement?

12 THE COURT: Yes. Line and page, please.

13 MS. SULLIVAN: So I'm on page 16, starting at
14 line 9.

15 THE COURT: And that is a sworn statement with
16 the date on the cover being what?

17 MS. SULLIVAN: April 13th, 2023.

18 THE COURT: Thank you.

19 BY MS. SULLIVAN:

20 Q So here's my question. Have you had an
21 opportunity to read that?

22 A Yes.

23 Q Okay. Do you recall you and I having that
24 conversation?

25 A Maybe, maybe not. I'm not sure.

1 Q Okay. And we even talked about that your son
2 had brought a TV over to Pashun's apartment, right?

3 A He took TVs out, yes.

4 Q Okay. From his bedroom at your house?

5 A Correct.

6 Q Okay.

7 MS. SULLIVAN: May I have a moment,
8 your Honor?

9 THE COURT: Yes.

10 MS. SULLIVAN: Nothing further. Thank you.

11 THE COURT: Any redirect?

12 MS. RUSSELL: Briefly, your Honor.

13 **REDIRECT EXAMINATION**

14 BY MS. RUSSELL:

15 Q Mrs. Mosley, you homeschooled Thomas?

16 A Yes.

17 Q And so you tried to teach him?

18 A Yes, I did.

19 Q During the time that you homeschooled him, did
20 he ever tell you that he didn't understand?

21 A Yes, he did.

22 Q How often?

23 A All the time.

24 Q And what kinds of things would he say that he
25 didn't understand?

1 A It was a computer basis, things on the computer,
2 like the different subjects and stuff, the reading part.

3 Q Anything else?

4 A Pretty much all the academics, the reading, the
5 math, the writing.

6 Q So what did you do to try and help him
7 understand?

8 A I tried to assist him, like tried to give him
9 proper tools for him, like different books and stuff.

10 Q He skipped some school in high school, right?

11 A I'm not aware of him skipping school in high
12 school. I know he skipped a couple of times in
13 Johns Hopkins Middle.

14 Q When he was in elementary school, though,
15 back --

16 MS. RUSSELL: May I approach, your Honor?

17 THE COURT: Yes.

18 BY MS. RUSSELL:

19 Q Back when he was this age, his attendance at
20 elementary school was very good, right?

21 A Yes.

22 Q And back then he had trouble asking for help?

23 A Correct.

24 Q Has he had trouble asking for help his entire
25 life?

1 A I believe he has.

2 Q With the commissary and sending packages, what
3 does Thomas have to do for getting a package?

4 A I'm not sure he has to do anything. I think I
5 just send the packages. I call the people, they send the
6 package, take it out there to the facility and call his
7 name, I believe.

8 Q So he doesn't have to order the package or send
9 you a link to order the package or anything like that?

10 A No, he doesn't.

11 Q He just receives it?

12 A Correct.

13 Q Easy.

14 A (No verbal response).

15 Q Now, you've known Thomas his entire adult life
16 and his entire child life from birth to now, right?

17 A Yes.

18 Q How is it that you know that he doesn't
19 understand?

20 A Because that's my son. I know what he
21 understands. At times I know he doesn't. He can just be
22 saying it and still don't understand it.

23 Q All right.

24 MS. RUSSELL: May I have a moment?

25 THE COURT: Yes.

1 MS. RUSSELL: All right. Thank you. No
2 further questions.

3 THE COURT: Can she be released?

4 MS. RUSSELL: As far as we're concerned, yes.

5 THE COURT: Ma'am, thank you for your time.

6 THE WITNESS: You're welcome.

7 THE COURT: Okay. So when is the next time we
8 get together?

9 MS. SULLIVAN: Thursday morning, your Honor.

10 MS. RUSSELL: Yes.

11 THE COURT: Okay. And that is the order to
12 show cause for Dr. Torrealday?

13 MS. SULLIVAN: Yes.

14 THE COURT: And then you-all are going to
15 email a schedule for August 19, 20 and 21, and talk
16 to Dr. McClain some more.

17 MS. RUSSELL: Is it okay -- yeah, I'm going to
18 talk to Dr. McClain. Is it okay if we don't maybe
19 get that till Thursday if I'm having trouble --

20 THE COURT: Oh, yeah. Thursday would be
21 great.

22 MS. SULLIVAN: And I think the only thing we
23 had to settle on was also what time your
24 Dr. Whitney is going to be here on Wednesday.

25 MS. RUSSELL: I guess the Court is open from

1 Wednesday until 11:00 --

2 THE COURT: Whenever I'm done with the
3 calendar. Again, same as last time. I'm yours for
4 all three days. Whatever you need. Just agree
5 with each other, email a schedule like you did last
6 time. I'll put it on the calendar and I'll be
7 here.

8 MS. RUSSELL: That's fine.

9 THE COURT: My preference would be, like I
10 said, Thursday, the 21st, in the afternoon we
11 entertain closing arguments. All right? But, you
12 know, I'll make it work.

13 MS. RUSSELL: Thank you.

14 THE COURT: How many pretrials do I have
15 Wednesday morning on the 20th?

16 THE CLERK: You have four motions, 22
17 pretrials, one trial set.

18 THE COURT: That trial's not going if it's on
19 the calendar.

20 MS. ELLIS: Your Honor, are you going to have
21 Dr. Torrealday served for the 14th at 8:30 in the
22 morning through the Court? We have her under
23 subpoena for the 19th, I believe, for the
24 testimony, but we did not serve our subpoena for
25 the 14th.

1 THE COURT: I served her for the 1st. So I
2 need to contact the Sheriff's Office to make sure
3 she is scheduled for the 14th. You-all seem to be
4 in communication with her, so to the extent that
5 you can --

6 MS. SEIFER-SMITH: We've alerted her about the
7 hearing on Thursday morning and we've sent her a
8 subpoena for the deposition on that afternoon.

9 THE COURT: Okay.

10 MS. SEIFER-SMITH: I haven't heard anything
11 from her. I think she's traveling today. I don't
12 know if she responded yesterday.

13 MS. SULLIVAN: No. I think before you popped
14 in today, I had let her know I've sent an email to
15 her twice now letting her know about Thursday.

16 THE COURT: Okay. This is one of those
17 strange positions that I'm in. I send the subpoena
18 to the Sheriff's Office, and I have no way of
19 knowing what's happening there. All right? So it
20 is what it is at this point. But if she's been --
21 so you don't even know if she's received the
22 subpoena for Thursday afternoon, then?

23 MS. SEIFER-SMITH: We just sent it by email
24 since it's so close in time.

25 THE COURT: Okay. All right.

1 MS. SEIFER-SMITH: She had indicated -- I'm
2 sorry. I just don't know at this point --

3 THE COURT: Okay. Fair enough.

4 MS. SEIFER-SMITH: -- whether or not we can
5 expect her or not.

6 THE COURT: Fair enough. We're all going to
7 find out together Thursday morning. I mean, I
8 don't have any -- I need to stay in my lane, right?
9 And my lane doesn't involve investigatory work
10 and/or trying to get law enforcement to do things
11 for me. I send a subpoena. It gets served or it
12 doesn't. So we'll find out on the 14th. All
13 right? Thank you, everybody.

14 MS. SULLIVAN: Thank you.

15 MS. RUSSELL: Thanks, your Honor.

16 (RECESS)

17 * * *

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Carla Jessal, Registered Professional Reporter,
certify that I was authorized to and did stenographically
report the foregoing proceedings and that the transcript
is a true record.

DATED this 3rd day of September, 2025.

/s Carla Jessal

Carla Jessal

Registered Professional Reporter