

HARDEE COUNTY SHERIFF'S OFFICE  
INTERNAL AFFAIRS INVESTIGATION

16-12-0001

TRANSCRIBED BY:

KIM PFEIFFER

DECEMBER 26, 2016

JS: DETECTIVE LIEUTENANT JOHN SHIVERS

ML: DETECTIVE MICHAEL LAKE

JS: THIS INTERVIEW IS TAKING PLACE AT THE HARDEE COUNTY SHERIFF'S OFFICE, TODAY'S DATE IS DECEMBER THE 22<sup>ND</sup>, 2016, THE TIME IS APPROXIMATELY 2:13 P.M. UM, IT'S IN REGARDS TO INTERNAL INVESTIGATION NUMBER 2016-12-001. UH, IT'S BEING CONDUCTED BY LIEUTENANT JOHN SHIVERS AND THE PERSON TO BE INTERVIEWED IS DETECTIVE MICHAEL LAKE. IF YOU WOULD, MICHAEL, RAISE YOUR RIGHT HAND FOR ME. YOU SWEAR AND AFFIRM THE STATEMENT YOU'RE ABOUT TO MAKE WILL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

ML: SO HELP ME GOD

JS: OK, JUST GIVE YOU THE OPPORTUNITY TO TELL ME ABOUT SATURDAY EVENING AND THE CRASH AND YOU KNOW

ML: OK, VICTORIA SHOWS UP AT THE HOUSE, WE HAD PLANNED FOR HER TO COME OVER, VICTORIA SHOWS UP, SHE WAS THERE BECAUSE SHE'S FRIENDS WITH MY WIFE, I KNOW THERE'S RUMORS FLYING AROUND THAT THERE'S, THAT I'M ALLEGEDLY HAVING RELATIONS WITH HER, BUT

JS: JUST FAST FORWARD A LITTLE BIT

ML: OK, VICTORIA SHOWS UP AT MY HOUSE

JS: OK

ML: TO GET HER CHRISTMAS PRESENTS, SHE GETS HER CHRISTMAS PRESENTS AND I ASK HER TO RUN ME TO THE STORE, SHE GETS IN THE CAR, WE GO DOWN THE ROAD, SHE, AND THERE'S NO WAY AROUND TO SAY THAT SHE WASN'T SPEEDING CAUSE SHE WAS, WE WERE, WE WERE LISTENING TO A SONG AND I WAS DOING HER STUPID LITTLE DANCE THAT SHE DOES, CAUSE SHE, WE HANG OUT WITH HER A LOT, SHE'S FRIENDS WITH MY WIFE, I WAS DOING HER STUPID LITTLE DANCE, I DON'T KNOW IF SHE'S LOOKING AT ME, I DON'T KNOW WHAT, BUT BY THE TIME I LOOK UP I KNEW WE WERE, YOU KNOW, IT'S GETTING CLOSE TO THE END OF THE ROAD, I'VE LIVED THERE MY WHOLE LIFE, I SAID I THINK I GOT OUT OF MOUTH CURVE, AND I REMEMBER THINKING GRAB THE WHEEL, AND I, I DON'T KNOW IF I RAISED MY HAND OR NOT, I CAN'T AND BAM AND CAR'S SLAMMED FULL OF SMOKE

JS: OK

ML: BUT VICTORIA, VICTORIA WAS NOT DRINKING AT MY HOUSE AND IF SHE HAD BEEN DRINKING BEFORE THAT, I DON'T KNOW, I ASKED MY WIFE I SAID, BECAUSE WHEN SHE FIRST GOT THERE, SHE HUGGED MY WIFE, THEY'RE FRIENDS, OK

JS: UH HUH

ML: SHE HUGS MY WIFE, WHEN, AFTER THIS WAS ALL OVER I SAID JESSICA DID YOU SMELL ANYTHING ON HER? SHE SAID NO. SO I DON'T KNOW, I DIDN'T SMELL ANYTHING, BUT WITH THAT BEING SAID, I HAD HAD THREE, THREE AND A HALF, FOUR AND A HALF BEERS BEFORE VICTORIA EVER GOT THERE, AND I STOPPED BEFORE VICTORIA GOT TO MY HOUSE, I WAS BEEN AT PATRICIA'S HOUSE ALL DAY EATING JUNK FOOD, SO I WAS FULL

JS: OK, WELL HOW FAST DO YOU THINK MAYBE SHE WAS GOING, AS SHE WAS GOING DOWN THE ROAD?

ML: LIEUTENANT I, I REALLY, I REALLY DON'T KNOW, I CAN'T SAY SPECIFICALLY, I KNOW SHE WAS GOING WAY TOO FAST, I, I, THERE

JS: NOW, DID SHE, YOU, AND THIS IS KIND OF IRRELEVANT TO WHAT I'M REALLY FOCUS, MY REAL FOCUS, BUT JUST OUT OF CURIOSITY AND LOOKING AT ONE OVER TO WITH, UH, THE CRASH SCENE AND PEOPLE ONE SAYING THIS AND THEN ONE SAYING THAT HAD TO BE GOING THIS FAST, NO COULDN'T HAVE BEEN GOING THAT FAST, UH, DID SHE EVER RECOGNIZE SHE WAS MISSING THE CURVE? OR BASED ON WHAT YOU REMEMBER, RECOGNIZED?

ML: YOU KNOW IT HAPPENED, BY THE TIME I REALIZED THAT SHE WAS GOING TO FAST AND THAT WE WERE, THE CURVE WAS RIGHT THERE, I, I, I KNOW SHE HAD TO RECOGNIZE THE CURVE, BECAUSE SHE, IF, IF YOU GO STRAIGHT DOWN THAT ROAD AND YOU GO THERE'S A VAN RIGHT THERE

JS: YEAH

ML: SO, SHE HAD TO HAVE SEEN THE CURVE, BECAUSE SHE VEERED RIGHT, TO THE POLE

JS: OK

ML: I MEAN, I FEEL LIKE, YOU KNOW, I, I DON'T WANT ANYBODY TO GET IN TROUBLE AND YOU KNOW OBVIOUSLY I CAN'T SIT HERE AND SAY THAT SHE WAS GOING THE SPEED LIMIT, BUT I KNOW SHE WASN'T, ANYBODY THAT SAW THAT CRASH KNEW SHE WASN'T

JS: AND BASED ON THE, THE LOOKING AT THE CAR, AND THE SEATBELTS WASN'T IN USE

ML: YEAH, I KNOW THAT MY BACK HURTS SOMETHING AWFUL, SO

JS: WELL, YOU KNOW, AND I STARTED TO SAY SOMETHING, BUT I'LL, I'LL DO THAT AFTER, CAUSE IT'S IRRELEVANT TO MY INVESTIGATION, UM, SO YOU DIDN'T SEE HER CONSUME ANY ALCOHOL, SHE WASN'T DRINKING AT YOUR HOUSE?

ML: NOT IN MY HOUSE SHE WASN'T

JS: OK, AND DID SHE, WHEN, LET ME KIND OF ASK THIS QUESTION, HOW LONG WAS SHE THERE BEFORE Y'ALL LEFT? OR BASICALLY, YOU KNOW, TEN MINUTES, HOUR?

ML: NO, SHE HAD BEEN THERE A WHILE, BECAUSE WE WERE, WE WERE TALKING THIS AND THAT YOU KNOW TALKING ABOUT WORK, AND TALKING ABOUT

JS: DURING THIS PERIOD OF TIME DID SHE APPEAR TO BE INTOXICATED?

ML: NO, AND I HAVE SEEN VICTORIA INTOXICATED BEFORE SO AND SHE'S NOT A GOOD INTOXICATED PERSON, SO I WOULD THINK THAT I WOULD'VE RECOGNIZED IF SHE WAS INTOXICATED

JS: OK, UM

ML: I'VE, I'VE

JS: AND Y'ALL GO OUT AND GET IN THE CAR AND SHE'S DRIVING, CORRECT?

ML: YES

JS: OK

ML: IT'S HER CAR, HER OWN

JS: AND, AND I ASK YOU THAT QUESTION REAL DIRECTLY CAUSE I'VE INTERVIEWED SOME PEOPLE DOWN THERE THAT WAS UNDER THE IMPRESSION SHE WAS IN THE PASSENGER SEAT

ML: NO, NO, NO, NO SHE WAS IN THE DRIVER'S SEAT, SHE WAS  
DRIVING, OK

JS: TELL ME ABOUT WHEN YOU, WHAT HAPPENED WHEN AFTER  
YOU HIT THE POLE, WHAT DO YOU DO?

ML: OK, THE POLE, WE HIT THE POLE, AND THE CAR IS JUST FULL  
OF THE, THE, THE

JS: AIRBAGS

ML: AIRBAG DUST

JS: YEAH

ML: AND I REMEMBER SITTING IN THERE MY THROAT WAS BURNING  
AND MY, MY NOSE WAS BURNING, MY CHEST WAS BURNING,  
AND I LOOKED OVER AT VICTORIA AND SHE'S WEARING  
SHORTS AND HER LEFT KNEE IS BLEEDING DOWN

JS: UH HUH

ML: SHE GETS, I FINALLY GET THE DOOR, THE PASSENGER DOOR  
OPEN AND I CLIMB OUT, AND VICTORIA CLIMBS OVER INTO  
THE PASSENGER SEAT AND I CARRIED HER FROM THE  
PASSENGER SEAT AND AT THAT POINT SKYLAR WAS THERE SO  
THE DASH CAMERA VIDEO SHOULD SHOW ME PICKING HER UP  
OUT OF THE PASSENGER SEAT, I PICKED HER UP, AND I

JS: WELL AND THAT, THAT'S YOU KNOW, BASED ON WHAT, THAT  
WITNESS, YOU KNOW, PERCEIVED, UH, THAT SHE WAS IN THE

PASSENGER BECAUSE SHE'S IN THE PASSENGER SEAT WHEN  
SHE GETS AROUND THERE

ML: SHE COULDN'T GET HER DOOR OPEN, I GUESS, I DON'T KNOW,  
BUT I PICKED HER UP OUT OF THE PASSENGER SEAT, YES I DID

JS: OK

ML: BUT I GOT OUT THE PASSENGER DOOR, SHE CLIMBED OVER  
AND I PICKED HER UP

JS: OK, WHAT DID, AND SKYLAR'S ALREADY THERE AT THIS POINT

ML: BY, WHEN I PICKED, WHEN I PICKED

JS: YEAH

ML: VICTORIA UP

JS: SO YOU'RE, BY THE TIME YOU GET YOUR DOOR OPEN AND SHE  
GETS OVER THERE, SKYLAR'S ALREADY ROLLING UP, CAUSE I  
CAN SEE, YOU, YOU CAN SEE ON THE VIDEO THAT, YOU KNOW,  
WHAT YOU'RE SAYING I AIN'T, YOU KNOW, I AIN'T ARGUING OR  
AIN'T ARGUING WITH YOU ABOUT ANY OF IT, I'M JUST TRYING  
TO MAKE SURE YOU KNOW, UH, UNDERSTAND WHAT  
HAPPENED, UH, UH

ML: YEAH, CAUSE I PICKED HER UP OUT OF THE PASSENGER SEAT  
AND BECAUSE SHE HAD BLOOD, I DIDN'T KNOW WHAT HER  
INJURIES WERE, PICKED HER UP, I TURNED AND SKYLAR WAS

SAYING SOMETHING I DON'T KNOW WHAT SKYLAR WAS  
SAYING

JS: WELL, AND, AND I DON'T KNOW HOW LONG IT TOOK BEFORE,  
IT WAS, TIME THE CRASH WAS CALLED IN AT 3:20 OR 3:21  
RIGHT IN BETWEEN THAT MINUTE AND SHE DOESN'T TAKE A  
10-97, SHE SAYS SOMETHING A LITTLE BIT LATER, I THINK IF I  
REMEMBER CORRECTLY, UM, I DON'T NEVER HEAR HER TAKING  
A 10-97 ON THE RADIO TRAFFIC, BUT BEFORE HER NEXT  
TRANSMISSION THAT I, THAT'S ON THE RADIO, IS THAT Y'ALL  
ARE OK, SHE'S GOT YOU AND Y'ALL ARE OK, AND THAT'S WHEN  
Y'ALL ARE STILL UP AT THE CAR, IF I REMEMBER CORRECTLY,  
BUT YOU KNOW THERE WAS, YOU KNOW, FROM WHAT THAT  
KID SAW, WAS YOU EVIDENTLY ALREADY GOT OUT, CAUSE, UH,  
AND SHE HAD SLID OVER

ML: UH HUH

JS: OR WAS CRAWLING OUT THAT DIRECTION, AND THAT'S WHAT  
HE SAW, SO HE ASSUMED SHE WAS IN THE PASSENGER SEAT

ML: NO, SHE, YOU KNOW, SHE WAS DRIVING

JS: AND SHE WOULD'VE BEEN AT THAT POINT

ML: YEAH SHE WAS, I MEAN

JS: OK

ML: SHE WAS IN THE PASSENGER SEAT, I PICKED HER UP, I TURNED AND SKYLAR IS YELLING SOMETHING AND I YELLED SOMETHING BACK TO SKYLAR

JS: TOLD HER TO SHUT THE HELL UP

ML: WELL I WASN'T GOING TO SAY THAT, BUT AND, AND I WASN'T BEING MEAN, I REALLY WASN'T I WAS JUST

JS: I KNOW

ML: THERE WAS A HUNDRED THINGS GOING ON IN MY MIND RIGHT NOW, RIGHT THEN AND I CARRIED HER UNTIL SKYLAR GOT THERE AND I DIDN'T WANT TO HAND HER OVER TO SKYLAR BECAUSE I WANTED TO KEEP HER, I HAD HER, I WANTED TO KEEP HER, AND THEN WE MADE IT BACK TO SKYLAR'S CAR, OR SKYLAR PUT HER IN HER CAR, I WAS BEGGING FOR SOMETHING TO GET THAT STUFF OUT OF MY MOUTH, SOMETHING TO GET THE STUFF OUT OF VICTORIA'S MOUTH, THAT AIRBAG DUST, SKYLAR GAVE US HER JUG OF WATER, AND I THINK, I THINK ABOUT THAT TIME KEVIN SHOWED UP, I THINK KEVIN SHOWED UP THEN

JS: DID, DID ANY OF THE DEPUTIES THAT SHOWED UP SKYLAR, OR SERGEANT WHITE, OR GOINS, CRUZ, JOHNSON WAS THERE FOR A LITTLE WHILE, DID ANY OF THEM EVER TALK TO YOU ABOUT WHAT HAPPENED? THEY ASK YOU ANY QUESTIONS

ABOUT I MEAN, SPEC, YOU KNOW, THEY GOT BACK TO, UH,  
YOU KNOW ADMIN AND IN THE REPORTS SHE WAS DRIVING,  
BUT NOBODY (INAUDIBLE) I DON'T KNOW HOW THEY GOT THAT  
INFORMATION OR WHO IT CAME FROM

ML: I KNOW FIRE RESCUE ASKED US WHO WAS DRIVING AND  
WHEN, WHEN THEY WERE LOOKING AT VICTORIA'S LEG

JS: YEAH

ML: IN THE BACK SEAT OF THE CAR, IT WAS BILLY RESCHKE ASKED  
ME WHERE YOU THE PASSENGER? SO HE DIDN'T SAY WHO WAS  
DRIVING HE SAID WERE YOU THE PASSENGER AND I SAID  
YEAH

JS: OK

ML: UM, I, I, I REALLY DON'T REMEMBER IF ANY OF THE DEPUTIES,  
IF ANY OF THE DEPUTIES ASKED THE QUESTION OR NOT I JUST  
ASSUMED THEY KNEW SINCE IT WAS VICTORIA'S CAR  
VICTORIA WAS DRIVING, I MEAN, I

JS: HOW LONG, WELL, WE WENT OVER THERE, SO I WAS JUST  
TRYING TO GET MAYBE A TIMELINE HOW LONG SHE WAS AT  
YOUR, ACTUALLY AT YOUR HOUSE

ML: UH

JS: BEFORE Y'ALL LEFT

ML: I DON'T KNOW, WE HAD BEEN AT PATRICIA'S HOUSE THE MAJORITY OF THE DAY, I, I THINK, I THINK WE LEFT PATRICIA'S HOUSE, I DON'T KNOW, IT WAS, I DON'T KNOW, I REALLY, IT WAS EITHER FIVE, SIX, OR SEVEN I DON'T REMEMBER BECAUSE WE LEFT

JS: WAS IT DARK WHEN YOU LEFT PATRICIA'S?

ML: I DON'T THINK SO

JS: THAT'D BEFORE LIKE 5:30, 6 O'CLOCK THEN

ML: OK, I REMEMBER BECAUSE WE WERE TIMING IT, WE HAD TO BE AT PATRICIA'S HOUSE FOR SIX HOURS, BECAUSE THAT'S ABOUT THE LENGTH OF TIME I CAN LEAVE MY DOG AT HOME AND I HAVE TO LET HER OUT OR OTHERWISE I'M GONNA END UP CLEANING OUT HER PEN

JS: WELL

ML: SO WE GOT BACK AND IT WAS A WHILE BEFORE VICTORIA SHOWED UP AND I DON'T KNOW SHE WAS THERE A COUPLE HOURS I GUESS, SHE OPENED UP HER CHRISTMAS PRESENTS

JS: AND SHE DIDN'T DURING THAT PERIOD OF TIME YOU DIDN'T SHARE A BEER WITH HER OR

ML: I WAS DONE DRINKING BEFORE SHE GOT THERE, SO

JS: OK

ML: THERE WAS A HALF A BEER BECAUSE I DIDN'T FINISH ONE  
BEER BEFORE SHE GOT THERE, AND THERE WAS A HALF A BEER  
SITTING ON THE COUNTER AND IT WAS SITTING THERE THE  
NEXT DAY WHEN I WOKE UP

JS: OK

ML: SO SHE, IT'S NOT LIKE SHE SNUCK MY HALF A BEER OR  
SOMETHING WHILE I WASN'T LOOKING

JS: WELL

ML: IF

JS: WELL

ML: YOU KNOW, IF VICTORIA WAS DRINKING BEFORE SHE GOT  
THERE, I DON'T KNOW, I DIDN'T SEE HER DRINKING IN MY  
HOUSE, I DIDN'T SEE, THERE WAS NO ALCOHOL IN HER CAR,  
CAUSE I WENT BACK THE NEXT DAY OR THE DAY AFTER AND I  
TALKED TO MY DAD I SAID YOU KNOW WAS THERE SOMETHING  
IN THE CAR, CAUSE MY DAD HELPED LIEUTENANT WENDELL  
CLEAN THE CAR OUT, I SAID WAS THERE SOMETHING IN THE  
CAR AND HE SAID NO THAT THERE WAS A COOLER IN CAR,  
WHICH I'VE GOT AT MY HOUSE, BUT THERE WAS, IT WAS DRY,  
AND IT'S STILL AT MY HOUSE, SO, YOU KNOW I UNDERSTAND  
THAT ADMIN HAS TO ASK ALL THIS STUFF, BUT IT WAS JUST  
STUPIDITY IN MY OPINION, HALF ON HERS AND HONESTLY I

SHOULDN'T HAVE BEEN DOING HER LITTLE DANCE IN THE PASSENGER SEAT, BUT I BY THE TIME, LIKE I SAID, BY THE TIME I GOT OUT OF MY MOUTH, CURVE, IT WAS TOO LATE, AND I HONESTLY I, I REMEMBER THINKING THE CURVE IS COMING UP AND I REMEMBER SAYING CURVE AND I REMEMBER THINKING REACH FOR THE WHEEL AND I DON'T KNOW IF MY HAND MOVED OR NOT AND THEN IT WAS JUST BAM, THERE'S, THERE'S NO WAY TO SAY VICTORIA WAS DOING THE SPEED LIMIT CAUSE SHE WASN'T

JS: OK, AND

ML: I, BUT, I DON'T KNOW HOW FAST, I, EVEN THOUGH I'M RADAR CERTIFIED I WASN'T PAYING ATTENTION TO KNOW HOW FAST SHE WAS GOING

JS: OK

ML: IF I HAD TO ESTIMATE IT WOULD BE A HORRIBLE ESTIMATION AND IT WOULD BE BASED ON JUST GUESSING

JS: OK, IS THERE ANYTHING ABOUT THIS, IS THERE ANY OTHER THING, ANY DID SHE, HAS SHE OR ANYBODY ELSE THAT YOU'VE TALKED TO SINCE THE INCIDENT, INCIDENT, CRASH INDICATED TO YOU THAT SHE WAS UNDER THE INFLUENCE OF ALCOHOL?

ML: NO, LIKE I SAID I TALKED TO MY WIFE, MY WIFE SAID SHE DIDN'T SMELL ANYTHING, UM, AND I REALLY HAVEN'T, I'VE TALKED TO VICTORIA SOME, BUT THE MAJORITY HAS JUST BEEN CHECKING ON HER

JS: OK

ML: UM

JS: HAVE YOU DISCUSSED WHAT TOOK PLACE WITH ANYBODY ELSE?

ML: JUST, I'D CALL CLAY THAT NIGHT BECAUSE I HAD TO, I TALKED TO MY MOM AND DAD, MY MOM WAS FREAKED OUT BECAUSE SHE SAID FHP WAS OVER BY OUR HOUSE MEASURING THE ROADWAY AND YOU KNOW PROBABLY I'M GUESSING TO FIGURE OUT HOW FAST SHE WAS GOING, BUT I THEY'D BE BETTER AT THAT THAN ME

JS: YEAH ME TOO

ML: LIKE I SAID, I, I KNOW SHE WAS GOING TOO FAST, BUT TO GIVE YOU AN EXACT ANSWER I CAN'T DO IT

JS: BUT YOU'RE STAKING YOUR CAREER OVER THE FACT SHE WAS NOT DRINKING?

ML: SHE WAS NOT DRINKING AT MY HOUSE, IF SHE WAS DRINKING BEFORE SHE GOT TO MY HOUSE NOW, I DON'T KNOW, AND I DIDN'T SEE ANY INDICATION THAT SHE WAS AND YOU KNOW

WE WERE, HONESTLY I WAS WORRIED AS CRAP THAT NIGHT  
BECAUSE MY FIRST THOUGHT IS SHE'S ABOUT TO GO TO JAIL  
FOR RECKLESS, BECAUSE SHE WAS GOING SO FAST

JS: OK, ANYTHING ABOUT YOUR STATEMENT YOU'D LIKE TO  
CHANGE, ADD, OR DELETE? IT'S TRUE (INAUDIBLE) TRUE AND  
CORRECT TO THE BEST OF YOUR KNOWLEDGE?

ML: YES IT IS

JS: OK, I'M GOING TO END THE INTERVIEWED, THE TIMES 2:30  
P.M.