

*State
Class*

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

STATE OF FLORIDA,

CASE NUMBER(S)

14-005586CFAXWS

Plaintiff,

vs.

ADAM MATOS,

Defendant.

*Paula S. O'Neil
Clerk & Computer
Pasco County, Florida*

2017 NOV -9 PM 3:34

FILED FOR RECORD
PASCO COUNTY, FLORIDA

DEPOSITION OF: GARY HTICHCOCK

DATE: October 19, 2017

PLACE: West Pasco Judicial Center
7530 Little Road
New Port Richey, FL 34654

REPORTER: KARLA JOSEPHIK
Registered Professional Reporter
Notary Public
State of Florida at Large

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APPEARANCES

APPEARING ON BEHALF OF
THE STATE OF FLORIDA:

BRYAN SARABIA, Assistant State Attorney
Office of Bernie McCabe State Attorney
Sixth Judicial Circuit, Pasco County
New Port Richey, Florida

APPEARING ON BEHALF OF
THE DEFENDANT ADAM MATOS:

NICHOLAS MICHAILOS, Assistant Public Defender
Office of Bob Dillinger, Public Defender
Sixth Judicial Circuit, Pasco County
New Port Richey, Florida

* * *

1 THEREUPON,

2 GARY HITCHCOCK,

3 the deponent herein, being first duly sworn, was examined
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MICHAÏLOS:

7 Q Can you state your full name for the record?

8 A Gary Hitchcock.

9 Q And how are you employed?

10 A I'm an investigator with the Public Defender's
11 Office.

12 Q How long have you been with the Public
13 Defender's Office?

14 A Sixteen years.

15 Q All with the Office of Bob Dillinger?

16 A Yes.

17 Q Any prior law enforcement or investigating
18 experience?

19 A Twenty-eight years with the St. Petersburg
20 Police Department as a police officer.

21 Q What sort of investigations did you do as a
22 police officer?

23 A I was in patrol, then I was burglary detective,
24 then was a homicide detective. I was a field training
25 officer. I was a sergeant, lieutenant, major and

1 assistant chief. So I've done about all types of
2 investigations.

3 Q How long were you in the homicide investigation
4 unit?

5 A Four years.

6 Q Where did you finish your career with the St.
7 Petersburg Police Department?

8 A Retired.

9 Q But what --

10 A 2000.

11 Q What were your duties at the time?

12 A I was the assistant chief of criminal
13 investigation section. I was in charge of all the
14 detectives.

15 Q Okay. How did you get involved in the case
16 against Adam Matos?

17 A I have about eight or nine attorneys that assign
18 cases to me and Nick and Dean Livermore assigned me
19 request for investigation on a case.

20 Q How long have you been working on the Adam Matos
21 case?

22 A A couple of years.

23 Q In regards to Robert Dunlavey, have you come
24 into contact with a Robert Dunlavey?

25 A Yes.

1 Q How is that you developed Robert Dunlavey a
2 potential witness?

3 A Nick assigned me to interview him.

4 Q Okay. So you got the name directly from the
5 attorney?

6 A Yes.

7 Q Do you understand that Robert Dunlavey was not
8 on the witness list, so do you know how that name came to
9 your attention to be interviewed?

10 A Well, the way I understand it was, there is a
11 witness a Dunlavey that is listed as a state witness and I
12 did follow up with that investigation. I think it's
13 Robert's dad, correct? He's listed as a state?

14 Q Robert Dunlavey was listed as a state witness,
15 correct.

16 A That was the first person I was asked to contact
17 about the phone call. So when I contacted him that's how
18 I got his son's name, and I followed up from there.

19 Q When was the first time that you made contact
20 was Dunlavey?

21 A 6/19.

22 Q This year?

23 A Yes, sir.

24 Q And what was the nature of that contact, meaning
25 did you speak to him on the phone?

1 A I contacted him on the phone.

2 Q And what did you speak about with him at that
3 time?

4 A At first I was trying to clarify if he was the
5 one that made the phone call in reference to the victim
6 not being seen for a few days. During that phone call he
7 was not positive either way, but he thought it could have
8 been his dad that called.

9 From there we went on to discuss what his
10 recollection of the incident in the case was and that's
11 where I got his testimony.

12 Q What did he tell you specifically during that
13 phone call?

14 A You have my report, correct?

15 Q I do.

16 A So you pretty much know what my testimony is
17 going to be, because if I refer to that report and I have
18 today, there is nothing on that report that I would change
19 but I can tell you what I recall.

20 Q Please tell me what you recall?

21 A He advised that he knew Nick. That he lived
22 next to his dad, and at one time Nick had worked with him
23 in the landscaping business. He had a seen him on a
24 particular day and started talking with him and Nick had
25 called a cab and was going to go to pick up -- I think it

1 was a truck -- at a bar or certain location and so
2 Mr. Dunlavey offered to give him a ride.

3 During that ride they discussed Adam Matos, not
4 necessary by that name, but as a boyfriend of a woman who
5 was also Nick's girlfriend. And that he was going to have
6 to go over there and change the locks because she had
7 received a threat that the boyfriend, Matos, had
8 threatened to harm her and put a knife to her throat.

9 Mr. Dunlavey attempted to talk him out of really
10 changing the locks and suggested that he just him -- him
11 and her go away from that residence for a few days. And
12 he had made a statement that he heard Nick say that he was
13 shooting between the eyes if necessary, and that he would
14 defend the girlfriend if need be. He knew that Nick had a
15 gun. He had never seen it but he said he kept it in his
16 pocket.

17 Q Okay.

18 A Now, some of this, and I can refer back to each
19 report, some of it is just a combination of things that I
20 told you that he recall that he said and it could have
21 come out each day. One day he mentioned the fact that he
22 would shoot him to defend the girlfriend, and at one point
23 during one of the interviews he said he would shoot him
24 between the eyes.

25 Q Okay. When was the second interview?

1 A 8/24.

2 Q And did you have any contact with Robert
3 Dunlavey between 6/19 and 8/24 of 2017?

4 A No.

5 Q What were the circumstances of the second
6 interview, meaning phone, meeting him?

7 A It was in the office, in Nick's own office. He
8 had been called in and we just went over it again to
9 clarify some of the information. I took some notes and
10 did another report, and sat in on the interview between
11 Nick and Dunlavey.

12 Q Was there anything different or substantially
13 different about the statement Robert Dunlavey gave you the
14 second time, from the phone conversation?

15 A No.

16 Q I think you indicated previously the statements
17 that you attributed to Mr. Robert Dunlavey may be a
18 combination of the two interviews, so I assume the second
19 interview you would recount the same answer that you gave
20 previously in regards to what Robert Dunlavey said; am I
21 correct in that?

22 A Yes. For instance, I think it was the first
23 interview, he had mentioned things such as Nick was a nice
24 guy and that he was a tough guy and that he knew jujitsu.
25 I don't think he mentioned that in the second interview.

1 Q But that wasn't an inconsistency so much as just
2 different information provided.

3 A There was nothing really that inconsistent
4 between both statements.

5 Q Have you done any other work on the case?

6 A I served the subpoena to Mr. Dunlavey.

7 Q You haven't talk to any other witnesses?

8 A No.

9 Q Did you ever speak to Adam Matos?

10 A No.

11 Q Have you ever gone to any of the locations, the
12 criminal scene location or locations of interest in the
13 case to investigation this situation?

14 A No.

15 Q You indicated that you have been assigned the
16 case for about two years and you only came into contact
17 with Robert Dunlavey for the past three months, four
18 months, was there any other work that you did on the case
19 in the presiding year-and-a-half?

20 A I don't remember what it was. I was here for a
21 couple of years, about four years ago, and then I went
22 back to Pinellas, then I came back here and I've been here
23 about two years again, so it's like a total of four years.
24 There may have been a time, a couple of years ago, when
25 Dean asked me to obtain some photos or something of that

1 nature. As far as interviewing any potential witnesses,
2 no.

3 Q Have you taken any photos or made any video or
4 audio recordings in reference to this case, either with or
5 without Robert Dunlavey?

6 A No.

7 Q The conversations that you've indicated that you
8 had with Robert Dunlavey are they recorded in any way or
9 memorialized in any way, other than the reports that you
10 authored?

11 A No.

12 Q If you were called to testify in the case would
13 you have anything else that you would expect to be able to
14 offer other than what you already testified in the
15 deposition?

16 A No.

17 MR. SARABIA: All right. I don't have any more
18 questions.

19 MR. MICHAÏLOS: I have nothing.

20 (DEPOSITION CONCLUDED.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)
)
COUNTY OF PASCO)

I, the undersigned authority, certify that
GARY HTICHOCK personally appeared before me and was duly
sworn.

WITNESS my hand and official seal this

26 day of October, 2017.



KARLA JOSEPHIK, RPR
Notary Public - State of Florida
My Commission No.
Expiration:

STATE OF FLORIDA)
)
COUNTY OF PASCO)

I, KARLA JOSEPHIK, Registered Professional Reporter, certify that I was authorized to and did stenographically report the deposition of GARY HTICHCOCK; that a review of the transcript was not requested; and that the transcript is a true record thereof.

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

DATED this 26 day of October, 2017.


KARLA JOSEPHIK, RPR