

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,
Plaintiff,

Vs.

CASE NO.:2020-CF-3014

ASHELY C. BENEFIELD,
Defendant.

**MOTION TO DISMISS, REQUEST FOR DECLARATION OF IMMUNITY, AND
INCORPORATED MEMORANDUM OF LAW**

Ms. Benefield, by and through undersigned counsel and pursuant to *Rule 3.190(b)* of the *Florida Rules of Criminal Procedure*, *Florida Statutes* §§776.032(1),(4), 776.012(2), 776.013(1)(b)(2), 776.031(2), and *Dennis v. State*, 51 So. 3d 456, 462 (Fla. 2010), hereby moves for the following relief: (1) A judicial declaration of immunity, and (2) Dismissal of the instant charges. As grounds in support thereof, Ms. Benefield submits as follows:

HISTORY

After meeting in 2016, Douglas Benefield (the decedent) and Ashley were married, following a 13 day "whirlwind romance". Thirty years her senior, Mr. Benefield portrayed himself as, "Everything [Ms. Benefield] was waiting for her entire life." In reality, Mr. Benefield's presentation was a complete fraud. On the day of the homicide, September 27, 2020, Ms. Benefield knew the following about her then husband:

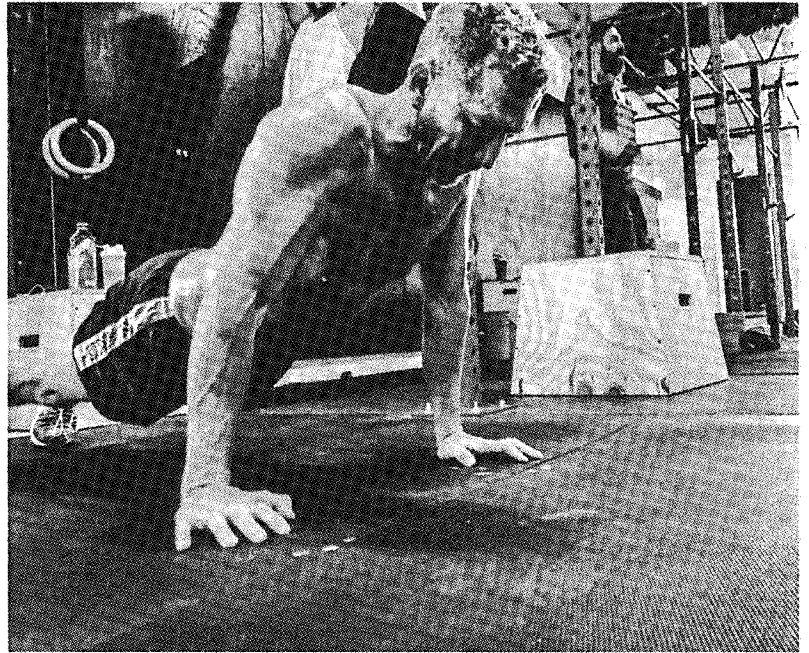
- A. He fired a handgun into the ceiling of their kitchen in an effort to intimidate her (Exhibit 1);
- B. He threw a loaded gun at her (Exhibit 2);

- C. He punched their dog in the face hard enough to render the canine unconscious (Exhibit 3);
- D. He regularly carried a loaded, concealed firearm;
- E. He unlawfully placed a tracker on her car, and Ms. Benefield frequently observed him tailing her car (Exhibit 4);
- F. He was caught by a neighbor, at night, standing in her backyard and peering into Ms. Benefield's home (Exhibit 5);
- G. He punched numerous holes in the wall of their home (Exhibit 6);
- H. His previous marriage had a history of domestic violence (Exhibit 7).

PERCEPTION

Following Ms. Benefield's initial departure from the marital home, in Charleston, South Carolina, on August 28, 2017, she returned to gather her belongings and moved into a home owned by her mother, in Manatee County, where the homicide took place. It is not difficult, given the history detailed above, to appreciate and understand why Ms. Benefield feared her husband.

While physical conditioning played a large role in Ms. Benefield's career as a ballerina, she was no match for Douglas Benefield. In sharp contrast to Ms. Benefield's lithe structure, Mr. Benefield was a former naval officer, admittedly skilled in hand to hand combat, who stood 5' 9", weighed 169 pounds, and was in prime shape (Exhibit 8, incorporated, below).



During their relationship, the Deceased frequently represented to Ms. Benefield that he worked for government agencies, such as the CIA, was a technical expert in advanced, classified fields (that required a security clearance), and trained with both active and retired Special Forces, in hand-to hand and close quarters' combat, at a secret location in the United States called, "The Ranch" (Exhibit 9). Moody and unpredictable, he would all too frequently vacillate between calm and rage, Ms. Benefield never knowing what would "set him off." He would often tell Ms. Benefield, "You haven't seen the warrior side of me and you never want to."

HOMICIDE

On Sunday, September 27, 2020, the deceased arrived at Ms. Benefield's residence, driving a U-Haul Truck, at approximately 5:30 pm. Ms. Benefield resided at

11331 White Rock Terrace, in Bradenton, with their minor daughter, and mother (Alicia Byers). In the weeks preceding the incident, Ms. Benefield, her mother, and daughter were preparing to move to Maryland. Mr. Benefield had taken a temporary, local apartment and he, too, was moving to Maryland, although it was made clear to him, and he understood, the parties would not be cohabitating upon their arrival at the new destination.

MATERIAL FACTS

1. As the Decedent arrived, Ms. Byers and the minor child were leaving the residence to walk to the neighborhood splash park. A brief acknowledgement between them and the Decedent took place.

2. Ms. Benefield was in the garage, packing items into boxes. After greeting one another, they engaged in a brief discussion about the pre-staged furniture and boxes in the garage that were ready to be loaded into the U-Haul.

3. While the Decedent began moving the pre-staged furniture and boxes into the U-Haul, Ms. Benefield started packing items that were in the rear of the garage (shelf area).

4. The Decedent's mood was consistent with his prior history; happy, hyper, and animated (arms and legs flailing) one moment, then agitated, sullen, and intimidating the next (annoyed that they had not already moved, with fixed, intense stares at Ms. Benefield).

5. A discussion ensued about the order the furniture should be loaded, to facilitate Ms. Benefield's belongings being unloaded first, since they would be residing in different residences upon arrival in Maryland. This annoyed the Decedent and he expressed frustration and anger by stating, '...it should not be a "your house, my house"

arrangement. We are moving together, as a family, making a fresh start, but you're dividing us....'

6. Things began to escalate immediately thereafter. Mr. Benefield exclaimed that, "It is time [Ms. Benefield] began acting like a wife", otherwise he "would have to pack her in the POD" (an anaerobic, non-mobile secondary container, ranging in size from eight to 16 feet, and used for storing and/or moving inanimate objects by flatbed truck). In short, non-survivable transportation, that Ms. Benefield clearly took as a threat, in retaliation for her lack of submission. It was a refrain Mr. Benefield had echoed before, on several occasions, when he would remark, "If you do not cooperate, I will ship you in the POD, and you won't like it because it will be hot and slow. If you're going to be difficult, you are going to go the slow way to Maryland."

7. Expressing that he then needed to make room in the POD¹, the Deceased was not dissuaded by Ms. Benefield telling him the POD was full, packed to the brim. Instead, he attempted to gain access to the POD, but found it locked. He demanded the key, insisting that he needed to make room in the POD. Ms. Benefield denied having the key or knowing where her mother put it. The Decedent continued to insist that Ms. Benefield unlock the POD.

8. Ms. Benefield's inability to provide the deceased with the key to the POD angered him. Confronting Ms. Benefield, the Deceased moved in close, crossed his arms, and glared at Ms. Benefield. Concluding she was defiant, he grew tense; shoulders raised, fists clenched, heavy breathing, and sharp, staccato, derisive comments spewed forth. As

¹ Ms. Byers rented the POD to pack and transport her and Ms. Benefield's household belongings to Maryland. Mr. Benefield had no personal property in the POD and had no reason to access the POD.

in South Carolina, Ms. Benefield was concerned for her safety, and wanted to avoid antagonizing the Decedent. Ms. Benefield attempted to de-escalate the situation by redirecting the conversation and calm him by speaking softly and positively. He would have none of it and, in an effort to protect herself, she moved away from him, to the rear of the garage, and resumed packing.

CRITICAL MASS

9. Her efforts having been rejected, the Deceased responded by growing increasingly aggressive and threatening. The Decedent began to hover over the top of Ms. Benefield, in an intimidating manner, while she was bent over, packing boxes in the garage. Fists clenched, arms jiggling as if getting ready for physical contact, Ms. Benefield feared he was going to lash out. In an effort to extract herself from the situation, she attempted to persuade the Deceased to leave by remarking, very gently, that she was exhausted and was finished for the day. It fell on deaf ears. Mr. Benefield acknowledged her comment but kept on packing and loading.

10. Afraid to command him to leave, in another effort to put even more distance between them, Ms. Benefield left the garage and entered the house, where she continued to pack boxes and move them into the garage.

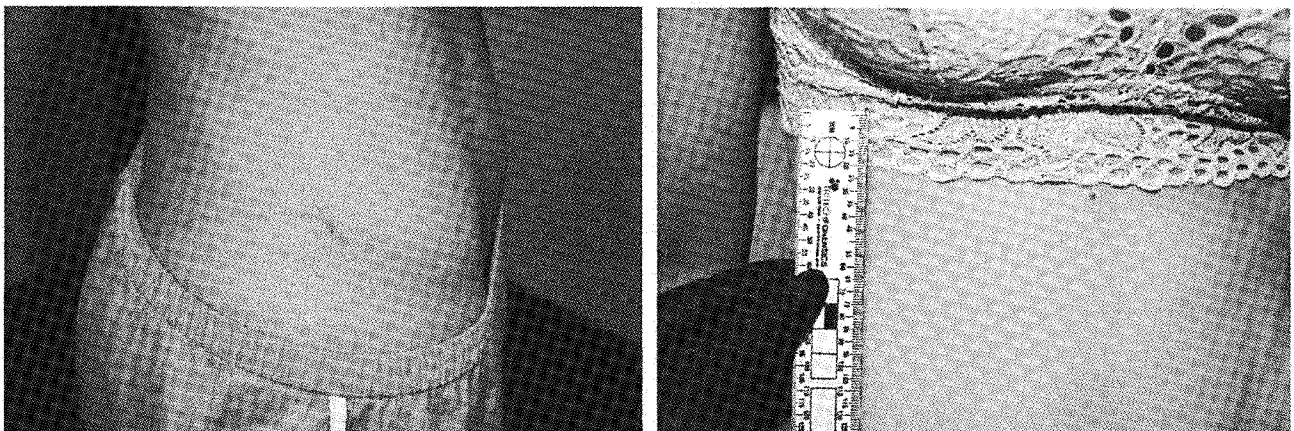
ASSAULT AND BATTERY

11. While walking through the living room, the Deceased "body checked" Ms. Benefield. Approaching Ms. Benefield from the kitchen area, instead of going around her, the Decedent's shoulder/chest/arm made contact with Ms. Benefield. Anxious but nonetheless caught off guard, the contact was sufficient to cause her to lose her footing, stumble, and almost fall. She could not help but notice the Deceased was mumbling under

his breath and clearly hostile. Scared, Ms. Benefield realized the pattern of contentious behavior toward her was escalating quickly.

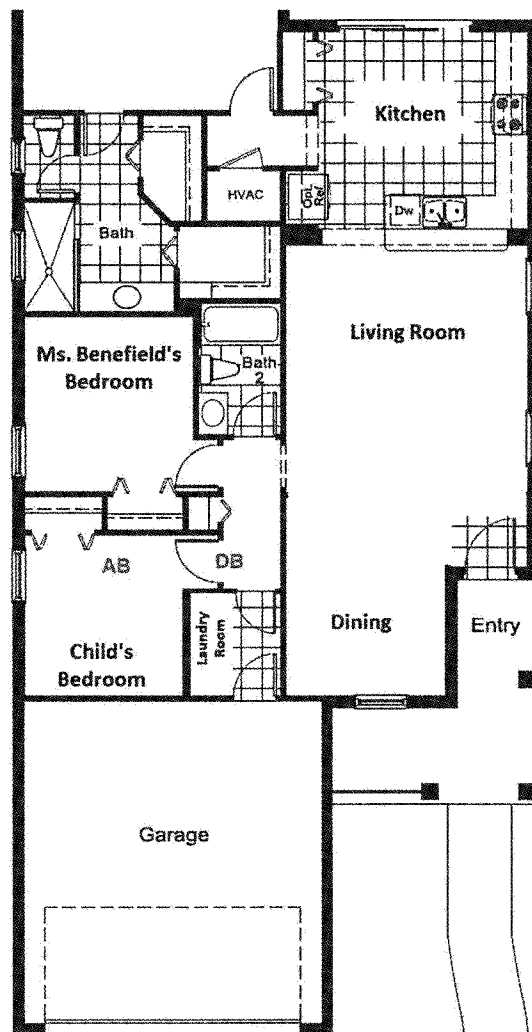
12. Again, while in the garage, emphatically exclaiming she was done for the day and wanted to continue the following day, the Deceased (while facing the Laundry Room) and Ms. Benefield (while facing the opening of the garage), made physical contact ("body check") with Ms. Benefield, while grumbling about the delay and her being difficult. With no apology for the contact this time, either, Ms. Benefield was then certain that both instances were intentional. Once again, trying to stop any escalation, she apologized to him.

13. Finally, while Ms. Benefield was entering the house from the garage and the Decedent was heading into the garage from the residence, the two met in the hall, while the Decedent was holding a medium size, assembled, cardboard box. Ms. Benefield stepped to the side (right) and the Deceased deliberately drove the box into Ms. Benefield in an upward motion, resulting in considerable pain and scratches to her right side (Exhibit 10, incorporated, below).



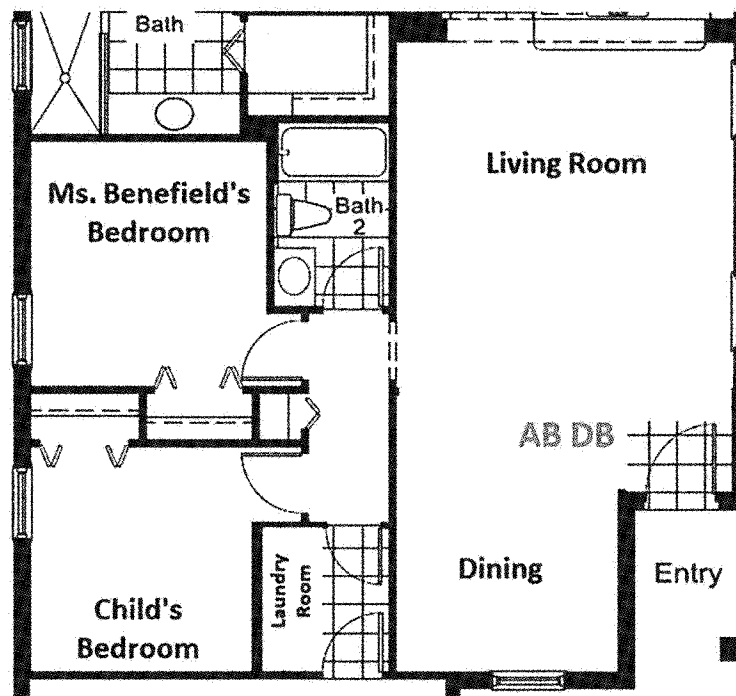
14. After again ignoring her entreaties to finish, i.e., "OK, last chair, last table", etc., in a final effort to rationalize ending the day's activity, Ms. Benefield entered their

child's bedroom to show Decedent there was little left to pack and move. Standing in the doorway to the child's room, the Decedent blocked Ms. Benefield's exit while puffing his chest, clenching his fists, and glaring at her. Trapped (Exhibit 11, incorporated, below) and frightened, she backed up further into the room to put some distance between them, but sensed an attack was imminent. At that point, Mr. Benefield shouted, 'He knew what she was doing' and accused her of trying to force him to leave, get rid of him, and that he was not leaving, he could stay if he wanted to, and 'spend the night if he wanted to, because he was her husband.'



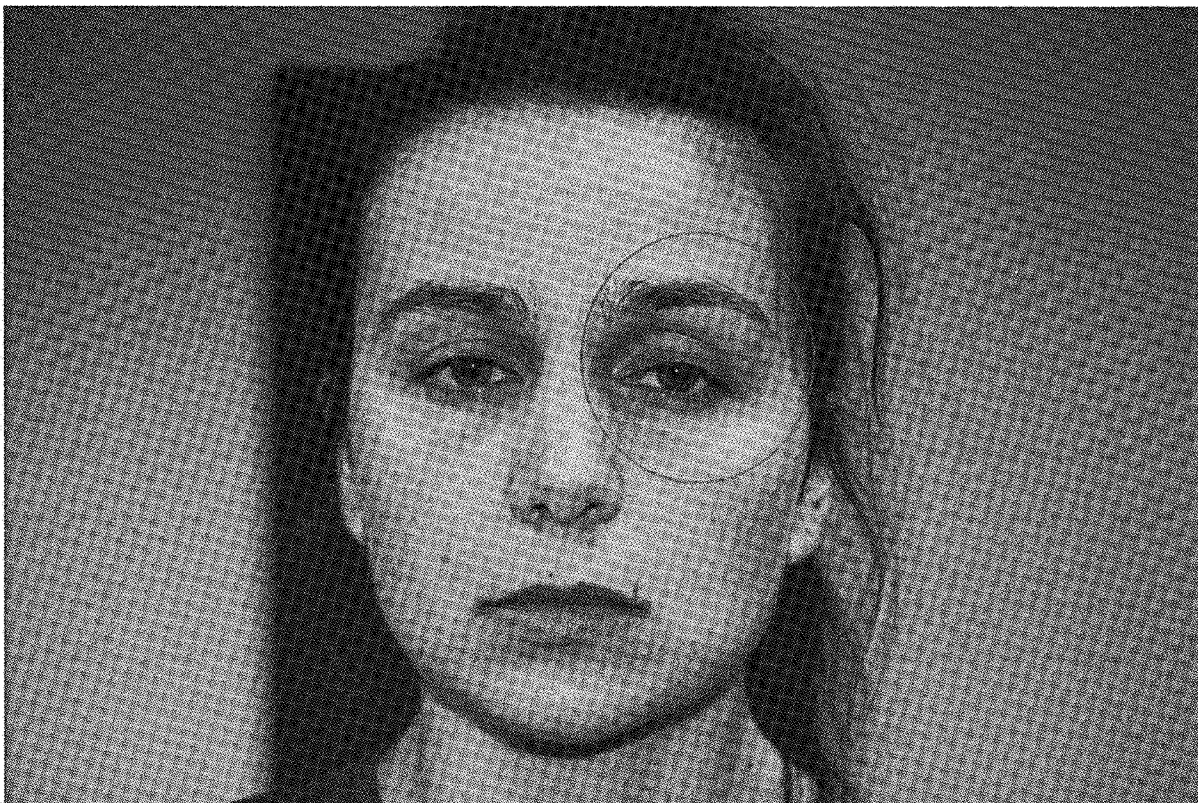
“REMAINING IN” BURGLARY, WITH AN ASSAULT AND BATTERY

15. Momentarily rationale, the Deceased stepped back into the hallway, allowing Ms. Benefield to escape their daughter's room, where she headed down the hallway, into the living room, and toward the front door. Right behind her, the Deceased grabbed Ms. Benefield by the left hand and yanked her back, stopping her in her effort to leave the residence, shouting “where do you think you're going?” Moving around her, so that his back was to the front door, he once again aggressively confronted her, thereby blocking her path to the front door, while wagging his finger in her face and exclaiming, “You can't leave me!” (Exhibit 12, incorporated, below). Ms. Benefield found the strength to then tell him, outright, “I am done. You need to leave, now!” Her command was ignored (which, at that point, rendered the Decedent's status to that of a burglar). Now terrified, Ms. Benefield braced for what she believed would be certain physical impact. Her instincts were correct.



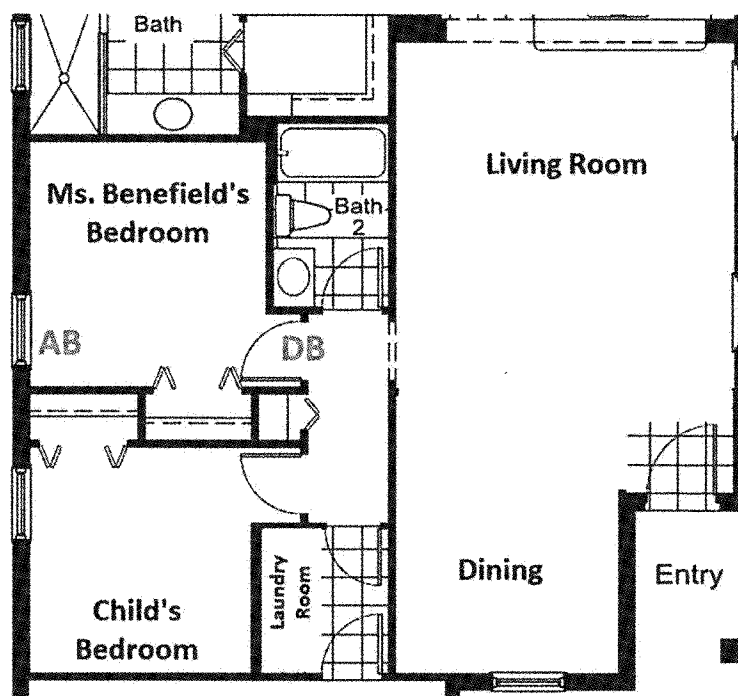
16. Raising his right hand, with a closed fist, the Decedent drove his knuckles, at the second joint (Exhibit 13), into the left side of Ms. Benefield's head, i.e., temporal

area/face (Exhibit 14, incorporated, below), while exclaiming, "I am not done!" The impact resulted in a sharp, numbing pain, which caused Ms. Benefield to stumble to her right side, after which she fled to her bedroom. Her worst fears realized, Ms. Benefield now believed her life was in danger. Never before had the Deceased actually struck her. In the past, he psychologically abused her and sought to intimidate her by, among other things, holding her against her will, punching holes in the wall, harming their domestic animals, and shooting and throwing guns in the house. But, this was different; any restraint had been abandoned. As she entered her bedroom, Ms. Benefield swung the door behind her in an unsuccessful effort to close it; the door remained ajar.



LIFE OR DEATH DECISION

17. In the west corner of her bedroom was a laundry basket and a cloth storage bin (Exhibit 15), which rested on top of the laundry basket. Inside the storage bin was a firearm that was legally owned by Ms. Benefield (Exhibit 16). Ms. Benefield retrieved the firearm, just as she simultaneously heard the unmistakable sound of the door bounce off the door stop. She turned and saw the Decedent in the doorway to her bedroom (Exhibit 17, incorporated, below), with a fierce scowl. Pointing the firearm at the Deceased, she nervously ordered him to, "Stop!."



18. The Deceased did not stop. Rather, he postured like a mixed martial arts fighter (blading, hands parallel with his chest/shoulders, moving his arms/hands in small circular motions) and advanced toward her. Now terrified and believing she was about to suffer great bodily harm, if not death, she fired the weapon. The Deceased, undeterred, continued advancing. Ms. Benefield, in fear for her life, frantically moved in an effort to put more distance between them. Still, he did not stop coming toward her and she continued firing.

In what seemed like slow motion, she saw the Deceased's legs go up in the air, as if his feet slipped out from underneath him, and he fell backward.

19. Ms. Benefield immediately fled her residence, seeking help from her next door neighbor, John Sant, of 11327 White Rock Terrace (Exhibit **18**). According to Amy and Herbert Carlton, two neighborhood residents who were out walking their dogs, less than 30 seconds after hearing gun shots, they observed Ms. Benefield running out of the garage, gun in hand, crying and screaming what sounded like "Help!", run to the house next door, and heard pounding on the door (Exhibit **19**).

MEMORANDUM OF LAW

In *Dennis v. State*, 51 So.3d 456,462 (Fla. 2010), the Florida Supreme Court acknowledged the vehicle for bringing a request for a declaration of immunity from prosecution for the use of deadly force, was a Motion to Dismiss pursuant to *Rule 3.190(b)* of the *Florida Rules of Criminal Procedure*. *Florida Statute §776.032(1)*, entitled ***Immunity from criminal prosecution and civil action for justifiable use of force***, states:

A person who uses or threatens to use force as permitted in s. 776.012, s. 776.013, or s. 776.031 is justified in such conduct and is immune from criminal prosecution and civil action for the use or threatened use of such force...against whom the force was used or threatened...

Accord, State v. Egidio, 113 So. 3d 88, 89 (Fla 2d DCA 2013) (stand your ground defense properly invoked by Motion to Dismiss).

The burden of weighing the evidence in "Stand Your Ground" hearings is placed squarely upon the trial judge's shoulders. *State v. Gallo*, 76 So. 3d 407 (Fla. 2d DCA 2011).

As explained in *Jefferson v. State*, 264 So. 3d 1019, 1028-29 (Fla. 2d DCA 2018), to raise a claim of immunity under section 776.032,

...an accused must simply allege a facially sufficient prima facie claim of justifiable use of force under chapter 776 in a motion to dismiss filed under Florida Rule of Criminal Procedure 3.190(b) and present argument in support of that motion at a pretrial immunity hearing.

Further clarifying the required procedure, the *Jefferson* court went on to state:

The trial court is then to determine whether, at first glance and **assuming all facts as true**, the alleged facts set forth in the motion support the elements of self-defense in either section 776.012, 776.013, or 776.031. If the trial court determines that the defendant's claim of self-defense satisfies the requirements set forth in the applicable self-defense statute raised by the accused, the State shall then present clear and convincing evidence to overcome the self-defense claim (emphasis added).

Jefferson, at 1029. See also, *Casanova v. State*, 335 So. 3d 1231, 1232 (Fla. 3d DCA 2021) (“...a defendant's motion to dismiss under Florida's Stand Your Ground law can establish a prima facie claim of self-defense immunity from criminal prosecution even though the motion to dismiss is not sworn to by someone with personal knowledge or supported by evidence or testimony establishing the facts in the Motion to Dismiss”). Accord, *Riggins v. State*, 344 So. 3d 625, 626 (Fla. 2d DCA 2022) (“...trial court is to assume all facts as true...”).

The *Jefferson* court also addressed what, exactly, the term, *prima facie* means. Rejecting the State's position that the person asserting the immunity claim had the burden to prove it, the *Jefferson* court noted:

Prima facie is defined as '[s]ufficient to establish a fact or raise a presumption unless disproved or rebutted; based on what seems to be true on first examination, even though it may be later proved to be untrue.' Prima facie, Black's Law Dictionary

(10th ed. 2014); see also, The American Heritage Dictionary, 1398 (5th ed. 2011) (defining 'prima facie' as '[a]t first sight; before closer inspection"). So, the type of claim yet to be proven as true is one that, on first examination, is presumed to be true unless it is later disproved or rebutted. The phrase 'prima facie claim,' then, is an assertion that, at first glance, is sufficient to establish a fact or right but is yet to be disproved or rebutted by someone.

Id. at 1027.

According to *Florida Statute §776.032(4)*, upon the recitation of a *prima facie* claim by the Defense, the burden of persuasion is shifted to the State, to refute by "clear and convincing evidence," that the defendant is not entitled to immunity (*Jefferson v. State*, 264 So.3d 1019 (Fla. 2nd DCA 2018). *§776.032(4) of Florida Statutes* states:

(4) In a criminal prosecution, once a prima facie claim of self-defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the party seeking to overcome the immunity from criminal prosecution provided in subsection (1).

In *Peterson v. State*, 983 So. 2d 27, 29 (Fla. 1st DCA 2008) (affirmed by the Florida Supreme Court in *Dennis, supra.*), the appellate court held that factual disputes do not defeat a criminal defendant's Motion to Dismiss predicated upon immunity under the statute. The State's mere filing of a traverse that raised factual disputes, the court, in *Peterson*, concluded, was not sufficient to deny a defendant's motion under §776.032. The Second District has cautioned trial courts "...to remain mindful that the legislature has placed a heightened burden of proof on the State, not the defendant, for Stand Your Ground proceedings." *Cummings v. State*, 310 So.3d 155, 160, Ft.n 4 (Fla. 2nd DCA 2021).

The *Cummings* case saw the Second District Court of Appeal address an issue quite relevant to the instant proceedings. The deceased initiated a drunken brawl against Ms.

Cumming's boyfriend in the trailer home she and her boyfriend shared. Acknowledging that burglary is a forcible felony as it relates to a claim of immunity, and analyzing *Florida Statutes §810.02(1)(b)(2)(b)* as it relates to "remaining in", the court concluded the deceased, having committed a battery upon Ms. Cumming's boyfriend, "...his invitation to remain in the trailer was implicitly withdrawn as a matter of law." *Id.* at 159.

Granting the accused's *Writ of Prohibition*, the *Jefferson* court, feeling compelled to acknowledge the circumstances wherein the State found themselves without sufficient evidence to rebut the claim of immunity, said the following:

We are mindful that there will be situations where the accused is the only available witness to the events leading to an act that is claimed to be justifiable use of force. This may result in great difficulty for the State to overcome the accused's prima facie claim by clear and convincing evidence. But our result here is mandated by the text of section 776.032(4).

Jefferson, supra. at 1029.

Florida Statue §776.012(2), entitled: ***Use or threatened use of force in defense of person***, specifically states:

A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use deadly force is necessary to prevent imminent death or great bodily harm to himself or herself [] or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.²

² "Statutory interpretation begins with consideration of the plain meaning of the words as used in the relevant statutes. *Diamond Aircraft Indus., Inc. v. Horowitch*, 107 So. 3d 362, 367 (Fla. 2013). We note that Merriam-Webster defines "imminent" as 'ready to take place: happening soon.' Imminent, Merriam-Webster Dictionary Online, <https://www.merriam-webster.com/dictionary/imminent> (last visited Sept. 14, 2022). This definition implies that an "imminent" act requires no further measures to manifest; imminence also has a temporal dimension, developing quickly relative to the events that define it. In other words, very little time or preparation may stand between the present moment and an 'imminent' event." *State v. Woodson*, 349 So.3d 510, 511-12 (Fla. 5th DCA 2022).

The determination of whether the use of force is justified under section 776.012(2) is to be made "...in accord with the objective, reasonable person standard by which claims of justifiable use of deadly force are measured." *Montanez v. State*, 24 So. 3d 799, 803 (Fla. 2d DCA 2010); *see also*, *Florida Standard Criminal Jury Instruction 3.6(f)*. The question under this objective evaluation of a defendant's conduct is "...whether, based on the circumstances **as they appeared to the defendant**, a reasonable and prudent person situated in the same circumstances and **knowing what the defendant knew** would have used the same force as did the defendant" (emphasis added). *Garcia v. State*, 286 So. 3d 348, 351 (Fla. 2nd DCA 2019); *see also*, *Mobley v. State*, 132 So. 3d 1160, 1164-65 (Fla. 3d DCA 2014).

In *Jefferson*, *supra*. the Second District Court of Appeal addressed the significance of the statutory phrase requiring a defendant to "raise" a "prima facie claim of self-defense immunity" and noted the following:

Utilization of "raised," coupled with the aforementioned ordinary meaning of "prima facie claim," yields clear textual support that the legislature did not intend the person asserting Stand Your Ground immunity to first prove that prima facie claim of self-defense. Instead, the text indicates that the legislature intended that the person simply bring that yet to be disproven prima facie claim of self-defense to a pretrial immunity hearing for the trial judge to determine, at first glance, if all elements required to demonstrate the particular self-defense statute are present. This is confirmed by the legislature's refusal to prescribe an evidentiary "burden of proof" to the person asserting immunity in the Stand Your Ground statute.

Id. at 1027.

Nevertheless, and as noted in *Jefferson*, a defendant is still required to “allege a facially sufficient prima facie claim of justifiable use of force under chapter 776 in a motion to dismiss filed under rule 3.190(b) and present argument in support of that motion at a pretrial immunity hearing.” *Id.* at 1028-29. See also, *Langel v. State*, 255 So. 3d 359, 362 (Fla. 4th DCA 2018) (“To raise a ‘prima facie claim of self-defense immunity from criminal prosecution’ under section 776.032(4), a defendant must show that the elements for the justifiable use of force are met.”).

Accordingly, Ms. Benefield must allege specific facts that show or tend to show that she (1) used deadly force; (2) that she reasonably believed that such conduct was necessary to prevent death or great bodily harm or the imminent commission of a forcible felony³; (3) was not otherwise engaged in criminal activity; and (4), was in a place she had a right to be. Florida Standard Criminal Jury Instruction 3.6(f).

Florida Statutes §810.02(1)(b), 2.b.,c., provides the following definition for what is often referred to as “remaining in” burglary:

Notwithstanding a licensed or invited entry, remaining in a dwelling, structure, or conveyance ... [a]fter permission to remain therein has been withdrawn, with the intent to commit an offense therein [or] to commit or attempt to commit a forcible felony, as defined in s. 776.08.

The permission to remain may be withdrawn expressly by the property owner. See *State v. Herron*, 70 So. 3d 705, 707 (Fla. 4th DCA 2011). Permission to remain can also be deemed revoked if the invitee commits a subsequent criminal act against the owner. See *Sparre v. State*, 164 So. 3d 1183, 1200-01 (Fla. 2015) (holding the defendant's

³ Florida Statutes §776.08, entitled: **Forcible felony**, specifically includes the crime of burglary.

invitation to enter the victim's home was effectively rescinded when he attacked her therein).

According to *Florida Statute §776.031(2)*, entitled: **Use or threatened use of force in defense of property**, "A person is justified in using or threatening to use deadly force only if he or she reasonably believes that such conduct is necessary to prevent the imminent commission of a forcible felony."

Florida Statutes § 776.013(1)(b), entitled: **Home protection; use or threatened use of deadly force; presumption of fear of death or great bodily harm**, states:

A person who is in a dwelling or residence in which the person has a right to be has no duty to retreat and has the right to stand his or her ground and use or threaten to use: Deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony.

If Ms. Benefield was in a [dwelling] [residence] in which she had a right to be, she had no duty to retreat and had the right to stand her ground and use force, including deadly force, if she reasonably believed that such conduct was necessary to prevent imminent death or great bodily harm to herself or the imminent commission of (applicable forcible felony listed in § 776.08, Fla. Stat.) against herself. *Florida Standard Criminal Jury Instruction 3.6(f)*.

Wherefore, Ms. Benefield, having raised a *prima facie* claim of justifiable use of deadly force, prays the Court entertain an evidentiary hearing, at which the State is tasked with the burden of establishing, by clear and convincing evidence, that the deadly force she was compelled to use was **not** justified.

Respectfully submitted,

/s/ Neil G. Taylor
Neil G. Taylor, Esquire
Florida Bar No. 283029
For the Firm
GRIMES GALVANO, P.L.
1023 Manatee Building
Bradenton, FL 34205
Tel: (941) 748-0151
NTaylor@grimesgalvano.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion to Dismiss, Request for Declaration of Immunity, and Incorporated Memorandum of Law** has been furnished to ASA Suzanne M. O'Donnell, Manatee County State Attorney's Office, through the e-portal, on this 1st day of February, 2023.

/s/ Neil G. Taylor
Neil G. Taylor, Esquire

EXHIBIT 1

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

IN RE: THE MATTER OF:

ASHLEY CHRISTINA BENEFIELD,

Petitioner,

and

CASE NO.: 2018-DR-01823

DOUGLAS GLASS BENEFIELD,

Respondent.

DEPOSITION OF: DOUGLAS GLASS BENEFIELD

TAKEN BY: Petitioner Herein

BEFORE: MELISSA GROMKO
Notary Public
State of Florida

DATE: July 17, 2018
Commencing at 10:03 a.m.

PLACE: Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida

1 Q. I'm not asking what Ashley did. What
2 happens with the gun?

3 A. After a few maybe -- maybe another minute to
4 two minutes, I couldn't tell you the exact time.

5 Q. Of Ashley talking about Eva?

6 A. Of Ashley talking, and I am begging her to
7 stop talking and to please stop.

8 Q. And your head's on the counter?

9 A. My head's on the counter.

10 Q. What happens with the gun?

11 A. She wouldn't stop, just completely would not
12 stop, and so out of complete and utter frustration,
13 no anger whatsoever, I don't remember feeling a
14 single iota of anger, it was purely utter
15 frustration, and so --

16 Q. What happened?

17 A. I -- literally the gun's sitting in front of
18 me and I pull it out of the sleeve and I shot at the
19 ceiling.

20 Q. Did you say anything before you did it?

21 A. Did I saying anything?

22 Q. Yeah.

23 A. About -- I said nothing except for I was, up
24 to that point, asking her to please stop talking and
25 please give it a rest.

1 somebody to do something stupid, which was
2 represented by her standing there with black eyes and
3 her arms crossed as if mission accomplished, that
4 tells me something.

5 Q. Okay. Did she somehow egg you on with the
6 gun at any point in time? I didn't hear anything
7 about that.

8 A. She egged me on in the argument, not
9 stopping.

10 Q. She didn't bring the gun into the house, you
11 did, right?

12 A. No.

13 Q. You were the one that threw the gun against
14 the wall, correct?

15 A. Absolutely, and I admitted to that.

16 Q. You were the one that pulled the gun out of
17 the sleeve and discharged it?

18 A. Absolutely, and I admitted it.

19 Q. But you think that was her fault?

20 A. Absolutely. There's two parties. She had
21 the ability to stop arguing.

22 Q. And she should have stopped when you told
23 her to, correct?

24 A. Any one of the hundred times I asked her to.

25 Q. All right.

1 A. There's that (indicating), and then.

2 Q. So --

3 A. That shows where we're sitting.

4 Q. All right. The box that has Ashley's
5 photograph with the teddy bear is where she was
6 sitting? Even though there's not a seat there,
7 that's where she was sitting?

8 A. The picture covers the seat up.

9 Q. 3 is where your head was?

10 A. Yes, 3's where I set the gun and laid my
11 head. Here's the shadowbox (indicating).

12 Q. Hold on a second.

13 A. Okay.

14 Q. When you threw the gun the effort was to
15 make her shut up?

16 A. No, that's not what was going on in my head.
17 My head was pure expression of frustration.

18 Q. Do you see where it says right here in your
19 own document that's now part of Exhibit 3, I threw it
20 to make her shut up; do you see you wrote that?

21 A. Yes.

22 Q. This is your writing?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes.

1 Q. When you shot, it was to make her stop
2 fussing again?

3 A. I'd say that was the result, but I wouldn't
4 say that, thinking back.

5 Q. I'm asking what you said here. I picked it
6 up and I just shot it to make her stop fussing.

7 A. Yeah, that's what I said there.

8 Q. When did you write this?

9 A. Back when the first -- the beginning of the
10 injunction case, when I started putting all the stuff
11 together for it.

12 Q. Do you think you have an accident -- I mean
13 an anger problem?

14 A. No. Absolutely not.

15 Q. Have you ever attended an anger class?

16 A. I've never had an anger issue to attend an
17 anger class.

18 Q. Sully's the dog?

19 A. Yes.

20 Q. That's the dog that's in the picture in
21 Exhibit 3, first page?

22 A. Yes.

23 Q. You hit Sully that day?

24 A. Sully is protective. He was under the
25 table.

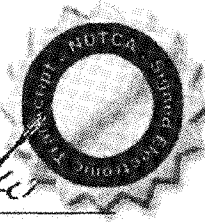
CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, the undersigned authority, certify that the witness in this matter personally appeared before me and was duly sworn on the 17th day of July, 2018.

WITNESS my hand and official seal this 26th day of July, 2018.


Melissa Gromko

Melissa Gromko, Court Reporter

Notary Public

State of Florida at Large

My Commission Number: GG 051632

Expires: March 15, 2021

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, Melissa Gromko, certify that I was authorized to and did stenographically report the deposition; that a review of the transcript was requested; and that the foregoing pages are a true and complete record of my stenographic notes taken during said deposition.

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 26th day of July, 2018.


Melissa Gromko, Court Reporter
Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida 34205
(941) 748-3289

EXHIBIT 2

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

IN RE: THE MATTER OF:

ASHLEY CHRISTINA BENEFIELD,

Petitioner,

and

CASE NO.: 2018-DR-01823

DOUGLAS GLASS BENEFIELD,

Respondent.

DEPOSITION OF: DOUGLAS GLASS BENEFIELD

TAKEN BY: Petitioner Herein

BEFORE: MELISSA GROMKO
Notary Public
State of Florida

DATE: July 17, 2018
Commencing at 10:03 a.m.

PLACE: Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida

1 A. There's that (indicating), and then.

2 Q. So --

3 A. That shows where we're sitting.

4 Q. All right. The box that has Ashley's
5 photograph with the teddy bear is where she was
6 sitting? Even though there's not a seat there,
7 that's where she was sitting?

8 A. The picture covers the seat up.

9 Q. 3 is where your head was?

10 A. Yes, 3's where I set the gun and laid my
11 head. Here's the shadowbox (indicating).

12 Q. Hold on a second.

13 A. Okay.

14 Q. When you threw the gun the effort was to
15 make her shut up?

16 A. No, that's not what was going on in my head.
17 My head was pure expression of frustration.

18 Q. Do you see where it says right here in your
19 own document that's now part of Exhibit 3, I threw it
20 to make her shut up; do you see you wrote that?

21 A. Yes.

22 Q. This is your writing?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes.

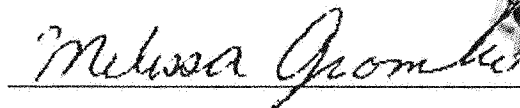
CERTIFICATE OF OATH

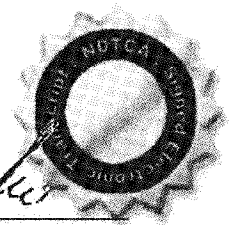
STATE OF FLORIDA)

COUNTY OF MANATEE)

I, the undersigned authority, certify that the witness in this matter personally appeared before me and was duly sworn on the 17th day of July, 2018.

WITNESS my hand and official seal this 26th day of July, 2018.





Melissa Gromko, Court Reporter

Notary Public

State of Florida at Large

My Commission Number: GG 051632

Expires: March 15, 2021

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, Melissa Gromko, certify that I was authorized to and did stenographically report the deposition; that a review of the transcript was requested; and that the foregoing pages are a true and complete record of my stenographic notes taken during said deposition.

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 26th day of July, 2018.


Melissa Gromko, Court Reporter
Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida 34205
(941) 748-3289

EXHIBIT 3

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

IN RE: THE MATTER OF:

ASHLEY CHRISTINA BENEFIELD,

Petitioner,

and

CASE NO.: 2018-DR-01823

DOUGLAS GLASS BENEFIELD,

Respondent.

_____ /

DEPOSITION OF: DOUGLAS GLASS BENEFIELD

TAKEN BY: Petitioner Herein

BEFORE: MELISSA GROMKO
Notary Public
State of Florida

DATE: July 17, 2018
Commencing at 10:03 a.m.

PLACE: Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida

1 Q. My question is did you hit Sully? Not why.
2 Did you hit Sully?

3 A. You could call it hit, yes.

4 Q. You called it hit?

5 A. Yeah.

6 Q. He sprung up into it, I guess your lap, and
7 I reacted and hit him.

8 A. Yeah.

9 Q. So when you say you could call it, you
10 called it hit, correct?

11 A. Yes. For lack of better words, yes. The
12 dog sprung up on my lap, all instantaneously, trying
13 to crawl on my lap, sharp claws, I've got on shorts,
14 and --

15 Q. How did you hit him?

16 A. I honestly --

17 Q. You don't remember?

18 A. I don't remember exactly. This is -- again,
19 our dog is like, you know, family, and I just wanted
20 everything to stop and I wanted him to stop and he
21 wouldn't. He would not stay under the table and he
22 kept --

23 Q. He wouldn't stop either so you hit him,
24 correct?

25 A. Yes, I hit, my dog.

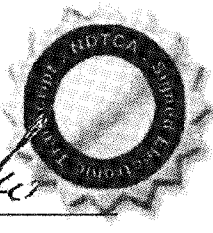
CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, the undersigned authority, certify that the witness in this matter personally appeared before me and was duly sworn on the 17th day of July, 2018.

WITNESS my hand and official seal this 26th day of July, 2018.

A circular notary seal for Melissa Gromko, Notary Public, State of Florida. The seal features a star in the center and the words "NOTARY PUBLIC STATE OF FLORIDA" around the perimeter. The name "Melissa Gromko" is written in cursive across the seal.

Melissa Gromko

Melissa Gromko, Court Reporter

Notary Public

State of Florida at Large

My Commission Number: GG 051632

Expires: March 15, 2021

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, Melissa Gromko, certify that I was authorized to and did stenographically report the deposition; that a review of the transcript was requested; and that the foregoing pages are a true and complete record of my stenographic notes taken during said deposition.

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 26th day of July, 2018.


Melissa Gromko, Court Reporter
Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida 34205
(941) 748-3289

EXHIBIT 4

**Manatee County Sheriff's Office**
Incident Sheet

ORI: FL0410000

Incident Number # : 2019032868

Printed Date: 10/13/2022 14:02

Incident Information

Incident # : 2019032868

Reported Date : 12/06/2019 08:20

Investigating Officer :

Reporting Officer : LINDSEY, SCOTT L

Occured From : 10/01/2019 09:00 TU

Location : 11231 WHITE ROCK TER
BRADENTON, FL 34211

Occured To : 11/01/2019 09:00 FR

Incident Details

Case Status : ACTIVE - ASSIGNED PATROL

Disposition : OPEN

Status Date : 12/06/2019 08:21

Disposition Date : 12/06/2019 08:21

Record Date :

Remarks :

Associated Name Summary

FULL NAME	TYPE	INVOLVEMENT	DOB
BENEFIELD, ASHLEY CHRISTINA	INDIVIDUAL	REPORTING PARTY	12/05/1991
BENEFIELD, DOUGLAS GLASS	INDIVIDUAL	INVOLVED OTHER	10/02/1961

Offense InformationOffense Code : <95001-950-950> INFORMATION
ONLY

Location : RESIDENCE-SINGLE FAMILY

Primary Offense : ☒

Attempt : COMMITTED

Incident Name**Incident/Name Info :**

Involvement : REPORTING PARTY

Name Information :Name Unknown : ☐Home Address : 6551 WATERSIDE LN, BRADENTON,
FL, 34211

Last Name : BENEFIELD

Mailing Address :

First Name : ASHLEY

Home Phone :

Middle Name : CHRISTINA

Work Phone :

Suffix :

Other Phone :

Name Type : INDIVIDUAL

Cell Phone :

Race : WHITE

Email :

Ethnicity : NON-HISPANIC

Secondary Email :

Gender : FEMALE

State ID :

DOB : 12/05/1991

Age : 28 to	Eye Color : BROWN
Driver's License # : B514003919450	Hair Color : BROWN
Driver's License Expiration Date :	Glasses :
Driver's License State : FLORIDA	Height : 5'9" to
Driver's License Class :	Weight : 135 to
SSN :	Juvenile : ☐
Passport # :	Date Issued :
Country Of Issuance :	Passport Expiration Date :

Incident Name	
Incident/Name Info :	
Involvement : INVOLVED OTHER	
Name Information :	
Name Unknown : ☐	Home Address : 11645 MONUMENT DR #1116, BRADENTON, FL, 34211
Last Name : BENEFIELD	Mailing Address :
First Name : DOUGLAS	Home Phone :
Middle Name : GLASS	Work Phone :
Suffix :	Other Phone :
Name Type : INDIVIDUAL	Cell Phone :
Race : WHITE	Email :
Ethnicity : UNKNOWN	Secondary Email :
Gender : MALE	State ID :
DOB : 10/02/1961	Eye Color : BLUE
Age : 58 to	Hair Color : BROWN
Driver's License # :	Glasses :
Driver's License Expiration Date :	Height : 5'9" to
Driver's License State :	Weight : 160 to
Driver's License Class :	Juvenile : ☐
SSN :	Date Issued :
Passport # :	Passport Expiration Date :
Country Of Issuance :	

Narratives

Report #: 2019032868-0000

Type: SYNOPSIS

Author : LINDSEY, SCOTT L (11004812)

Title :

Entered On : 12/06/2019 08:20

Narrative : Information

11231 White Rock Ter
Bradenton, FL 34211

I met with Ashley Benefield in TRU and received a summary of the incident. Ashley is documenting the fact that her estranged husband admitted in a text message that he placed a tracking device on her vehicle in the past. Ashley has observed her husband driving behind her vehicle on multiple occasions in the past which concerns her. Ashley wanted this information documented due to the couples long history of disturbances and child custody incidences. According to Ashley, she brought her vehicle to a local auto dealer but a tracker could not be found. Due to the fact a tracking device was never observed on the vehicle, an Information report was completed. Ashley was also advised she could add information to the report at any time.

829.pdf

2019-052868

11 10/13/2022 11:10 AM 11/13/2022 11:10 AM



11/13/2022 11:10 AM

married we moved too quickly both
pretending everything was ok.

I will promise you going forward I
won't do anything stupid,
embarrassing and insulting like I did
with Waterworks, or back early in
year when put Eve's tracker on your
car. And I ask you to let's deal with
these murder and poisoning
accusations. If you want another
autopsy then we will do that. I'm ok
with that. Whatever you need to do
over next year to fix beliefs and this
broken trust ... you just tell me and
we will do it.

The fundamental thing for me is I
believe in you. Even in middle of all
the accusations regardless of how
they started, I know in my heart you
are not only a good and Godly
woman, you are an extremely
intelligent human. I tell everyone I
believe you are a genius. I simply
believe in you. You said on day you
shut down being together that I had



EXHIBIT 5

IN THE CIRCUIT COURT OF THE
TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CRIMINAL DIVISION

CASE NO.: 2020 CF 003014AX

THE STATE OF FLORIDA,

Plaintiff,

vs.

ASHLEY CHRISTINA BENEFIELD,

Defendant.

_____ /

DEPOSITION OF

Taken on behalf of the Defendant

DATE TAKEN: Tuesday, October 11, 2022

TIME: Commencing at 2:35 p.m.

PLACE: Manatee County Judicial Center
Deposition Room 2102
1051 Manatee Avenue West
Bradenton, FL 34205

Examination of the witness taken before:

Candace Gabeletto
Registered Professional Reporter

Imperial Court Reporting (941) 260-9000

1 A. Yes.

2 Q. Did they respond?

3 A. Yes.

4 Q. Did they confront the gentleman that was there?

5 A. No. He was gone.

6 Q. Okay. You said it was dark out?

7 A. Correct.

8 Q. And he had a baseball cap on?

9 A. Correct.

10 Q. You had at the time a general description of
11 him, his approximate height and weight, but you didn't
12 feel comfortable being able to identify a picture; is
13 that correct?

14 A. Absolutely I could not. It was dark.

15 Q. Okay. Now, while this had occurred, on the
16 heels of it having occurred, did there come a time where
17 an audio recording was played for you --

18 A. Yes.

19 Q. -- of a particular gentleman's voice?

20 A. Yes.

21 Q. And did that voice sound familiar?

22 A. Yes.

23 Q. When had you heard that voice before?

24 A. When I asked who was in my yard.

25 Q. When you asked this gentleman that you did not

1 give permission for who was trespassing in your yard what
2 he was doing there?

3 A. Correct.

4 Q. And when this audio was played, you recognized
5 the voice as one and the same?

6 A. Yes.

7 Q. All right.

8 A. What I thought I had heard --

9 Q. Yes.

10 A. -- yes.

11 Q. And at the time you were certain of it?

12 A. Yes.

13 Q. Okay. Now, that individual turned out, to your
14 knowledge, to be Douglas Benefield; did it not?

15 A. Correct.

16 Q. All right. I have another question I'd like to
17 ask you.

18 Did there come a time -- do you remember when
19 you first confronted him in the yard, and I recognize
20 this is quite a while ago, do you remember disputing with
21 him his statement that he lived there, that you were
22 familiar enough with where he pointed and the neighbors
23 in that immediate area that you knew that wasn't the case
24 and that was what made you alarmed and led to the call to
25 the sheriff's office? Does that jog your memory at all?

1 MS. O'DONNELL: Okay.

2 THE WITNESS: So this is all their yard here.
3 So this is the side. So it would be on my right-hand
4 side.

5 MR. TAYLOR: If you would, put a stick figure
6 where you saw him.

7 THE WITNESS: Oh, he was back here.

8 MR. TAYLOR: Okay.

9 THE WITNESS: So he was -- this is my backyard
10 and he was -- yeah, he was, like, right here.

11 MR. TAYLOR: Okay.

12 THE WITNESS: And then there's a pond here. And
13 there's all kinds of, like, bushes, oak trees. And
14 then the neighbor, my next-door neighbor, has bushes
15 too.

16 So it's just really creepy at night because --
17 and the only reason I saw him was because of the
18 moonlight because I have two huge oak trees in the
19 back. But yet he was here which would have -- he
20 would have looked, like, straight onto Ashley and
21 Alicia's. You could see, like, their garage.

22 BY MS. O'DONNELL:

23 Q. So based on the drawing that you made, you said
24 this was yard pretty much?

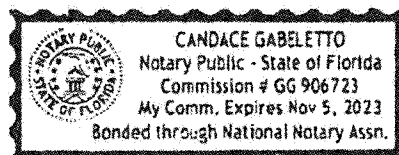
25 A. Correct.

Imperial Court Reporting (941) 260-9000

CERTIFICATE OF OATH**STATE OF FLORIDA****COUNTY OF MANATEE**

I, Candace Gabeletto, RPR, the undersigned authority, certify that [REDACTED] personally appeared before me on October 11, 2022, at 2:35 p.m. and was duly sworn.

WITNESS my hand and official seal this 19th day of October, 2022.



Candace Gabeletto

**Candace Gabeletto, RPR
Registered Professional Reporter
Notary Public State of Florida
Commission #GG 906723
Expiration: November 5, 2023**

**Personally Known: No
Produced Identification: Yes
Type of I.D. Produced: Florida Driver's License**

Imperial Court Reporting (941) 260-9000

CERTIFICATE OF REPORTER

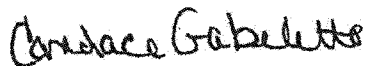
STATE OF FLORIDA

COUNTY OF MANATEE

I, Candace Gabeletto, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of [REDACTED]; that a review of the transcript was not requested; and that the foregoing transcript, pages 1 through 28, is a true record of my stenographic notes.

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

DATED this 19th day of October, 2022, at Manatee County, Florida.



Candace Gabeletto, RPR
Registered Professional Reporter

Imperial Court Reporting (941) 260-9000

EXHIBIT 6

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

IN RE: THE MATTER OF:

ASHLEY CHRISTINA BENEFIELD,

Petitioner,

and

CASE NO.: 2018-DR-01823

DOUGLAS GLASS BENEFIELD,

Respondent.

DEPOSITION OF: DOUGLAS GLASS BENEFIELD

TAKEN BY: Petitioner Herein

BEFORE: MELISSA GROMKO
Notary Public
State of Florida

DATE: July 17, 2018
Commencing at 10:03 a.m.

PLACE: Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida

1 MS. MURPHY: I gave them to Jessica. Do
2 you have your copy?

3 BY MR. SESSUMS:

4 Q. Let's back up for a second before we get
5 into this.

6 A. Okay.

7 Q. I wasn't sure you told me when you hit the
8 hole in the wall, before or after June 15th?

9 A. Let's go to Ashley's -- Ashley is saying
10 April 14th.

11 Q. So before that, correct?

12 A. Correct.

13 Q. And you admit that that happened, on or
14 about that day you hit the wall to get her to stop
15 talking?

16 A. I hit it out of frustration. It had the
17 effect of stopping her for a minute.

18 Q. And what was -- what were you frustrated
19 about?

20 A. Same thing. Ashley -- the story is nothing
21 specifically like she said. That was in -- I was the
22 one in the closet, she was standing outside the
23 closet, and we were arguing, once again, about Eva.

24 Q. Why were you in the closet?

25 A. I was changing clothes.

1 Q. You were arguing about Eva, and did you hit
2 the wall in the closet or someplace else?

3 A. No. I was in the closet and Ashley was
4 standing at the foot of the bed, which is 10, 15 feet
5 away, 10 feet away.

6 Q. Okay. I'm sorry. You hit the wall outside
7 of the closet but Ashley was 10 or 15 feet away; is
8 that what you said?

9 A. No. I was in the closet, sort of in the
10 doorway.

11 Q. Yeah.

12 A. And the same exact scenario, she would not
13 stop fussing about Eva.

14 Q. So you hit the wall where?

15 A. I was inside the closet and hit it from
16 the -- on the inside of the closet just about where
17 there's an ADT alarm system.

18 Q. It put a hole in the wall?

19 A. Yes, it did, and then it went through -- my
20 fist went through the sheetrock and sort of hit the
21 outside. I remember that because that's where I
22 first started to have them put the ADT, so they
23 already started cutting the hole.

24 Q. Did it ever get repaired?

25 A. Yes, it did.

1 Q. Is this Ashley's fault again because she
2 wouldn't stop?

3 A. I would say Ashley was -- Ashley was the
4 cause of the argument, yes.

5 Q. Was Ashley the cause of your putting your
6 first through the sheetrock?

7 A. No. It was my bad decision, but Ashley was
8 a -- caused the argument. Ashley was the entire
9 cause of the argument.

10 Q. So Ashley was not the cause for your putting
11 your first through the sheetrock, but she was the
12 cause for you shooting the bullet in the ceiling?

13 A. Ashley was the cause of both arguments
14 because she would not stop arguing about my
15 daughter.

16 Q. I'm not asking about the arguments. You
17 misunderstood the question.

18 A. Okay.

19 Q. You said that your bad decision caused your
20 fist to go through the sheetrock. Was it your bad
21 decision that caused you to shoot the bullet in this
22 the ceiling or was it Ashley?

23 A. No. Both were my honest bad decisions in a
24 stressful situation.

25 Q. All right. Now, was everything you told the

1 of -- I was watching it closely --

2 Q. That's not -- my question is not about the
3 trajectory of the storm. My question is did she ask
4 you to come to Florida when you came to Florida in
5 September or did you come on your own?

6 A. No. I came on my own because she was not
7 answering the phone very much.

8 Q. During your arguments in the past, besides
9 shooting a firearm, throwing a firearm and punching a
10 hole in the wall, did you ever throw things besides
11 the gun?

12 A. I don't ever remember throwing anything.
13 No, I don't remember -- the only thing I remember,
14 one time standing at the sink and there's a glass in
15 the sink and I definitely -- it broke when I put it
16 down too hard. Other than that, I've never thrown
17 anything.

18 Q. So you were in an argument and you put a
19 glass down too hard and it broke; is that what you're
20 saying?

21 A. Yeah.

22 Q. When was that?

23 A. I don't remember specifically.

24 Q. Was it before or after June 20 -- I'm sorry.
25 Was it before or after June 15th?

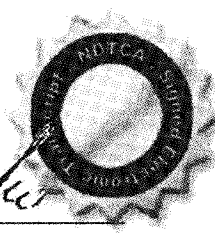
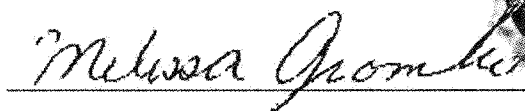
CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, the undersigned authority, certify that the witness in this matter personally appeared before me and was duly sworn on the 17th day of July, 2018.

WITNESS my hand and official seal this 26th day of July, 2018.



Melissa Gromko, Court Reporter

Notary Public

State of Florida at Large

My Commission Number: GG 051632

Expires: March 15, 2021

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF MANATEE)

I, Melissa Gromko, certify that I was authorized to and did stenographically report the deposition; that a review of the transcript was requested; and that the foregoing pages are a true and complete record of my stenographic notes taken during said deposition.

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 26th day of July, 2018.


Melissa Gromko, Court Reporter
Vincent Lucente & Associates
526 12th Street West
Bradenton, Florida 34205
(941) 748-3289





EXHIBIT 7

No Service

12:52 AM

45%

< Messages

R Benefield

Details

deeply disappointed
that you distorted the
truth about who you
really were when I
married you- I loved you
through finding out you
weren't really what you
pretended to be- you
kicking me so hard on
New Year's Eve on our
honeymoon because
you were having trouble
functioning in certain
areas- you holding a
gun to your head twice
my home that I
opened to you with my
children that still love
you- having to sell
everything down to my
wedding ring- finding



Text Message

Send

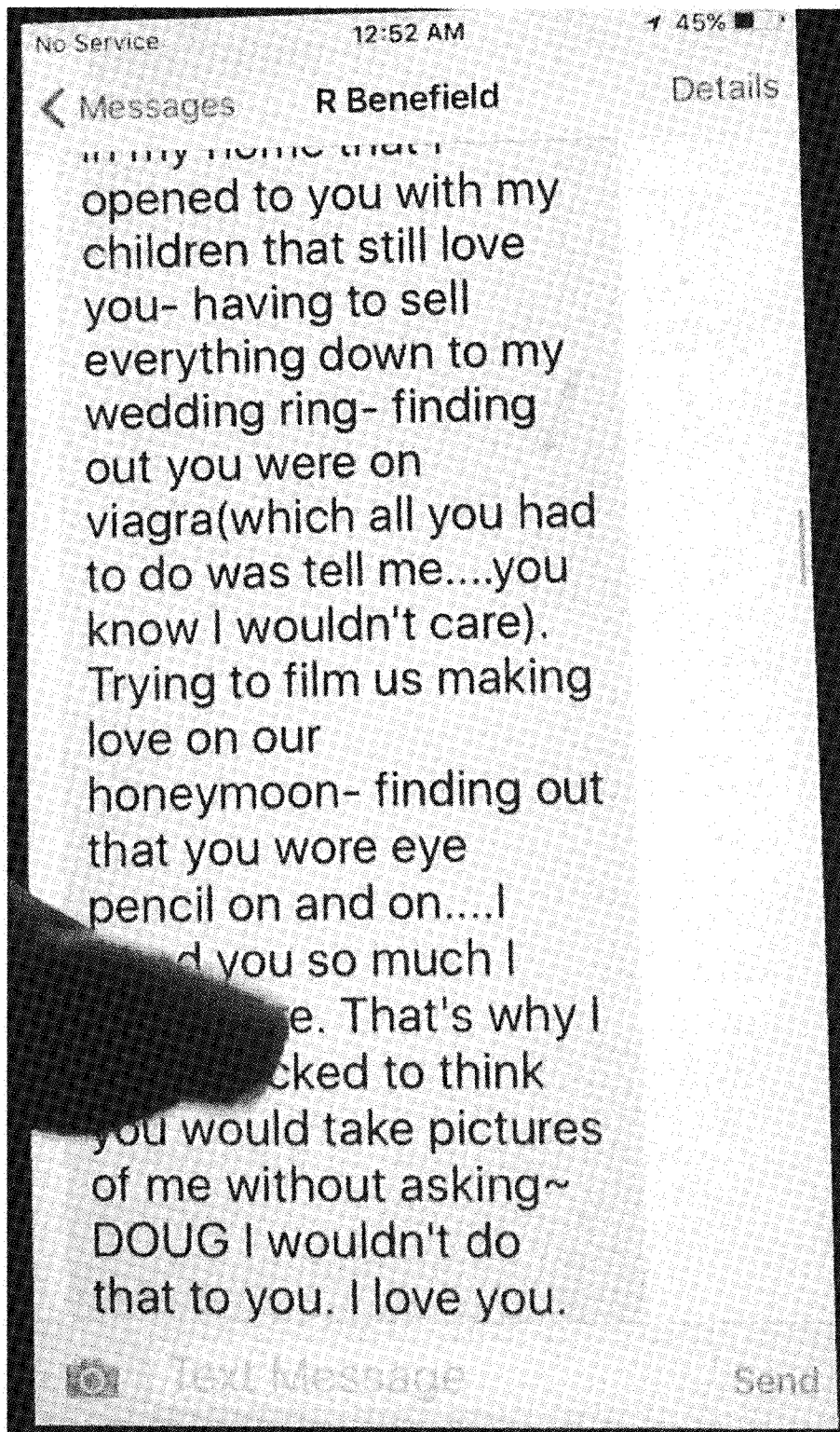
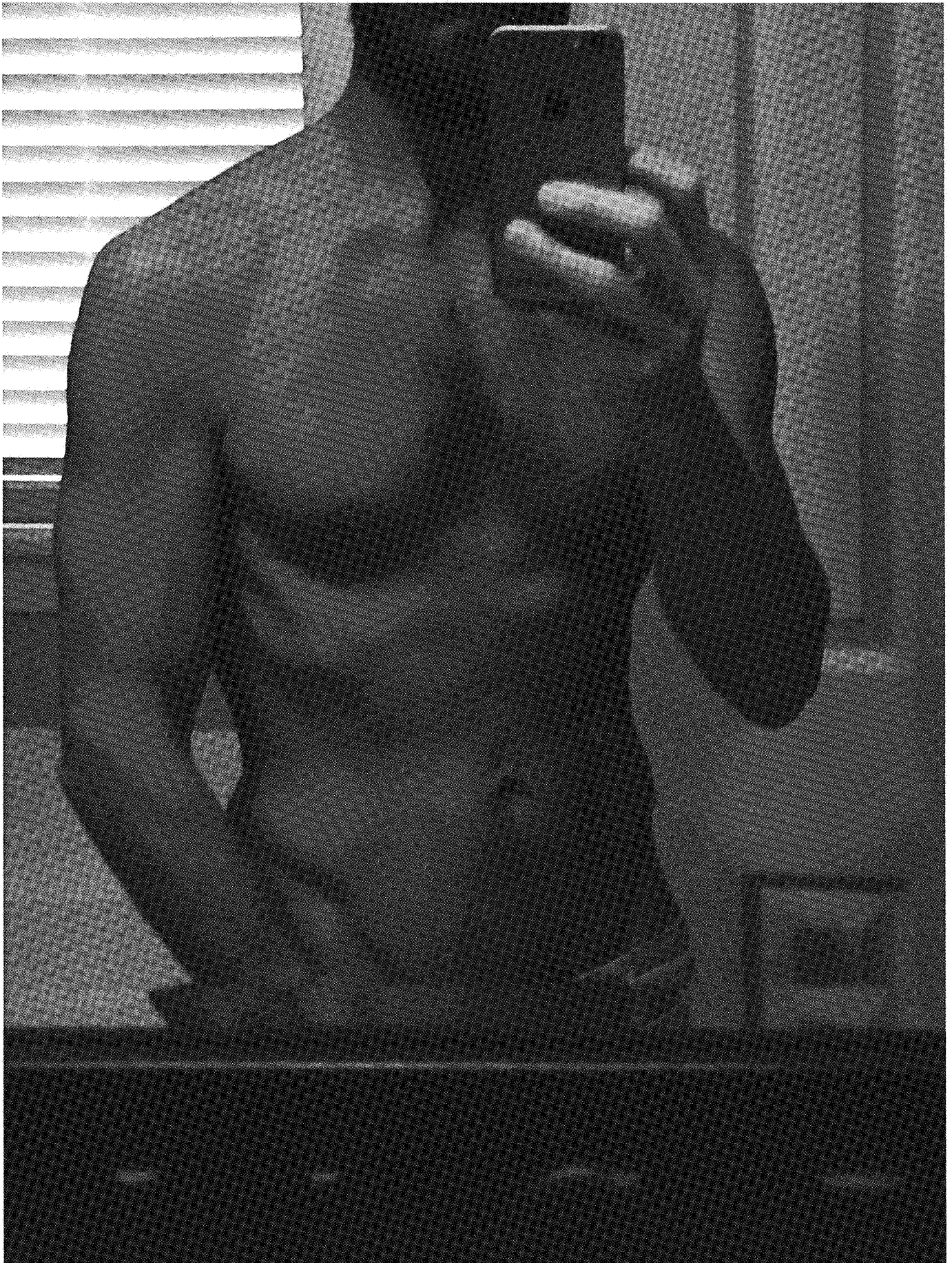
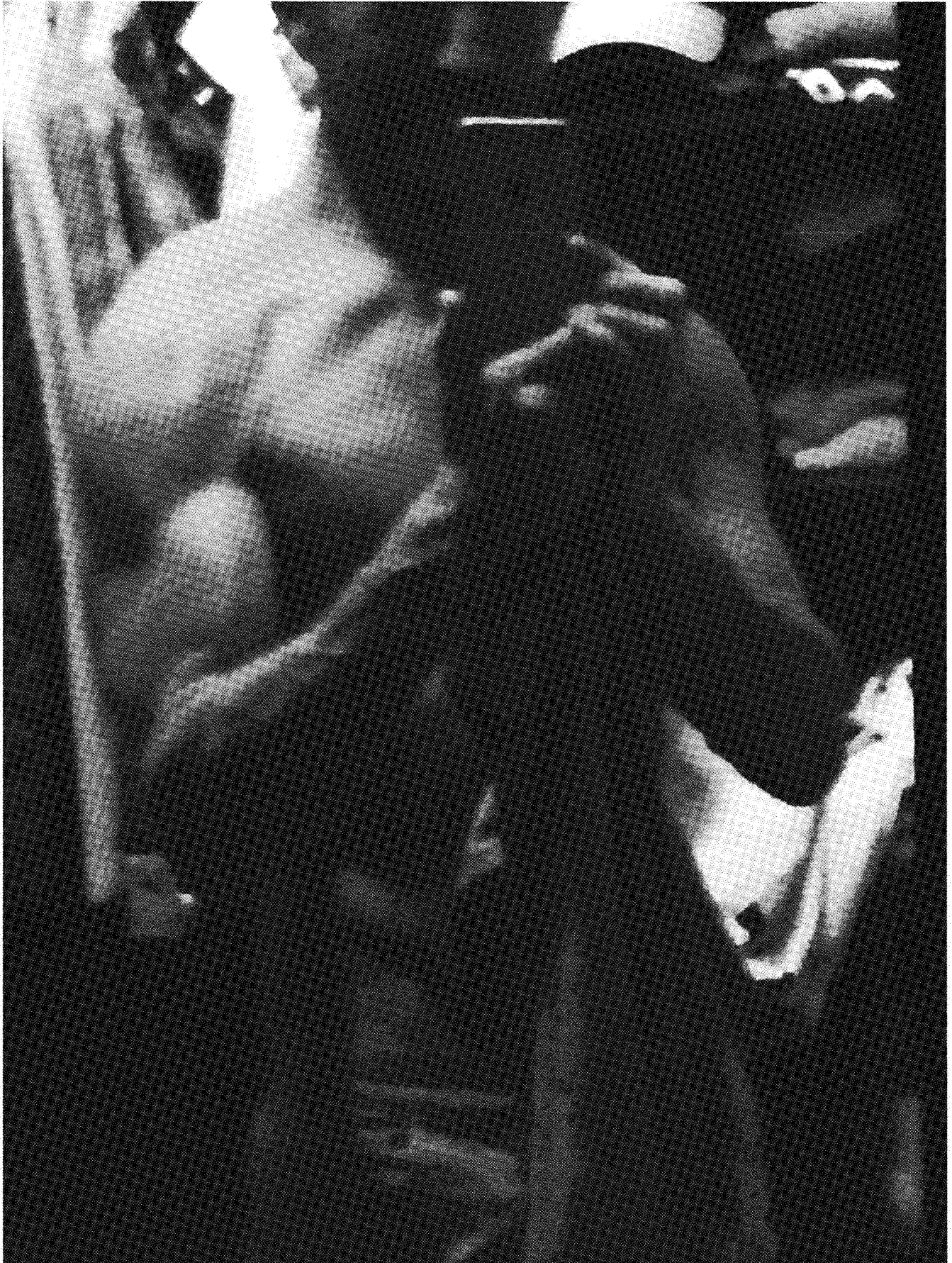


EXHIBIT 8









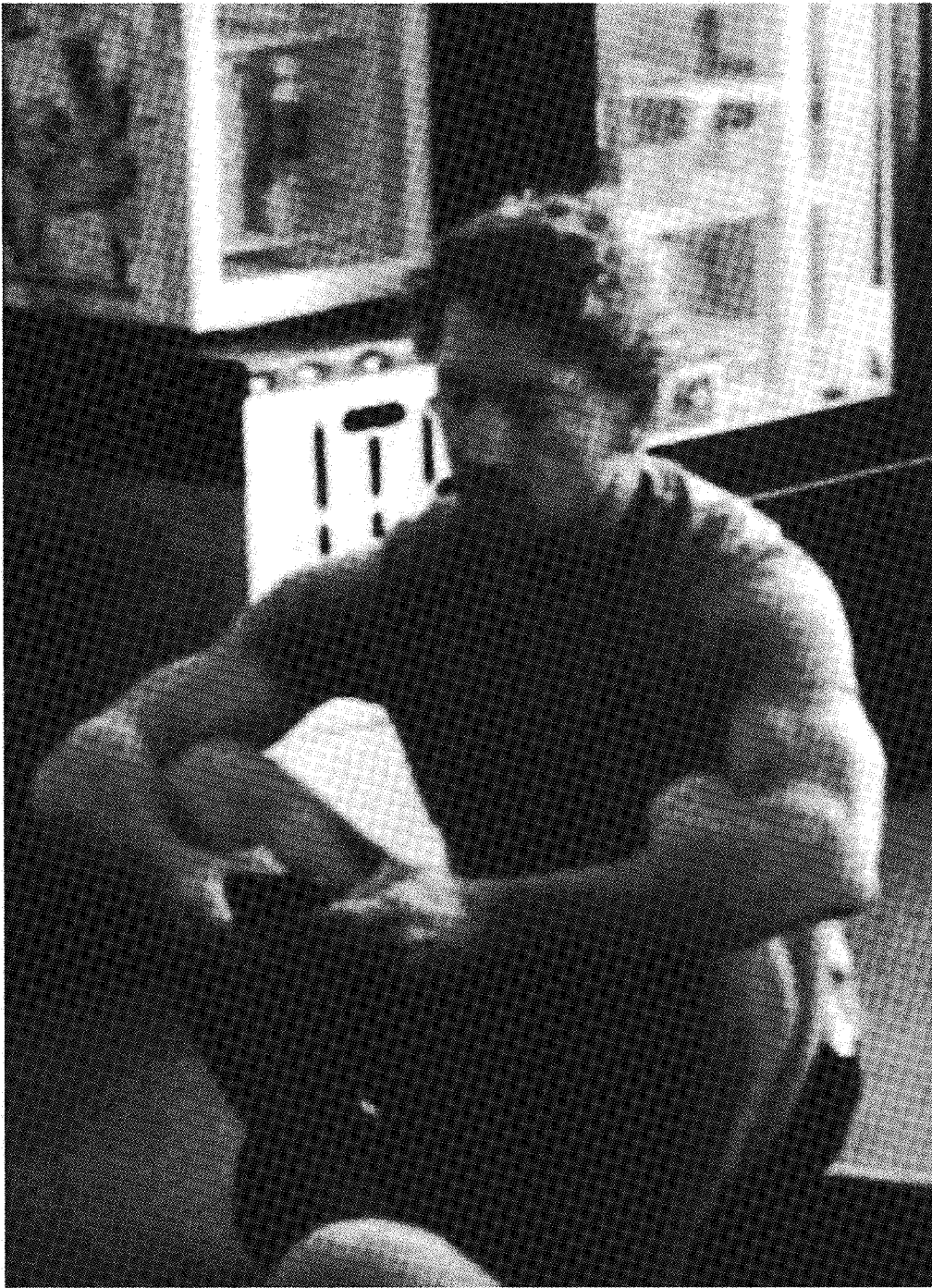


EXHIBIT 9

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

I call some special forces training which often sadly is hardship

Participant	Delivered	Read	Played
14105709525@s.w atsapp.net Ashley Benefield	8/29/2016 8:17:23 PM(UTC-4)	8/29/2016 8:17:23 PM(UTC-4)	

Status: Sent
Platform: Mobile

8/29/2016 8:17:22 PM(UTC-4)

Source Info:
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x575BE8 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x5559 (Size: 11275 bytes)

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

But know she is concerned about me traveling so much and one of my companies she knows enough to be a little concerned

Participant	Delivered	Read	Played
14105709525@s.whatsa pp.net Ashley Benefield	9/1/2016 2:21:57 AM(UTC-4)	9/1/2016 2:21:57 AM(UTC-4)	

Status: Sent
Platform: Mobile

9/1/2016 2:21:56 AM(UTC-4)

Source Info:
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27B213 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x5559 (Size: 11275 bytes)

14105709525@s.whatsapp.net Ashley Benefield

What does she know that I don't

Status: Read
Platform: Mobile

9/1/2016 2:22:21 AM(UTC-4)

Source Info:
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27B7CD (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

What I told you about partner from CIA. We provide electronics used in undercover stuff
And she knows Mr John is very much a trained for certain stuff plus what we do at ranch. So
her sweet mind isn't quite sure how it all related to me.

Participant	Delivered	Read	Played
14105709525@s.whatsapp.net Ashley Benefield	9/1/2016 2:24:25 AM(UTC-4)	9/1/2016 2:24:25 AM(UTC-4)	

Status: Sent
Platform: Mobile

9/1/2016 2:24:24 AM(UTC-4)

Source Info:
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27B53F
(Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x559 (Size: 11275 bytes)

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

Like always being armed

Participant	Delivered	Read	Played
14105709525@s.whatsapp.net Ashley Benefield	9/1/2016 2:24:58 AM(UTC-4)	9/1/2016 2:24:58 AM(UTC-4)	

Status: Sent
Platform: Mobile

9/1/2016 2:24:57 AM(UTC-4)

Source Info:
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27B12B (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)
DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x559 (Size: 11275 bytes)

14105709525@s.whatsapp.net Ashley Benefield

Are you doing things that are dangerous?

Status: Read

Platform: Mobile

9/1/2016 2:25:18 AM(UTC-4)

Source Info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27B2F2 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

From: 18438146256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

I'm not

Participant	Delivered	Read	Played
14105709525@s.whatsapp.net Ashley Benefield	9/1/2016 2:25:25 AM(UTC-4)	9/1/2016 2:25:25 AM(UTC-4)	

Status: Sent

Platform: Mobile

9/1/2016 2:25:24 AM(UTC-4)

Source Info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27EFC1 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x559 (Size: 11275 bytes)

14105709525@s.whatsapp.net Ashley Benefield

Being armed is just being smart

Status: Read

Platform: Mobile

9/1/2016 2:25:25 AM(UTC-4)

Source Info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27EF40 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

Yep

Participant	Delivered	Read	Played
14105709525@s.whatsapp.net Ashley Benefield	9/1/2016 2:25:31 AM(UTC-4)	9/1/2016 2:25:31 AM(UTC-4)	

Status: Sent

Platform: Mobile

9/1/2016 2:25:30 AM(UTC-4)

Source Info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27E1AF (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x559 (Size: 11275 bytes)

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

I left those days.

Participant	Delivered	Read	Played
14105709525@s.whatsapp.net Ashley Benefield	9/1/2016 2:25:43 AM(UTC-4)	9/1/2016 2:25:43 AM(UTC-4)	

Status: Sent

Platform: Mobile

9/1/2016 2:25:42 AM(UTC-4)

Source Info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27EEC6 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x559 (Size: 11275 bytes)

14105709525@s.whatsapp.net Ashley Benefield

But I hope you don't put yourself in any unnecessary situations

Status: Read

Platform: Mobile

9/1/2016 2:26:56 AM(UTC-4)

Source info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27EE25 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

From: 18438145256@s.whatsapp.net Beni (owner)
To: 14105709525@s.whatsapp.net Ashley Benefield

1999-2005 I lived in very much concern

Participant	Delivered	Read	Played
14105709525@s.whatsapp.net Ashley Benefield	9/1/2016 2:26:00 AM(UTC-4)	9/1/2016 2:26:09 AM(UTC-4)	

Status: Sent

Platform: Mobile

9/1/2016 2:26:08 AM(UTC-4)

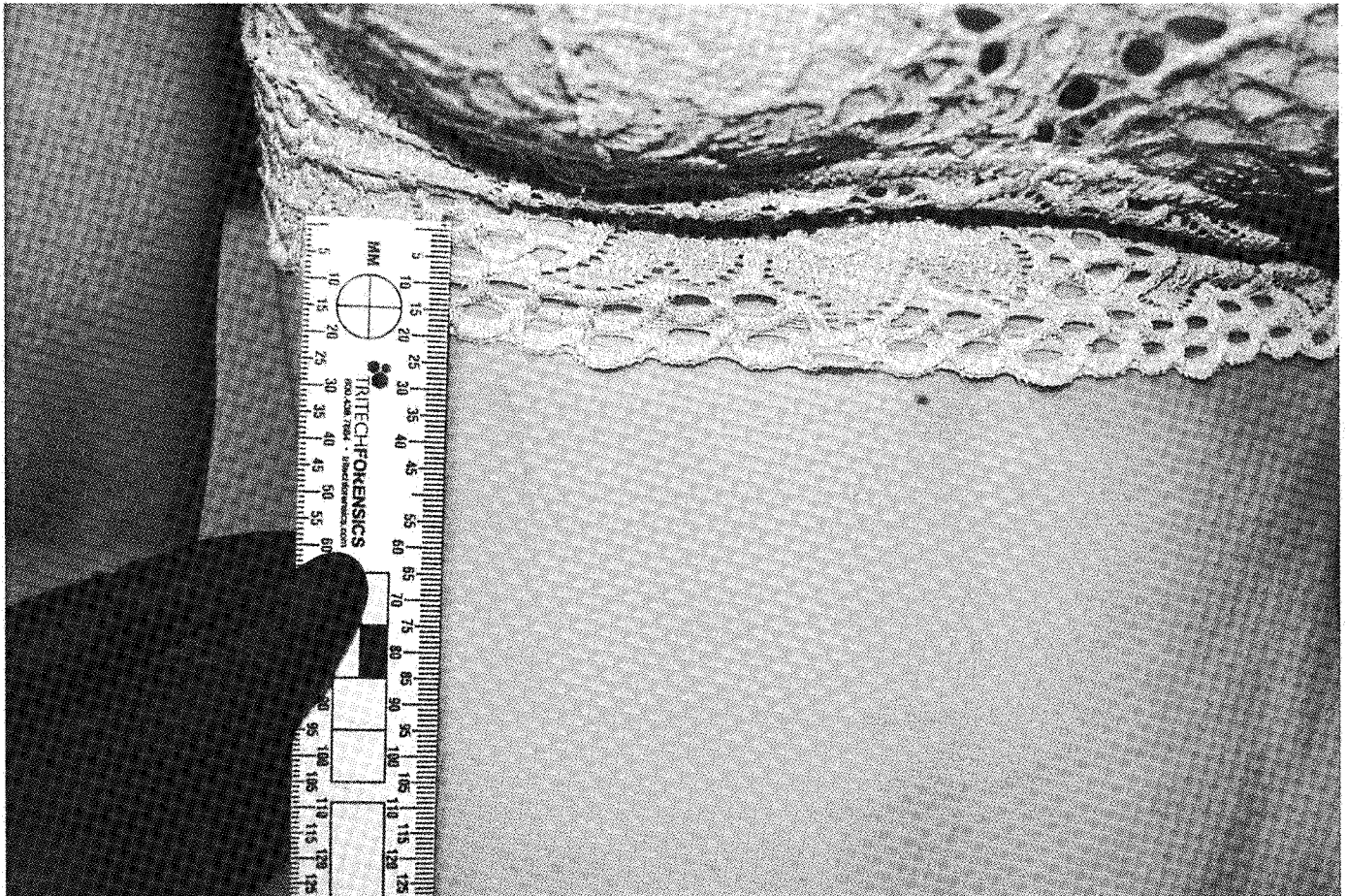
Source Info:

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/ChatStorage.sqlite : 0x27ED95 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, Size: 13115392 bytes)

DarArchive/root/private/var/mobile/Containers/Shared/AppGroup/E6E8D7BF-E948-4AF6-A14B-A98C26D50929/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist : 0x559 (Size: 11275 bytes)

EXHIBIT 10

09/27/2020



09/27/2020



EXHIBIT 11

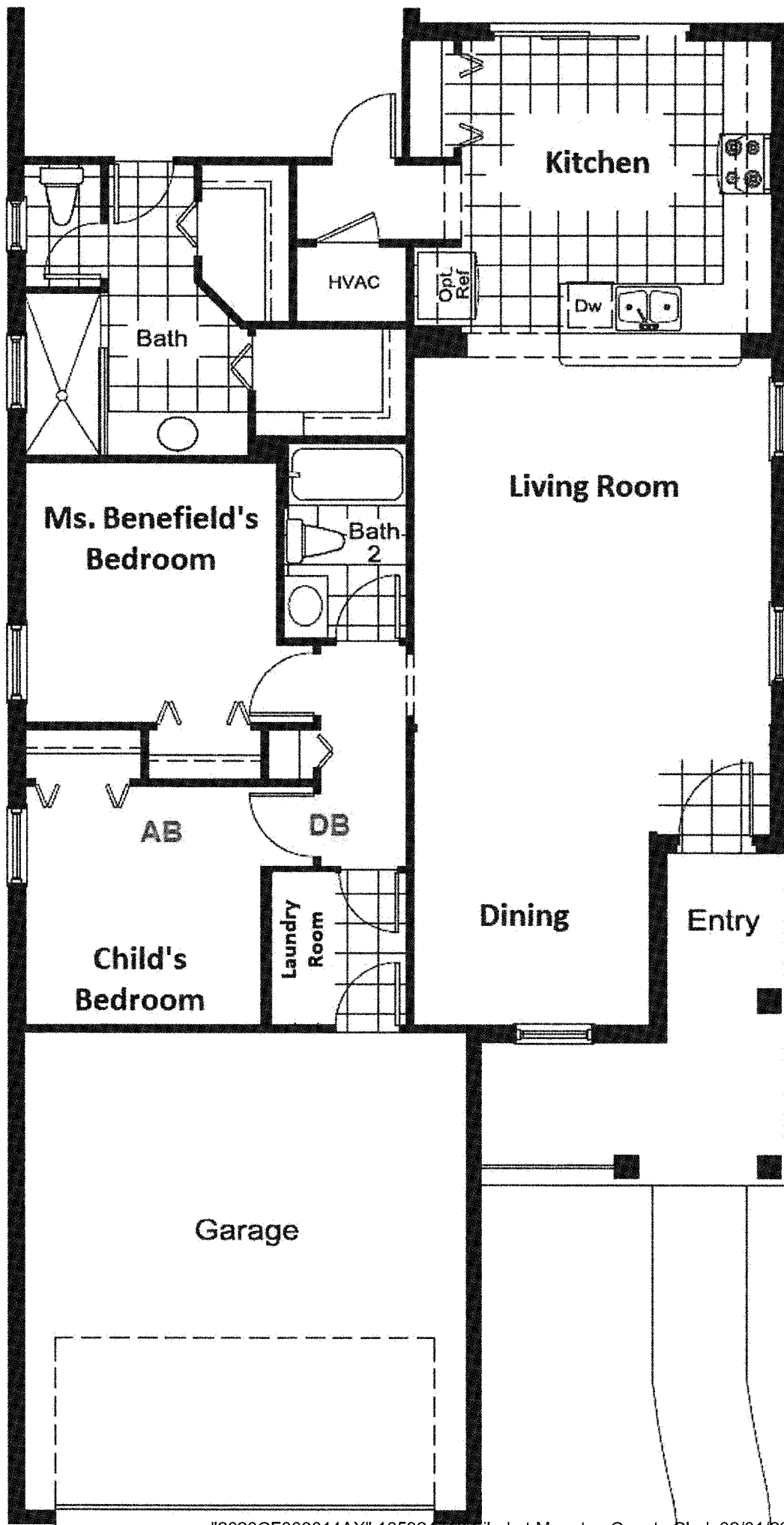


EXHIBIT 12

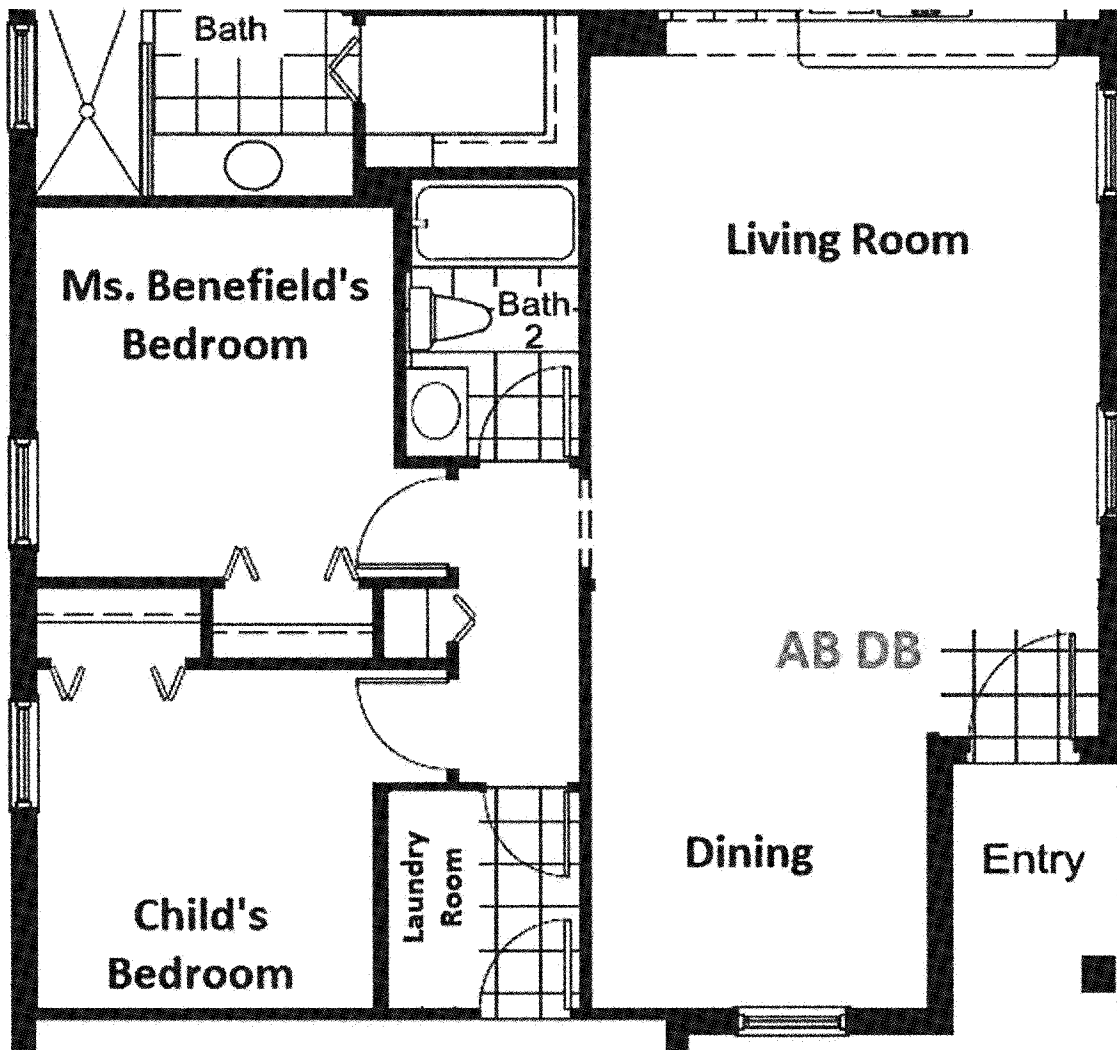
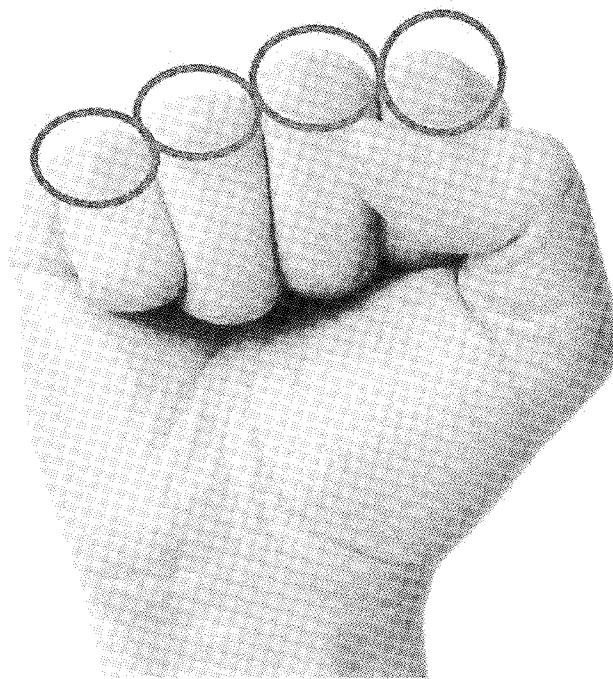


EXHIBIT 13



Demonstrative – not photo Mr. Benefield's fist

EXHIBIT 14

09/27/2020



EXHIBIT 15





EXHIBIT 16

09A
CID
N70

DISCOVERY 12/07/20 Page 186 of 1000

DEPARTMENT OF JUSTICE

2020-024250 2020024250

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

NATIONAL TRACING CENTER

Phone:(800) 788-7133 Fax:(800) 578-7223



Dickerman 11/09/2020

08:22:43

Print Date: November 06, 2020

FIREARMS TRACE SUMMARY

Trace Number: T20200403145

Request Date: October 13, 2020

Completion Date: November 04, 2020

DAN DICKERMAN

MANATEE COUNTY SHERIFFS OFFICE

600 US HWY 301 BLVD W STE 202

BRADENTON, FL 34205

PHONE: (941) 747-3011 Ext:

FAX (941) 741-3756

Badge No: H37

Investigation No: 2020-024250

FIREARM INFORMATION

Manufacturer: HS PRODUKT (IM METAL)

Model: XDS

Caliber: 45

Serial Number: S3144927

Type: PISTOL

Country: CROATIA

Importer: SPRINGFIELD INC (SI),
GENES...

Obliterated:

Identifying Marks:

NIBIN:

Gang Name:

RECOVERY INFORMATION

Recovery Date: 09/27/2020

Time to Crime: 2288 days

11331 WHITE ROCK TE

BRADENTON, FL 34205

Possessor: ASHLEY BENEFIELD

DOB: 12/05/1991

POB: UNITED STATES

DEALER INFORMATION

FFL: 15920987

AEGIS TACTICAL LLC

4402 S TAMiami TRAIL UNIT 3

SARASOTA, FL 34231

Phone: (941) 809-3695

Ext:

Ship-To-Date: 04/29/2014

PURCHASER INFORMATION

Purchase Date: 06/23/2014

ASHLEY CHRISTINA THOMAS

11331 WHITE ROCK TE

BRADENTON, FL 34211

DOB: 12/05/1991

POB: CORPUS CHRISTI, TX UNITED STATES

Race: WHITE

Height: 5 ft 8 in

Sex: Female

Weight: 125 lbs

ID 1: FL DRIVER'S LICENSE: T520003919450

ID 2: FL CONCEALED WEAPON PERMIT: W1335210

Contact the local ATF office for additional information.

ADMINISTRATIVE INFORMATION

SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER. FOR ANY QUESTIONS, PLEASE CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

Additional Remarks:

PURCHASER ETHNICITY NOT HISPANIC OR LATINO
THE LAST FOUR DIGITS OF THE PURCHASER SSN

The information in this report must be validated prior to use in any criminal proceedings.

Trace: T20200403145
FOR OFFICIAL USE ONLY

Page 1 of 1

Ammon

JOC

EXHIBIT 17

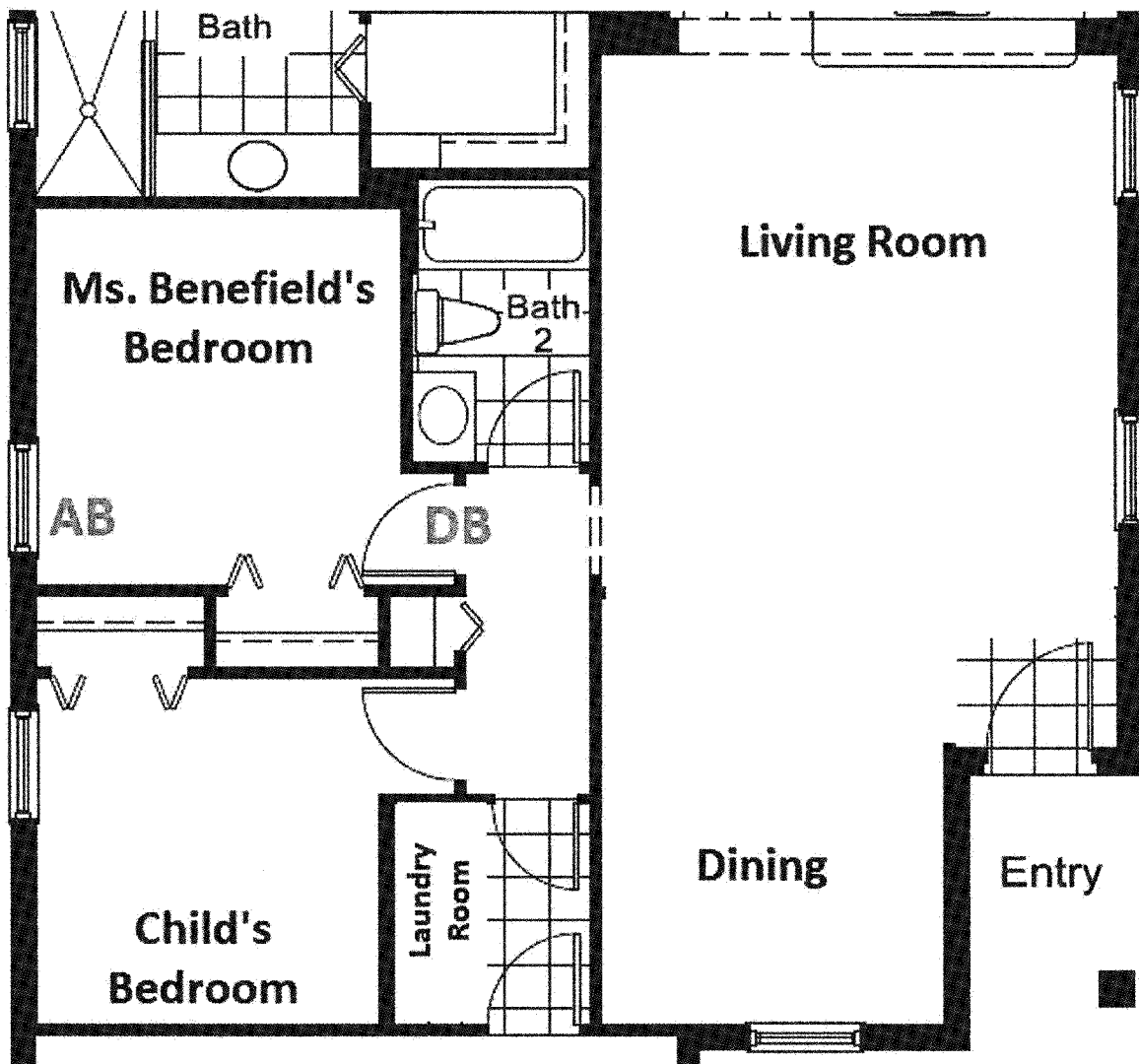


EXHIBIT 18



EXHIBIT 19

IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

STATE OF FLORIDA	)	Case No.: 2020-CF-3014
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ASHLEY BENEFIELD	)	September 27, 2020
	)	
Defendant.	)	
_____	)	

INTERVIEW OF HERBERT AND AMY CARLTON

Transcribed by:

Lisa D. Wenger
7015 229th Street East
Bradenton, Florida 34211
(941) 704-5608

INTERVIEW

Q Today is September 27th, 2020. I'm here with Herbert Carlton and Amy Carlton, who were walking by during the, uh, incident and heard some noises. So, I'm gonna go ahead and interview you guys and, so, just do me a favor and one at a time, I'll just have you tell me what you heard.

H Okay. We were walking up the sidewalk and got two houses from the house that's moving.

Q Okay.

H All the sudden I heard like six shots. I was just hoping it was furniture falling. So, I stopped, didn't proceed no closer to the house and all the sudden I seen a female come running out of the garage with a pistol in her hand, running to the house next door, banging on the door, screaming and yelling.

Q Okay.

H At that point, yeah, we went and tucked behind houses because we weren't sure if somebody was chasing her or anything.

Q Okay. So you jump behind the house? Did you see...

H Yeah.

Q do you see her come out or...

H Yeah. I seen her come out. I seen the pistol in her hand.

Q Okay.

1 H I seen the hammer back, like I was pretty sure she
2 unloaded the whole thing.

3 Q Okay.

4 A So more than I do...

5 Q And then where did you go, where did she go when you saw
6 her?

7 H She went into, was it 11327?

8 A Uh hum.

9 H She went up to...

10 A Banging on the door. I heard her banging on the door.

11 Q 11327.

12 H Uh hum.

13 A Help, but, I don't know if she was saying help, she was
14 screaming so bad. It was like a mixture of a cry and a scream.

15 Q Okay.

16 A And I just said to him, she had a gun in her hand,
17 because I didn't see, like, I couldn't tell that it was unloaded.
18 I just saw her, I can tell you she had beige shorts on and she had
19 the gun and it was this way. Like she...

20 Q It was pointed downwards.

21 A Like facing down. Hand pointed down.

22 H I think...

23 A It was, it was pointed down, cause she was so scurrying
24 and I, I could hear crying and, I'll be honest with ya, I was, I

1 just, I know it was an active shooter situation, but I was more
2 concerned for him, me and my dogs. So...

3 Q Yeah. No, I hear ya. Um, so, just to reiterate, so
4 you, you guys heard the shots, right?

5 H Uh hum. I heard the shots.

6 Q As you were walking up to the house.

7 H Yes.

8 Q And then, shortly after that, what would you say until
9 she popped out?

10 A She didn't pop out till you guys came...

11 H It was... No, no, no.

12 A I mean.

13 H From this house?

14 Q Correct.

15 H It was...

16 A Oh, oh...

17 H Less than 30 seconds. I mean it was...

18 Q It was pretty quick?

19 A Pretty quick.

20 Q Okay. So, a couple, you heard some shots, you say about
21 six?

22 H Yeah.

23 Q And then you were like whoa,

24 H Uh hum.

1 Q You were hoping it was furniture and then maybe 30
2 seconds after that, she come running out the front door?
3 H Yeah.
4 Q And then she ran over to the neighbor's house. Um,
5 screaming possibly for help?
6 H Yes.
7 Q Um, and then, did you see what she did when she got to
8 the neighbor's house?
9 H I did not, I, at that point, we were one houses down.
10 Q At that point, you were...
11 [INAUDIBLE - Talking over each other]
12 H And we went between them two houses.
13 Q Okay.
14 H I didn't go up to see was she able to get in the door or
15 anything.
16 A I was, I was hollering to him to call 9-1-1. The
17 neighbor across the street saw us and said, is everything okay.
18 H So, no. Simon, Simon's the one who called 9-1-1.
19 A And he had. Yeah, he had his phone out.
20 Q Simon?
21 H Yes.
22 Q Okay. And which, who's Simon?
23 H Simon is...
24 A He's across from...

1 H across from 11327. He's probably out there in his
2 driveway right now.

3 Q Okay.

4 A 31 probably. He's the house down.

5 H But he's the one who called, he's the one who called 9-
6 1-1.

7 Q Okay. Very good. All right. And, ma'am, I know you
8 kind of said a little bit, but when you were walking down the road
9 what did you hear or see?

10 A Oh, I heard gun, well, to me it sounded like gunshots
11 too, but I mean, I give the benefit of the doubt, I know they were
12 moving, but...

13 Q Uh hum.

14 A I, I mean, we, our other house, we live kind of in the
15 country, so we've heard that.

16 Q Right, yeah.

17 A I'm like, okay.

18 Q So you recognized that as gunshots.

19 A I was like, well, you know, I just hope, you know, I,
20 oh, you just can only hope only in safety.

21 Q Uh hum.

22 A So, but when I saw her panic and run out and she didn't
23 even like look at us. So, um, all she was doing was screaming. I
24 can remember screaming. So I was thinking, if she's scared and

1 worried for her life, like he said, I've been taught in my job
2 too, you don't know what's left behind.

3 Q right.

4 A I mean, so...

5 Q Okay.

6 A Yeah, like I said, I was worried and thinking, I don't
7 want this to go ugly or so, I'm thinking where...

8 Q Right.

9 A Where can we go as I'm telling him call 9-1-1, call 9-
10 1-1.

11 Q Okay. And you, you mentioned the fact that you guys
12 normally live in the country and you're familiar with kind of the
13 sound of gunshots and whatnot?

14 A Well, I mean, our other house that we rented, we just
15 recently moved into this neighborhood. We've been in this area
16 about a year. Our other house that we rented was more out in like
17 Bent Tree area and passed there.

18 Q Yeah.

19 A So we heard that plenty of times that way.

20 Q Uh hum.

21 A And, with the, the deer and stuff. So, cause I even
22 have told him, I hope, and he's like, oh, it's nothing, people are
23 probably hunting back there.

24 Q Yeah. Okay.

25 A And...

1 Q All right. So, definitely startled you when you heard
2 it? You, you were hoping for the best, but it didn't turn out to
3 be the best?

4 A Yes.

5 H Yeah. Yeah, yeah.

6 Q Okay. All right. Um, and then you guys ducked behind
7 cover and then the cops came.

8 A And that's why I feel bad, because I know Simon probably
9 thought we were in it, but I was like, no, I'm trying to tell him
10 to call 9-1-1.

11 Q Yeah.

12 A And I'm like, at the same point, I'm still, I'm gonna be
13 honest with you officer, the same point when Simon's looking at
14 us, I'm worried about him, me and him and my dogs, cause I'm like,
15 we haven't seen any activity.

16 Q Right.

17 A We don't know if she's gotten into the house next door
18 or what.

19 H I mean, that's one reason why I did delay calling 9-1-1
20 cause I didn't want to draw no more attention to where we were at.

21 Q Okay.

22 H Cause way she come out screaming, I assume somebody was
23 fixing to be chasing her.

24 Q Yeah.

25 H And I was pretty sure they were coming with one.

1 Q Yeah.

2 H So,

3 Q Yeah. No, that's fine. You gotta do what's right for
4 you too, you know? At the end of the day.

5 H Uh hum.

6 Q Um, all right. Well, I think that'll do it. If you, if
7 you guys remember anything or anything like that, just feel free
8 to call the Sheriff's Office. Just the regular number and say
9 hey, we were involved with this on this street and they'll be able
10 to situate you there, but, um, it sounds pretty, pretty simple.

11 H Okay.

12 Q I'm gonna go talk to the lead investigator.

13 H Okay. I understand.

14 Q Kind of let him know what you guys saw, see if he has
15 any questions for you.

16 H Okay.

17 Q And then I'll let you guys know. Okay?

18 H I appreciate it.

19 Q Thank you so much.

20 A Thank you.

21 Q Yep. The time is 8:21 and the interview will be
22 concluded at this time.

23

24

25

1 I, Lisa D. Wenger do hereby certify that the foregoing 9 pages of
2 this transcript fairly and accurately represent the Interview of
3 Herbert and Amy Carlton recorded on September 27, 2020 in the case
4 of State versus Ashley Benefield, Case Number 2020-CF-3014

5 

6 9/15/22

7 Lisa D. Wenger

Date