

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.

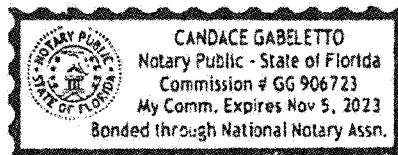
CERTIFICATE OF OATH

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

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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

Candace Gabeletto, RPR
Registered Professional Reporter

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