

Defense rests case for Brevard man accused of shooting at deputies

DeRossett seeking to avoid trial

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TITUSVILLE, Fla. – Seeking to dismiss attempted murder charges, the defense rested its case Thursday without testimony from the defendant accused of shooting at the three sheriff's deputies.

Attorney Michael Panella believes he made his case without calling on 68-year-old John DeRossett.

"We believe the evidence fully supports what we've been saying all along: My client didn't know these people were police officers," Panella said.

DeRossett has been in custody since the shootout with sheriff's deputies at his Port St. John house in August 2015.

That was the night of an undercover prostitution sting and DeRossett's niece was the target.

In court this week, Mary Ellis said the deputies who grabbed her out of the house, without a warrant, never said who they were.

One of those deputies also testifying this week at the Titusville courthouse said they did tell her they were law enforcement and prosecutors said DeRossett likely did know he was shooting at deputies in his front yard, not three men trying to kidnap his niece.

The deputy who came to the door was in street clothes.

The two other deputies who were in the dark front yard at 9:30 p.m. were wearing Sheriff's Office vests.

DeRossett said he heard screaming so he rushed to the door and fired a warning shot in the air with his handgun.

The deputies fired back.

DeRossett was shot twice and Deputy Casey Smith was wounded too, critically.

A deputy not involved in the shootout testified Thursday that he talked to DeRossett in an ambulance.

"He said, 'I shot him in self-defense.' Who would shoot a cop," Deputy Jeffery Dobrowsky said.

A Florida Department of Law Enforcement firearms expert who also testified said all the guns involved each use the same .40 caliber bullets, meaning it's unclear if DeRossett actually shot Smith.

DeRossett's attorney believes he will go home, whether the judge decides so or a jury if the case goes to trial.

"I'm very confident a jury would acquit my client because from his perspective, the use of force was justified and I believe a jury would see that," Panella said.

Closing arguments are scheduled Friday and the judge is expected to make a decision sometime after that.

If the judge sides with the defense, DeRossett will avoid trial.