

IN THE CIRCUIT COURT IN THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA

CASE NUMBER: 05-2012-CF-035337-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

versus

BRANDON LEE BRADLEY

Defendant,

**ORIGINAL**

2014 OCT 28 P 1:45  
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BREVARD CO. FL.

SCOTT ELLIS

VOLUME IV OF XI

TRANSCRIPT OF DIGITAL RECORDED JURY TRIAL

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The transcript of the Digital Recorded Proceedings taken in the above-styled cause, at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Florida, on the 24th, 27th, 28th day of February, and 6th, 7th, 10th, 11th, 12th, 13th, 14th and 17th day of March, 2014, before the Honorable Morgan Reinman.

RYAN REPORTING  
REGISTERED PROFESSIONAL REPORTERS

1670 S. FISKE BOULEVARD  
ROCKLEDGE, FLORIDA 32955

Case # 05-2012-CF-035337-AXXX-XX  
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A P P E A R A N C E S

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2 THOMAS BROWN, ESQ.,  
3 and  
4 JAMES MCMASTER, ESQ.,  
5 Assistant State Attorneys  
6 State Attorney's Office  
7 2725 Judge Fran Jamieson Way  
8 Building D.  
9 Viera, Florida 32940

Appearing for  
Plaintiff

10 J. RANDALL MOORE, ESQ.,  
11 MICHAEL PIROLO, ESQ.,  
12 and  
13 MARK LANNING, ESQ.,  
14 Assistant Public Defender  
15 Public Defender's Office  
16 2725 Judge Fran Jamieson Way  
17 Building E  
18 Viera, Florida 32940

Appearing for  
Defendant

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Brandon Lee Bradley, Defendant, present

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1 THE COURT: So, 109 will be struck for cause,  
2 312 will be struck for cause. Okay. It's -- go  
3 ahead.

4 MR. BROWN: Judge, I was just going to -- you  
5 did have Number 158 who was going to check on another  
6 if he could take off.

7 THE COURT: Yes.

8 MR. BROWN: Work's obviously -- gets off at  
9 6:00 in the morning. So, I didn't know if you wanted  
10 to bring him back this afternoon to check rather than  
11 tomorrow and have him work another shift. I just --

12 MR. LANNING: He's going to come back this  
13 afternoon anyway. So, they should all start  
14 checking.

15 MR. BROWN: Well, unless if we're going to  
16 bring back the ones who are --

17 THE COURT: I was going to try to break this up  
18 and maybe bring back some and not bring back others.

19 MR. BROWN: Bring others back tomorrow morning  
20 or afternoon.

21 THE COURT: How many do you we have left? I  
22 didn't check that.

23 MR. LANNING: Thirty-nine or forty.

24 MR. BROWN: I've got fourteen that were  
25 stricken. So, we have --

1 THE COURT: Do you want to try to bring back  
2 half today and half tomorrow?

3 MR. MOORE: That's reasonable.

4 THE COURT: And then get rid of the panel for  
5 tomorrow.

6 MR. MOORE: Yes, reasonable.

7 THE COURT: Okay. Let me see how many there  
8 are and I don't know how to do this other than to  
9 count.

10 MR. BROWN: Ten for this afternoon may be kind  
11 of pushing it but.

12 THE COURT: Let's see how many we have. How  
13 may do we have?

14 MR. PIROLO: If we struck fourteen we should  
15 have thirty-nine.

16 THE COURT: So, how many do we want to bring  
17 back for this afternoon?

18 MR. LANNING: Figure nineteen this afternoon.

19 MR. PIROLO: I'd rather work later today than  
20 tomorrow.

21 MR. LANNING: Fifteen?

22 THE COURT: Fifteen today and then bring back  
23 the rest tomorrow?

24 MR. LANNING: And then at 3:00 o'clock we can  
25 take a look at see where we're at.

1 MR. BROWN: That's fine. Do you want to split  
2 the other ones up morning and afternoon?

3 MR. PIROLO: That makes sense.

4 THE COURT: Yeah, because it is kind of not fun  
5 to be sitting here. Okay. Let's do fifteen and then  
6 that will give us what, twenty-four, and then twelve  
7 and twelve.

8 MR. PIROLO: Right.

9 THE COURT: Okay. All right. Let me figure  
10 that out and then I'll announce it.

11 (Thereupon, the benchside conference was  
12 concluded. Thereafter, the proceedings had were  
13 previously transcribed.)

14 THE COURT: Okay. We can bring out  
15 Mr. Bradley.

16 (Thereupon, the defendant was escorted into the  
17 courtroom by the court deputy.)

18 THE COURT: Okay. Any preliminary matters that  
19 we need to address on behalf of the State?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Any preliminary matters on behalf  
22 of the Defense?

23 MR. MOORE: No, Your Honor.

24 THE COURT: Do we have the jury up?

25 THE COURT DEPUTY : We do.

1 THE COURT: Okay. All right. Tell them to get  
2 comfortable because we're going to start and we'll  
3 start with 107.

4 (Thereupon, the proceedings had were previously  
5 transcribed.)

6 THE COURT: Okay. We can bring in Juror 111.

7 (Thereupon, Juror Number 111 was escorted into  
8 the courtroom by the court deputy and the proceedings were  
9 had as follows:)

10 THE COURT: Okay. Good afternoon, Juror Number  
11 111. First I'm going to ask you about the rules we  
12 talked about governing your service as a juror, and  
13 just so you know, those rules became in effect on  
14 when I announced them to you, then I'm going to talk  
15 about knowledge of your case previously -- knowledge  
16 of this case you may have previously, but I do want  
17 tell you that with regard to your service on this  
18 jury you can tell people that you're here, where you  
19 are and when you have to be here, you just can't talk  
20 about the what. You can't talk about what case it  
21 is, what the charges are, what the evidence has been,  
22 things of that nature. Okay. Some people say can I  
23 tell my family that I'm here. Yes, you can do that  
24 but you can't talk about the case and the nature of  
25 the case and the charges and the evidence and things

1 of that nature but at the ends of your service it's  
2 up to you as to what you want to discuss, then you  
3 would no longer be bound by these rules. First thing  
4 I'm going to ask you is have you read or been exposed  
5 to reading newspaper headlines and/or articles  
6 related to this trial or its participants since the  
7 rules came into effect?

8 JUROR NUMBER 111: Since your announcement this  
9 morning?

10 THE COURT: Since I announced them.

11 JUROR NUMBER 111: No, ma'am.

12 THE COURT: Have you seen or heard television,  
13 radio, or Internet comments about this trial since  
14 then?

15 JUROR NUMBER 111: No.

16 THE COURT: Have you conducted or been exposed  
17 to any researching regarding any matters concerning  
18 this case?

19 JUROR NUMBER 111: No, ma'am.

20 THE COURT: And have you discussed this case  
21 with other jurors or with anyone else or allowed  
22 anyone to discuss it in your presence?

23 JUROR NUMBER 111: No, ma'am.

24 THE COURT: Then we're going to talk about what  
25 you knew previously. Did you know anything about

1 this case either from your own personal knowledge,  
2 rumor, or by discussions with anyone else, or from  
3 the media, including radio, television, Internet,  
4 electronic device, or newspapers?

5 JUROR NUMBER 111: I knew about the events.

6 THE COURT: Okay. When it occurred or as it --  
7 or recent events as well?

8 JUROR NUMBER 111: As it was occurring.

9 THE COURT: Okay. And what information do you  
10 believe that you know about this case?

11 JUROR NUMBER 111: I don't know anything about  
12 this case.

13 THE COURT: Okay. What information did you  
14 hear?

15 JUROR NUMBER 111: I know about the events. My  
16 son's best friend is a reserve sheriff, when it was  
17 occurring it was announced on TV, we called him, my  
18 wife and I called him to see if he was okay.

19 THE COURT: Okay.

20 JUROR NUMBER 111: He said he was fine and that  
21 he wasn't involved. About I would say an hour, hour  
22 and a half later he called back to say that they had  
23 caught the suspect.

24 THE COURT: So, in order to make that call you  
25 must have heard something about a death of a law



1 enforcement officer.

2 JUROR NUMBER 111: Yes.

3 THE COURT: Anything else?

4 JUROR NUMBER 111: No.

5 THE COURT: And have you heard anything  
6 recently with regard to this case?

7 JUROR NUMBER 111: No.

8 THE COURT: What are your habits with regard to  
9 watching the news or listening to the news?

10 JUROR NUMBER 111: I typically watch the  
11 weather in the morning.

12 THE COURT: Okay. Only the weather?

13 JUROR NUMBER 111: Yes.

14 THE COURT: Do you watch like the weather  
15 channel or do watch the local news?

16 JUROR NUMBER 111: Typically the weather  
17 channel or Channel 6 on cable out of Orlando.

18 THE COURT: So, if they were to talk about the  
19 case, would you not -- were you not listening to that  
20 or were you not -- you don't pay attention to the  
21 other news?

22 JUROR NUMBER 111: It's generally background  
23 noise.

24 THE COURT: And when the weather comes on you  
25 watch that?

1 JUROR NUMBER 111: Yes.

2 THE COURT: So, if I were to ask you can you a  
3 set aside anything that you may have learned about  
4 this case, serve with an open mind and reach a  
5 verdict based only on the law and the evidence  
6 presented in this trial in this courtroom, can you do  
7 that?

8 JUROR NUMBER 111: I believe so.

9 THE COURT: Okay. Many people talk in terms of  
10 I think, I believe, when you do that these attorneys,  
11 I assure you, are going to question you a little bit  
12 more. That's a general phrase of speaking. Even --  
13 when you pay attention to that you'll be surprised  
14 how many people do that, even I do that even though I  
15 know what that means. When you do that we don't know  
16 if you mean -- if it's just a matter of speech or if  
17 you have some doubts about whether you can do it.  
18 So, whenever you say I think, I believe, you're going  
19 to get more questioning. So, the question is can you  
20 do that?

21 JUROR NUMBER 111: I believe I can.

22 THE COURT: What would be your concerns about  
23 whether you could do it?

24 JUROR NUMBER 111: I have friends in law  
25 enforcement.

1 THE COURT: Okay.

2 JUROR NUMBER 111: Nobody likes to see them  
3 shot. Both my son and my daughter-in-law are both  
4 attorneys.

5 THE COURT: Okay.

6 JUROR NUMBER 111: So, can I be completely  
7 unbiased, I would like to thing so but I don't know.

8 THE COURT: Okay. There's no right or wrong  
9 answers in here. So, it's important that you give us  
10 that those disclosures. So, I appreciate you doing  
11 that. Both -- you said your son and daughter?

12 JUROR NUMBER 111: My son and his wife.

13 THE COURT: Okay. And is that here in Brevard  
14 County?

15 JUROR NUMBER 111: No.

16 THE COURT: And where is that at?

17 JUROR NUMBER 111: That's in North Carolina.

18 THE COURT: And what kind of law do they  
19 practice?

20 JUROR NUMBER 111: She's contracts, mergers and  
21 acquisitions and environmental, he's a trial  
22 attorney.

23 THE COURT: Does he do criminal or civil?

24 JUROR NUMBER 111: Criminal and civil.

25 THE COURT: Okay. And you say you have friends

1 in law enforcement?

2 JUROR NUMBER 111: Yes.

3 THE COURT: Tell me, tell me your friends and  
4 how close you are to them.

5 JUROR NUMBER 111: In Brevard, it's just my  
6 son's best friend, I've known him for eighteen years,  
7 we have dinner together often.

8 THE COURT: I would think since you called him  
9 on that incident that, you know, you're friendly with  
10 him. What -- who does he work for?

11 JUROR NUMBER 111: His name is [REDACTED]  
12 he's a reserve with the Brevard County sheriff.

13 THE COURT: Okay. So, you're saying that that  
14 causes you some concern since he's in law  
15 enforcement?

16 JUROR NUMBER 111: Yes.

17 THE COURT: Only you can tell us how much of a  
18 concern that involves, that that would be for you.  
19 This case, as you heard, does involve the death of a  
20 law enforcement officer. I anticipate that there  
21 will be photographs, I anticipate there may be a  
22 video. Some people may consider both those things to  
23 be graphic. Do you -- and what we're going to ask  
24 you to do is the State has the burden of proof, they  
25 have to prove this case beyond and to the exclusion

1 of every reasonable doubt, and I'm going to give you  
2 more information about this later. You have to  
3 presume the defendant to be not guilty, to be  
4 innocent at this stage since there is no proof that's  
5 been presented and your job as a juror is to hold the  
6 State to their burden of proof. They have to prove  
7 each element of each crime beyond and to the  
8 exclusion of every reasonable doubt, and I'm going to  
9 talk to you more about that later, but can you do  
10 that? Can you make the State prove their burden and  
11 presume for this case that the defendant is not  
12 guilty?

13 JUROR NUMBER 111: I believe so, I've never  
14 heard the defendant's name before.

15 THE COURT: Okay. Until today?

16 JUROR NUMBER 111: Yeah, until today, I've  
17 never seen a picture of him before, I just know that  
18 they had caught the suspect.

19 THE COURT: Okay. Is what you're saying is  
20 because it's a police officer, you know, that maybe  
21 heightens your concern but -- I mean, really what I'm  
22 asking you is I'm going to give you really specific  
23 instructions. They're going to be in writing so  
24 you're going to have them with you to look at when  
25 you deliberate. Some people like to see things in

1 writing, I happen to be one of those people that like  
2 to see things in writing. So, are you going to be  
3 able to follow those instructions?

4 JUROR NUMBER 111: Yes.

5 THE COURT: Okay. And the next question and  
6 I'm going ask you this in very general terms just to  
7 get -- to see how -- what you think. What are your  
8 views about the death penalty?

9 JUROR NUMBER 111: I support it.

10 THE COURT: Okay. In this case if there is --  
11 we have the first phase of the trial called the guilt  
12 phase. If there is a guilt verdict on Count I which  
13 is first degree murder, then and only then do we move  
14 into the second phase which is called the penalty  
15 phase. In the penalty phase I will instruct you that  
16 as a juror you have to consider both the penalty of  
17 death and life in prison without the possibility of  
18 parole, can you do that? Do you think you can do  
19 that?

20 JUROR NUMBER 111: Yes.

21 THE COURT: So, the question is are you of the  
22 opinion that death is the only appropriate penalty  
23 for murder in the first degree and is that a opinion  
24 so strong that you could not consider life in prison  
25 without the possibility of parole as a penalty under

1 any circumstances?

2 JUROR NUMBER 111: So, the answer to the first  
3 part of your question was no, I don't believe it's  
4 exclusively the only penalty, and yes, I believe I  
5 could consider life without the possibility of  
6 parole.

7 THE COURT: Okay. That's good, you're  
8 listening that there's two questions, parts of the  
9 question. Okay. So, if I instruct you that you have  
10 to consider both penalties, you could do that?

11 JUROR NUMBER 111: Yes.

12 THE COURT: Okay. All right. Questions by the  
13 State.

14 MR. BROWN: Yes, Your Honor. Juror Number 111,  
15 good afternoon. Let me talk to you a little bit  
16 about the news that you heard and just kind of cover  
17 some of the questions that the Court had inquired of  
18 you. Obviously, as you determined, your son's best  
19 friend who's completely -- who's not involved in  
20 this, correct?

21 JUROR NUMBER 111: Correct.

22 MR. BROWN: And you did not hear his name in  
23 the lengthy list of potential witnesses, correct?

24 JUROR NUMBER 111: No, I didn't.

25 MR. BROWN: Now, obviously the fact that a law

1 enforcement officer was involved in this is a fact  
2 for some of the charges, it's an element of the crime  
3 that the State of Florida has to prove. So, I'm not  
4 going to ask you to ignore the fact that there was an  
5 officer involved because evidence is going to prove  
6 that and that's one of the elements, but the  
7 relationship that you have with your son's friend and  
8 other law enforcement officers you may have known, I  
9 assume out of state, other areas, the key question  
10 here is can you set those aside and base your verdict  
11 in this case on the facts and evidence that you're  
12 going to hear from the Court and the law that the Her  
13 Honor gives you?

14 JUROR NUMBER 111: Yes.

15 MR. BROWN: And are you be confident in your  
16 ability to do that?

17 JUROR NUMBER 111: Yes.

18 MR. BROWN: Now, as far as the death penalty  
19 goes, let me cover a little bit with you the propose  
20 that you go through to get into the position where  
21 you have to make that recommendation. Now, I know  
22 Her Honor covered it with you this morning but she  
23 did throw an awful lot at the entire group in a  
24 compressed period of time. So, the first step is the  
25 jury has to return a verdict in order to get to the



1 next step of guilty of first degree murder. If the  
2 jury returns a verdict of something less such as  
3 second degree murder, then the death penalty is off  
4 the table and the sentencing -- the Judge will do the  
5 sentencing and the jury does not make that  
6 recommendation. Obviously, if you come back not  
7 guilty, then there is no sentencing that's going to  
8 be done, period. So, the first step in the process  
9 is the jury comes back with a verdict of guilty of  
10 first degree murder. If that occurs, we'll  
11 reconvene, additional evidence is presented and the  
12 Court gives you a new set of instructions. In those  
13 instructions the first step she's going to tell you  
14 is to look at what are called aggravating  
15 circumstances and as she indicated to you this  
16 morning, those are circumstances that increase the  
17 gravity of the crime or the harm to the victim and  
18 those have to be proven and the proof may come from  
19 the first portion of the trial or the second portion  
20 of the trial. Just because you get to the second  
21 step doesn't mean that you ignore everything that got  
22 you to that step, but the State has to prove those  
23 beyond and to the exclusion of any reasonable doubt.  
24 You understand that?

25 JUROR NUMBER 111: I understand that she

1 explained both mitigating and --

2 MR. BROWN: Aggravating?

3 JUROR NUMBER 111: -- aggravating  
4 circumstances.

5 MR. BROWN: So, if we prove to you the  
6 aggravating circumstances, at least one, we may prove  
7 to you more, there will be a list of them, you look  
8 at those aggravating circumstances and ask yourself  
9 do these justify the death penalty. If your answer  
10 is no, then you're required to return a verdict of  
11 recommendation of life. If your -- if you look at  
12 those aggravating circumstances that are proven and  
13 you say these justify the death penalty, you go to  
14 the next step.

15 The next step is where you look at those  
16 mitigating circumstances. Those have to be proven to  
17 you as well, it's a lower burden of proof, it's to  
18 the greater weight of the evidence. If something is  
19 not proven, obviously you disregard it. If the  
20 mitigation is proven to you, you have to consider  
21 that. The Court's going to tell you you go through a  
22 weighing process, those aggravators and the  
23 aggravating circumstances and you weigh those against  
24 the mitigation, the mitigating circumstances.

25 Have you had to make, I assume, key and

1 critical decisions throughout your life, either  
2 personal or business life?

3 JUROR NUMBER 111: Yes.

4 MR. BROWN: And when you go through and you had  
5 to make some of those decisions, you try to look at  
6 all the factors involved.

7 JUROR NUMBER 111: Yes.

8 MR. BROWN: And when you look at those factors  
9 some factors you look at and you say these are pretty  
10 important factors and give them great weight to come  
11 to your decision, right?

12 JUROR NUMBER 111: Yes.

13 MR. BROWN: Other factors you look at and say  
14 those don't really carry that much importance with  
15 you and you give those factors little weight, right?

16 JUROR NUMBER 111: Yes.

17 MR. BROWN: That's the way most of us make  
18 important decisions. Same process here. You have to  
19 go through, you have to consider everything, you  
20 determine how much weight or how little weight to  
21 give to particular aggravators and particular  
22 mitigators. You understand that?

23 JUROR NUMBER 111: Yes.

24 MR. BROWN: So, in this process all that any of  
25 us can ask is that you will consider it. We can't

1 ask you how much weight you're going to give. No  
2 one's going to tell you. Court's not going to tell  
3 you you must give so much weight to each particular  
4 thing. You decide how much or how little weight to  
5 give to any particular circumstance. Agree?

6 JUROR NUMBER 111: Agree.

7 MR. BROWN: So, you go through that weighing  
8 process. If you find that the mitigation outweighs  
9 the aggravation, then you're to recommend a sentence  
10 of life.

11 JUROR NUMBER 111: Okay.

12 MR. BROWN: If you find that the mitigators do  
13 not outweigh the aggravators, then you're in a  
14 position where you're now legally justified where you  
15 can recommend to the Court the death penalty.  
16 Understand?

17 JUROR NUMBER 111: I'm assuming the Judge will  
18 issue the instructions.

19 MR. BROWN: Yes, yes, I'm trying to cover those  
20 with you.

21 JUROR NUMBER 111: I understand what you just  
22 said.

23 MR. BROWN: Okay. She's never going to tell  
24 you if we prove, the State of Florida proves to you  
25 A, B, C and D that you must then return a verdict of

1 death. Okay. Understand that?

2 JUROR NUMBER 111: I presume both.

3 MR. BROWN: In fact, what she's going to tell  
4 you is you're never obligated or required to return a  
5 verdict of death, but she's going to ask you, tell  
6 you you have to go through that weighing process and  
7 if you find that the aggravators are not outweighed  
8 by the mitigators, then you can make a recommendation  
9 of death.

10 JUROR NUMBER 111: Okay.

11 MR. BROWN: Any questions about that process  
12 that you have to go through?

13 JUROR NUMBER 111: No.

14 MR. BROWN: Can you do that process?

15 JUROR NUMBER 111: Yes.

16 MR. BROWN: And if you feel that the  
17 aggravators justify the death penalty, can you  
18 recommend, and they're not outweighed by the  
19 mitigation, can you make a recommendation of death?

20 JUROR NUMBER 111: Yes.

21 MR. BROWN: Now, the other concern, and I cover  
22 this with each person, not just you, I ask it of  
23 every juror that comes in here, knowing, as we talked  
24 about, that if you return a verdict of something less  
25 than first agree murder you do not get to that next

1 step in the process of making that recommendation, do  
2 you think that that factor, knowing if I simply  
3 return a verdict for something less then I don't have  
4 to come back, will that affect your decision making  
5 in the verdict at all?

6 JUROR NUMBER 111: No.

7 MR. BROWN: Would you agree that justice would  
8 be to return the verdict that the evidence speaks to,  
9 that the evidence proves?

10 JUROR NUMBER 111: I'm not sure what you meant  
11 by that.

12 MR. BROWN: Would you agree that what justice  
13 would be is to return the verdict that the evidence  
14 proves to you?

15 JUROR NUMBER 111: Yes.

16 MR. BROWN: And not simply go to something  
17 lesser or something lower so to avoid that next step  
18 to make that recommendation for life or death.

19 JUROR NUMBER 111: I think I would  
20 (unintelligible).

21 MR. BROWN: But you can understand the State's  
22 concern that perhaps a juror may think along those  
23 lines?

24 JUROR NUMBER 111: Yes.

25 MR. BROWN: Thank you. No further questions,

1 Your Honor.

2 THE COURT: Okay. Questions by the Defense.

3 MR. LANNING: Good afternoon, sir. Your son's  
4 best friend, is this the son that's a lawyer?

5 JUROR NUMBER 111: Yes.

6 MR. LANNING: And he's in North Carolina. Has  
7 he been practicing long in North Carolina for a  
8 while?

9 JUROR NUMBER 111: A few years.

10 MR. LANNING: So, he was up there already when  
11 this occurred?

12 JUROR NUMBER 111: Yes.

13 MR. LANNING: And the friend, did he call and  
14 let you know that this was happening?

15 JUROR NUMBER 111: No, we saw something -- I  
16 think we were at a restaurant or something and saw  
17 something flash on, you know, the little red thing  
18 across the bottom or something that says, you know,  
19 Brevard County sheriff involved shooting or  
20 something.

21 MR. LANNING: And did you then call him or?

22 JUROR NUMBER 111: No, we called his friend.

23 MR. LANNING: The friend --

24 JUROR NUMBER 111: We've been personal friends  
25 with him for seventeen, eighteen years.

1 MR. LANNING: This is somebody that even though  
2 your son's up in North Carolina you continue to  
3 socialize with and speak with?

4 JUROR NUMBER 111: Yeah, we have dinner with  
5 him every week or so.

6 MR. LANNING: Okay. Did -- at some point he  
7 told you that they caught a suspect.

8 JUROR NUMBER 111: He called back, as I  
9 mentioned before, maybe an hour, hour and a half  
10 later I think, I don't know exactly the timeframe,  
11 and told us that they had caught the suspect.

12 MR. LANNING: Did he ever give you updates?

13 JUROR NUMBER 111: That's all.

14 MR. LANNING: You indicated in speaking about  
15 your son's practice of law that made me think, and  
16 maybe I was reading too much into it, that he had  
17 said something at some point that gave you cause  
18 about your ability to sit in a criminal case, if I  
19 was reading too much into it let me know, or did he,  
20 did he ever discuss anything with you that -- about  
21 his clients that you think would flow over in this  
22 courtroom?

23 JUROR NUMBER 111: No.

24 MR. LANNING: All right. Well, would the fact  
25 that they're lawyers and you wanted to bring that to



1 our attention.

2 JUROR NUMBER 111: I've been sitting here  
3 before being asked questions. Typically they ask you  
4 do you know any law enforcement officer, do you know  
5 anybody in the law profession. So, I thought I would  
6 share that they are lawyers.

7 MR. LANNING: All right. We would have got to  
8 that tomorrow or next week. Do you have other  
9 friends in law enforcement?

10 JUROR NUMBER 111: Not locally, no.

11 MR. LANNING: Other locations?

12 JUROR NUMBER 111: Yes.

13 MR. LANNING: Are they close friends or  
14 relatives?

15 JUROR NUMBER 111: Acquaintances.

16 MR. LANNING: Acquaintances. Anything about --  
17 this case involves the death of a police officer and  
18 not everybody is right for every case, does the fact  
19 that a law enforcement officer died give you pause  
20 that you may not be able to be fair and impartial?

21 JUROR NUMBER 111: It gave me pause when I was  
22 speaking with the Judge because this morning was the  
23 first time I was exposed to this discussion. So, I  
24 really hadn't thought through it deeply. Because it  
25 was a police officer, being a police officer is a

1 very dangerous business. Does it give me pause that  
2 I could be legal and impartial, yes.

3 MR. LANNING: And there's no wrong answer.

4 JUROR NUMBER 111: Yes, honestly, it does.

5 MR. LANNING: Okay. I mean, do you have a  
6 reasonable doubt in your own mind as to whether you  
7 could be fair and impartial?

8 JUROR NUMBER 111: I don't have no doubt. I  
9 don't have no doubt that I could be fair and  
10 impartial, I don't know.

11 MR. LANNING: And that's -- appreciate your  
12 honesty.

13 JUROR NUMBER 111: Best way to do it.

14 MR. LANNING: Yes. Now, you've heard -- you  
15 indicated you support the death penalty, could you  
16 tell me why?

17 JUROR NUMBER 111: It's a personal belief.

18 MR. LANNING: Is it --

19 JUROR NUMBER 111: I believe it's a viable  
20 sentence when the crime warrants it.

21 MR. LANNING: Is it a long the lines of an eye  
22 for an eye or only, only under unusual circumstances  
23 or?

24 JUROR NUMBER 111: I don't think, I don't think  
25 it's an eye for an eye. If someone dies as a result

1 of a crime, I don't think it's an eye for an eye.

2 MR. LANNING: If you had a scale of support of  
3 the death penalty being zero no real support for the  
4 death penalty, ten very strong support for the death  
5 penalty, where might you put yourself in that scale?

6 JUROR NUMBER 111: Ten.

7 MR. LANNING: Are there -- now, you heard that  
8 the charge here is premeditated murder, you thought  
9 about it, is that a situation where you believe that  
10 you could still consider mitigation or would that be  
11 it's a ten, it's premeditated, it's the death  
12 penalty?

13 JUROR NUMBER 111: I don't know the  
14 circumstances of the crime.

15 MR. LANNING: I understand.

16 JUROR NUMBER 111: So, it's difficult for me to  
17 answer that question given that the legal definitions  
18 of premeditated -- I'm not a lawyer so I don't know  
19 the legal definitions of some of those terms. I  
20 assume if somebody walked into a school ground and  
21 shot twenty kids I would probably have very little  
22 trouble seeing my way clear to a death penalty.

23 MR. LANNING: Okay.

24 JUROR NUMBER 111: I don't know the  
25 circumstances in this case. I have no knowledge of

1 what happened other than the result.

2 MR. LANNING: Well, if the evidence proved to  
3 you a premeditated decision to kill, prove  
4 premeditated murder, is that a ten in your mind?

5 JUROR NUMBER 111: Outside of this context  
6 because I don't know anything about this case, if  
7 somebody planned on killing someone without any  
8 provocation or justification or, you know, what I  
9 would consider rational justification, then, yeah, I  
10 would consider it about a ten.

11 MR. LANNING: What sort of circumstances could  
12 you picture yourself recommending a sentence of life  
13 on premeditated murder?

14 You heard the Court, the Court read the basic  
15 instructions at the beginning and you heard  
16 Mr. Brown's paraphrasing, do you have an opinion at  
17 this point if the aggravation outweighs the  
18 mitigation, what do you do at that point?

19 JUROR NUMBER 111: The aggravation outweighs  
20 the mitigation. It depends on what the aggravation  
21 would be. I mean, it's not a -- you know, if there's  
22 more aggravating circumstances than mitigating that  
23 it's automatically a death penalty recommendation.

24 MR. LANNING: Okay. And there -- in fact,  
25 there's no language anywhere in the instructions that

1 if the aggravators outweigh the mitigators that you  
2 should or shall impose death or recommend death.  
3 There's no language that requires it. There's no  
4 language that even says that you should. Okay. All  
5 it is a permission slip to go to the next step if you  
6 choose to. Okay.

7 Some evidence that you might hear in the case  
8 is what's called victim impact evidence and it's  
9 evidence of the impact of the homicide on the  
10 friends, family, community of the loss of Deputy Pill  
11 and that evidence can be emotional and there's an  
12 instruction that's apart of that that you can't  
13 consider it as an aggravating circumstance. You can  
14 only use aggravating circumstances toward your  
15 recommendation of death but yet you're going to have  
16 this evidence out here, you're going to hear it and  
17 you're going to be told that you can't use it as  
18 aggravation. You won't be told why you're hearing it  
19 or how you can use it, only that you can't use it  
20 toward aggravation. Do you think you'll be able to  
21 follow that instruction and not use that evidence for  
22 aggravation?

23 JUROR NUMBER 111: I think I answered the Judge  
24 that question that I would be able to follow her  
25 written instructions.

1 MR. LANNING: If evidence were presented to you  
2 of drug use, drug addiction, could you give that  
3 evidence consideration as mitigation? And I'll go  
4 ahead and tell you, some people when it comes to drug  
5 addiction they get turned off and say I can't  
6 consider that in any way, the fact is it probably  
7 would be aggravating to me.

8 JUROR NUMBER 111: I don't know, I'm not sure I  
9 could.

10 MR. LANNING: Could you, could you agree that  
11 you would not consider it to be aggravating?

12 JUROR NUMBER 111: I don't know that I could  
13 agree with that, no.

14 MR. LANNING: What about if evidence were  
15 presented of child abuse as a child, could you  
16 consider that as mitigation evidence?

17 JUROR NUMBER 111: I don't know. I think we  
18 all make our own choices. I think drinking, I think  
19 drug abuse, I think, you know, things that happen,  
20 things happen to all of us as kids, good, bad or  
21 indifferent, call it abuse, don't call it abuse,  
22 whatever you want to call it, I think at some point  
23 in time everybody makes their own decisions, that's  
24 part of growing up and being an adult.

25 MR. LANNING: There's no wrong answer. What

1 about if evidence were presented that Mr. Bradley  
2 suffers from mental illness, could you consider that  
3 as mitigation?

4 JUROR NUMBER 111: I would consider it.

5 MR. LANNING: What if, you know, what if that  
6 evidence tended to show that that mental illness had  
7 not been treated, he wasn't being treated, would that  
8 be a something that you would take the position that,  
9 well, he had a choice to make whether to go to get  
10 treatment?

11 JUROR NUMBER 111: Do you have a diagnosis?

12 MR. LANNING: I can't tell you what the actual  
13 evidence is, these are hypothetical.

14 JUROR NUMBER 111: So, if hypothetically  
15 somebody had a mental illness that had not been  
16 diagnosed, then how do I know they had a mental  
17 illness when the event occurred.

18 MR. LANNING: Say you hear it from a qualified  
19 expert that you have no reason to disbelieve that  
20 indicated that this had been --

21 JUROR NUMBER 111: I don't think it's -- I have  
22 any reasonable disbelieve, I think it's beyond a  
23 reasonable doubt, somebody has to prove that the  
24 charges are correct.

25 MR. LANNING: Okay. Now, would you need proof

1 beyond a reasonable doubt that this mental illness  
2 existed?

3 JUROR NUMBER 111: To strongly consider it,  
4 yes, I would.

5 MR. LANNING: How about would that apply to the  
6 other mitigation, you know, child abuse, drug abuse  
7 and addiction, would the same --

8 JUROR NUMBER 111: Again, the only question I  
9 answered that possibly I would consider is mental  
10 illness, the other ones I believe you have choices.  
11 We all make choices every day when we get up, be in a  
12 good mood, be smily, run a stop sign, speed, cheat  
13 anybody, you know, steal some change out a penny jar  
14 or whatever, we all make choices.

15 MR. LANNING: How about brain damage, would you  
16 consider that to be mitigation?

17 JUROR NUMBER 111: I would have to consider  
18 that with mental illness, brain damage.

19 MR. LANNING: Thank you, sir. May we approach?

20 THE COURT: Yes, you may.

21 (Thereupon, a benchside conference was had out  
22 of the hearing of Juror Number 111 as follows:)

23 MR. LANNING: Judge, we would strike Juror 111  
24 for cause. He's indicated he would require proof  
25 beyond a reasonable doubt for the mitigation. He



1 indicated that -- he didn't say that he would never  
2 consider life but he's come about as close to saying  
3 he would never consider life as he could, and he's  
4 unwilling to consider -- he's indicated he would  
5 require proof beyond a reasonable doubt as to  
6 mitigation, that alone is challengeable.

7 MR. MOORE: Most important is that he's biased  
8 because of the law enforcement officer. He said he  
9 doesn't know whether he could be unbiased. He said  
10 he can't say I have no doubt with respect to whether  
11 he can be biased or not, that should be all that the  
12 Court needs to consider. He's randomly said some  
13 other things but the strongest point is he has a good  
14 law enforcement officer friend who he has dinner with  
15 weekly, he has other law enforcement friends not  
16 around here and when asked whether he could be  
17 unbiased because of the victim being a law  
18 enforcement officer he said I don't know, I can't I  
19 have no doubt. In fact, he indicated that he does  
20 have doubt as to whether he can be unbiased.

21 THE COURT: Okay. Response from the State.

22 MR. BROWN: Judge, first concerning what he  
23 would do concerning mitigation and the argument that  
24 they make concerning a statement of proof beyond a  
25 reasonable doubt, first of all, he said I would need

1 proof beyond a reasonable doubt to strongly consider  
2 mental illness. Well, that's part of the weighing  
3 process they go through. The more proof you have the  
4 more weight they may give to something. So, A,  
5 there's nothing incorrect about that but, B, he said  
6 along he would follow the Court's instructions and  
7 simply because at this point in time he hasn't been  
8 read some of the instructions and they're throwing a  
9 lot at him at one time and he's not giving the  
10 correct standard of proof I don't think is a valid  
11 basis for challenge for cause. He's consistently  
12 said he would follow the Court's instructions.

13       Concerning his issue of having a friend in law  
14 enforcement, the Court asked him, he said that he  
15 could set it aside. I asked him point blank and he  
16 said he could specifically. The key is can you set  
17 that aside and base your verdict in this court on  
18 just the facts and evidence that you hear from the  
19 witness stand and the law that Her Honor gives you  
20 and he said yes, he could set it aside. He's said  
21 specifically that. Once (unintelligible) that  
22 question him is he doesn't have no doubt. That's  
23 double negatives, I don't know what that means, but  
24 the standard is does the Court have a reasonable  
25 doubt about his ability to set it aside to be 1fair

1 an impartial. Somebody could have a possible doubt  
2 or speculative doubt but that's not a reasonable  
3 doubt, he simply said he doesn't have no doubt. He  
4 said he could set it aside, he said he could follow  
5 the Court's instructions, I don't think --

6 MR. MOORE: He's an intelligent guy, when he  
7 put a double negative together he knew exactly what  
8 he was saying and it was in the context of you have  
9 law enforcement friends, could you say you could be  
10 unbiased, he said I can't say I have no doubt.  
11 There's no question what the context was. He doesn't  
12 have to fill in the blank and say I can't say I have  
13 no doubt that it's because I have a law enforcement  
14 friend, the context was talking about his law  
15 enforcement friends. He's gone both ways with that  
16 and as best he's equivocal. He's not a dummy, he  
17 knows what we're talking about here and he knows what  
18 his answers are but he's not, he's not been  
19 consistent with what his answers are especially with  
20 respect to his ability to be unbiased when it comes  
21 to a victim law enforcement officer.

22 MR. LANNING: He also --

23 MR. MOORE: Go ahead.

24 MR. LANNING: He also said that he could not  
25 agree that he could -- would not consider evidence of

1 drug abuse at the time of the event as aggravating.

2 THE COURT: Well, here's my issue and this is  
3 my issue going back to the other day. He said he can  
4 follow the judge's instructions. If the judge says  
5 you can't consider that an aggravator, will you  
6 follow the judge's instructions. If he had said I  
7 can't do that or I have doubt whether I could do  
8 that, then I would consider that. You know, he only  
9 heard with regard to mitigating the lesser standard  
10 of proof. With all due respect, he's not not  
11 intelligent but, you know, when you've never heard  
12 the words before.

13 MR. MOORE: He is intelligent.

14 THE COURT: No, I'm saying he is intelligent,  
15 he appears to be intelligent. If you, if you never  
16 heard these words before. He's only heard the  
17 greater weight of evidence one time and that's when I  
18 say that and I don't know if he understands it's a  
19 different burden, he's only heard it one time. He'll  
20 get that in writing. I mean, at this time I'm going  
21 to deny the strike for cause because if you want to  
22 question him further about if the judge says can you  
23 follow that instruction, you understand it's a  
24 different standard of proof, I'll be happy to allow  
25 you to do that.

1           MR. MOORE: What about the issue of him stating  
2 that he can't say he has no doubt with respect to  
3 being biased. I mean, if he's going doubt, he's  
4 saying he's got doubt in his mind about being  
5 unbiased.

6           THE COURT: He said he could follow the judge's  
7 instruction though.

8           MR. MOORE: But that's inconsistent, Judge. I  
9 mean, he can't take both positions. I mean, he took  
10 the position that he can't say that he's free from  
11 doubt and he started off -- the whole thing that  
12 started this conversation was he said it gives me  
13 pause because I'm know law enforcement officers and  
14 that's what launched us into this and so there is --  
15 he indicated it, he's the one that brought it up that  
16 he's got some problems with it. I mean, I don't --

17           THE COURT: When we said can you not consider  
18 that and follow the law and that question came right  
19 after that, he said yes.

20           MR. MOORE: Well, then when Mr. Lanning's  
21 talking to him, Judge, he's saying I can't say that I  
22 have no doubt, I can't say -- I don't know is the way  
23 he put it, I don't know. That's as good as he could  
24 do.

25           MR. PIROLO: Judge, what the record doesn't

1 reflect right now is that when he was asked do you  
2 support the death penalty, less a tenth of a second I  
3 support it. Where are you on the scale, less than a  
4 second, ten. Can you remain fair and impartial  
5 knowing that an officer was killed in this case, he  
6 paused for many, many seconds, had a puzzled look on  
7 his face and he gave the answer I don't know if I can  
8 not, gave the double negative. So, I think it shows  
9 within that that he has a reasonable doubt within  
10 himself of whether or not he could remain fair and  
11 impartial because Deputy Pill was a law enforcement  
12 officer.

13 MR. MOORE: We have a case, Florida Supreme  
14 Court case we'd ask the Court to consider and it  
15 deals with categories of uncertainty of witnesses.  
16 One is if they're not sure on the law, then it's more  
17 acceptable for that -- for clarity to be achieved by  
18 questions leading, even leading questions by the  
19 Court and by the State, but when it's an issue of  
20 bias of a personal matter like his feelings about law  
21 enforcement officer, then the initial responses are  
22 the ones that should be the given the greatest  
23 weight. And just because people because of artful  
24 questioning give answers that are appropriate to one  
25 side or another, that shouldn't be the final answer

1 as to, you know, what their true position is. So,  
2 it's --

3 MR. LANNING: It's Matarranz,  
4 M-A-T-A-R-R-A-N-Z, versus State. It's published  
5 September 26th, 2013.

6 THE COURT: I don't know if you're done. So,  
7 I'm waiting to see if you're done. Okay. Mr. Brown.

8 MR. BROWN: Judge, the standard is whether the  
9 Court has a reasonable doubt about his ability to be  
10 fair and impartial. Just because somebody says I  
11 can't completely say that I have no doubt about it  
12 doesn't mean that doubt is reasonable. He said both  
13 to my questioning and the Court's questioning that he  
14 can set it aside. And my question specifically, you  
15 have to base this verdict just on the facts and the  
16 evidence in this courtroom and he said absolutely  
17 know hesitation yes.

18 THE COURT: With all due respect, a law  
19 enforcement being a death is an aggravating  
20 circumstances. No one's questioned him with regard  
21 to that and we've allowed those questions. You know,  
22 you asked them, they've allowed that, so.

23 MR. MOORE: We can't get around him saying I  
24 don't know. I mean, if he knew that he could put it  
25 aside, that's what he would have said. It gives him

1 pause, he doesn't know. In fact, he has weekly  
2 dinner with his law enforcement friend. I mean, so,  
3 there's the basis for his bias, his concern about his  
4 bias and that should stand out more than anything  
5 else I believe in making the decision.

6 THE COURT: I didn't -- I didn't question him I  
7 didn't consider that to be. I think that he's being  
8 careful in his answers. These questions are hard for  
9 them. They're not easy questions. I think he's  
10 trying to -- you know, if they were easy questions,  
11 then that would be a concern. He said when it came  
12 to follow the judge's instruction set that aside, he  
13 said he could do that.

14 MR. MOORE: But he also said I don't know,  
15 Judge. I mean, they're two inconsistent positions  
16 that he cannot reconcile. They cannot be reconciled.  
17 A general question can you follow the law? Yeah.  
18 More specifically, can you set aside -- do you have  
19 any doubts about whether you could set aside your  
20 bias? I don't know. I mean, that's a specific  
21 question.

22 THE COURT: If you would like, I will question  
23 him further about that and I'll question him about  
24 the difference in the burden of proof with regard to  
25 mitigating and aggravating, or I'll allow you to



1 question.

2 MR. MOORE: Yeah, why don't you do it.

3 MR. LANNING: I'll ask some follow it up.

4 THE COURT: Okay.

5 (Thereupon, the benchside conference was  
6 concluded and the proceedings were had as follows:)

7 MR. LANNING: Sir, in regards to law  
8 enforcement and your contact with law enforcement and  
9 your feelings about law enforcement, you indicated  
10 that in your mind that you did have some doubt about  
11 your ability to be fair and impartial, that you might  
12 have some issues with that. When the Judge said if I  
13 instruct you, that -- you know, just because the  
14 Judge says you I instruct you, that is meaningful and  
15 it certainly should have been, but some things in  
16 life, no matter what somebody says, you can't no,  
17 that bell's already rung, you can't unring, this is  
18 something I already think, this is something I  
19 already have a doubt about. You've expressed doubt.  
20 Do you have doubt in your own mind whether you can be  
21 fair and impartial in considering this case, the  
22 death of a law enforcement officer, your friendship  
23 with law enforcement, do you think that you could set  
24 all that aside or do you have doubt about that?

25 JUROR NUMBER 111: I think everybody has biases

1 they bring to life from experiences, from, you know,  
2 as the other attorney mentioned, what you believe is  
3 important, what you believe is of lesser importance.

4 MR. LANNING: Right.

5 JUROR NUMBER 111: So, I would like to believe  
6 that everybody could be fair and reasonable but  
7 everybody colors their decisions with their own --

8 MR. LANNING: Their own life experiences.

9 JUROR NUMBER 111: Experiences, prejudices,  
10 whenever you want to call them.

11 MR. LANNING: Right.

12 JUROR NUMBER 111: And I don't mean to use, you  
13 know, indicating words that would evoke some emotion  
14 or whatever else, but everybody has some coloration.  
15 Do I have no doubt that I could be absolutely  
16 impartial? No, I don't.

17 MR. LANNING: Okay.

18 JUROR NUMBER 111: And that's about as far as I  
19 can explain. I don't know, I haven't really thought  
20 about it. It was a surprise this morning when this  
21 was the case was announced because I knew I got an  
22 emotional attachment to it simply because of, and I  
23 will call him my son's friend, but he's like a son to  
24 me.

25 MR. LANNING: Okay.

1 JUROR NUMBER 111: So, yes, when we saw --

2 MR. LANNING: Is he on the road?

3 JUROR NUMBER 111: No, he's a reservist.

4 MR. LANNING: Okay. But a reservist meaning he  
5 goes --

6 JUROR NUMBER 111: He goes on the road.

7 MR. LANNING: With a patrol, with a regular  
8 deputy on patrol, he's gets assigned a car and rides  
9 along?

10 JUROR NUMBER 111: With a weapon, with a vest.

11 MR. LANNING: And he's in training to -- I take  
12 it to be law enforcement?

13 JUROR NUMBER 111: I don't know where he's  
14 going, he's been a reservist for a few years.

15 MR. LANNING: Okay. And he called you to  
16 advise you all, you and your spouse?

17 JUROR NUMBER 111: We called when we found out  
18 about it and asked if he was involved because we  
19 didn't know if he was on shift, off shift, we didn't  
20 know what he was doing.

21 MR. LANNING: So, when you saw it, there was an  
22 immediate concern on your part that he could be  
23 involved?

24 JUROR NUMBER 111: Yes.

25 MR. LANNING: And because you have strong

1 beliefs in terms of life choices that you have,  
2 correct me if I'm wrong, you have doubts about your  
3 ability to not consider drug use as mitigation, is  
4 that right?

5 JUROR NUMBER 111: Ask that again.

6 MR. LANNING: Okay. You know, it's been a  
7 while, you've been sitting there for a while, I asked  
8 at one point, I think, about your ability to consider  
9 drug abuse and drug addiction as mitigation and you  
10 said no and I said, well, what about would you  
11 consider it to be an aggravator.

12 JUROR NUMBER 111: No, I don't think.

13 MR. LANNING: You don't think. Okay. So, if  
14 the evidence were presented that indicated that when  
15 this event occurred that a person was under the  
16 influence of drugs, that would not factor in as  
17 aggravation to you?

18 JUROR NUMBER 111: I don't think so.

19 MR. LANNING: Now, you indicated that in order  
20 to consider mitigation you used the words beyond a  
21 reasonable doubt in.

22 JUROR NUMBER 111: In terms of proving the  
23 charges.

24 MR. LANNING: Okay. In terms of proving the  
25 charges. Now, would that also apply to proving the

1 mitigation? Do you believe that the standard should  
2 be beyond a reasonable doubt to prove mitigation?

3 JUROR NUMBER 111: I never heard of those terms  
4 before, beyond a reasonable doubt in terms of  
5 mitigation or aggravation in terms of sentencing. I  
6 don't know anything about this.

7 MR. LANNING: I understand.

8 JUROR NUMBER 111: The only thing, the only  
9 thing I would expect is beyond a reasonable doubt in  
10 terms of the charges but I don't know beyond a  
11 reasonable doubt.

12 MR. LANNING: Actually, the Judge instructed  
13 earlier that as far as the mitigation it only needs  
14 to be proved by the greater weight of the evidence,  
15 that's like more likely than not, reasonable.

16 In terms of witnesses, would you find law  
17 enforcement officers testimony to be more prevalent?

18 MR. BROWN: Your Honor, I object to that, I  
19 don't think that's the appropriate question.

20 THE COURT: Do we want to have a bench  
21 conference? Bench conference.

22 (Thereupon, a benchside conference was had out  
23 of the hearing of Juror Number 111 as follows:)

24 MR. BROWN: I object because it's asking for a  
25 commitment from him on how he's going to treat

1 witnesses. If they want to phrase the question can  
2 you apply the same standard to evaluate testimony,  
3 that's a fair question but saying would you find the  
4 officers more credible, A, it's asking for a  
5 commitment.

6 THE COURT: I have a problem with that until  
7 they've heard the instruction because most people  
8 don't know that they're supposed to weigh their  
9 credibility the same, I mean, initially when they  
10 come in.

11 MR. MOORE: May I make a suggestion? We read  
12 the instruction and then let Mr. Lanning presume his  
13 questions because we're not asking for a commitment,  
14 we're asking what his position is.

15 THE COURT: That's some that, with all due  
16 respect, we're asking these individual jurors all  
17 these -- I'm going to ask all those questions later  
18 and we can go much faster if we can do it in a big  
19 group.

20 MR. MOORE: We could, I just thought it was  
21 appropriate because this whole issue with law  
22 enforcement is particularly for this witness, this  
23 venire man, and that's why we got into it.

24 THE COURT: I certainly understand that but I'm  
25 going to go through all that with them.

1 MR. MOORE: We can do it later. We can do it  
2 later.

3 MR. LANNING: As to this witness, renew the  
4 challenge for cause. He's indicated, again, he's not  
5 sure he could be fair and impartial. He views this  
6 reserve deputy just as he would his son. I think the  
7 standard is met at this point that he should be  
8 removed for cause.

9 MR. MOORE: Best he can do is I don't know.

10 THE COURT: Response from the State.

11 MR. BROWN: Judge, I don't think anything has  
12 changed. The questions were the same types of  
13 questions (unintelligible) and he says can I tell you  
14 with no doubt and that's how he said I cannot tell  
15 you I have no doubt and that's not the standard. The  
16 Court has to find as to reasonable doubt whether he  
17 could be fair and impartial. He said along he follow  
18 the Court's instructions and he indicated he can set  
19 it aside.

20 MR. MOORE: A reasonable doubt's when you can  
21 attach a reason to them, all he's been talking about  
22 is his relationship with this reserve deputy. He has  
23 dinner with him every week, he's like a son to him,  
24 there's your reason.

25 MR. LANNING: And who does he contact as soon

1 as he sees this on the TV but that individual, are  
2 you okay.

3 MR. MOORE: Best he can do is I don't on the  
4 issue, can you set it aside, that's as good as he can  
5 do.

6 THE COURT: What I'm concerned about is this  
7 time he said he treats him like a son. I mean, that  
8 was more information than what he provided before.

9 MR. MCMASTER: Judge, I'd ask that the Court  
10 address it more, just ask him flat out given his  
11 (unintelligible) he could be fair because of a law  
12 enforcement. If I instruct you that you are to  
13 consider the testimony of a law enforcement officer  
14 or law enforcement officers just as any other  
15 witnesses and find out if he can follow the Court's  
16 instructions and the law.

17 MR. MOORE: He's already said he can't. He  
18 already said I don't know. I mean, how many times do  
19 you have to ask him.

20 MR. BROWN: He says I can't say I have no  
21 doubt. Having no doubt's a far cry from having a  
22 reasonable doubt.

23 MR. PIROLO: Judge, he said I don't know if I  
24 have no doubt. He clearly has doubt and what the  
25 Matarranz case gets to is that once a juror expresses



1 that he's not sure if he can be fair, regardless if  
2 the rehabilitation comes from counsel or the Court,  
3 they've expressed a reasonable doubt and the Court  
4 must excuse the juror.

5 MR. MOORE: He's not a lawyer, he's not --  
6 reasonable doubt is a legal term and he's -- just  
7 like he's -- and he's been more articulate about this  
8 than your average venire man so far but for him to  
9 adopt I have reasonable doubt and not distinguish  
10 that from just plain doubt, that's asking more of  
11 any, you know, venire man than we should. If he's  
12 saying he's got doubt and he's given reasons for it,  
13 his relationship with this reserve deputy whose like  
14 a son to him, then that's all we need. That's all  
15 this Court needs to strike him for cause.

16 THE COURT: Okay. I'm going to go ahead and  
17 strike him for cause based on -- stay up here,  
18 please, based on the Court's -- base on the new  
19 information that he treats this -- his son's friend  
20 as a -- like a son and that he confirmed that he  
21 still can't quite -- I mean, it's a difficult call  
22 but I'll strike him for cause.

23 MR. MOORE: Judge, I wasn't going to leave.

24 THE COURT: It looked like the minute I said  
25 that everyone turned around.

1 MR. MOORE: No, no, no, I was not going to  
2 leave.

3 THE COURT: Everyone kind of just turned  
4 around.

5 MR. MOORE: I wouldn't do that.

6 MR. BROWN: We're not as quick as that.

7 THE COURT: No, they were quicker. Okay.  
8 Thank you.

9 (Thereupon, the benchside conference was  
10 concluded and the proceedings were had as follows:)

11 THE COURT: Juror Number 111, I'm going to go  
12 ahead and release you from being considered for this  
13 panel. I want to thank you for your service.  
14 There's no right or wrong answers in here. It's a  
15 hard process for you, it's a hard process for us, I  
16 assure you. But you've been released. Once again,  
17 thank you for being here. You've been released from  
18 being considered as part of -- as perhaps a juror in  
19 this case. If you'll go downstairs, report to the  
20 jury assembly room, they're going to just take your  
21 badge, give you some brief information and send you  
22 on your way. Okay. Thank you, sir.

23 JUROR NUMBER 111: Thank you.

24 (Thereupon, Juror Number 111 exited the  
25 courtroom.)

1 THE COURT: Okay. For the record, Juror Number  
2 111 has been released for cause. We're going to go  
3 ahead and take a break. Let's take a ten minute  
4 break, come back at 3:45 and we'll start with juror  
5 112. So, court will be in recess until 3:40.

6 MR. LANNING: Judge, I've considering the time  
7 whether we want to, you know, we've gone through  
8 three out of fourteen, whether we want to release.

9 THE COURT: Yeah, when we come back we'll talk  
10 about that. Okay. Thank you.

11 (Thereupon, a recess was taken in the  
12 proceedings.)

13 THE COURT: Okay. We can bring out  
14 Mr. Bradley.

15 (Thereupon, the defendant was escorted into the  
16 courtroom by the court deputy.)

17 THE COURT: Okay. Did we want to talk about  
18 where we're at, or did we want to discuss releasing  
19 some, or do we want to just keep going?

20 MR. LANNING: Judge, I would suggest probably  
21 releasing them unless we want to be here  
22 (unintelligible).

23 MR. MOORE: The ones in the last row.

24 THE COURT: We only have 121 to 124. No, I  
25 keep -- I kept through 125.

1 MR. BROWN: I don't think there's any chance  
2 we'll get to the back row, I don't believe we'll get  
3 through the second row but.

4 THE COURT: Okay. Let's do this, let's go  
5 ahead and tell Jurors Number 121 to 125 to come back  
6 at 8:30 in the morning.

7 THE COURT DEPUTY: Yes, Your Honor.

8 MR. LANNING: You might want to consider maybe  
9 118 and 120 as well.

10 THE COURT: At one time we knocked out three  
11 like in fifteen minutes.

12 MR. MOORE: Yeah, you never know about all that  
13 stuff. I mean, it could be one of those.

14 THE COURT: I was encouraged we got three in a  
15 row. Okay. You can bring in -- let's go ahead and  
16 bring in 112, we'll see how we do.

17 (Thereupon, Juror Number 112 was escorted into  
18 the courtroom by the court deputy and the proceedings were  
19 had as follows:)

20 MR. LANNING: Judge, may we approach?

21 THE COURT: Yes, you may.

22 (Thereupon, a benchside conference was had out  
23 of the hearing of Juror Number 112 as follows:)

24 MR. LANNING: The group that was just released,  
25 were they told 8:30 or 1:00.

1 THE COURT: I said 8:30.

2 MR. LANNING: Why do we want -- oh, yeah, they  
3 would be first. I apologize.

4 THE COURT: That's okay.

5 (Thereupon, the benchside conference was  
6 concluded and the proceedings were had as follows:)

7 THE COURT: Okay. Juror Number 112, good  
8 afternoon. This morning I discussed some rules that  
9 govern your service as a juror. Those rules kind of  
10 came into effect when they were announced. So, I'm  
11 going to ask you about those rules and then I'm going  
12 to talk to you about what knowledge you may have had  
13 been this case previously. But since those rules  
14 became in effect, have you read or been exposed to  
15 reading newspaper headlines and/or articles relating  
16 to this trial or its participants?

17 JUROR NUMBER 112: No.

18 THE COURT: Have you seen or heard television,  
19 radio, or Internet comments about this trial?

20 JUROR NUMBER 112: No.

21 THE COURT: Not since the rules. Okay. Have  
22 you conducted or been exposed to any research  
23 regarding any matters concerning this case?

24 JUROR NUMBER 112: No.

25 THE COURT: Have you discussed this case with

1 any of the other jurors or with anyone else or  
2 allowed anyone to discuss it in your presence?

3 JUROR NUMBER 112: No.

4 THE COURT: Just so you know, you can tell  
5 people that you are here at the Viera courthouse,  
6 that you expect -- you have to be here at this time,  
7 you expect to be here from this time. So, you can  
8 talk about the where and the when, what you can't  
9 talk about is the what, what the case is about, what  
10 the charges are, what the evidence may be have that's  
11 come before you, things of that nature. Now, at the  
12 end of this case when you've been released you can  
13 talk about whenever you wish with whomever you wish.  
14 So, these rules are in effect while you're being  
15 considered as a potential juror and if you get  
16 selected when you are a juror. Okay?

17 JUROR NUMBER 112: Yes.

18 THE COURT: Okay. So, now I'm going to talk to  
19 you about what's happened before you came here. Do  
20 you know anything about this case either from your  
21 own personal knowledge, rumor, by discussion with  
22 anyone else, or from the media, including radio,  
23 television, Internet, electronic device, or  
24 newspapers?

25 JUROR NUMBER 112: I think I remember hearing

1 about it when it happened.

2 THE COURT: Okay. So, you heard -- how would  
3 you have heard about it?

4 JUROR NUMBER 112: Well, my father had  
5 mentioned it because it was near where he lives and I  
6 believe hearing it on social.

7 THE COURT: Okay. So, you heard about it from  
8 your dad, heard about it from maybe some friends?

9 JUROR NUMBER 112: Yes.

10 THE COURT: Did you watch any news coverage?

11 JUROR NUMBER 112: No.

12 THE COURT: No. I note that you have three  
13 kids, don't have how much time you have to watch TV.

14 JUROR NUMBER 112: Right.

15 THE COURT: As part of your daily routine, do  
16 you watch the news?

17 JUROR NUMBER 112: No.

18 THE COURT: Do you read the newspaper?

19 JUROR NUMBER 112: No.

20 THE COURT: Okay. What information do you  
21 believe that you know about the case?

22 JUROR NUMBER 112: There was a robbery and then  
23 I guess when the police came the officer got shot?

24 THE COURT: Okay. Anything else?

25 JUROR NUMBER 112: That's it.

1 THE COURT: Now, that would have happened at  
2 the time of the event, anything since then?

3 JUROR NUMBER 112: No.

4 THE COURT: Anything recent?

5 JUROR NUMBER 112: No.

6 THE COURT: So, the question becomes -- and  
7 there's know -- just so you know, there's no right or  
8 wrong answers in this courtroom. We're just asking  
9 to you frank, honest and complete, say what you  
10 think, you know, what is the answer to the questions,  
11 don't be afraid to say whatever you wish to say.

12 JUROR NUMBER 112: Okay.

13 THE COURT: And when people say can I say that,  
14 we're definitely like yes, you can say whatever you  
15 would like to say. Can you set aside anything that  
16 you may have learned about this case, serve with an  
17 open mind and reach a verdict based only on the law  
18 and the evidence presented in this trial in this  
19 courtroom?

20 JUROR NUMBER 112: I think so.

21 THE COURT: Okay. When you say I think so,  
22 some people say that as a matter of speaking just  
23 because that's what we say. Other people say that  
24 because they're unsure. So, are you unsure if you  
25 can do that or you think -- or you know you can do



1 that?

2 JUROR NUMBER 112: I'm unsure.

3 THE COURT: Okay. And what makes you unsure?  
4 Tell me why you're unsure.

5 JUROR NUMBER 112: Upon first hearing about it  
6 I made some judgments.

7 THE COURT: Okay.

8 JUROR NUMBER 112: At the time and upon hearing  
9 about it today it just brought back those feelings.

10 THE COURT: Okay. You say you made some  
11 judgment. I mean, the case involves the death of a  
12 law enforcement officer. And what judgments do you  
13 think -- I mean, did you discuss it with your dad?

14 JUROR NUMBER 112: No, he pretty much told me  
15 about it.

16 THE COURT: Does your dad happen to be in law  
17 enforcement?

18 JUROR NUMBER 112: No.

19 THE COURT: Okay. Did you discuss it with your  
20 friends?

21 JUROR NUMBER 112: No.

22 THE COURT: Okay. So, just judgments you made  
23 personal?

24 JUROR NUMBER 112: Right.

25 THE COURT: Okay. Personally. And tell me

1           what your concerns are.

2                   JUROR NUMBER 112: I feel --

3           THE COURT: There's no right or wrong answers.

4                   JUROR NUMBER 112: I just feel that punishment  
5 should be an eye for an eye punishment.

6           THE COURT: Okay. So, the punishment should  
7 be -- when you say eye for an eye, you're speaking of  
8 the death penalty?

9                   JUROR NUMBER 112: Right.

10           THE COURT: Okay. Let me talk to you a little  
11 about the process and see what you think about this.  
12 The instructions I'm going to give you are that the  
13 State has the burden of proof. They must prove the  
14 case beyond and to the exclusion of every reasonable  
15 doubt. The defendant and the Defense do not have to  
16 prove anything. In fact, right now because there's  
17 no proof, the defendant is innocent, he's not guilty,  
18 he's innocent. So, what you're required to do is  
19 make the State prove their case and they have to  
20 prove each element of each crime charged beyond and  
21 to the exclusion of every reasonable doubt and so you  
22 have to kind of come in here with a clean slate and  
23 let the State do that. Do you think you can do that?

24                   JUROR NUMBER 112: I think I can do that.

25           THE COURT: Okay. I used the word think, I

1 should say can you do that?

2 JUROR NUMBER 112: I can do that.

3 THE COURT: Okay.

4 JUROR NUMBER 112: I can do that.

5 THE COURT: Because if you can't, we need to  
6 know that. And like I said, there's not right or  
7 wrong answers. The question is can you do that?

8 JUROR NUMBER 112: I can do that.

9 THE COURT: What happens if you heard some  
10 evidence in here and you say, hey, I heard some  
11 information before, now I remember that, but nobody  
12 in this courtroom talked about it, I never heard that  
13 in the courtroom, never was introduce had in this  
14 trial in this courtroom, can you set that information  
15 aside that you may have learned out there and just  
16 consider this case based on the law and the evidence  
17 presented in this courtroom in this trial? Can you  
18 do that?

19 JUROR NUMBER 112: Yes.

20 THE COURT: Okay. Now, next question I'm going  
21 to ask you is a pretty general question. What are  
22 your views about the death penalty? I heard you say  
23 an eye for an eye.

24 JUROR NUMBER 112: I think punishment  
25 (unintelligible) found innocent or when he's found

1 guilty he should -- the person should -- I mean, I  
2 believe in the death penalty.

3 THE COURT: Okay. Let me tell you some  
4 different things and we'll talk about that. In this  
5 case the first phase of the trial is called the guilt  
6 phase.

7 JUROR NUMBER 112: Okay.

8 THE COURT: Count I is a first degree murder  
9 charge. If the defendant is found guilty of Count I,  
10 then we would move into count -- the second phase of  
11 trial which is the penalty phase only if there's a  
12 guilty verdict to Count I, there's other counts but  
13 the penalty phase wouldn't be applicable to those  
14 other counts. So, if the verdict returned a verdict  
15 of guilty as to Count I first degree murder, then we  
16 would move into the penalty phase and in the penalty  
17 phase, there's already a conviction for first degree  
18 murder, you would be asked and instructed by the  
19 Court to make a recommendation as to the penalty and  
20 in that recommendation you would consider death as a  
21 possible penalty and you would be instructed to  
22 consider life in prison without the possibility of  
23 parole as a possible penalty. So, would you be able  
24 to consider both penalties in this type of case?

25 JUROR NUMBER 112: Yes.

1 THE COURT: So, let me ask it this way. Are  
2 you of the opinion that death is the only appropriate  
3 penalty for murder in the first degree? So, that's  
4 one question. And is that opinion so strong that you  
5 could not consider life in prison without the  
6 possibility of parole as a penalty under any  
7 circumstances? Let me ask you the first question  
8 again. Are you of the opinion that death is the only  
9 appropriate penalty for murder in the first degree?

10 JUROR NUMBER 112: No.

11 THE COURT: And is that opinion so strong that  
12 you would not consider life in prison without the  
13 possibility of parole as a penalty under any  
14 circumstances?

15 JUROR NUMBER 112: Yes.

16 THE COURT: And you understand I'm going to  
17 instruct you you have to consider both possibilities  
18 as a penalty?

19 JUROR NUMBER 112: Yes.

20 THE COURT: Can you do that?

21 JUROR NUMBER 112: Yes.

22 THE COURT: Okay. All right. Questions by the  
23 State.

24 MR. BROWN: Yes, Your Honor. Juror Number 112,  
25 good afternoon.

1 JUROR NUMBER 112: Hi.

2 MR. BROWN: Let me first talk a little bit  
3 about the news that you heard when you indicated that  
4 it came from your father, perhaps other friends?

5 JUROR NUMBER 112: Yeah.

6 MR. BROWN: Okay. And you understand,  
7 obviously, as the Court has talked to you is that a  
8 verdict -- if you're selected, the verdict has to be  
9 based and solely based on the facts and evidence that  
10 you hear in this courtroom and the law that she's  
11 going to give to you. You understand that?

12 JUROR NUMBER 112: Yes.

13 MR. BROWN: And part of that is because of when  
14 you have heard on the outside may not have been  
15 entirely accurate or -- and/or may not have been  
16 complete and so that's the key is why we need people  
17 to come in and be fair and impartial and be able to  
18 set aside whatever they heard and base your verdict  
19 solely on the facts and evidence. Are you confident  
20 in your ability to do that?

21 JUROR NUMBER 112: Yes. Yes.

22 MR. BROWN: And able to set aside what you  
23 heard and the judgments you may have made and just  
24 base your verdict on what you hear here?

25 JUROR NUMBER 112: Yes.

1 MR. BROWN: And you understand why that's  
2 important?

3 JUROR NUMBER 112: Yes.

4 MR. BROWN: Now, the next question I have, when  
5 you talked this morning or this morning when you  
6 talked to the Court you indicated that spring break,  
7 you have three children and unless I miswrote, ages  
8 seven, ten and thirteen?

9 JUROR NUMBER 112: Yes.

10 MR. BROWN: Okay. They're not four, eight and  
11 ten, correct?

12 JUROR NUMBER 112: No.

13 MR. BROWN: Okay. Sometimes we get these  
14 printed forms but it's -- someone takes the  
15 information you provided and puts it into a format  
16 and it doesn't always come out accurate. Okay. So,  
17 you've had a chance to think about the spring break.

18 JUROR NUMBER 112: Yes.

19 MR. BROWN: And confident you would be able to  
20 get coverage?

21 JUROR NUMBER 112: Yes.

22 MR. BROWN: So, that won't be an issue, won't  
23 be --

24 JUROR NUMBER 112: It won't be.

25 MR. BROWN: -- distracting you?

1 JUROR NUMBER 112: Right.

2 MR. BROWN: Now, the next topic I want to cover  
3 is the death penalty itself and let me go through the  
4 process with you and make sure you understand where  
5 we're at. First, as the Court told you, it only  
6 becomes a consideration if the jury returns a verdict  
7 of guilty for first degree murder. They return a  
8 verdict of a lesser charge that's a second degree,  
9 the death penalty is off the table and you don't make  
10 a recommendation to the Court for sentencing.

11 Obviously, if it's not guilty then there is no  
12 sentencing, period. So, if the jury returns that  
13 verdict of first degree murder, then we go into the  
14 second phase. We would reconvene and all come back  
15 in here, additional evidence is presented to the jury  
16 and then the Judge would give you another set of  
17 instructions and in that set of instructions the  
18 first thing she's going to tell you the first step in  
19 the process is you look at what are called  
20 aggravating circumstances, and she will give those  
21 aggravating circumstances to you that may apply in  
22 this case and it will be a list, I suspect it's going  
23 to be more than one, three, four, five, she's going  
24 to give those to you and those are the things that  
25 you can look and only those that you look at in



1           justifying the death penalty.

2                   JUROR NUMBER 112:   Okay.

3                   MR. BROWN:   So, she's going to say that those  
4           have to be proven beyond and to the exclusion of any  
5           reasonable doubt.   Same standard for guilt as it is  
6           as applied to those aggravating circumstances.   So,  
7           the first question is you look and you say did the  
8           State prove at least one or more than one of these  
9           beyond and to the exclusion of any reasonable doubt.  
10          If your answer is no, have we haven't proven any  
11          aggravating circumstances, then because you found  
12          that there aren't any you have to return a verdict of  
13          life.   If you find that we've proven at least one,  
14          you may find that we've proven more than one, you  
15          look at the ones we've proven, put them together and  
16          say do those justify the death penalty in your mind.  
17          If you find that they don't, then you return a  
18          verdict of life.   If you find that, yes, these  
19          aggravating circumstances justify the death penalty,  
20          you move on to the next step in the process.   That  
21          step is where you look at what we call mitigating  
22          circumstances and as Her Honor told you, those are  
23          things concerning coming from the defendant's life,  
24          background, character, things of that nature, it's  
25          concerning him, and those will be presented to you

1 and there's a burden of proof there. It's a lower  
2 burden, it's to the greater weight of the evidence,  
3 it's less than beyond a reasonable doubt, it's to the  
4 greater weight of evidence. You look at those  
5 mitigating circumstances, you find that some aren't  
6 proven, then you disregard them just like you would  
7 anything else. If you find -- you take the  
8 mitigation evidence that you feel has been proven and  
9 everything that's been proven, the aggravators and  
10 mitigator, you have to consider it all, you go  
11 through a weighing process.

12 Have you made in your lifetime some important  
13 decisions?

14 JUROR NUMBER 112: Yes.

15 MR. BROWN: And when you've made those  
16 decisions, did you kind of -- did you try to look at  
17 all the factors involved?

18 JUROR NUMBER 112: Yes.

19 MR. BROWN: And when you looked at those  
20 factors some factors you found to be pretty darn  
21 important in your decision and when you were thinking  
22 about what you were going to do you gave those great  
23 weight, right?

24 JUROR NUMBER 112: Yes.

25 MR. BROWN: Other factors you looked at and you

1 said, you know, this really in the scheme of things  
2 isn't that important and you gave those factors  
3 little weight. You kind of weighed everything and  
4 came to a decision. It's the same -- she's going to  
5 tell you it's the same process here. You have to  
6 determine -- you look -- if it's proven, you consider  
7 it, but you determine how much weight. You can  
8 consider something and give it very little weight,  
9 you can consider something and give it great weight  
10 and that's the key. The weight you decide, you  
11 personally decide how much to give each aggravator  
12 and each mitigator. The Judge isn't going to tell  
13 you how much weight to give a particular aggravator  
14 or a particular mitigator or to give when you put  
15 them all together. Okay. That's the process you  
16 have to go through. You can consider something and  
17 give it little to no weight or you can give it great  
18 weight. Difference, consider, you determine the  
19 weight.

20 JUROR NUMBER 112: Okay.

21 MR. BROWN: No one is going is going to tell  
22 you how much weight. We may suggest in arguments how  
23 much weight but that's for you to decide and you  
24 alone. So, you go through a weighing process,  
25 aggravators that have been proven, mitigators that

1 have been prove and weigh them against each other.  
2 If you find that the mitigators outweigh the  
3 aggravators, then you have to come back with a  
4 recommendation of life. If you find the aggravators  
5 outweigh the mitigators, then you are in a position  
6 where you can legally recommend to the Court the  
7 death penalty sentence.

8 Now, the Court's not going to tell you, well,  
9 if we've proved A, B, C and D aggravators that you  
10 must return death sentence, you understand that?

11 JUROR NUMBER 112: Um-hmm.

12 MR. BROWN: If fact, she's going to tell you  
13 that you're never obligated or required to return  
14 that sentence of death. Okay. That recommendation  
15 of death. What she's going to tell you is you have  
16 to go through the process and if you find the  
17 aggravators justify the death penalty and if you  
18 weigh it against the mitigators and the aggravators  
19 still come out on top, then you can make that  
20 recommendation of death. Look it and say does this  
21 when I put everything together justify the death  
22 penalty. Okay. So, you understand the process --

23 JUROR NUMBER 112: Yes.

24 MR. BROWN: -- that you go through and then  
25 ultimately you find the aggravators, they outweigh

1 the mitigators, compare them to the mitigators, they  
2 still justify the death penalty, that's when you can  
3 recommend the sentence of death penalty. You're  
4 comfortable with that process?

5 JUROR NUMBER 112: Yes.

6 MR. BROWN: You understand it?

7 JUROR NUMBER 112: Yes.

8 MR. BROWN: Okay. Given that process, if you  
9 find that the State has proven aggravators, that  
10 they're not outweighed by the mitigators and that  
11 they justify the death penalty, can you return a  
12 recommendation of death?

13 JUROR NUMBER 112: Yes.

14 MR. BROWN: Is there anything at all in your  
15 background, moral beliefs, religious beliefs,  
16 philosophical beliefs, family history, work history,  
17 whatever it may be, that causes you any concern,  
18 angst, gut feeling, just really concerned, worried,  
19 inability to make that decision?

20 JUROR NUMBER 112: No.

21 MR. BROWN: Okay.

22 JUROR NUMBER 112: It's a big decision.

23 MR. BROWN: Absolutely. We ask a lot of our  
24 jurors in any case much less a case of this  
25 magnitude, but the only way I know that there's

1 nothing in your background that is going to cause you  
2 a concern and hesitation is to ask you. So, that why  
3 I ask.

4 JUROR NUMBER 112: Okay.

5 MR. BROWN: I know this is a situation that you  
6 be didn't wake up yesterday and say, geez, what are  
7 my thoughts on all of this and how am I going to  
8 answer. So, we're getting you kind of fresh. Okay?

9 JUROR NUMBER 112: All right.

10 MR. BROWN: So, do you feel comfortable in your  
11 ability to make that decision, recommendation of life  
12 or death?

13 JUROR NUMBER 112: Um-hmm.

14 MR. BROWN: Is that a yes?

15 JUROR NUMBER 112: Yes. I don't mean to  
16 (unintelligible) but yeah.

17 MR. BROWN: Okay. And as the Court  
18 indicated --

19 JUROR NUMBER 112: (Unintelligible).

20 MR. BROWN: As the Court indicated before, I  
21 don't know if she told you this or not, the reason  
22 why we do need you to give verbal answers is because  
23 everything is recorded and they don't record a nod or  
24 shake of head. So, we need the actual answer on the  
25 record. Okay.

1 JUROR NUMBER 112: Okay.

2 MR. BROWN: Now, did you come in knowing or  
3 having heard the Court's discussion this morning, do  
4 you have in your own mind kind of, well, I feel the  
5 death penalty in situation A or B like a mass murder  
6 or something but I wouldn't give it in anything else?  
7 Do you feel that way?

8 JUROR NUMBER 112: I would say, you know. I  
9 mean I haven't sat down and thought about it, but I  
10 just (unintelligible).

11 MR. LANNING: Ma'am, you're soft spoken, could  
12 you speak up?

13 JUROR NUMBER 112: I would say the death  
14 penalty would be warranted by like a serial killing  
15 or really heinous crime.

16 MR. BROWN: Are you going to limit yourself to  
17 just what your own idea is? Would you be limited to  
18 just serial killers?

19 JUROR NUMBER 112: No.

20 MR. BROWN: We talked earlier about the  
21 aggravators and the Court mentioned those are items  
22 or factors that increase the gravity of the crime or  
23 harm to the victim and she's going to give those to  
24 you, the ones that may apply in this case, and those  
25 are the only things that you can look at to form your

1 basis for recommending death.

2 JUROR NUMBER 112: Okay.

3 MR. BROWN: Are those list of aggravators.

4 JUROR NUMBER 112: Okay.

5 MR. BROWN: Are you open to the list that she's  
6 going to give you?

7 JUROR NUMBER 112: Yes.

8 MR. BROWN: Okay. What I just want to make  
9 certain is you're not coming in with no own viewpoint  
10 of it's only A or B, I don't care what else the Judge  
11 is going to tell me, if you don't show me A or B then  
12 there's no way I'm going to.

13 JUROR NUMBER 112: No.

14 MR. BROWN: So, you're going to listen to the  
15 list and look at the list she gives you and make your  
16 decision based upon that list as well as everything  
17 else that comes in?

18 JUROR NUMBER 112: Yes.

19 MR. BROWN: And if you feel that it's  
20 justified, can you recommend a sentence of death?

21 JUROR NUMBER 112: Yes.

22 MR. BROWN: The next topic I want to cover, I  
23 ask this of everybody that comes in, we talked when I  
24 first got up here a little bit about if jury comes  
25 back with a lesser such as second degree murder you



1 don't make it to that second stage, you're not going  
2 to be put in a position of having to make that  
3 recommendation. So, what I will ask of you is would  
4 that fact say, well, if I come back with something  
5 lesser I'm not going to be put in that position,  
6 would that affect or influence your verdict in any  
7 way?

8 JUROR NUMBER 112: No.

9 MR. BROWN: Okay. You would agree that justice  
10 would be to return the verdict that the evidence  
11 proves?

12 JUROR NUMBER 112: Yes.

13 MR. BROWN: And if the evidence proves to you  
14 first degree murder, can you come back with that  
15 verdict?

16 JUROR NUMBER 112: Yes.

17 MR. BROWN: And you understand why I ask the  
18 question, make sure that, you know, jurors think  
19 about it and then say, you know, I'm not going to let  
20 that fact of it will be easier for me if I just do  
21 second influence me, return the verdict that the  
22 evidence dictates?

23 JUROR NUMBER 112: Yes.

24 MR. BROWN: And you agree that would be  
25 justice?

1 JUROR NUMBER 112: Yes.

2 MR. BROWN: And that's what you're ought to do?

3 JUROR NUMBER 112: Yes.

4 MR. BROWN: Thank you. Your Honor, I have no  
5 further questions.

6 THE COURT: Excuse me. Questions by the  
7 defense.

8 MR. LANNING: You indicated that you had some  
9 discussions with your father and that you had made  
10 some judgments and upon hearing about it the day it  
11 kind of reaffirmed some judgments, could you tell me  
12 what those judgments were?

13 JUROR NUMBER 112: Well, I don't know the full  
14 story but just that an officer was shot and killed  
15 that (unintelligible) anger.

16 MR. LANNING: Okay. The fact that a police  
17 officer was shot, that created anger, did -- in  
18 talking with your dad, did your dad express anger  
19 about that?

20 JUROR NUMBER 112: No.

21 MR. LANNING: What brought it up?

22 JUROR NUMBER 112: It was just, you know,  
23 (unintelligible) and we talked about it briefly. He  
24 lives right off of 192. So, from what I understand  
25 it was on that road and he was just saying how close

1 it was to where he lives (unintelligible).

2 MR. LANNING: Is he close to the Econo Lodge?

3 JUROR NUMBER 112: To where 95 is.

4 MR. LANNING: Right.

5 JUROR NUMBER 112: Yeah right around that  
6 (unintelligible).

7 MR. LANNING: Right. Now, the fact that this  
8 was a police officer got you angry or upset?

9 JUROR NUMBER 112: I think maybe the aftermath  
10 and seeing I don't know if it was the funeral or some  
11 coverage on line about (unintelligible) police  
12 officer, I think that may have influenced.

13 MR. LANNING: Okay. You think you may have  
14 seen something about the funeral?

15 JUROR NUMBER 112: Right. Right.

16 MR. LANNING: The procession and all the  
17 emotion that was attached to that at that time?

18 JUROR NUMBER 112: Yes.

19 MR. LANNING: You say some of those judgments  
20 have been reaffirmed kind of?

21 JUROR NUMBER 112: Reaffirmed, it just.

22 MR. LANNING: Or it brought them back?

23 JUROR NUMBER 112: I feel like, yeah, emotional  
24 (unintelligible).

25 MR. MOORE: Did you did you form an opinion

1 about Brandon Bradley?

2 JUROR NUMBER 112: I think so, kind of  
3 unfairly.

4 MR. LANNING: Okay. What was opinion? Or is  
5 what is that opinion?

6 JUROR NUMBER 112: His actions were senseless.

7 MR. LANNING: I'm sorry.

8 JUROR NUMBER 112: His actions were senseless.

9 MR. LANNING: Okay.

10 JUROR NUMBER 112: (Unintelligible).

11 MR. LANNING: You indicated that -- you said in  
12 response to the questions Mr. Brown asked you  
13 indicated, I think, when he's found guilty I think  
14 the person should get the death penalty. Now, that's  
15 a fairly strong opinion?

16 JUROR NUMBER 112: Yeah.

17 MR. LANNING: Right?

18 JUROR NUMBER 112: Yeah.

19 MR. LANNING: And is that an opinion that you  
20 formed at that time?

21 JUROR NUMBER 112: At that time, yes, I think  
22 just the little information from the Judge and  
23 Mr. Brown I gained a little bit of knowledge on how I  
24 should feel.

25 MR. LANNING: Well, you know, some things,

1 sometimes you can be told not to do something, you  
2 can be told over and over not to do something, but  
3 when the bell's already rang and you've already  
4 formed an opinion, it would only be -- I mean, it  
5 would only be more unfair if you carry that opinion  
6 with you. Can you see that point?

7 JUROR NUMBER 112: Yes.

8 MR. LANNING: And you had that opinion when  
9 this happened and knowing that it's the death of a  
10 police officer and your feelings then, are you  
11 confident about your ability to do that that's no  
12 longer going to play any role?

13 JUROR NUMBER 112: I am confident.

14 MR. LANNING: Did you -- what about -- you  
15 formed an opinion apparently that he's guilty, right?  
16 Right?

17 JUROR NUMBER 112: Right.

18 THE COURT: Juror Number 111, can you speak up  
19 just a little bit? There is a microphone right next  
20 to you but they're having a little trouble picking  
21 you up. It's on the other side. So, I just want to  
22 make sure you're being picked up.

23 JUROR NUMBER 112: Okay.

24 MR. LANNING: So, when Judge Reinman was  
25 reading the charges to you today and you looked over

1 and you saw Mr. Bradley and you said that's the guy  
2 who killed that police officer, is that right?

3 JUROR NUMBER 112: Yes.

4 MR. LANNING: Is that not coming -- is that now  
5 how you still feel.

6 JUROR NUMBER 112: I do still feel that way.

7 MR. LANNING: And --

8 JUROR NUMBER 112: I can depend on the  
9 evidence.

10 MR. LANNING: No, you don't, but if that is a  
11 bias that you're coming to court with, and apparently  
12 it is, is that true?

13 JUROR NUMBER 112: Yes.

14 MR. LANNING: You do believe he's guilty?

15 JUROR NUMBER 112: Yes.

16 MR. LANNING: And do you feel like we're going  
17 to be, you know, like those guys, they have some work  
18 to do because they're going to have to prove he's  
19 not? Is that the way you -- is that fair?

20 JUROR NUMBER 112: That's not fair.

21 MR. LANNING: No, but is that the way you feel?

22 JUROR NUMBER 112: Yes.

23 MR. LANNING: You know, do you presume him to  
24 be innocent? You don't presume him to be innocent,  
25 do you?

1 JUROR NUMBER 112: No, I don't.

2 MR. LANNING: And --

3 THE COURT: I'm just going through and talk to  
4 you about the burden of proof because I didn't  
5 discuss that and ask you if you can address that.  
6 The State has the burden of proof, they have to prove  
7 each charge and each element of each charge beyond  
8 and to the exclusion of every reasonable doubt. The  
9 Defense has no -- they don't have to prove anything.  
10 So, at this time because there's been no evidence  
11 presented, the defendant is assumed to be not guilty.  
12 In fact, the defendant is assumed to be innocent.  
13 What -- and there's no right or wrong answers in  
14 here. You as a juror, what you're required to do is  
15 to come in here and say I can set all that aside,  
16 because you said when I came in here I believed this,  
17 you have to be able to set all that aside and listen  
18 to my instructions and assume the defendant to be not  
19 guilty, to be innocent as the law requires you to do  
20 for this case. If you say, Judge, I can follow your  
21 instructions, I can do that, or you say, Judge, I  
22 can't follow your instructions, I just can't do that  
23 based on what I know and what I've read and how I  
24 feel, that's the question that's being asked.

25 JUROR NUMBER 112: Okay.

1 THE COURT: Okay. And there's no right or  
2 wrong answers, we just wants you to be frank and  
3 honest and complete and that's all we ask.

4 JUROR NUMBER 112: Okay.

5 THE COURT: So, the law gives -- makes the  
6 burden on the State, the defendant doesn't have to  
7 prove anything. Okay. Can you follow those  
8 instructions or based on what you already know or  
9 what you believe can you not do that?

10 JUROR NUMBER 112: I don't know about the case  
11 and I know it's unfair coming in to it that I believe  
12 he's guilty. I understand that I have to come in  
13 he's innocent.

14 MR. LANNING: Ma'am, are you saying that  
15 because --

16 JUROR NUMBER 112: No, no, I --

17 MR. LANNING: Because if you have a doubt about  
18 your ability to do that, which it certainly sounds  
19 like you did just a moment ago.

20 JUROR NUMBER 112: Right.

21 MR. LANNING: You shouldn't be a juror on this  
22 case.

23 JUROR NUMBER 112: Okay.

24 MR. LANNING: And if you have any doubt about  
25 your ability to set that aside, I would ask do you



1 agree that you do have that doubt? You have a doubt  
2 about that ability to sit your feelings aside?

3 JUROR NUMBER 112: I do have a doubt.

4 MR. LANNING: Judge?

5 THE COURT: Let's have a bench conference.

6 p: (Thereupon, a benchside conference was had  
7 out of the hearing of Juror Number 112 as follows:)

8 THE COURT: I didn't hear stipulate.

9 MR. BROWN: I'll stipulate.

10 (Thereupon, the benchside conference was  
11 concluded and the proceedings were had as follows:)

12 THE COURT: Okay. Juror Number 112, I am going  
13 to release you from being a potential member of this  
14 jury. What I'm going to ask you to do is go  
15 downstairs. First of all, I want to thank you for  
16 your service, thank you for being honest. I'm going  
17 to ask you to go downstairs, report to the jury  
18 assembly room, tell them you've been released from  
19 being considered for a juror in Judge Reinman's  
20 courtroom and they're mainly just going to take your  
21 badge, give you some brief instructions and send you  
22 on your way.

23 JUROR NUMBER 112: Okay.

24 THE COURT: Okay.

25 JUROR NUMBER 112: Thank you.

1 THE COURT: Thank you very much.

2 (Thereupon, Juror Number 112 exited the witness  
3 stand.)

4 THE COURT: Okay. Juror -- just want to make  
5 sure the door's closed. Juror Number 112 is released  
6 for cause. So, we could bring in Juror Number 113.

7 (Thereupon, Juror Number 113 was escorted into  
8 the courtroom by the court deputy and the proceedings were  
9 had as follows:)

10 THE COURT: Good afternoon, Juror Number 113.  
11 This morning I told you about some rules before we  
12 recessed and those rules came into effect at the time  
13 I announced them. So, I'm going to ask you about  
14 them since that time period and then I'm going to  
15 talk about what you may know about this case prior.

16 JUROR NUMBER 113: Okay.

17 THE COURT: So, since I announced those rules,  
18 have you been exposed to reading newspaper headlines  
19 and/or articles relating to this trial or its  
20 participants?

21 JUROR NUMBER 113: No.

22 THE COURT: Have you seen or heard television,  
23 radio, or Internet comments about this trial?

24 JUROR NUMBER 113: No.

25 THE COURT: Have you conducted or been exposed

1 to any research regarding any matters concerning this  
2 case?

3 JUROR NUMBER 113: No.

4 THE COURT: And have you discussed this case  
5 with any other jurors or with anyone else or allowed  
6 anyone to discuss it in your presence?

7 JUROR NUMBER 113: No.

8 THE COURT: Okay. I'm glad we can hear you,  
9 you speak loud. You can, just so you know, tell  
10 people the what and the when. You can say I'm at --  
11 you can tell them the where and the when. You can  
12 tell them I'm at the Brevard County courthouse, I'm  
13 supposed to be here from this time to this time, what  
14 you can't tell them is the what. You can't tell them  
15 it's this trial, these are the charges or what you  
16 may learn as a result of being here. Now, at the end  
17 of this case or once you're released you can talk  
18 about whatever you wish, it's up to you, but at this  
19 time you can't talk to other people about the what.

20 JUROR NUMBER 113: Okay.

21 THE COURT: Okay. Now, I'm going to ask you  
22 what you may know prior to coming to court. Do you  
23 know anything about this case either from your own  
24 personal knowledge, rumor, by discussions with anyone  
25 else, or from the media, including radio, television,

1 Internet, electronic, device, or newspaper?

2 JUROR NUMBER 113: Just brief hearsay on the  
3 news on TV.

4 THE COURT: So, would that have been when the  
5 event happened or --

6 JUROR NUMBER 113: Correct.

7 THE COURT: -- more recent or both?

8 JUROR NUMBER 113: No, when the event happened.

9 THE COURT: Okay. That would have been two  
10 years ago. So, that would have been from being on  
11 the news?

12 JUROR NUMBER 113: Yes.

13 THE COURT: Okay. What's your news habits?

14 JUROR NUMBER 113: Rare, flip on the TV, that's  
15 the station that comes on, typically change channels  
16 immediately.

17 THE COURT: Okay. So, you're not one that  
18 watches the news from, you know, 5:00 to 6:00 every  
19 night?

20 JUROR NUMBER 113: No, ma'am.

21 THE COURT: Just watch it if it happens to be  
22 on TV?

23 JUROR NUMBER 113: Correct.

24 THE COURT: So, you did hear about this event?

25 JUROR NUMBER 113: Um-hmm.

1 THE COURT: From the news on TV?

2 JUROR NUMBER 113: Yes.

3 THE COURT: Okay. What information do you  
4 believe that you know about this case?

5 JUROR NUMBER 113: I wouldn't say I know  
6 anything, just name, about when it happened and  
7 that's pretty much it.

8 THE COURT: Let me prompt you a little bit.  
9 You know a police officer died.

10 JUROR NUMBER 113: Yes.

11 THE COURT: Do you know the name of the police  
12 officer or the name of the defendant?

13 JUROR NUMBER 113: I don't recall. Oh, I  
14 believe it was the defendant.

15 THE COURT: Okay.

16 JUROR NUMBER 113: Not the officer's name.

17 THE COURT: Pardon me?

18 JUROR NUMBER 113: It was not the officer's  
19 name.

20 THE COURT: Okay. So, did you know that the  
21 defendant's name was -- before coming here was  
22 Brandon Bradley?

23 JUROR NUMBER 113: Yes.

24 THE COURT: And you got that from the news?

25 JUROR NUMBER 113: I believe so.

1 THE COURT: Okay. Anything else that you think  
2 that you know?

3 JUROR NUMBER 113: No.

4 THE COURT: And be specific if you can.

5 JUROR NUMBER 113: No I don't know anything  
6 else.

7 THE COURT: Okay. Can you set aside anything  
8 that you may have learned about the case?

9 JUROR NUMBER 113: Yes.

10 THE COURT: Serve with an open mind?

11 JUROR NUMBER 113: Yes.

12 THE COURT: And reach a verdict based only on  
13 the law and the evidence presented in this trial in  
14 this courtroom?

15 JUROR NUMBER 113: Yes.

16 THE COURT: Okay. What if you learned  
17 something that you think you learned something  
18 outside of the courtroom and in this courtroom that  
19 information never came before you, could you not  
20 consider that at all?

21 JUROR NUMBER 113: Yes.

22 THE COURT: Since it didn't happen in here?

23 JUROR NUMBER 113: Yes.

24 THE COURT: Okay. Now, I'm going to ask you a  
25 general question. What are your views about the

1 death penalty?

2 JUROR NUMBER 113: I am for it. I don't know  
3 how much detail you want me to get into. I  
4 general -- I do not accept its use.

5 MR. MOORE: What was that?

6 THE COURT: I expect its use. In this case  
7 Count I which is first degree murder is the only  
8 couldn't that addresses the death penalty. Okay. In  
9 the event the jury finds the defendant guilty on  
10 Count I, murder in the first degree, then we proceed  
11 to a second phase. That's called the guilt phase.  
12 Then we would proceed to the penalty phase. In the  
13 penalty phase, remember the defendant is already  
14 found guilty of murder in the first degree, I  
15 instruct you that you are to consider the penalty of  
16 death and life in prison without the possibility of  
17 parole as recommendations to the Court. So, can you  
18 consider both possible penalties if I instruct you  
19 that that is your duty to do so?

20 JUROR NUMBER 113: Yes.

21 THE COURT: So, are you of the opinion that  
22 death is the only appropriate penalty for murder in  
23 the first degree?

24 JUROR NUMBER 113: No.

25 THE COURT: So, could you consider life in

1 prison without the possibility of parole as a  
2 penalty, as a penalty for murder in the first degree?

3 JUROR NUMBER 113: Yes.

4 THE COURT: Okay. You're going to receive  
5 detailed instructions about how you go about that  
6 process but you could consider both possible  
7 penalties?

8 JUROR NUMBER 113: Yes.

9 THE COURT: Okay. Questions by the State.

10 MR. BROWN: Yes, Your Honor. Number 113, good  
11 afternoon. I'm going to talk to you a little bit  
12 about the death penalty, I'm going to go through the  
13 process that you have to get to that point as a juror  
14 and make that recommendation. I understand the Court  
15 gave you some of that morning but she did give you an  
16 awful lot of information in a condensed period of  
17 time. First thing she told you the jury has to come  
18 back with a verdict of first degree murder. If they  
19 come back with a lesser charge such as second degree,  
20 then the death penalty is off the table, sentencing's  
21 entirely to the Court and you're not going to be in a  
22 position where you make a recommendation. So, if the  
23 jury returns that verdict of first degree murder,  
24 then we reconvene and you would hear additional  
25 evidence and the Judge would give you a new set of



1 instructions on how to weigh the process that you go  
2 through.

3 The first step she's going to tell you is you  
4 look at what are called aggravating circumstances and  
5 she's going to give you the list that may apply in  
6 this case. I expect there's going to be more than  
7 one, maybe three, four, five, but she's going to give  
8 you those aggravating circumstances and as she told  
9 you this morning, what they mean is it's a statutory  
10 list of circumstances that may increase the gravity  
11 of the crime or the harm to the victim and it's to  
12 those circumstances that you look for and only to  
13 those under our scheme that can justify the death  
14 penalty. So, the first step is she's going to say  
15 look at those and ask yourself did the State of  
16 Florida prove any of those beyond and to the  
17 exclusion of every reasonable doubt. Same standard  
18 we use for guilt applies to those aggravating  
19 circumstances. If you find that we've proven none of  
20 those, now that there are no aggravating  
21 circumstances, you're required to return a  
22 recommendation of life. If you find that we've  
23 proven at least one, we may have proven more, we may  
24 have proven all of them, but if we've proven at least  
25 one, then you take either that one or those that

1 we've proven, two, three, four, whatever the number  
2 is, put those together and ask yourself now that  
3 these are proven do they combined justify the death  
4 penalty. If your answer is no, then you return a  
5 recommendation of life. If your answer is yes, these  
6 aggravating circumstances justify the death penalty,  
7 you go on to the next step in the analysis.

8 The next step then is to look at the mitigating  
9 circumstances, and as she told you, those are  
10 circumstances that concern the defendant, his life,  
11 background, things of that nature. There's a burden  
12 of proof for that. It's lower, it's a lesser burden,  
13 it's to the greater weight of the evidence. So, each  
14 has a burden of proof, mitigators lower burden than  
15 the aggravators. So, you take the mitigation  
16 evidence that's been presented to you, if something  
17 hasn't been proven, you disregard it. What the  
18 Court's going to tell you is when you find what's  
19 been proven on both sides, the aggravators and the  
20 mitigators, that you go through a weighing process.

21 Now, you've had to make, I assume, some  
22 important decisions in your personal life, business  
23 life, and when you make those decisions you try to  
24 look at all the factors involved and if you look at  
25 those factors you find some factors you look at and

1 you say these are pretty darn important, I'm going to  
2 give them great weight and make my decision, right?

3 JUROR NUMBER 113: Yes.

4 MR. BROWN: You look at some factors and you  
5 say, you know, looking at these, these are the ones  
6 that I find have little importance to me and I'm  
7 going to give them very little weight. That's how  
8 most of us make decisions, at least major. The same  
9 process that you're going to go through here. You  
10 going to go through and you weigh them and if it's  
11 been proven, you consider it, but you determine how  
12 much weight you're going to give to something. You  
13 can consider something and say this is important, I  
14 give it great weight. You can consider it and say I  
15 don't find this to be important, I'll give it little  
16 weight. You consider everything that's been proven  
17 you determine the weight. The Judge isn't going to  
18 tell you how much weight to give aggravator number  
19 two or mitigator number one. You have to determine  
20 how much weight to give it. We may in arguments  
21 recommend or urge you how much weight to give but  
22 it's your choice, you decide, you're not going to get  
23 anymore guidance other than you have to do that  
24 weighing process. And when you do that weighing  
25 process, if you find that the mitigation outweighs

1 the aggravators, then your recommend decision has to  
2 be life, a life sentence. If you find that the  
3 aggravators outweigh the mitigators, then you're in a  
4 position where you can now legally -- you're  
5 justified to make a recommendation of death if  
6 appropriate.

7 The Court's not going to tell you if the State  
8 proves A, B, C and D that you must return a  
9 recommendation of death. In fact, she's going to  
10 tell you that you are never required to do that,  
11 you're not required or obligated, but she is going to  
12 tell you you have to go through weighing process.  
13 You find aggravators, you find they justify the death  
14 penalty, you go through that weighing process and if  
15 you find that the aggravators still outweigh the  
16 mitigators and you put everything together that  
17 justifies the death penalty, that's when you can make  
18 that recommendation. You understand?

19 JUROR NUMBER 113: Yes.

20 MR. BROWN: Are you comfortable with that  
21 process?

22 JUROR NUMBER 113: Yes.

23 MR. BROWN: Any questions about it?

24 JUROR NUMBER 113: No.

25 THE COURT: With that process if you find that

1 the State's proven aggravating circumstances, you go  
2 through the weighing process and you feel that the  
3 death penalty is justified, can you make a  
4 recommendation of death?

5 JUROR NUMBER 113: Yes.

6 MR. BROWN: Now, do you come in with any  
7 preconceived notion of, well, I'd only recommend  
8 death if it's one of two circumstances, a mass  
9 murderer, serial killer, something like that?

10 JUROR NUMBER 113: No.

11 MR. BROWN: You understand the Court's going to  
12 give to you those aggravating factors and that's what  
13 you can use to justify the death penalty? Are you  
14 open minded to consider those since you're not coming  
15 in with the preconceived notion of if it's not this,  
16 I don't care what she says?

17 JUROR NUMBER 113: Correct.

18 MR. BROWN: Okay. Now, the last topic I want  
19 to cover, and I cover this with each person, not that  
20 I expect that any one person is going to do it but  
21 somebody may do it. If you don't cover it, nobody  
22 thinks about it. Obviously if you're back there  
23 deliberating on the guilt phase and if you come back  
24 with second degree murder you're not going to be in  
25 that position of having to recommend a life or a

1 death sentence. So, it's kind of like, well, if I  
2 don't want to have to make that decision, that's an  
3 easy way for me to go. You see what I mean?

4 JUROR NUMBER 113: Yes.

5 MR. BROWN: Would that type of thinking affect  
6 your verdict on whether or not the State's proven  
7 first agree murder?

8 JUROR NUMBER 113: No.

9 MR. BROWN: You would agree that what justice  
10 is that the verdict ought to be what the evidence  
11 proves?

12 JUROR NUMBER 113: Correct.

13 MR. BROWN: And if we've proved to you first  
14 degree murder, can you come back with that verdict?

15 JUROR NUMBER 113: Correct.

16 MR. BROWN: Even though you know you don't have  
17 to take that next step?

18 JUROR NUMBER 113: Yes.

19 MR. BROWN: Thank you. No further questions.

20 THE COURT: Okay. Questions by the Defense.

21 MR. LANNING: Juror 113, you indicated that you  
22 are for the death penalty, you accept its use, you  
23 seem to indicate you were prepared to say more, more  
24 information is better, we'd like to know your views.  
25 Do you know how long you've been for the death

1 penalty?

2 JUROR NUMBER 113: I've always been for it,  
3 I've never weighed against it.

4 MR. LANNING: Is it, is it something that came  
5 from your family's views, was it something an eye for  
6 an eye from church?

7 JUROR NUMBER 113: It's certainly nothing from  
8 church. No, I don't think it came from my parents,  
9 my parents are a little more and more liberal than I  
10 am. It's just I always felt that if the  
11 circumstances dictate it, then that should be what  
12 they get.

13 MR. LANNING: Do you have in mind an idea of a  
14 time, you know, where you say that's a death penalty  
15 case, no question?

16 JUROR NUMBER 113: You mean just a case or?

17 MR. LANNING: Type of homicide.

18 JUROR NUMBER 113: Premeditated should always  
19 dictate it.

20 MR. LANNING: Now, if -- now, this case  
21 involves a law enforcement officer and the death of  
22 one, does the fact that it's law enforcement officer  
23 carry additional weight in your mind or?

24 JUROR NUMBER 113: In my mind it does.

25 MR. LANNING: Now, if it's premeditated murder,

1 first degree premeditated murder and it's proven,  
2 should that an automatic death penalty?

3 JUROR NUMBER 113: In my mind it should be.

4 MR. LANNING: And if the State proved that  
5 Brandon Bradley committed first degree premeditated  
6 murder of a law enforcement officer in this case, you  
7 believe the death in your mind, and there's no right  
8 or wrong answers, that should be the death penalty?

9 JUROR NUMBER 113: I would certainly weigh the  
10 mitigating and aggravating circumstances like we  
11 discussed but I would tend to lean more towards, yes,  
12 it would be death.

13 MR. LANNING: And -- well, if it's  
14 premeditated, you indicated you would look at the  
15 mitigating circumstances but you also seem to  
16 indicate it would be automatic death penalty?

17 JUROR NUMBER 113: Well, I can't -- I don't  
18 like to speak in certainties but there's -- as I say,  
19 there's exceptions to every rule.

20 MR. LANNING: Okay. So, the presumption in  
21 your mind, first degree premeditated murder, death  
22 sentence?

23 JUROR NUMBER 113: Correct.

24 MR. LANNING: Do you believe that, that it  
25 would be a high burden for the Defense to convince



1           you that death was not appropriate?

2                   JUROR NUMBER 113:   Yes.

3                   MR. LANNING:   And you believe that given those  
4 facts, or you have to assume those facts, that -- let  
5 me ask you this.  In considering mitigation and some  
6 evidence in this case involves drug usage and drug  
7 addiction on the part of Mr. Bradley, drug addiction  
8 and drug usage, some people it constitutes  
9 mitigating, other people believe that it would  
10 constitute -- it would be aggravating, what would  
11 your view on that?

12                   JUROR NUMBER 113:  I would certainly lean more  
13 towards aggravating.

14                   MR. LANNING:  Now, you sound like you've got  
15 fairly fixed views in these regards, is that fair to  
16 say?

17                   JUROR NUMBER 113:  In generalities yes.

18                   MR. LANNING:  How about evidence of abuse as a  
19 child, physical and mental abuse as a child, would  
20 that evidence -- would you consider that as  
21 mitigation?

22                   JUROR NUMBER 113:  I would consider it, yes.

23                   MR. LANNING:  Okay.  What about mental illness,  
24 assuming you hear it from qualified professionals  
25 that you feel by a greater weight of the evidence?

1 JUROR NUMBER 113: It would be something to  
2 take into consideration, yes.

3 MR. LANNING: Okay. What about brain damage?

4 JUROR NUMBER 113: Same thing, assuming, you  
5 know, qualified individuals could convince me that it  
6 was present.

7 MR. LANNING: What are your -- do you ever any  
8 notions or beliefs about life without parole, whether  
9 it actually constitutes life without parole?

10 JUROR NUMBER 113: I'm not sure I understand.

11 MR. LANNING: Do you have any question in your  
12 own mind that life without parole actually means life  
13 without parole?

14 JUROR NUMBER 113: I'm not sure I understand  
15 the question.

16 MR. LANNING: Okay. Well, when a judge  
17 sentences somebody to life without parole, under  
18 Florida law that person dies in a Florida prison.

19 JUROR NUMBER 113: Right.

20 MR. LANNING: Some people question that,  
21 whether that's true, whether they're, you know,  
22 they're going to get clemency or that sort of thing,  
23 I want to make sure that you understand that life in  
24 prison without parole actually does mean life.

25 JUROR NUMBER 113: I agree that's the law.

1 MR. LANNING: Some evidence cannot be  
2 considered in aggravation, for instance,  
3 (unintelligible). Also what's called victim impact  
4 evidence, and you might hear victim impact evidence  
5 in this case and that's evidence of the, of the death  
6 of the victim and the -- if evidence is presented to  
7 show the victim's uniqueness an individual and as a  
8 result of the loss to the family, friends, community,  
9 that evidence, and you'll be instructed that you  
10 can't consider that as aggravation. And you won't be  
11 told in what way you could consider that evidence,  
12 the only thing you will be told is that you can't  
13 consider it as an aggravating circumstance. Do you  
14 think that you could follow that particular  
15 instruction and not consider it as aggravating?

16 JUROR NUMBER 113: Yes.

17 MR. LANNING: If you had to picture a scale of  
18 support for the death penalty, zero being no support,  
19 ten being the strongest possible support, where would  
20 you place yourself?

21 JUROR NUMBER 113: In general, nine.

22 MR. LANNING: Now, if in the case of a murder  
23 of a law enforcement officer and it's proven to be  
24 premeditated, you indicate that you would consider  
25 mitigating circumstances but that we would have to go

1 a long way to prove that it was appropriate. Now,  
2 would you -- would we have a high burden of showing  
3 that mitigation?

4 JUROR NUMBER 113: I think you would, yeah.

5 MR. LANNING: And because, because of the  
6 factor that it's premeditated and that it's law  
7 enforcement, do you think that you might ignore  
8 mitigation?

9 JUROR NUMBER 113: No do.

10 MR. LANNING: You believe that in your mind our  
11 burden would rise in showing mitigation to beyond a  
12 reasonable doubt? Would we need to prove to you  
13 beyond a reasonable doubt that he should live?

14 MR. BROWN: Judge, I'm going to object to that  
15 question. May we approach?

16 THE COURT: Yes, you may. Bench conference.

17 (Thereupon, a benchside conference was had out  
18 of the hearing of Juror Number 113 as follows:)

19 MR. BROWN: Judge, I'm going to object, first,  
20 that it's not an accurate statement of the law.  
21 Second, they're not giving any perimeters to the  
22 question. If the question is in order to get you to  
23 recommend life would you believe we'll have to  
24 present something more than our burden of proof, A,  
25 that's asking for a commitment which I would object

1 to and it seems to be where the question is going.

2 THE COURT: What's the last part of that?

3 MR. BROWN: It seems to be where the question  
4 is going because he's already told them he would  
5 consider mitigation, he wouldn't ignore any of it,  
6 so.

7 THE COURT: I still think jurors hear that  
8 instruction one time, they don't know this as the  
9 law, it's difficult for them to remember all this and  
10 to regurgitate it back and open ended questions are  
11 difficult for them. I think it would be difficult  
12 for anyone at this stage. Mr. Lanning.

13 MR. MOORE: He's a very bright guy. I mean,  
14 it's not like --

15 THE COURT: I don't know how bright he is.

16 MR. LANNING: Well, he's -- well, he's  
17 basically indicated that on a premeditated first  
18 degree murder of a LEO he initially said automatic  
19 death penalty. He then said he would consider  
20 mitigation but still the burden on the Defense to  
21 convince him that life was appropriate would be very  
22 high.

23 MR. BROWN: There's nothing wrong with that  
24 because that's two heavy mitigators because what most  
25 people think of premeditation is it fits what we're

1 asking for is cold, calculated premeditated. Law  
2 enforcement is a mitigator. So, you've hit two heavy  
3 mitigators.

4 MR. MCMASTER: Aggravators.

5 MR. BROWN: I mean heavy aggravators. So, by  
6 him being honest there's nothing legally incorrect  
7 when he's saying to overcome that it might be high.

8 THE COURT: And we're still not tying this up  
9 to can you follow the law.

10 MR. MOORE: Well, that's the issue here is if  
11 he holds us to a higher burden than what we're  
12 obligated to prove it by which is greater weight of  
13 the evidence, then he can't follow the law.

14 MR. BROWN: They're talking two different  
15 things here.

16 MR. MOORE: No, we're not, we're talking about  
17 the difference between the standard to prove and  
18 aggravator --

19 THE COURT: No one's asked him that question  
20 though.

21 MR. BROWN: He's talking two different things  
22 but the question --

23 THE COURT: No one specifically asked him that  
24 question because you don't -- I don't if we're afraid  
25 of the answer to that but the issue is this is the

1 law, can you follow the law. If he says no, then he  
2 would not be appropriate, but we don't ask him in  
3 regard to these are the instructions, can you follow  
4 that instruction. You ask him an open ended  
5 question, he doesn't know the law, he can't  
6 regurgitate it back to you.

7 MR. MOORE: If Mr. Lanning puts it that way and  
8 says here's the standard for aggravators and  
9 mitigators and you're saying that you would hold us  
10 to a high burden in proving mitigation.

11 THE COURT: If he asked it that way, that would  
12 be more appropriate.

13 MR. MOORE: I think it would be. And can you  
14 follow that.

15 MR. BROWN: Judge, the trouble is --

16 THE COURT: I'm happy with that question.

17 MR. BROWN: -- the topics and the way they  
18 asked --

19 THE COURT: Hold on.

20 MR. BROWN: The topics and even the way Mr.  
21 Moore's presenting the question, they're talk being  
22 the weighing process and that's what the juror's  
23 talking about and they're combining the two and  
24 that's the problem with this line of questioning and  
25 why I objected.

1 THE COURT: Let's see what his question is and  
2 then. I thought the question that Mr. Moore was  
3 proposing was appropriate. So, let's ask that.

4 (Thereupon, the benchside conference was  
5 concluded and the proceedings were had as follows:)

6 MR. LANNING: Now, the standard of proof for  
7 aggravating is they have to be proven beyond a  
8 reasonable doubt. Beyond a reasonable doubt. The  
9 standard in relation to mitigators is they have to be  
10 proven with more likely than not, greater weight of  
11 the evidence, and you indicated that in relation to  
12 the mitigation that you feel you would impose a very  
13 high burden on us and that you -- is that right?

14 JUROR NUMBER 113: Correct.

15 MR. BROWN: Judge, I'm going to object to that  
16 question.

17 MR. MOORE: He hasn't got the question out.

18 THE COURT: I don't think the question's done  
19 let's. Let's finish the question and then you can  
20 renew your objection if it's appropriate.

21 MR. LANNING: Now, if the Court were to tell  
22 you that the burden of proof is not very high, it's  
23 only more likely than not, could you follow that?

24 MR. BROWN: Judge, I'm going to object, this is  
25 not -- may we approach?



1 THE COURT: Yes, you may.

2 (Thereupon, a benchside conference was had out  
3 of the hearing of Juror Number 113 as follows:)

4 MR. BROWN: The objection is he's confused the  
5 juror. He's not telling him that this is the burden  
6 of proof for the mitigation that you can consider.  
7 The juror's then talking about the weighing process.

8 THE COURT: You know, we still have to get to  
9 the weighing process because, I mean, at some point  
10 just because he's proved it doesn't mean what --  
11 death or life, still has to get to the weighing  
12 process.

13 MR. BROWN: He's told them that he's to  
14 consider the mitigation, he wouldn't ignore it, he  
15 would consider it and he's got him confused and he's  
16 knots specific in his line of questioning and we  
17 object.

18 MR. MOORE: We are breaking it down to try and  
19 find out exactly what he means when he would hold us  
20 to a very high burden in proving mitigating evidence.  
21 We're putting it in the terms of the instruction  
22 which is here's the instruction for aggravating  
23 circumstances, beyond a reasonable doubt, here's the  
24 burden for mitigating circumstances which is greater  
25 weight of the evidence, can you follow that

1 instruction on mitigating or would you hold us to a  
2 higher burden than that.

3 THE COURT: Ask him that specific question.  
4 Ask him that specific question.

5 MR. BROWN: They need to put the question in  
6 terms of consideration of the mitigators because  
7 they've talked to --

8 MR. MOORE: That's what I'm trying to do.

9 THE COURT: Can you --

10 MR. BROWN: They're not putting it -- they're  
11 not saying --

12 MR. MOORE: Because we keep getting interrupted  
13 with objections.

14 THE COURT: Can we follow -- can we follow the  
15 Court's instruction or would you hold us -- with  
16 regard to mitigating circumstances or can you -- or  
17 will you hold us to a higher burden.

18 MR. BROWN: To consideration. Because they've  
19 gotten him to committing as far as -- and this is  
20 where the confusion is is their question's going  
21 towards what he would give the death penalty or not  
22 and that's what the juror is thinking and they  
23 haven't put the questions in the context of simple  
24 consideration because he's told them point blank, I  
25 would consider your mitigation, I wouldn't ignore it

1 any mitigation.

2 THE COURT: I want to hear his answer to this  
3 question. Okay.

4 MR. MOORE: So, you have to ask the question.

5 (Thereupon, the benchside conference was  
6 concluded and the proceedings were had as follows:)

7 MR. LANNING: Did you understand the question?

8 JUROR NUMBER 113: The last part?

9 MR. LANNING: The last question.

10 MR. BROWN: Judge, I have an objection to the  
11 question.

12 THE COURT: Let him ask -- reask the question,  
13 Mr. Lanning.

14 MR. LANNING: All right. Now, you've heard  
15 that the State's required to prove aggravation beyond  
16 a reasonable doubt, beyond the exclusion of every  
17 reasonable doubt. You've heard mitigation has to be  
18 proved by a lower standard, a standard of greater  
19 weight of the evidence, likely than not, not beyond a  
20 reasonable doubt. You've indicated that you would  
21 impose on us --

22 MR. BROWN: Objection.

23 MR. MOORE: Let me --

24 THE COURT: That's not the question -- if we  
25 could -- let's have a bench conference.

1           (Thereupon, a benchside conference was had out  
2 of the hearing of Juror Number 112 as follows:)

3           MR. BROWN: Judge, here's my problem. They say  
4 this is the question, the Court tells them the  
5 question and they keep adding to it, that's the  
6 problem. It's not the question the Court's saying  
7 ask.

8           THE COURT: The question that I said ask is can  
9 you hold the Defense -- because you're prefacing it  
10 that you previously said this and that's confusing.  
11 I want you to just ask him can you -- are you going  
12 to hold -- can you hold the Defense to this standard  
13 or are you going to hold us to a higher standard than  
14 a greater weight of the evidence.

15          MR. MOORE: Can he put it the way he's been  
16 putting it which is to explain it to him, here's the  
17 standard for aggravators, here's the standard for  
18 mitigators, can you follow that instruction and  
19 require us to prove mitigators by the greater weight  
20 of the evidence or are you going to require a greater  
21 like burden on us like beyond a reasonable doubt.

22          THE COURT: I'm happy with that question but  
23 don't preface with what he said previously.

24          MR. LANNING: All right.

25          (Thereupon, the benchside conference was

1 concluded and the proceedings were had as follows:)

2 MR. LANNING: Can you, can you hold -- can you  
3 consider -- will you hold the Defense to the burden  
4 of proving the mitigation with a lower standard of by  
5 the greater weight of the evidence or will you hold  
6 us to the higher burden of -- or a higher burden to  
7 prove mitigating?

8 JUROR NUMBER 113: I would try to hold you to  
9 the standard that the law suggests.

10 MR. LANNING: You indicated you would try, do  
11 you have doubts about your ability or do you think  
12 you would be possibly hold us to that higher  
13 standard?

14 JUROR NUMBER 113: I think it would be more  
15 difficult for me to not take my personal leaning one  
16 way versus another one. I think I would possibly be  
17 biased, it would be more difficult for me to not be  
18 biased.

19 MR. LANNING: All right. And even if the Court  
20 were to instruct you, you still believe that you  
21 might have that bias?

22 JUROR NUMBER 113: Yes, sir.

23 MR. LANNING: May we approach?

24 THE COURT: Yes, you may.

25 (Thereupon, a benchside conference was had out

1 of the hearing of Juror Number 113 as follows:)

2 MR. BROWN: Judge, I would ask for an  
3 opportunity to rehabilitate because I still don't  
4 believe that the questions have accurately been what  
5 the standard is and what the Court's going to  
6 instruct. So, I would ask for a chance to  
7 rehabilitate.

8 MR. MOORE: How about so we can dispel the  
9 confusion that the State is concerned about that we  
10 have the Court read the instruction, just a brief  
11 paragraph, I'll be glad to point it out, which  
12 describes the process of here's what you got to find  
13 for aggravators, here's what you got to find for  
14 mitigators and here's the weighing process, it's  
15 about a paragraph, read that to him and then let  
16 Mr. Brown ask him questions.

17 THE COURT: I'll be happy to do that. No  
18 thumbs up.

19 MR. MOORE: Well, it was for Mr. Language.

20 THE COURT: I know, but you could see it.  
21 Okay. Which -- I don't think you did that -- I don't  
22 even know if you know knew you did that.

23 MR. MOORE: If I could grab my book but I'll  
24 keep my thumbs in my hip.

25 MR. BROWN: Put rubber bands on his hands years

1 ago, so.

2 THE COURT: I assume it's in this, right, or do  
3 you want?

4 MR. MOORE: Go into mitigating. It doesn't say  
5 what the burden is for mitigating in there, I don't  
6 see it.

7 THE COURT: It does say that.

8 MR. LANNING: It's down here.

9 MR. BROWN: I think the more you reread the  
10 better. So, I'm good would be rereading those couple  
11 of pages.

12 THE COURT: There's all your stuff. I'll be  
13 happy to read those.

14 MR. LANNING: Judge, he's already expressed his  
15 opinion and he said in spite. I mean, he was very  
16 clear and I asked the question. I asked him even if  
17 the Court instructs you and he's indicated his  
18 response, he should be stricken for cause. I mean, I  
19 don't -- you know, if we go back every time, you  
20 know, I followed the Court's instruction, I got --  
21 you know, if the Court instructs you, do you still  
22 think you would have a doubt about and he very  
23 clearly indicated yes I would. So, I move to strike  
24 him for cause. I mean, if we keep instructing, yeah,  
25 he may get the idea.

1 THE COURT: I'm concerned about the going back  
2 and forth but I want to be sure.

3 MR. MOORE: Here's what I propose what I've  
4 bracketed here beginning on 5 and down to page 7.  
5 That's describes aggravators and mitigators.

6 MR. LANNING: Judge, I move to strike him for  
7 cause now. He's --

8 THE COURT: The State's asking for an  
9 opportunity to rehabilitate him based on his prior  
10 answers. If I am going to allow that, I'd rather me  
11 instruct him on the law than the State instruct him  
12 on the law.

13 MR. BROWN: Judge, can I see where they've  
14 drawn the line?

15 THE COURT: Right there. The red is mine,  
16 that's their's. Through right there. So, I'm going  
17 to instruct him on the law and then I'll give the  
18 State an opportunity based on his answers.

19 (Thereupon, the benchside conference was  
20 concluded and the proceedings were had as follows:)

21 THE COURT: Okay. Juror Number 113, I'm going  
22 to give you an instruction with regard to the law and  
23 that will be what I will give you later on in this  
24 case but this is what's applicable. An aggravating  
25 circumstance is a standard to guide the jury in



1 making the choice between the alternative  
2 recommendations of life imprisonment without the  
3 possibility of parole or death. It is a statutorily  
4 enumerated circumstance which increases the gravity  
5 of a crime or the harm to a victim. An aggravating  
6 circumstance must be proved beyond a reasonable doubt  
7 before it may be considered by you in arriving at  
8 your recommendation. In order to even consider the  
9 death penalty as a possible penalty, you must first  
10 determine that sufficient aggravating circumstances  
11 have been proven. The State has the burden to prove  
12 each aggravating circumstance beyond a reasonable. A  
13 reasonable doubt is not a mere possible doubt, a  
14 speculative, imaginary or forced doubt. Such a doubt  
15 must not influence you to disregard an aggravating  
16 circumstance if you have an abiding conviction that  
17 it exists. On the other hand, if after carefully  
18 considering, comparing, weighing all the evidence you  
19 do not have an abiding conviction that an aggravating  
20 circumstance exists, or if having a conviction it is  
21 one which is not stable but one which wavers and  
22 vacillates, then the aggravating circumstance has not  
23 been proved beyond every reasonable doubt and you  
24 must not consider it in rendering an advisory  
25 sentence to the Court. It is to the evidence

1 introduced during these proceedings and to it alone  
2 that you are to look for that prove. A reasonable  
3 doubt as to the existence of an aggravating  
4 circumstance may arise from the evidence, conflict in  
5 the evidence, or the lack of evidence. If you have a  
6 reasonable doubt as to the existence of an  
7 aggravating circumstance, you should find that it  
8 does not exist. However, if you have no reasonable  
9 doubt, you should find that the aggravating  
10 circumstance does exist and give it whatever weight  
11 you determine it should receive.

12 A mitigating circumstance is not limited to the  
13 facts surrounding the case. It may be anything in  
14 the life of the defendant which may indicate that the  
15 death penalty is not appropriate for the defendant.  
16 In other words, a mitigating circumstance may include  
17 any aspect of the defendant's character, background  
18 or life, or any circumstance of the offense that  
19 reasonably may indicate that the death penalty is not  
20 an appropriate sentence in this case. A mitigating  
21 circumstance need not be proved beyond a reasonable  
22 doubt by the defendant. A mitigating circumstance  
23 need only be proved by the greater weight of the  
24 evidence which means evidence that more likely than  
25 not tends to prove the existence of a mitigating

1           circumstance. If you determine by the greater weight  
2           of the evidence that a mitigating circumstance  
3           exists, you may consider it established and give the  
4           evidence such weight as you determine it should  
5           receive in reaching your conclusion as to the  
6           sentence to be imposed. Okay. I'll allow questions  
7           by the State.

8                     MR. BROWN: Thank you, Your Honor. Juror  
9           Number 113, did you understand the Court's  
10          instructions?

11                    JUROR NUMBER 113: I believe so.

12                    MR. BROWN: Now, not going into -- I don't want  
13          you to take my questioning to be what you would vote,  
14          whether you would vote life or death depending on the  
15          aggravators and mitigators, just looking at whether  
16          you would consider them, okay, you understand there's  
17          a different level of proof to consider an aggravating  
18          circumstance and a lower level of proof to consider a  
19          mitigating circumstance?

20                    JUROR NUMBER 113: I understand.

21                    MR. BROWN: And if the Defense proves to you a  
22          mitigating circumstance, whatever it may be, would  
23          you consider it?

24                    JUROR NUMBER 113: Yes.

25                    MR. BROWN: And if the State proves say there

1 are five aggravators listed and we've proven all five  
2 and not going to the weight you're going to give to  
3 them, regardless of the number of aggravating  
4 circumstances, would you follow the Court's  
5 instruction and if the Defense has proven to you a  
6 mitigating circumstance by the greater weight of the  
7 evidence would you consider it?

8 JUROR NUMBER 113: Yes.

9 MR. BROWN: And would you agree that regardless  
10 of the number of aggravating circumstances or what  
11 they are that the burden of proof to consider a  
12 mitigating circumstance is almost the same? It's the  
13 burden to consider, not how you're going to weigh  
14 them, just to consider. You see the difference  
15 between considering versus the weighing process then  
16 ultimately coming to a recommendation?

17 JUROR NUMBER 113: Yes.

18 MR. BROWN: So, would you agree -- how do you  
19 feel about if the State proves every aggravating  
20 circumstance that it listed, does that change the  
21 level of proof the Defense needs to show you to get  
22 you to consider mitigation?

23 JUROR NUMBER 113: No.

24 MR. BROWN: And do you agree the list of  
25 aggravators that the Court gives to you, it's those

1           aggravators and those alone that you can look to to  
2           justify a death penalty?

3                   JUROR NUMBER 113:   Yes.

4           MR. BROWN:   So, if there's something out there  
5           that's not one of those listed aggravators, you agree  
6           that's not something you should consider to justify  
7           the death penalty, it has to come from that list?

8                   JUROR NUMBER 113:   Correct.

9           MR. BROWN:   Any problem in that?

10                   JUROR NUMBER 113:   No.

11           MR. BROWN:   Now, the Defense questioned you  
12           on -- they were talking to you about a situation that  
13           if the State proves to you premeditation and a law  
14           enforcement officer, obviously this case that's what  
15           we're alleging, proved to you and then in your  
16           responses you were talking about a higher burden and  
17           they would have to prove to you in mitigation to a  
18           higher burden, do you remember that conversation?

19                   JUROR NUMBER 113:   Yes.

20           MR. BROWN:   When you were using -- when you  
21           were talking about that you were using those terms,  
22           were you talking about they have to prove to you a  
23           lot to overcome those aggravators or were you talking  
24           about level of proof needed to simply consider?

25                   JUROR NUMBER 113:   To outweigh the aggravators.

1 MR. BROWN: Do you have any trouble at all in  
2 following the Court's instruction concerning the  
3 level of proof needed for the aggravators and the  
4 different level of proof needed for the mitigators?

5 JUROR NUMBER 113: No.

6 MR. BROWN: And you also indicated, I wrote it  
7 down quickly so if I'm incorrect I apologize, but I  
8 think you said in your mind premeditated should  
9 always -- premeditated should always dictate a death  
10 penalty in your mind?

11 JUROR NUMBER 113: Yes.

12 MR. BROWN: And can you set aside what you feel  
13 the law should or shouldn't be and follow the  
14 instruction the Court gives you?

15 JUROR NUMBER 113: Yes.

16 MR. BROWN: And part of what the Court is going  
17 to tell you is that these are the list of mitigators  
18 and that there's no automatic death penalty, that you  
19 have to weigh it and even after you weigh it and you  
20 find the aggravators outweigh -- if you find the  
21 aggravators outweigh the mitigators that you still  
22 have to decide what's justified?

23 JUROR NUMBER 113: Yes.

24 MR. BROWN: And that you have to consider  
25 mitigation?

1 JUROR NUMBER 113: Yes.

2 MR. BROWN: Any problem at all in doing that?

3 JUROR NUMBER 113: No.

4 MR. BROWN: Any problem at all in following the  
5 Court's instruction as she told you?

6 JUROR NUMBER 113: No.

7 MR. BROWN: And if you have a personal belief  
8 or feeling that's contrary to what the Court's  
9 instructions are, are you going to follow the Court's  
10 instructions?

11 JUROR NUMBER 113: Yes.

12 MR. BROWN: Your Honor, may I have a moment?

13 THE COURT: Yes, you may.

14 (Thereupon, a pause was taken in the  
15 proceedings.)

16 MR. BROWN: Nothing else, Your Honor.

17 THE COURT: Okay. Can I have a bench  
18 conference?

19 (Thereupon, a benchside conference was had out  
20 of the hearing of Juror Number 113 as follows:)

21 THE COURT: Mr. Lanning, with all due respect,  
22 you want an opportunity to question the juror?

23 MR. LANNING: If I need to. If I need to. If  
24 the Court believes I need to. I think he should be  
25 removed for cause. He's certainly a -- you know,

1 he's indicated he believes on premeditated first  
2 degree murder it should be the death penalty and he  
3 indicated that --

4 MR. MOORE: He indicated he would be biased for  
5 the State in the death of a police officer in  
6 doing -- in the weighing process, that the bias  
7 exists and it's in favor of the State, that's what he  
8 said. He put that word out there, we didn't put that  
9 word in his mouth.

10 MR. LANNING: And there is at least a  
11 reasonable doubt about his ability to serve  
12 impartially.

13 THE COURT: Response from the State.

14 MR. BROWN: Judge, first of all, the police  
15 officer, that is an aggravator and in the State's  
16 opinion is a very (unintelligible) aggravator and  
17 that's going to be something that I think the Defense  
18 will have a hard time (unintelligible). I want to  
19 cite the Conde v. State, 860 So. 2d 930, 2003 Florida  
20 Supreme Court, and I'm reading, I have the printout  
21 from (unintelligible). I can put the case for you.  
22 Where a prospective juror expresses the view that the  
23 death penalty should be mandatory in some  
24 circumstances. Under other questioning stated he  
25 could follow the Court's instructions regarding



1 weighing. The Court does not err in refusing the  
2 challenge for cause.

3 Also, in the same case where a juror states  
4 that she would be automatically in favor of the death  
5 penalty if the defendant is found guilty of first  
6 degree murder, later questioning she stated she  
7 stated she would wait for all the evidence. The  
8 Court does not err in refusing the challenge for  
9 cause. That's exactly what you have here. The  
10 questioning to him concerning the premeditation of  
11 law enforcement, his response was in his mind it  
12 should but he said that he would consider all the  
13 mitigation in later questioning, said he would follow  
14 the Court's instructions. I talk to him about that  
15 on my portion and the rehabilitation portion and he  
16 said that he would follow the Court's instructions,  
17 he could follow them. No matter what the aggravators  
18 are, he would consider the mitigators and go through  
19 the weighing process and if there's anything he  
20 disagreed with and had a personal opinion against the  
21 Court's instruction that he would follow the Court's  
22 instructions.

23 MR. MOORE: What Mr. Brown's leaving out is the  
24 comment that this gentleman made that he volunteered  
25 that because it's a death of a police officer he

1 would be biased toward the State in the weighing  
2 process. That's what he said.

3 THE COURT: The problem is that the death of a  
4 police officer is an aggravating circumstance. So,  
5 if he wants to give that greater weight and be biased  
6 towards the State, bias is -- I mean, then he can  
7 give it greater weight. That's the problem that I'm  
8 having. In fact, if he had just said something else  
9 other than the death of a police officer.

10 MR. MOORE: If in the weighing process, if he's  
11 saying going into it he's biased towards the State,  
12 it doesn't matter what the reason for it is, he  
13 shouldn't be biased for either side, he should be  
14 open minded and fair and that's what we're trying to  
15 uncover here. He's established that he's biased  
16 toward the State. Doesn't matter what the reason for  
17 it is.

18 MR. BROWN: They started out with a  
19 hypothetical of that and you have to look at the  
20 meaning of his answer, not pick out certain words.  
21 The clear meaning and the context of the question,  
22 the series of questions and the context of his answer  
23 based on their hypothetical giving him, well, if it's  
24 a police officer, they've proven premeditation and  
25 it's a police officer, then he's like yeah, you would

1 have to show me a lot to justify life, I would be  
2 biased because that's a --

3 THE COURT: I didn't see it as bias towards the  
4 State. His bias towards the State is a statutory  
5 aggravator which is appropriate, so.

6 MR. MOORE: But he's the one who said that it  
7 would affect his ability to weigh. The fact that a  
8 police officer would bias him towards the State and  
9 it's not just I'm going to consider that, I'm going  
10 to hear the mitigation, I'm already bias towards the  
11 State. So, the State -- the Defense is behind, the  
12 State winning before I heard anything, that's his  
13 position right now.

14 THE COURT: Well, I disagree with that as the  
15 word definition for bias because the way he used it  
16 means that he would -- how do I it if you can in no  
17 circumstances weigh the evidence more heavily towards  
18 aggravating circumstances and it's appropriate  
19 aggravating circumstance, so. I mean, at this time  
20 I'm not willing to strike him for cause. However, I  
21 did -- I do feel strongly that if I do allow a second  
22 bite of the answer by the State it's appropriate to  
23 allow a second bite of the answer by the Defense.  
24 So, if you want that, I'll give you that. I mean, I  
25 realize that you're just going back and forth but I

1 feel strongly that's it's not fair to the Defense if  
2 the State doesn't. I will do it in the opposite way  
3 as well. If the Defense asks for rehabilitation and  
4 I give it to them, then the other side gets another  
5 chance.

6 MR. LANNING: Briefly.

7 THE COURT: Okay.

8 (Thereupon, the benchside conference was  
9 concluded and the proceedings were had as follows:)

10 MR. LANNING: Sir, earlier -- my earlier  
11 questions to you, you still hear the same answer to  
12 the question?

13 JUROR NUMBER 113: I would say that I would do  
14 my best to follow the Court's instruction but I  
15 believe subconsciously that some of these biases is  
16 always present.

17 MR. LANNING: And do you still have that bias?

18 JUROR NUMBER 113: I believe so, yes.

19 MR. LANNING: And despite the Court's  
20 instructions, you can't remove that?

21 JUROR NUMBER 113: I don't think anybody can.

22 MR. LANNING: Fair enough. Thank you.

23 MR. MOORE: May we approach?

24 THE COURT: Yes, you may.

25 (Thereupon, a benchside conference was had out

1 of the hearing of Juror Number 113 as follows:)

2 THE COURT: I still want to know what he means  
3 by biased.

4 MR. MOORE: He said despite the Court's  
5 instructions.

6 THE COURT: Yeah, but biased because it's the  
7 death of a police officer, death of a police officer  
8 is an aggravating circumstance.

9 MR. MOORE: So, any time the State -- any  
10 time --

11 MR. LANNING: Judge, it was a battery LEO.

12 MR. MOORE: Any time a police officer victim,  
13 bias is acceptable in the juror towards the State?  
14 That's a blanket statement.

15 MR. BROWN: No, because you're not putting the  
16 context he said. The context --

17 THE COURT: Calm.

18 MR. BROWN: If I can complete my sentence. The  
19 context was when you said biased because you're  
20 talking about what his recommendation of the death  
21 penalty would be and in the context of case with a  
22 death of a police officer, it's already been proven,  
23 and that's when he said if that's proven I would be  
24 biased in weighing the mitigation and that's  
25 certainly appropriate.

1 MR. MOORE: If He can't remove bias toward the  
2 State, it doesn't matter what the context is.

3 MR. LANNING: How far do I need to go with him?

4 THE COURT: Well, I'm concerned he said  
5 biased -- his answer was bias -- it was in the  
6 context of biased towards the State with regard to  
7 the death penalty because it was the death of a  
8 police officer. If -- that's what I understood his  
9 answer to be. He said he would consider mitigation,  
10 I'm not going to strike this juror for cause at this  
11 time. Okay.

12 MR. LANNING: Can I ask another question?

13 MR. MOORE: Put it in the broader context.

14 THE COURT: If you -- I would even ask him what  
15 he means by biased and in what context.

16 (Thereupon, the benchside conference was  
17 concluded and the proceedings were had as follows:)

18 MR. LANNING: Juror 113, do you believe that  
19 bias would carry over into the first phase, into the  
20 guilt phase because we're dealing with the death of a  
21 police officer? Is the State going to be -- do they  
22 have a leg up in your mind?

23 JUROR NUMBER 113: No.

24 MR. LANNING: All right. In the penalty phase  
25 they have a leg up?

1 JUROR NUMBER 113: I think subconsciously in  
2 mind they do, yes.

3 MR. LANNING: They do?

4 JUROR NUMBER 113: Yes.

5 MR. LANNING: And that bias is in favor of the  
6 State?

7 JUROR NUMBER 113: Yes.

8 MR. LANNING: And is that bias against Brandon  
9 Bradley?

10 JUROR NUMBER 113: In this case, yes.

11 MR. LANNING: That's in spite of the Court's  
12 instructions, right?

13 JUROR NUMBER 113: Yes.

14 MR. LANNING: And that's the feeling that you  
15 have and it's not going to change, right?

16 JUROR NUMBER 113: Correct.

17 MR. LANNING: May we approach?

18 THE COURT: Yes, you may.

19 (Thereupon, a benchside conference was had out  
20 of the hearing of Juror Number 113 as follows:)

21 THE COURT: All right. Mr. Master. I know the  
22 arguments of the Defense. Mr. Brown.

23 MR. BROWN: Judge, it's the same aspect and  
24 it's the same context that's been (unintelligible).  
25 He said it wouldn't affect it in the guilt phase but

1 once you get to the penalty phase the death of a  
2 police officer is one of our major aggravators that  
3 we have and obviously if they find the defendant  
4 guilty of first degree murder of Barbara Pill, then  
5 we've already proven that aggravator the minute we  
6 start the penalty phase. So, we've got is he now  
7 looking at that aggravator and because it's a heavy  
8 aggravator he's going to be biased and leaning towards  
9 the State, yes, because we've proven an aggravator  
10 already and it's a major aggravator. That's what he  
11 keeps -- that's why he said that it wouldn't affect  
12 him, there's no bias in the guilt phase.

13 MR. MOORE: How can that a bias juror said that  
14 any phase of this case.

15 MR. BROWN: He's using the term biased in a  
16 different manner and a different term --

17 MR. MOORE: He's biased for the State.

18 MR. BROWN: -- than what Mr. Moore wants to  
19 imply the meaning is.

20 MR. MOORE: He has no business being on this  
21 jury.

22 MR. BROWN: It's the weight of the aggravator.

23 THE COURT: He used it as he would, you know,  
24 he said in all his answers that even though that  
25 would be proven he would consider the mitigators but,



1 I mean, that's an aggravator and if he wants to weigh  
2 it more heavily than the other aggravators, he can  
3 choose to do that.

4 MR. MOORE: Well, does bias mean that he's  
5 going to be listening to the State witnesses and not  
6 listening to the Defense witnesses? Is he going to  
7 be biased toward the victim's family.

8 THE COURT: I asked to ask him what he means by  
9 biased but no one asked him that. I don't know how  
10 involved I can get in this process. I'm not -- I  
11 think all the argument's been made, I'm going to deny  
12 the request for cause.

13 (Thereupon, the benchside conference was  
14 concluded and the proceedings were had as follows:)

15 THE COURT: Okay. Juror Number 113, at this  
16 time you're still being considered as a possible  
17 juror for this case. What I'm going to ask you to do  
18 is go downstairs, report to the jury assembly room.  
19 They're going to give you a phone number to call back  
20 tomorrow afternoon between 1:00 and 5:00 and they're  
21 going to give you further instructions of when you're  
22 to report back. It won't be tomorrow. It may be  
23 Monday, it may not be, it depends on how long this  
24 process takes, but you're to report back as directed.

25 During this recess you must continue to abide

1 by your rules governing your service as a juror. Do  
2 not discuss this case with anyone. Do not read --  
3 avoid reading newspaper and headlines and articles  
4 regarding this trial or its participants. Avoid  
5 seeing television, radio, or Internet comments about  
6 the trial, and do not conduct any research yourself  
7 regarding this case or any of its participants.

8 Okay?

9 JUROR NUMBER 113: Yes, ma'am.

10 THE COURT: Okay. Sir, if you'll go downstairs  
11 and get that phone number from the jury clerk. Okay.  
12 Thank you.

13 JUROR NUMBER 113: Thank you.

14 (Thereupon, Juror Number 113 exited the  
15 courtroom.)

16 THE COURT: I don't think on our best day we're  
17 going to get to 17, 18, 20 and 21. I think maybe on  
18 our best day we might get to three. Like I said,  
19 I'll go past six but probably stop after 6:00. So,  
20 do we want to keep 14, 15 and 16 and let the rest  
21 report back tomorrow at 8:30 in the morning?

22 MR. BROWN: Yes, even 14, 15 and 16 may be  
23 optimistic.

24 THE COURT: I think so but I would hate to not  
25 utilize the time if we can do it.

1 MR. MOORE: We'll give it a shot.

2 THE COURT: Okay.

3 MR. MOORE: Do one more.

4 MR. LANNING: I wouldn't keep more than two.

5 MR. BROWN: Judge, I would say Number 117 was  
6 going to call. He was one of the ones that was going  
7 to check. That was the nurse. So, you may want to  
8 check with him before we send him home on that issue  
9 shortage of RN's in the doctor's office.

10 THE COURT: Go ahead and release 18 through --  
11 18, 21. Well, it's 18 through --

12 MR. MCGINNES: 18 and 20. 118 and 120.

13 THE COURT: Go ahead and release them, bring in  
14 17 and we'll see how far we get. They need to be  
15 back at 8:30 in the morning, report to the jury  
16 assembly room.

17 (Thereupon, Juror Number 117 was escorted into  
18 the courtroom by the court deputy and the proceedings were  
19 had as follows:)

20 THE COURT: Okay. Juror Number 117, if you'll  
21 have a seat. When we broke for lunch I asked -- you  
22 were going to call your office and see if they could  
23 address the shortage of care for you not being there  
24 as the RN in your office. Were you able to address  
25 that?

1 JUROR NUMBER 117: I was and my employer and I  
2 would like to preclude myself from being a juror in  
3 these proceedings because I'm under probation period  
4 as a new hire. So, my time away here is going to  
5 keep me away from my position under probation and I  
6 fear that I might be replaced by being here as a  
7 juror.

8 THE COURT: Okay.

9 JUROR NUMBER 117: So, by me being the new hire  
10 and I had to go through a three month process just to  
11 get this position. So, they just don't hire and it's  
12 not temp.

13 THE COURT: No, I know you're not a temp, I was  
14 wondering if they could call in a temp during the  
15 time that you weren't available.

16 JUROR NUMBER 117: They don't. It's a process  
17 of three interviews, drug screen and background  
18 check, it takes a month to process, they don't do  
19 temps. So, unfortunately I don't know how much of a  
20 benefit I could be for this defendant or anybody.

21 THE COURT: Okay. It's not how much of a  
22 benefit you would be, I don't understand that, but  
23 what I'm saying is obviously to be a citizen of the  
24 United States, you know, two obligations, one, pay  
25 taxes, two, serve on a jury. So, we can consider you

1 being here an obligation. I know you have an  
2 obligation at work as well but what I think I heard  
3 you say is that you're afraid you're going to lose  
4 your job if you are here as -- if you were to serve  
5 as part of this jury?

6 JUROR NUMBER 117: Right, I would leave an  
7 office hanging short staffed in a very busy fast  
8 paced work environment where they just throw somebody  
9 in. It's very difficult because the training is very  
10 intense and it's all computerized. You have to learn  
11 the whole computer programs just to utilize on the  
12 patient. So, it's not something you can just train  
13 in two weeks. Right now I'm still training on their  
14 electronic medical records. So, I'm on a probation  
15 period for ninety days.

16 THE COURT: How long have you been with the  
17 company?

18 JUROR NUMBER 117: I started Monday.

19 THE COURT: So, you started Monday?

20 JUROR NUMBER 117: Yeah, so I'm very new. My  
21 office manager today did give me, you know, was okay,  
22 but in the future they don't know. It's hard for  
23 them to determine.

24 THE COURT: Well, hard for them to determine  
25 and it being a hardship is different. So, tell me

1 what they said.

2 JUROR NUMBER 117: Basically if you don't come  
3 in, we don't have anyone to fill you in and by you  
4 being absent, under your in day period you're not --  
5 you can't show us that you're a person we want to  
6 keep on because we don't have anything to go off of  
7 because I'm here for three weeks they can't determine  
8 my job skill and if I'm qualified to stay on the job.  
9 So, I can't prove to them, in other words, what I'm  
10 trying to say is that they should keep me as an  
11 employee if I'm not there.

12 THE COURT: Okay. And what -- how long -- I  
13 mean, was there a process to go through to get the  
14 job?

15 JUROR NUMBER 117: Yes I applied December 23rd  
16 for the job and I got hired March, in March. I had  
17 to go through three interviews, a background check.  
18 I had to do a drug screen, an evaluation because the  
19 particular doctor I work for is very particular on  
20 her staff, she just doesn't, you know, have one  
21 interview and we'll call you back. I had to go  
22 through like a gambit just to get the position and  
23 it's for ninety day trial and after that ninety days  
24 they evaluate my performance to see if I should stay  
25 on as a permanent hire. So, for a temp agency, I

1 don't -- they don't do temp agencies. So, I'm not  
2 sure what I should do at this point. It's either  
3 stay here, possibly lose my job, or not be a juror  
4 and keep my job. I'm kind of in a conundrum because  
5 I'm new, just started Monday.

6 THE COURT: Well, I assume that you want to  
7 keep your job, is that correct?

8 JUROR NUMBER 117: Absolutely.

9 THE COURT: Okay.

10 JUROR NUMBER 117: Can't pick those on two  
11 hands.

12 THE COURT: Okay. Bench conference.

13 MR. PIROLO: Stipulate.

14 THE COURT: Okay. Then Juror Number 17, at  
15 this time I will excuse you from being considered as  
16 a juror in this case. I do need you to report  
17 downstairs, report to the jury assembly room. Once  
18 they -- tell them you've been released from Judge  
19 Reinman's courtroom and they'll give you further  
20 instructions. Okay. Thank you.

21 (Thereupon, Juror Number 117 exited the  
22 courtroom.)

23 THE COURT: Okay. Juror Number 117 was  
24 released for cause. We'll bring in 114 and let the  
25 rest go?

1 MR. MOORE: Sure.

2 THE COURT: We want to do that or should I keep  
3 two?

4 MR. BROWN: I would keep one.

5 THE COURT: Keep 14 and 15, 114 and 115?

6 MR. LANNING: Keep 14, Judge.

7 MR. BROWN: I'm good with just 14.

8 MR. LANNING: Send the one in for questions.

9 THE COURT: Okay. Then we'll let 14 -- 115 and  
10 116 go and we'll bring in 114.

11 (Thereupon, the proceedings had were previously  
12 transcribed.)

13 THE COURT: Okay. Any preliminary matters  
14 that -- or any final matters we need to discuss on  
15 behalf the State before we recess?

16 MR. BROWN: Judge, nothing that we have to  
17 other than discussing tonight or tomorrow morning. I  
18 don't know if you want to alter a little bit of our  
19 scheduling for everybody you have coming back  
20 tomorrow.

21 THE COURT: I don't think I can alter it at  
22 this phase.

23 MR. BROWN: You may be able to tell tomorrow's  
24 morning group to come back in the afternoon.  
25 Obviously, it won't be until the morning.



1 THE COURT: And we can -- I can probably get to  
2 the afternoon group -- what's -- you want to discuss  
3 that now and what are we thinking?

4 MR. LANNING: Well, you know, what are you  
5 thinking?

6 THE COURT: We're starting at 1:15 tomorrow. I  
7 mean, starting with Number 115 so there's no  
8 misunderstanding. Let me count how many -- you have  
9 how many is left?

10 MR. BROWN: Yes, we have eight people before we  
11 get to tomorrow morning's group which.

12 MR. MCMASTER: Then I can do the twelve and  
13 twelve and tomorrow's group, correct?

14 THE COURT: Yes, I did twelve in the afternoon  
15 and twelve in the morning.

16 MR. BROWN: So.

17 MR. MOORE: I count ten people.

18 MR. BROWN: I'm saying we have eight left  
19 before we even get to tomorrow's group.

20 THE COURT: Do we have nine left? Does  
21 everyone see nineteen left? Nineteen to question?  
22 Is that right, nineteen to question?

23 MR. MCMASTER: In the morning.

24 THE COURT: No, I mean of the whole -- oh, no,  
25 nineteen --

1 MR. MCMASTER: No, we have twenty four plus  
2 eight, seven, six.

3 THE COURT: Nineteen, twenty. I missed the  
4 last page. Twenty, twenty-one, twenty-two,  
5 twenty-three, twenty-four, twenty-five, twenty-six,  
6 twenty-seven, twenty-eight, twenty-nine, thirty,  
7 thirty-one. So, thirty-one total to question. We  
8 got through one, two, three, four, five, six, seven  
9 give me some --

10 MR. MCMASTER: We've been averaging fourteen to  
11 fifteen a day.

12 MR. LANNING: Well, you want to do -- at this  
13 point count on twenty and then work as the day goes.  
14 You know, talk to at least (unintelligible). I think  
15 surely we're going to get a string of people that at  
16 some point are going to be quick, although we didn't  
17 do that today.

18 THE COURT: What's the most we've questioned in  
19 one half day?

20 MR. MOORE: In a half a day?

21 THE COURT: Yeah.

22 MR. MCMASTER: Twelve or thirteen I think.

23 MR. BROWN: We've never made it to fifteen.

24 MR. MOORE: We hit a slow patch today. So, if  
25 we say bring in twenty tomorrow, I think that will be

1 a fair number. We may not get through that.

2 THE COURT: Well, I was saying, do you want to  
3 do ten in the morning and ten in the afternoon?

4 MR. MOORE: Sounds like a plan.

5 THE COURT: And then eleven the morning of  
6 Monday morning?

7 MR. BROWN: That's fine.

8 THE COURT: And then do I bring -- try to do a  
9 new panel at Monday afternoon?

10 MR. MOORE: Sure.

11 MR. BROWN: And then we can kind of gage to see  
12 how far we get Friday to determine a new panel Monday  
13 afternoon or Tuesday.

14 THE COURT: Well, I'll order one, I can always  
15 release them.

16 MR. BROWN: That's what I mean, we can decide  
17 that Friday.

18 THE COURT: All right. I'll give that  
19 information -- I'll send the jury clerk an e-mail.  
20 Ten at 8:30, the next ten at 1:15, the remaining  
21 eleven Monday at 8:30 and order a new panel for the  
22 afternoon. Any questions or concerns? Anything else  
23 on behalf of the State?

24 MR. BROWN: No, Your Honor.

25 THE COURT: Anything else on behalf of the

1 Defense? Mr. Pirolo, your concerns, I'm going to  
2 talk to the deputies before I leave here today and  
3 then if you want to readdress it at 8:30 in the  
4 morning, we'll readdress it at 8:30 in the morning.

5 MR. PIROLO: Sounds good.

6 THE COURT: If you get more information, I  
7 would appreciate that as well.

8 MR. PIROLO: I will.

9 MR. MOORE: Your Honor?

10 THE COURT: Yes, sir.

11 MR. MOORE: When can I do this? Is there a  
12 point when it's appropriate.

13 THE COURT: No, probably not. I can't think of  
14 one.

15 MR. BROWN: Could be worse.

16 THE COURT: You can do it for something that I  
17 do. I think you're allowed to do it then.

18 MR. MOORE: Tell me what that is.

19 THE COURT: You can't tell me that your  
20 handsome.

21 MR. PIROLO: She already knows that.

22 THE COURT: No, the guy said he was handsome  
23 and that was the reason for. You can't tell me that.  
24 He actually made me lose my train of thought for a  
25 minute because I was making sure I didn't respond.

1           (Thereupon, court was in recess for the day,  
2 3/6/14. Thereafter, court was reconvened on 3/7/14 and  
3 the proceedings were had as follows:)

4           THE COURT: Please be seated. I don't have a  
5 clerk. Was she in here?

6           THE COURT DEPUTY: She was, she had to run to  
7 her office. She said she'd be right back. Here she  
8 is.

9           THE COURT: Okay. If we could bring out  
10 Mr. Bradley.

11           (Thereupon, the defendant was escorted into the  
12 courtroom by the court deputy.)

13           THE COURT: Okay. We can go on the record.  
14 Pursuant to our discussions last night, we're  
15 bringing in 15 through 27 which is ten. I mean 115  
16 through 127 which is ten this morning, 128 through  
17 146 which is ten at 1:15, and then 147 through 159,  
18 that would be Monday at 8:30. And then Monday at  
19 1:15 we're going to have a new panel. I mean, all  
20 this is subject to change but that was my  
21 understanding of where we left it, the third batch is  
22 eleven, where we left it last night. Does everyone  
23 agree with that?

24           MR. BROWN: Yes, Your Honor.

25           MR. MOORE: Yes.

1 THE COURT: Any preliminary matters that we  
2 need to discuss on behalf of the State?

3 MR. BROWN: No, Your Honor.

4 THE COURT: Any preliminary matters that we  
5 need to discuss on behalf of the Defense?

6 MR. MOORE: No, Your Honor.

7 MR. PIROLO: Judge, I did get some  
8 clarification just two minutes ago about the issue I  
9 raised.

10 THE COURT: Yes.

11 MR. PIROLO: I printed out the e-mail, I'll try  
12 to get the gist of it. She believes that --

13 MR. MOORE: Ms. Travis.

14 MR. PIROLO: Right. I never gave the Court her  
15 name last night. Jessica Travis, she's an attorney  
16 in our office, she said she heard it as she was  
17 passing our courtroom, it was a female deputy was  
18 relieving a male deputy for a break, the juror  
19 involved in the conversation was a young white male  
20 with brown hair. She indicates I got the feeling  
21 that they were talking about that particular  
22 officer's job duties, not the case, but I'm not sure.  
23 She asked for an opinion of the reckless  
24 conversation. So, that's pretty much what she was  
25 able to hear. She didn't notice any numbers, jurors

1 numbers. All she could say about the particular  
2 deputy was the deputy was tall, brown hair.

3 THE COURT: I did speak with my deputies, they  
4 relayed that there was a conversation with Juror  
5 Number 117. If you recall, that's the nurse, the  
6 male nurse.

7 MR. PIROLO: Right.

8 MR. MOORE: He's gone.

9 THE COURT: Yeah, that's what they said. He's  
10 been gone. They discussed officers duties, there was  
11 something -- some mention about a routine traffic  
12 stop and they were talking mostly about -- he's from  
13 New York, they were talking about cops in New York  
14 and there was a conversation about routine traffic  
15 stops and one of the deputies said, you know, nothing  
16 is really routine, you know, but that was with Number  
17 117. That's the best I can get out of that subject  
18 matter. But, you know, the deputies know, you know,  
19 to have limited conversation with them. I think one  
20 of the issues is that we do have jurors that are kind  
21 of, you know, in one boat and if I had -- if I could  
22 keep them downstairs and bring them up one at a time  
23 I would do that but logistically, you know, I think  
24 that would -- we'd time doing that. So, I think what  
25 we'll try to do is what we did today is limit the

1 number that are waiting. I think that helps with  
2 some of these issues. I do have a grand jury room  
3 available if I need to put them in there and I'm  
4 happy to do that. I'll even put five in there this  
5 morning if we think that's better but. I mean, I'm  
6 open to suggestions.

7 MR. LANNING: If the Court did that, would we  
8 be doing the individual still up here?

9 THE COURT: No, we would do everything up here,  
10 we would just, you know -- we could bring --

11 MR. LANNING: I mean, there's no space down  
12 there close to the grand jury room.

13 THE COURT: I mean, with all due respect, the  
14 digital recording and everything else that has to be  
15 done.

16 MR. LANNING: Probably just best we.

17 THE COURT: I'm just saying we could keep five  
18 up here and keep five down there and keep bring one  
19 up while -- that would keep them from milling in the  
20 hallway but, I mean, the deputies have, we've had  
21 conversations with them and they know, you know, to  
22 limit their conversations. I mean, I think they, you  
23 know, I don't know, I think everybody was just trying  
24 to be friendly, nobody was talking about the case,  
25 they were talking about police officers in New York.



1 THE COURT DEPUTY: Judge, we're going to try to  
2 use the depositions rooms.

3 THE COURT: They're going to try to use the  
4 deposition rooms?

5 THE COURT DEPUTY: They will be in the hallway.

6 MR. LANNING: You know, the deposition rooms  
7 are -- all attorneys do is bad mouth how cramped it  
8 is.

9 THE COURT: It is very small but if there's two  
10 of them we could put five in each one.

11 MR. BROWN: There's only one on this floor I  
12 believe.

13 THE COURT: Is there only one on this floor?

14 THE COURT DEPUTY: What we planned is we can  
15 put five in there and keep five on the bench on this  
16 hallway so that they're not in the public hallway.  
17 We can keep the door open so it doesn't get so hot in  
18 there.

19 MR. PIROLO: Five's pushing it actually sitting  
20 in that room. I've had depo in that room with four  
21 people in there, it is cramped.

22 THE COURT: Okay. Well, let's -- that will  
23 help some, that will keep them out of hallway. That  
24 will help some.

25 MR. BROWN: The other end would be if you want

1 to have five up here and five in the grand jury room,  
2 keep them downstairs in the grand jury room or in the  
3 main jury section. We do our five, take our  
4 midmorning break and bring the other five up.

5 THE COURT DEPUTY: That sounds good, whichever  
6 you want.

7 MR. LANNING: I think that would be the better  
8 idea than the depo room.

9 MR. PIROLO: The depo room gets tight and hot.

10 THE COURT: Well, let's do this. Let's --

11 MR. BROWN: Keep them in the grand jury room,  
12 they've got padded chairs.

13 THE COURT: You know, I haven't told them I  
14 want to use the jury room today. So, I hope that's  
15 available.

16 THE COURT DEPUTY: If there's no other jurors  
17 present in the jury room, that's usually not an  
18 issue.

19 THE COURT: Sometimes they have meetings in  
20 there.

21 THE COURT DEPUTY: Okay. So, we have to go to  
22 the grand jury room.

23 THE COURT: No, I don't want them in the jury  
24 room, I want them in the grand jury room because  
25 that's separated from the other jurors and that's

1 what we're trying to do. And they had told me before  
2 I could have that but I haven't asked them for that  
3 today. I mean, it's Friday, with all due respect,  
4 probably it's available unless there's a meeting.

5 MR. BROWN: My only request is if we put them i  
6 the grand jury room, if you could seat them on the  
7 far wall that separates our witness center. I think  
8 we do have our people coming and out of there.

9 THE COURT: I mean, the whole point of sitting  
10 them in there is so they don't -- I mean, we're going  
11 to tell them where to sit now? I mean, why can't  
12 they walk around in there?

13 MR. BROWN: Well, my only issue is I don't know  
14 how well that wall is soundproof and.

15 MR. MOORE: Where are the restroom facilities  
16 at the grand jury room? Is there one in there?

17 THE COURT DEPUTY: They're not in the grand  
18 jury room itself.

19 THE COURT: You still have to go outside.

20 MR. MOORE: Well, probably the thing to do is  
21 have the five waiting up here in the deposition room  
22 with restrooms.

23 THE COURT: This is only during selection so  
24 there shouldn't be any witnesses for this case. I  
25 thought we discussed we're going to have the five

1 that were -- the first five up here and then the  
2 second five downstairs in the grand jury room. Do we  
3 want them all up here or do we want the first five up  
4 here and the second five downstairs stairs in the  
5 grand jury room?

6 MR. MOORE: We just don't want them to exposed  
7 to people just talking about the case which, I don't  
8 know, may be exposed to that downstairs in the grand  
9 jury room.

10 THE COURT: My experience in the grand jury  
11 room are the doors are closed. I don't know, is it  
12 something different? Do people walk around? Do  
13 people walk in there? You know, this is all new.  
14 Once again, you know, I'm trying to get this case  
15 moving. We're going to spends twenty minutes on  
16 discussing this, I could address a juror.

17 MR. LANNING: You want them trapped in a room?  
18 When they're out here in the hallway, are they  
19 (unintelligible) or stay right in this particular  
20 area?

21 THE COURT DEPUTY: Yes, we set them right  
22 outside in the courtroom usually on the two benches  
23 or three, depending on how many we have and -- I  
24 mean, to be perfectly honest, we've had concerns from  
25 day one about them being in the public hallway

1 because we can't control what people say walking  
2 through there. We felt that, you know, that was the  
3 best.

4 THE COURT: I mean, if the grand jury room door  
5 is closed, I assume people are not going to walk  
6 through there. We can put signs up but I can't put  
7 signs up right now, I haven't had enough time or  
8 notice to do it.

9 MR. BROWN: So, there's plenty of room for  
10 them. We'll tell our people while they're sitting at  
11 our front desk down there to at least make sure that  
12 anybody comes in just keeps their voice down and not  
13 talking about our case.

14 THE COURT: Okay. That would be good.

15 MR. MCMASTER: I can talk to Caroline this  
16 morning when I go do down there.

17 THE COURT: So, are the ten up or not up?

18 THE COURT DEPUTY: They're not up.

19 THE COURT: Okay. Bring up five. Let me tell  
20 you what five is. And then we have another issue we  
21 need to deal with.

22 MR. BROWN: 15 through 21?

23 THE COURT: Yeah, 115 through 121. And then  
24 keep 122 through 127 downstairs. And then when we do  
25 take a break we can bring up the others. And then

1 keep the five that are upstairs, keep them over here.

2 Now, we had Juror 128. No, 126. Nope, I guess  
3 it's 128. Where's 128. He was told to come back at  
4 1:15, is that right?

5 THE COURT DEPUTY: That's what I have, Your  
6 Honor?

7 THE COURT: 128 says he has a doctor's  
8 appointment at 2:45 that he waited a really long time  
9 to get, was wondering if he could be seen earlier  
10 today so that he could make that doctor's  
11 appointment.

12 MR. MOORE: Is he here?

13 THE COURT: Well, he is here because remember  
14 everyone was told to come here this morning. They  
15 were told to all come here this morning and then the  
16 other group was told -- has been told to come back at  
17 1:15.

18 MR. MOORE: Why don't we do him first?

19 THE COURT: We can do that, we can bring up  
20 128. I mean, I just don't -- I can't accommodate --  
21 if everybody wants to be called out of order, I won't  
22 be able to accommodate that but.

23 MR. MOORE: We've only got one request. I'm  
24 okay with that.

25 THE COURT: Okay. Let's tell them that

1 we'll -- that 128 -- I don't -- let's not a make a  
2 big announcement about it, let's just go get 128.

3 THE COURT DEPUTY: Right now? And then other  
4 five?

5 THE COURT: Yeah, bring up the other five with  
6 128, leave that other five downstairs in the grand  
7 jury room.

8 THE COURT DEPUTY: Yes, ma'am.

9 MR. MCMASTER: Judge, our witness center is  
10 saying that there are already two people in the grand  
11 jury room with jury numbers on them, are they ours?

12 MR. MOORE: I told her not to talk to them.

13 THE COURT: They actually may be. They  
14 actually may be because that's where I think they're  
15 putting them when they come in. They're keeping them  
16 there so they're not with the jurors that are the new  
17 jurors. So, I'm pretty sure -- if I had to guess,  
18 that's ours. I mean -- so, they're not downstairs  
19 with everyone else, they've been using that room in  
20 the morning to put our jurors in so they're not  
21 mingling with the other potential jurors. You all  
22 just want me to bring up 128 so we have less coming  
23 in this afternoon.

24 Miss Ashley up some signs that we could put up.  
25 I don't know if these are acceptable. It says quiet

1 and do not enter grand jury room per Judge Reinman.  
2 We can put those up on the door.

3 MR. BROWN: That's fine.

4 MR. MOORE: Agreed.

5 THE COURT: All right. Miss Ashley, if you'll  
6 make arrangements for that. Thank you.

7 MR. MCMASTER: I've instructed our witness  
8 center to tell all of our employees not to go in the  
9 grand jury room.

10 THE COURT: Okay. That will be good. I told  
11 everyone else to call in between Monday 1:00 to 5:00.  
12 Hopefully we'll have a better idea. We'll get ten  
13 today. No, we'll get what we get. Don't take  
14 anything that I say too literally.

15 (Thereupon, a pause was taken in the  
16 proceedings.)

17 MR. BROWN: Judge, just as a heads up, there is  
18 a grand jury scheduled for next Tuesday.

19 THE COURT: Okay. I'll write that down so we  
20 have that. Do you know what time they do that?

21 MR. MCMASTER: Usually 9:00 o'clock.

22 MR. MOORE: Judge, Reinman, can I step out and  
23 get a drink of water? I promise I'll be right back.

24 THE COURT: Sure.

25 (Thereupon, a pause was taken in the



1 proceedings.)

2 THE COURT: Let's bring in 128. She should  
3 have already released the others.

4 (Thereupon, Juror Number 128 was escorted into  
5 the courtroom by the court deputy and the proceedings were  
6 had as follows:)

7 THE COURT: Okay. Good morning, 128. First I  
8 want to thank you for being here. Thank you for your  
9 patience about this process. It is a long process.  
10 It's a long process for you all, it's a long process  
11 for us. We are going to take you out of order  
12 because you said you had a doctor's appointment this  
13 afternoon.

14 JUROR NUMBER 128: Thank you.

15 THE COURT: Don't let everyone know we took you  
16 out of order because we can't accommodate everyone  
17 who wants to be out of order, you know, it's just not  
18 fair. I'm trying to be as fair about the process as  
19 I possibly can.

20 When we recessed the other day I talked about  
21 some rules that govern your service as a juror.  
22 Those rules kind of came into effect at that time.  
23 I'm going to talk about any prior knowledge that you  
24 may have had about the case, but since I imposed  
25 those rules have you been exposed to reading

1 newspaper headlines and/or articles relating to this  
2 trial or its participants?

3 JUROR NUMBER 128: No, ma'am.

4 THE COURT: Have you seen or heard television,  
5 radio, or Internet comments about this trial?

6 JUROR NUMBER 128: No, ma'am.

7 THE COURT: Have you conducted or been exposed  
8 to any research regarding any matters concerning this  
9 case?

10 JUROR NUMBER 128: No.

11 THE COURT: And have you discussed this case  
12 with the other jurors or with anyone else or allowed  
13 anyone to discuss it in your presence?

14 JUROR NUMBER 128: Not at all.

15 THE COURT: Okay. I just want to clarify that  
16 you can tell people the what and the when. You can  
17 tell them that you're here at the courthouse, when  
18 you have to be here, when you expect to be leaving,  
19 but you can't tell them why. You can't tell them  
20 that it's this trial, what the charges are or  
21 anything you learn in this courtroom. Now, I can  
22 tell you once the case is over you're free to discuss  
23 this case -- once you've been released as a juror  
24 you're free to discuss this case with whoever you  
25 wish, that's your prerogative, and these rules are

1 just in effect while you're being considered for a  
2 potential juror and if you do become a jury those  
3 rules will be in effect.

4 JUROR NUMBER 128: Okay.

5 THE COURT: Okay. Now, the next question I'm  
6 going to ask you is about your prior knowledge about  
7 the case. Do you know anything about this case  
8 either from your own personal knowledge, rumor, by  
9 discussions with anyone else, or from the media,  
10 including, radio, television, Internet, electronic  
11 device, or newspaper?

12 JUROR NUMBER 128: Yes, ma'am.

13 THE COURT: Okay. Tell me what you, what you  
14 know about the case and how you may have learned  
15 that.

16 JUROR NUMBER 128: I was aware of the case the  
17 day that it happened and the only thing I read  
18 subsequently was when Florida Today did a big section  
19 spread on the details on it, I remember reading that.

20 THE COURT: And I think that was something on a  
21 Sunday and it was two days.

22 JUROR NUMBER 128: Oh, I only read --

23 THE COURT: I mean two pages.

24 JUROR NUMBER 128: Yes, it was a big spread  
25 that went I think chronologically, you know,

1 (unintelligible). That's the last I read anything.  
2 I haven't followed it since. Then there was  
3 something, I'm sorry, I think there was something  
4 about another defendant recently and I didn't bother  
5 looking at it, I noticed it came up again.

6 THE COURT: So, you heard about the event when  
7 it happened?

8 JUROR NUMBER 128: Yes.

9 THE COURT: Tell me what information you  
10 believe that you know.

11 JUROR NUMBER 128: From what I recall or think  
12 I recall, the police were called because a crime  
13 reported at a hotel on 192 here, I-95, and then an  
14 officer pulled over a car, there was a car chase,  
15 suspect got out of the driver's side and shot the  
16 officer.

17 THE COURT: Okay. And then you have the  
18 information that you read in the two page spread?

19 JUROR NUMBER 128: Yes, that is what I know.

20 THE COURT: Okay. If you are to serve on this  
21 jury, what we ask you to do is to set aside anything  
22 that you may have learned about the case, serve with  
23 an open mind and reach a verdict based only on the  
24 law and the evidence presented in the trial in this  
25 courtroom, would you be able to do that?

1 JUROR NUMBER 128: Yes.

2 THE COURT: What if you recall some information  
3 and you never hear that information repeated that  
4 doesn't, that isn't introduced as evidence in this  
5 case, will you be able to set aside what you may have  
6 learned out there and not consider it in your  
7 deliberations in this case?

8 JUROR NUMBER 128: Yes, I understand there's  
9 two different standards and I can do it.

10 THE COURT: Because there are two different  
11 standards. Okay. All right. Now, this is a pretty  
12 general question, I ask it that way on purpose just  
13 to get some dialogue. What are your views about the  
14 death penalty?

15 JUROR NUMBER 128: I use to be very pro death  
16 penalty, I thought it was fair, I thought it was an  
17 acceptable thing. I've in the past two years  
18 softened a bit as more and more has come out about  
19 it. DNA test exonerating people and other things, I  
20 realize that's an irreversible judgment. So, I'm not  
21 opposed to the death penalty but I'm also not as  
22 eager as I might have been when I was younger to, you  
23 know, favor it.

24 THE COURT: Okay. In this trial there's the  
25 beginning of the trial which we call the guilt phase.

1 In the guilt phase if the jury returns a verdict of  
2 guilty to Count I and Count -- and it only pertains  
3 to Count I, Count I is the first degree murder  
4 charge, then we would move on to a second phase which  
5 we call the penalty phase. In that penalty phase you  
6 would be instructed to consider to make a  
7 recommendation to the Judge of possible penalties of  
8 death or life in prison without the possibility of  
9 parole. Now, you're instructed that you have to  
10 consider both possibilities, you'll get detailed  
11 instructions in writing about -- to assist you in  
12 considering both penalties, and I talked to you  
13 earlier in my instructions about aggravating  
14 circumstances and mitigating circumstances and the  
15 burden of proof related to each and how you weigh  
16 those and then that assists you in making that  
17 recommendation. Would you be able to consider both  
18 penalties, death and life in prison without the  
19 possibility of parole?

20 JUROR NUMBER 128: Yes.

21 THE COURT: Now, some people are of the opinion  
22 that death is the only appropriate penalty for murder  
23 in the first degree and they would not consider both  
24 as a possible penalty, are you of the opinion that  
25 death is the only appropriate penalty for murder in

1 the first degree?

2 JUROR NUMBER 128: No, I think I use to be but  
3 I'm not.

4 THE COURT: Okay. And so you would consider  
5 life in prison without the possibility of parole as a  
6 penalty with regard to that charge?

7 JUROR NUMBER 128: Yes.

8 THE COURT: Okay. And would you be able to  
9 follow my instructions regarding your recommendation  
10 as to a penalty?

11 JUROR NUMBER 128: Your instructions before we  
12 deliberate or?

13 THE COURT: Yes.

14 JUROR NUMBER 128: Oh, of course, yes.

15 THE COURT: All right. Questions by the State.

16 MR. BROWN: Yes, Your Honor, thank you. Good  
17 morning.

18 JUROR NUMBER 128: Good morning.

19 MR. BROWN: Juror Number 128, I'm going to  
20 start with let me just kind of get to the death  
21 penalty issue with you. I'm just going to go through  
22 the process with you so you understand what it is as  
23 a juror that you'll have to do to make that ultimate  
24 decision in this case. I know some of what I'm going  
25 to cover the Judge covered yesterday morning with you

1 all and she did give you lot of information in a  
2 compressed time. So, let me go through it step by  
3 step. As she told you yesterday, the only way the  
4 jury gets to that position is if they return of  
5 guilty for first degree murder. If the jury returns  
6 a lesser charge such as second degree murder, then  
7 sentencing is totally up to the Court, death penalty  
8 is off the table and you will not be in that  
9 situation of making that recommendation. If the jury  
10 comes back with first degree murder, the process is  
11 we'll reconvene after that, the jury will hear  
12 additional testimony and then the Judge would give  
13 you a new set of final instructions. In those  
14 instructions she's going to tell you the first step  
15 to look at is what are aggravating circumstances, and  
16 as she mentioned yesterday, those are circumstances,  
17 it's a statutory list that increase the gravity of  
18 the crime or the harm to the victim, and she will  
19 give you that list. I expect it to be more than one,  
20 maybe three, four, five, she will give you that list  
21 and it's only from that list that you can look to to  
22 justify the death penalty. It's those aggravators  
23 that you look at. She's going to tell you that they  
24 have to be proven and the standard for proof that the  
25 State of Florida has to prove them to you is beyond



1 and to the exclusion of every reasonable doubt. Same  
2 standard for guilt in the guilt phase, it's the same  
3 standard for the aggravators. So, if you look at it  
4 and say the State hasn't proven any aggravators to  
5 you, then your recommendation has to be life because  
6 there's no aggravators proven. Make sense?

7 JUROR NUMBER 128: Makes sense.

8 MR. BROWN: And then if we proven one or more,  
9 now the proof can come from either the original trial  
10 or the penalty phase. Just because we get to that  
11 second stage doesn't mean that you forget everything  
12 that occurred in the first one, and obviously as you  
13 can tell from the description that proof for some of  
14 them may very well come from the first phase. So,  
15 you look at those aggravating factors and you take  
16 the one's we've proven. We may have proved just, may  
17 have proved all of them. You look at them in their  
18 totality and ask yourself do these justify the death  
19 penalty. If you look at those aggravators and you  
20 say these do not, then your recommendation would be  
21 life. If you look at it and say these aggravators do  
22 justify in my mind the death penalty, then you move  
23 to step two.

24 Step two would then be look at the mitigating  
25 circumstances. Now, the Court told you yesterday

1 that mitigating circumstances come from the  
2 defendant, his life, his background, character,  
3 things of that nature. There's a burden of proof for  
4 those, it's a lower burden of proof and the burden of  
5 proof for the mitigation is to the greater weight of  
6 the evidence. So, two different levels of proof.  
7 Now, you would look at the mitigation. Obviously, if  
8 they present evidence and you don't feel that it's  
9 proven, as with everything else you disregard it.  
10 You take that mitigation that's proven and you  
11 consider and you compare it and the Judge is going to  
12 tell you you go through a weighing process weighing  
13 the aggravators against the mitigators.

14 You've made through your life either personal  
15 or professional life some important decisions I take  
16 it and when you've made those decisions you try to  
17 look at all the factors involved and when you look at  
18 those factors you look at some of them and say these  
19 are pretty darn important, I'm giving these great  
20 weight, right? And other factors you look at and  
21 say, you know, this decision, these factors just  
22 aren't that important, you give them little weight,  
23 and you weigh them all together and you arrive at a  
24 decision, right? Fair?

25 JUROR NUMBER 128: Correct.

1 MR. BROWN: She's going to tell you you go  
2 through the same process here. She's not going to  
3 tell you when you do that weighing how much weight to  
4 give to aggravator number one or to mitigator number  
5 one. The weight is entirely up to you to decide how  
6 much weight you're going to give. Now, if  
7 something's been proven you have to consider it and  
8 you consider everything. We can't tell you how much  
9 weight to give. We may recommend to you in our  
10 arguments how much weight you should give to various  
11 things, but the weight and how you decide that is  
12 entirely your choice and you make it individually as  
13 a juror just like your other jurors. You all may  
14 disagree on how much weight to give to each  
15 aggravator and each mitigator. All we can ask to try  
16 to ensure is that you're going to consider  
17 everything. You may say I'll consider it but in your  
18 mind there's has to be an awful lot there for me to  
19 give it much weight but you at least have to agree to  
20 consider all the aggravators and all the mitigators  
21 that are proven. Fair enough?

22 JUROR NUMBER 128: Fair.

23 MR. BROWN: And then you put it all together  
24 and you go through that weighing process and when you  
25 weigh the two against each other, if you find that

1 the mitigation outweighs the aggravation, then your  
2 recommendation is life. If you find that the  
3 mitigation does not outweigh that aggravation, then  
4 you're in a position where legally you are justified  
5 to recommending the sentence of death to the Court.

6 Now, what she is never going to tell you is if  
7 the State proves A, B, C and D that you must return a  
8 recommendation of death. In fact, what she's going  
9 to tell is you're never obligated or required to do  
10 that. So, she's going to tell you you have to go  
11 through that weighing process. So, if you find the  
12 aggravators justify the death penalty and you weigh  
13 it against the mitigation and you find the mitigation  
14 does not outweigh those aggravators, at that point if  
15 you feel the death penalty is it still justified,  
16 that's when you recommend a sentence of death. Okay?  
17 Understand the process?

18 JUROR NUMBER 128: I understand.

19 MR. BROWN: Any questions about it or concerns?

20 JUROR NUMBER 128: No.

21 MR. BROWN: Okay. Knowing that process, do you  
22 feel comfortable with it?

23 JUROR NUMBER 128: I feel comfortable with it.

24 MR. BROWN: And do you have -- in your own mind  
25 knowing that process, if you find that the State's

1 proven aggravators, that they justify the death  
2 penalty and they're not outweighed by the mitigators,  
3 can you return a recommendation of death?

4 JUROR NUMBER 128: Follow the Judge's  
5 instructions and I agree to weigh all that just like  
6 you said for option, whatever is appropriate.

7 MR. BROWN: Okay. So, if you follow the  
8 Court's instructions and you do that like you've  
9 indicated and you find that the mitigation does not  
10 outweigh the aggravators and that in your mind it  
11 justifies the death penalty, can you return it, can  
12 you return a recommendation of death?

13 JUROR NUMBER 128: I can (unintelligible) death  
14 penalty according to what you just described.

15 MR. BROWN: Now, do you come in here with any  
16 concept of well, in my mind it would be the death  
17 penalty is applicable in maybe just a couple of  
18 situations like a mass murder or something like that,  
19 are you limited just to certain scenarios?

20 JUROR NUMBER 128: Explain that. I don't, I  
21 don't think that it's the only option to look at.

22 MR. BROWN: Well, see, some people might come  
23 in and say, you know, for a mass murderer I'd vote  
24 for the death penalty, anything shy of that I would  
25 never do that.

1 JUROR NUMBER 128: I'd follow the criteria you  
2 described earlier. I don't think it would  
3 (unintelligible).

4 MR. BROWN: So, you're open to the list of  
5 aggravators that the Court's going to give you?

6 JUROR NUMBER 128: Correct.

7 MR. BROWN: And you agree to consider all of  
8 those?

9 JUROR NUMBER 128: Correct.

10 MR. BROWN: All right. The next question that  
11 I have, and I cover this with everybody, as we talked  
12 about when I first got up here, if the jury comes  
13 back with a lesser such as second degree murder, you  
14 will not come back and have to make a recommendation  
15 to the Court. So, you avoid that second step and you  
16 will not be in a position to have to make that  
17 decision. Some people may look at it and say, well,  
18 it's an easy way out, I don't have to make -- I'm not  
19 going -- if I vote second I don't have to be in that  
20 box and make that decision, would you let that affect  
21 your verdict at all in the guilt phase?

22 JUROR NUMBER 128: I don't think anything  
23 happening here (unintelligible).

24 MR. BROWN: You would agree that justice would  
25 be that the verdict of guilt ought to be what the

1 evidence dictates?

2 JUROR NUMBER 128: Right.

3 MR. BROWN: And can you -- if the State of  
4 Florida proves to you first degree murder, can you  
5 return a verdict of first degree murder?

6 JUROR NUMBER 128: Yes.

7 MR. BROWN: And can you assure us that you  
8 wouldn't let the concept of well, it's easier for me  
9 if I do second, so I'll compromise down?

10 JUROR NUMBER 128: No.

11 MR. BROWN: You understand our concern for that  
12 and why we cover that topic?

13 JUROR NUMBER 128: Yes.

14 MR. BROWN: Thank you. No further questions,  
15 Your Honor.

16 THE COURT: Okay. Questions by the Defense.

17 MR. LANNING: Good morning.

18 JUROR NUMBER 128: Good morning.

19 MR. LANNING: Do you receive Florida Today at  
20 your home?

21 JUROR NUMBER 128: My neighbor who's an older  
22 widow across the street receives it and recycles it  
23 by putting it under my doormat.

24 MR. LANNING: Good deal.

25 JUROR NUMBER 128: Yeah, most days I just put

1 it right in the recycling bin.

2 MR. LANNING: Okay. When you saw the article,  
3 did you read it?

4 JUROR NUMBER 128: I read the one expose, there  
5 was as big spread that one day, yes.

6 MR. LANNING: Did you form any opinions?

7 JUROR NUMBER 128: I formed the opinions I  
8 think that the writer was suggesting I follow the  
9 facts not needing at that point to decide whether or  
10 not all of that was true or not, you know, it was  
11 there was a commotion going on that day, the  
12 neighbors were talking about it, those were the  
13 details, I didn't form any opinion and evaluate.

14 MR. LANNING: When you came in the courtroom I  
15 guess yesterday and you heard the Judge read the  
16 charging document and you looked over at Mr. Bradley,  
17 what came up in your mind?

18 JUROR NUMBER 128: I realized the shock I  
19 guess, I didn't know that the trial was about to  
20 happen or what was going on and what case and I  
21 looked over and saw him, I looked around to see if,  
22 you know. I just became aware of what it was and I  
23 guess I was surprised. I tend to defer several times  
24 because I travel out of town for work and so I  
25 thought however I put it off twice and here I am.



1 MR. LANNING: Sometimes you have to be careful  
2 what you ask. You indicated that you use to be very  
3 pro death penalty that you softened over the years  
4 and I believe you heard you say due to DNA testing.

5 JUROR NUMBER 128: Well, let me clarify. I  
6 think a lot of (unintelligible) when I was younger  
7 when I thought it was very clear, everything had a  
8 clear (unintelligible). Now with maturity I've  
9 learned to (unintelligible).

10 MR. LANNING: Now, is the softening due more  
11 DNA testing or other matters?

12 JUROR NUMBER 128: No, I think the -- my  
13 decision for not being so gung ho about the death  
14 penalty has come as a result of cases where people  
15 have served years in prison or they're executed and  
16 have been exonerated (unintelligible).

17 MR. LANNING: Okay. And --

18 JUROR NUMBER 128: Not about the death penalty  
19 itself, I still believe that's applicable and, you  
20 know, unfair in some case.

21 MR. LANNING: Now, in cases where, in cases  
22 where in your mind it's proven beyond a reasonable  
23 doubt, there's no concern of future DNA going to  
24 clear this person, there's no residual doubt in my  
25 mind, would you be of the opinion that death would be

1 the only appropriate penalty for premeditated murder?

2 JUROR NUMBER 128: Just based on what you're  
3 saying that the murder was proven?

4 MR. LANNING: Yes, and it was premeditated.

5 JUROR NUMBER 128: I guess that would be  
6 looking for the Judge's guidance on exactly how to  
7 weigh the mitigating factors and the others, I  
8 couldn't just say that murder happened and it's  
9 proven, therefore there has to (unintelligible).

10 MR. LANNING: Now, you've heard the Judge  
11 pretty much read a lot of the jury instructions to  
12 you already, and Mr. Brown paraphrased that weighing  
13 process. Now, once you make the determination, or if  
14 you make a determination that there are aggravating  
15 circumstances and the mitigation doesn't outweigh the  
16 aggravation, do you have a sense of what you do at  
17 that point? I mean, per the instructions that you've  
18 been read, you've heard the instructions, do you at  
19 this point have an idea if your mind of that next  
20 step?

21 JUROR NUMBER 128: I guess I can clarify, do I  
22 have a preconceived notion of which I'll lean without  
23 knowing any of those things? No, I don't, I don't  
24 know which way I'd lean, I'd have to be presented  
25 with the circumstances.

1 MR. LANNING: What I'm getting at is some  
2 people go into the process even after they've heard  
3 it multiple times believing, okay, the aggravation  
4 outweighs the mitigators, therefore, I'm supposed to  
5 recommend death and I want to make sure that you  
6 understand that that's not within the jury  
7 instructions that you're going to hear ultimately  
8 from the Judge. A packet of materials, you're going  
9 to get the actual instructions, in those materials  
10 you will never see at any point that you must or  
11 required or even should. All you get ultimately is a  
12 permission slip to consider death. There's no  
13 mandatory language in the instructions or situations  
14 where you must give life or recommend life, there's  
15 nothing in there ever that says you should recommend  
16 death. Okay.

17 JUROR NUMBER 128: Yes, I could weigh it, I'm  
18 certainly not going (unintelligible).

19 MR. LANNING: It should be serious.

20 JUROR NUMBER 128: Yeah, I mean.

21 MR. LANNING: Okay. Within the aggravating  
22 circumstances or -- aggravating circumstances are  
23 limited by statute and you're not to consider other  
24 materials that you may hear as aggravating. One of  
25 those possible items is called victim impact

1 evidence, that's where you may hear evidence from  
2 friends, family about the loss of Deputy Pill on the  
3 community. There's an instruction that says that you  
4 cannot consider that evidence as aggravation. The  
5 instruction doesn't tell you for what purpose you  
6 would consider it, you are told that you could not  
7 consider it as aggravation, is that an instruction  
8 that you believe you could follow?

9 JUROR NUMBER 128: Yes.

10 MR. LANNING: As you've been told, mitigation  
11 can involve any aspect of what happens here in the  
12 courtroom, his previous history. Mitigation could be  
13 anything from his background. If you believe that an  
14 individual displayed themselves well in court,  
15 honorably or respectfully in court, you can consider  
16 that in mitigation, but you're going to find out that  
17 you can consider some other items possibly in  
18 mitigation. Suppose evidence is presented to you  
19 that Mr. Bradley suffers from brain damage through a  
20 qualified expert through presentation of MRI, are you  
21 familiar with that?

22 JUROR NUMBER 128: Yes.

23 MR. LANNING: How about PET scan?

24 JUROR NUMBER 128: Yes.

25 MR. LANNING: Suppose you hear such evidence,

1 could you consider that as mitigating?

2 JUROR NUMBER 128: (Unintelligible).

3 MR. LANNING: Yes?

4 JUROR NUMBER 128: Yes.

5 MR. LANNING: And we're jumping ahead at the  
6 gun.

7 JUROR NUMBER 128: Yes.

8 MR. LANNING: We're not stating we're going to  
9 get to a penalty phase. Is that clear?

10 What about mental illness, assuming a qualified  
11 expert presents evidence to you that reasonably  
12 convinces you, and that's the standard, not beyond a  
13 reasonable doubt but reasonably convinces you that  
14 Mr. Bradley suffers from mental illness, is that  
15 something you could consider mitigating?

16 JUROR NUMBER 128: Yes.

17 MR. LANNING: What about evidence of prior  
18 child abuse, physically and mentally, is that  
19 something you could consider?

20 JUROR NUMBER 128: I could consider it,  
21 anything the court allows me, you know, to consider.  
22 I guess I need details. The answer is yes, I could  
23 consider it.

24 MR. LANNING: All right. Now, some people  
25 won't consider items and we need to know that.

1 JUROR NUMBER 128: It's a broad statement to  
2 say, you know, would you consider abuse. I guess I  
3 could consider what degree and how it affected him.

4 MR. LANNING: I understand. Now, what about  
5 drug abuse and addiction?

6 JUROR NUMBER 128: I could consider that?

7 MR. LANNING: Yes.

8 JUROR NUMBER 128: The question is would I  
9 consider it concerning the penalty?

10 MR. LANNING: Yes, sir.

11 JUROR NUMBER 128: I would consider it yes.

12 MR. LANNING: Some people, and there are no  
13 right or wrong answers, consider drug use and  
14 addiction not as mitigation. Some people say well,  
15 that would be aggravating to me. If I knew there  
16 were drugs involved in this crime, I'd hold it  
17 against him. Can you -- would you be of that  
18 opinion?

19 JUROR NUMBER 128: Simply because a person is a  
20 drug user could be an aggravating circumstance? I  
21 think in some cases it could be an aggravating  
22 circumstance. Somebody, for example,  
23 (unintelligible) themselves down the road driving  
24 (unintelligible), that would be aggravating, but  
25 because someone's history of drug use or drug abuse,

1 is it aggravating in every crime, no, I don't think  
2 (unintelligible).

3 MR. LANNING: What about drug use being a  
4 factor in the commission of the offense, if you heard  
5 evidence in this case that drug use was a  
6 contributing factor, is that something that you would  
7 consider to be aggravating?

8 JUROR NUMBER 128: I -- it's hard to see  
9 (unintelligible). I could see both ways right now,  
10 you know, I don't know.

11 MR. LANNING: If the Court were to instruct you  
12 that you could not consider it as aggravating, but  
13 you're indicating you're not sure that it wouldn't be  
14 aggravating, if the Court were to instruct you that  
15 you couldn't consider it as aggravating, would you  
16 have doubt about your ability to follow the Court's  
17 instruction in that regard?

18 JUROR NUMBER 128: No, if the Court instructed  
19 me you have to weigh it (unintelligible) decide.

20 MR. LANNING: May I have a moment?

21 THE COURT: Yes, you may.

22 (Thereupon, a pause was taken in the  
23 proceedings.)

24 MR. LANNING: Could you tell me why you  
25 supported, or why you strongly supported the death

1 penalty?

2 JUROR NUMBER 128: I had -- when I strongly  
3 supported the death penalty, I had a pretty narrow  
4 perspective (unintelligible) just a fundamental,  
5 fundamentalist (unintelligible) seem very clearcut.  
6 I no longer hold that perceptions.

7 MR. LANNING: Were you raised in a  
8 fundamentalist?

9 JUROR NUMBER 128: No, as a young teenager  
10 (unintelligible).

11 MR. LANNING: What do you think about the  
12 penalty of life without the possibility of parole?  
13 Do you have any doubt, first, that life without  
14 parole actually means life without parole?

15 JUROR NUMBER 128: If I understand, life  
16 without the possibility of parole (unintelligible)  
17 appropriate punishment.

18 MR. LANNING: Thank you.

19 THE COURT: Okay. Juror Number 128, what I'm  
20 going to ask you to do is you're going -- I'm going  
21 to tell you that you're released for the rest of the  
22 day. You're released for Monday. But I do need you  
23 to go downstairs, report to the jury assembly room.  
24 They're going to give you a phone number. You're  
25 going to call back between Monday -- on Monday



1 between 1:00 and 5:00 and they're going to give you  
2 further instructions about what's going to happen  
3 next. We're not sure how long this process is  
4 taking, we're trying to make you not have to wait  
5 around at the courthouse the least amount of time as  
6 possible. So, that's the best information I can give  
7 you today.

8 JUROR NUMBER 128: Can I ask you a question?

9 THE COURT: Yes.

10 JUROR NUMBER 128: My work is in Huston, I'm  
11 scheduled to fly out Sunday night to Huston. I  
12 should obviously cancel that because I may be  
13 called --

14 THE COURT: When would you be back?

15 JUROR NUMBER 128: Thursday.

16 THE COURT: Yeah, you should cancel that.

17 JUROR NUMBER 128: I should cancel that.

18 THE COURT: You should cancel that because  
19 you'll -- hopefully if everything goes well and I  
20 can -- you'll be back here before then.

21 JUROR NUMBER 128: Okay.

22 THE COURT: Okay. Not done yet.

23 MR. LANNING: Can I follow up with a question?

24 THE COURT: You can. I mean, I assume because  
25 you're here that you're ready -- you're willing and

1 ready to serve?

2 JUROR NUMBER 128: I don't qualify for the  
3 hardship as you described it, but I was unemployed  
4 for months last year and half my income comes from  
5 being physically located in different states. With  
6 the description of trial it would, it would cause a  
7 hardship to a degree but if I was selected I don't  
8 consider anything more important than this right  
9 here. So, I would be happy to serve if I were  
10 called. That's the nature of my question about the  
11 timing whether I should go and come back or.

12 THE COURT: Okay. I would tell you -- okay. I  
13 appreciate what you say. I'm going to take you --  
14 that week -- you could still be considered as a  
15 possible juror. I expect you'll be back before  
16 Thursday. That's my best expectation. If something  
17 happens and I don't get you back before Friday, I  
18 hope I'm not going to be held accountable for that.  
19 By the time this process is over I think I'll have  
20 lots of jurors mad at me. So, we're just doing the  
21 best that we can to try to get everyone in as fast as  
22 we can, but I would tell you yes. If you were  
23 telling me you were going to be back on Tuesday I  
24 would tell you probably you would be okay but  
25 Thursday is pushing it a little bit.

1           Now, during this break you must continue to  
2           abide by your rules governing your service as a  
3           juror. Do not talk about the case. Do not do any  
4           research. Do not read any headlines. Do not listen  
5           to any television, radio, or Internet comments about  
6           the trial. Okay. Any questions or concerns?

7           JUROR NUMBER 128: No, ma'am.

8           THE COURT: And just so you know, you are on  
9           recess and you are still being considered as a  
10          possible juror in this case. Okay. All right. If  
11          you'll report downstairs, they'll give you that phone  
12          number.

13          JUROR NUMBER 128: Thank you.

14          THE COURT: Thank you, sir.

15          (Thereupon, Juror Number 128 exited the  
16          courtroom.)

17          THE COURT: Okay. Unless I hear something  
18          else, we can bring in 115. Okay. Let's bring in  
19          115. 115 has the relatives coming from England April  
20          6th for ten days.

21          (Thereupon, Juror Number 115 was escorted into  
22          the courtroom by the court deputy and the proceedings were  
23          had as follows:)

24          THE COURT: Okay. Good morning, Juror Number  
25          115.

1 JUROR NUMBER 115: Good morning.

2 THE COURT: First I want to thank you for being  
3 here. Thank you for being patient with us regarding  
4 this process. We are doing the best that we can to  
5 get you all in as quickly as we can. Some things  
6 take longer, some things take shorter, we just don't  
7 know how long the process is going to take, you know,  
8 it really depends on what happens in here, but I  
9 assure you we're mindful of trying to not make you  
10 wait around and trying to get you -- to get the  
11 process -- through the process. When I -- when we  
12 talked last you said that you had some relatives that  
13 were coming in from England for ten days. I think it  
14 was your daughter and her family?

15 JUROR NUMBER 115: Two daughters and my  
16 granddaughter.

17 THE COURT: Okay. Two daughters and your  
18 granddaughter. And they were coming in April 6th?

19 JUROR NUMBER 115: Yes.

20 THE COURT: We are anticipating that we would  
21 be through with this case on March the 28th. I'm not  
22 sure that's going to happen. This process in and of  
23 itself is taking longer than we anticipated. April  
24 6th is a Sunday. If you did have to be here another  
25 week, say the first week in April, could you do that?

1 JUROR NUMBER 115: As long as it's before the  
2 6th because I'm the only person here in Florida for  
3 them, they would be stuck in Miami and sit there.

4 THE COURT: Okay. So, once April 6th comes,  
5 when you say you're the only person, is there -- I  
6 mean, do you have -- is there somebody else who can  
7 assist?

8 JUROR NUMBER 115: No.

9 THE COURT: Okay. Like a mother or someone  
10 like that?

11 JUROR NUMBER 115: No.

12 THE COURT: Okay. That's not an option.

13 JUROR NUMBER 115: No.

14 THE COURT: Don't mean to pry, I'm just trying  
15 to make sure I'm exploring all the options. So, you  
16 have to pick them up in Miami?

17 JUROR NUMBER 115: Yes.

18 THE COURT: And they're are going to be with  
19 you for the ten days?

20 JUROR NUMBER 115: Yes.

21 THE COURT: And I assume you have plans with  
22 them for the ten days?

23 JUROR NUMBER 115: Yes.

24 THE COURT: Okay. If it went through let's say  
25 the 4th, which is the Friday before, is there --

1 would that affect your ability to serve?

2 JUROR NUMBER 115: Through the Friday, no.

3 THE COURT: And one of the other questions we  
4 ask is that obviously when you're here we want you to  
5 give us your full attention and not have other things  
6 on your mind. I mean, I'm sure you can have some  
7 things on your mind, but give us your full attention,  
8 would you be able to do that?

9 JUROR NUMBER 115: I believe so yes.

10 THE COURT: Okay. So, I'm going to talk  
11 about -- do we think -- does the -- do we want to  
12 have a bench conference?

13 MR. BROWN: Yes.

14 THE COURT: Okay. Let's have a bench  
15 conference.

16 (Thereupon, a benchside conference was had out  
17 of the hearing of Juror Number 115 as follows:)

18 THE COURT: You know, we're scheduled  
19 through --

20 MR. PIROLO: Judge, at the rate we're going  
21 though, I don't think we can promise this gentleman  
22 that we'll be done by the 4th.

23 MR. MOORE: I agree.

24 THE COURT: The State -- I mean, the State has  
25 the burden of proof. So, I'm kind of looking at the

1 State more than the Defense with regard to how long  
2 their case would take. I understand -- I don't know  
3 what the Defense is anticipating but from what I've  
4 heard it appears that the Defense is going to put on  
5 a case, so.

6 MR. BROWN: Judge, realistically the way I'm  
7 looking at is we're going to be through most if not  
8 all of next week in jury selection. So, I don't  
9 think we're going to be done in time to meet this  
10 gentleman's schedule, and if we are we're going to be  
11 cutting it so close to the wire that I think it's too  
12 much of a gamble.

13 MR. MOORE: I agree.

14 MR. BROWN: I hate to lose somebody or have to  
15 burn an alternate on an issue that we knew was coming  
16 when there's always other issues for alternates.

17 THE COURT: Okay. I just want you to deal with  
18 it. I did cancel three days I was supposed to be off  
19 in April because I could do that. The other one's I  
20 couldn't do, I had spent too much money, with all due  
21 respect, to cancel, plus they were obligations that I  
22 felt I need to meet to keep my son on track, so. But  
23 I did cancel those three days. So, you have me back  
24 if we go past -- I mean, I don't have any, other than  
25 what's a court holiday, any vacations in April. So,

1           we want -- do we agree?

2           MR. MOORE: I would agree.

3           MR. BROWN: Yes.

4           THE COURT: Okay. Thank you.

5           (Thereupon, the benchside conference was  
6 concluded and the proceedings were had as follows:)

7           THE COURT: Okay. Juror Number 115, I am going  
8 to excuse you. We have some concern that it's taking  
9 a long time to get to -- we're behind schedule, we  
10 have some concerns we might not be done. We expect  
11 to be done but we might not and we just don't want --  
12 we're concerned that would be too much pressure on  
13 you and perhaps even on us to try to get it done by  
14 then. So, I am going to release you as a potential  
15 juror in this case. You just need to go downstairs,  
16 tell them that you've been -- to the jury assembly  
17 room, report there, tell them that you've been  
18 released from Judge Reinman's courtroom and they'll  
19 take your badge and give you further -- I mean, thank  
20 you for your service and send you on your way. Okay.  
21 Thank you, sir.

22           JUROR NUMBER 115: Thank you.

23           (Thereupon, Juror Number 115 exited the  
24 courtroom.)

25           THE COURT: Okay. Just for the record, Juror



1 Number 115 will be released for cause. Okay. We can  
2 go ahead and bring in Juror Number 116.

3 (Thereupon, Juror Number 116 was escorted into  
4 the courtroom by the court deputy and the proceedings were  
5 had as follows:)

6 THE COURT: Okay. Good morning, Juror Number  
7 116.

8 JUROR NUMBER 116: Good morning.

9 THE COURT: The first thing I want to do is  
10 thank you for being here. Thank you for being  
11 patient with us regarding this process. We do not  
12 know how long it's going to take to get to a certain  
13 point. Sometimes like Number 115, that was quick,  
14 sometimes they're not quick. So, I just want you to  
15 know we're doing the best we can to get through this  
16 process, but I appreciate your patience with us.  
17 When we talked last I talked about some rules that  
18 were, that were implemented and put in place, the  
19 rules governing your service as a juror. Those rules  
20 came into effect when I announced them. I'm going to  
21 talk to you about any prior knowledge you have about  
22 this case, but since I implemented those rules, have  
23 you been exposed to reading newspaper headlines  
24 and/or articles relating to this trial or its  
25 participants?

1 JUROR NUMBER 116: No.

2 THE COURT: Have you seen or heard television,  
3 radio, or Internet comments about this trial?

4 JUROR NUMBER 116: No.

5 THE COURT: Have you conducted or been exposed  
6 to any research regarding any matters concerning this  
7 case?

8 JUROR NUMBER 116: No.

9 THE COURT: And have you discussed this case  
10 with other juror members or with anyone else or  
11 allowed anyone to discuss it in your presence?

12 JUROR NUMBER 116: No.

13 THE COURT: Just so you know, you can tell  
14 people that you -- where you are and when you're  
15 here, what you can't talk about is the what, what the  
16 case is about, what the charges are, what happens in  
17 this courtroom. Now, when you're leased from jury  
18 service, you can -- you're free to discuss what you  
19 like would like to discuss about the case with  
20 whoever you like, but during this process those rules  
21 remain in effect. Okay. The first question I'm  
22 going to ask you is do you know anything about this  
23 case either from your own personal knowledge, rumor,  
24 by discussion with anyone, or from the media,  
25 including radio, television, Internet, electronic

1 device, or newspaper?

2 JUROR NUMBER 116: I've heard a snippet.

3 THE COURT: Okay. Tell me what you heard and  
4 when you would have heard it.

5 JUROR NUMBER 116: Just that Miss Pill had been  
6 murdered.

7 THE COURT: Okay.

8 JUROR NUMBER 116: (Unintelligible).

9 THE COURT: Did you hear that at the time of  
10 the event?

11 JUROR NUMBER 116: I couldn't tell you.

12 THE COURT: Okay. How long ago did you hear  
13 that?

14 JUROR NUMBER 116: Within the last month I  
15 would think.

16 THE COURT: Okay. And you gave us some  
17 information, what information do you know about this  
18 case?

19 JUROR NUMBER 116: That's the extent of it.

20 THE COURT: Okay. That there was a death?

21 JUROR NUMBER 116: Yes.

22 THE COURT: Do you know that it was a deputy?

23 JUROR NUMBER 116: Yes.

24 THE COURT: Okay. Anything else?

25 JUROR NUMBER 116: No.

1 THE COURT: Where would you have gained that  
2 information?

3 JUROR NUMBER 116: Television.

4 THE COURT: Okay. What are your -- on a  
5 regular basis do you -- some people sit and watch  
6 news an hour a night and they do it religiously every  
7 night, some people read the paper, some people never  
8 do any of those things, what are your normal habits?

9 JUROR NUMBER 116: I see it surfing through and  
10 I have no television or no Internet access at home  
11 right now.

12 THE COURT: So, it's not something that you  
13 would be exposed to on a daily basis?

14 JUROR NUMBER 116: That's correct.

15 THE COURT: Okay. What we ask you to do if  
16 you're going to be a juror in this case is to set  
17 aside what you may have learned about this case,  
18 serve with an open mind and reach a verdict based  
19 only on the law and the evidence presented in this  
20 trial in this case, can you do that?

21 JUROR NUMBER 116: Yes.

22 THE COURT: Okay. If you -- if you heard  
23 information outside of the courtroom and you never  
24 heard that information in this courtroom, it never  
25 came -- it never was presented as evidence, can you

1 set that other information aside and not consider it?

2 JUROR NUMBER 116: Absolutely.

3 THE COURT: Okay. Now, I'm going to change  
4 subjects on you. What are your views about the death  
5 penalty?

6 JUROR NUMBER 116: I support the death penalty.

7 [REDACTED]

8 THE COURT: Okay.

9 JUROR NUMBER 116: I advocated for the death  
10 penalty with the Commonwealth's attorney, the death  
11 penalty was ultimately given and I attended the  
12 execution.

13 THE COURT: You say that that was your [REDACTED]?

14 JUROR NUMBER 116: [REDACTED]

15 THE COURT: And that was in what State?

16 JUROR NUMBER 116: [REDACTED]

17 THE COURT: Okay. All right. Let me -- I'm  
18 going to explain the process and then I'm going to  
19 follow up with some other questions. In this case we  
20 have the first phase of the trial which we call the  
21 guilt phase. In the event there is a -- the jury  
22 returns a guilty verdict on Count I which is first  
23 degree murder, then we proceed to the penalty phase.  
24 So, the penalty phase would only come into play if  
25 there is a guilty verdict on Count I, it doesn't

1 apply to the other three counts.

2 JUROR NUMBER 116: I understand that.

3 THE COURT: So, in the guilt phase -- I mean,  
4 in the penalty phase I instruct you as a juror to  
5 make a recommendation to the Court of possible  
6 penalty of death or life in prison without the  
7 possibility of parole. I instruct you that you have  
8 to consider both penalties. Are you of the opinion  
9 that death is the only appropriate penalty for murder  
10 in the first degree?

11 JUROR NUMBER 116: No.

12 THE COURT: Okay. You've heard the charges,  
13 the charges are premeditated murder in the first  
14 degree. In order to move into the second phase you  
15 have to assume there's a guilty verdict and that  
16 that's been proven, that first degree murder has been  
17 proven.

18 JUROR NUMBER 116: Correct.

19 THE COURT: So, would you be able to consider  
20 life in prison without the possibility of parole as a  
21 possible penalty in the penalty face?

22 JUROR NUMBER 116: Yes.

23 THE COURT: Okay. And I talked to you about --  
24 I gave you some instructions earlier about what  
25 you're to do in considering that, I'm sure the

1 attorneys are going to talk to you more about that,  
2 but you would be open to consider both possible  
3 penalties?

4 JUROR NUMBER 116: Yes.

5 THE COURT: All right. Questions by the State.

6 MR. BROWN: Yes, Your Honor, thank you. Juror  
7 Number 116, good morning.

8 JUROR NUMBER 116: Good morning.

9 MR. BROWN: Let me cover with you the process  
10 that we go through in Florida to get to the jury for  
11 them to make that sentencing recommendation to the  
12 Court. As you heard from the Court, obviously, the  
13 first step is the jury has to come back guilty of --  
14 guilty verdict of first degree murder. If they come  
15 back with a lesser, second degree or some other  
16 lesser included charge, death penalty is off the  
17 table and the jury does not consider, does not make  
18 any sentencing recommendation to the Court. And for  
19 first degree murder there's two ways that it can be  
20 proven. One way is premeditated murder, another way  
21 is what's called felony murder, okay, and whichever  
22 way it's proven, or both may be proven, that does not  
23 automatically mean the death penalty, you understand  
24 that?

25 JUROR NUMBER 116: Yes.

1 MR. BROWN: And what would happen is we would  
2 reconvene, additional evidence is presented, the  
3 Court would give you her final set of instructions  
4 and the jury would consider and ultimately make a  
5 recommendation. Now, you heard instructions, the  
6 first thing she's going to point out and direct you  
7 to as far as your deliberation is to look at what are  
8 called aggravating circumstances and in Florida the  
9 aggravating circumstances are -- it's a statutory  
10 list and it's circumstances that increase the gravity  
11 of the crime or the harm to the victim. Okay. Now,  
12 she's going give you that list, it may be a few as  
13 one, I suspect it to be more than one, three, four  
14 five, and you have to look at those and it's only  
15 those factors that can be considered to recommend the  
16 death penalty, and the jury is limited just to those  
17 aggravating circumstances. Nothing else can be  
18 considered aggravating, just the list that the Court  
19 gives, you understand that?

20 JUROR NUMBER 116: Yes, I understand.

21 MR. BROWN: Okay. You have to look at and the  
22 State has the burden of proof to prove those  
23 aggravating circumstances, it's proof beyond and to  
24 the exclusion of every reasonable doubt, same burden  
25 as guilt. So, the State comes in, if we don't prove



1 any aggravating circumstances, the recommendation has  
2 to be life. You have no discretion. If we prove at  
3 least one aggravating circumstance, we may prove more  
4 than one, may prove them all, you look at those that  
5 have been proven and take them combined and say do  
6 these justify the death penalty. If your answer is  
7 no, then the Court will tell you that your  
8 recommendation must be life. If your answer is yes,  
9 these aggravating circumstances justify the death  
10 penalty, you move on to the next step in the process.

11 The next step is to consider what are called  
12 mitigating circumstances. As she told you, those  
13 come from the defendant, from his life, character,  
14 background, whatever it may be, but it relates and  
15 concerns the defendant himself. There's a burden of  
16 proof there and it's a lower burden of proof, it's to  
17 the greater weight of the evidence. It's still a  
18 burdener but lower than beyond a reasonable doubt.  
19 You with me so far?

20 JUROR NUMBER 116: Yes, I understand.

21 THE COURT: Okay. So, if something is not  
22 proven, obviously, as you would in the guilt phase,  
23 you disregard it. You take -- and she's going to  
24 tell you you take what's been proven between the  
25 aggravators and the mitigators and you go through a

1 weighing process.

2 Now, you've had to make, I assume, in your life  
3 some key, critical decisions about your life, right?

4 JUROR NUMBER 116: Yes.

5 THE COURT: When you've made those decisions,  
6 did you try to look at all the factors involved?

7 JUROR NUMBER 116: Yes, I was a  
8 (unintelligible) in the military, US Army, and I  
9 administered probably fifteen non-judicial marshals.  
10 So, yeah, I'm familiar with what you need to do.

11 MR. BROWN: So, you look at everything. Some  
12 factors you look at and you gave these -- these are  
13 pretty important, you gave them great weight, right?

14 JUROR NUMBER 116: That is correct.

15 MR. BROWN: Other factors you look at, you find  
16 them not to be that important and you give them  
17 little weight.

18 JUROR NUMBER 116: Yes, sir.

19 MR. BROWN: And that's the process that people  
20 go through in making decisions, that's the process  
21 she's going to tell you that you have to do in  
22 comparing the aggravators and mitigator. Now, the  
23 key is you have to be willing to consider everything  
24 that's been proven. Now, we're not going to -- I'm  
25 not going to ask you how much weight would you give

1 things, I don't believe the Defense is because you  
2 don't know, you haven't heard it and until you hear  
3 everything you don't know how much weight you're  
4 going to give to each aggravator and each mitigator.

5 JUROR NUMBER 116: I agree.

6 MR. BROWN: But you have to be openminded to  
7 whatever's present, if it's proven, you consider it.

8 JUROR NUMBER 116: Yes.

9 MR. BROWN: We may prove it, the Defense may  
10 show A, B and C, you consider it, you determine on  
11 your own how much weight. The Court's never going to  
12 tell you for A you give this much weight, for B you  
13 give this much weight, it's a decision you make as a  
14 juror. Okay. So, can you agree to be open, to  
15 consider whatever aggravators are proven and whatever  
16 mitigator are proven?

17 JUROR NUMBER 116: Yes.

18 MR. BROWN: The next step the Court will tell  
19 you is you go through that weighing process. If you  
20 find that the mitigators outweigh the aggravators,  
21 then you have to return a recommendation of life.  
22 If, however, you find that the mitigators do not  
23 outweigh the aggravators, then you're in a position  
24 where you legally can recommend the death sentence.

25 JUROR NUMBER 116: I understand that.

1 MR. BROWN: She's going to tell you you're not  
2 required to. She's never going to say if State  
3 proves A, B, C and D you must return verdict of life,  
4 I mean, excuse me, a recommendation of death. In  
5 fact, what the Judge is going to tell you is you are  
6 never obligated or required to recommend the death  
7 penalty.

8 JUROR NUMBER 116: I understand that.

9 MR. BROWN: So, you go through the weighing  
10 process, you find the aggravators justifies the death  
11 penalty, you weigh it against the mitigation and at  
12 that point if the mitigation does not outweigh the  
13 aggravators, you find the aggravators outweigh the  
14 mitigators, you're still not required to recommend  
15 death, you're in a position where you legally can.  
16 So, you have to go through that weighing process and  
17 at the end of that if you still feel the death  
18 penalty is justified, that's when you can recommend  
19 the death penalty.

20 JUROR NUMBER 116: I understand that.

21 MR. BROWN: Any questions in the process?

22 JUROR NUMBER 116: No.

23 MR. BROWN: Okay. In your situation, you  
24 understand that we need jurors to come into this case  
25 and be fair and impartial to both sides. And how

1 long ago did that occur?

2 JUROR NUMBER 116: 1993.

3 MR. BROWN: Okay. And the Court talked about,  
4 and I just want to make sure that you can do this,  
5 talked about being able to set that aside.

6 JUROR NUMBER 116: Yes, I can.

7 MR. BROWN: Any differences that may have  
8 occurred -- did you say Massachusetts?

9 THE COURT: Virginia.

10 JUROR NUMBER 116: Virginia.

11 MR. BROWN: Virginia, I'm sorry. Any  
12 differences between law that you're familiar with and  
13 the Florida law, can you agree to follow Florida's  
14 law?

15 JUROR NUMBER 116: Yes. I think Virginia was  
16 capital, not first degree.

17 MR. BROWN: Okay. And in this case are you  
18 confident in your ability to set what happened to  
19 your family aside?

20 JUROR NUMBER 116: Yes.

21 MR. BROWN: Base this case solely on the facts  
22 and evidence you're going to hear?

23 JUROR NUMBER 116: My whole life has been based  
24 on being fair.

25 MR. BROWN: Thank you. Your Honor, I have no

1 further questions.

2 THE COURT: Okay. Questions by the Defense.

3 MR. LANNING: Good morning, sir.

4 JUROR NUMBER 116: Good morning.

5 MR. LANNING: You indicated that your sister  
6 and niece were murdered in 1993?

7 JUROR NUMBER 116: That is correct.

8 MR. LANNING: What were the circumstances of  
9 that?

10 JUROR NUMBER 116: [REDACTED]

11 [REDACTED]

12 MR. LANNING: Was it a death related offense?

13 JUROR NUMBER 116: We never found out. It was  
14 heinous, let's just put it that way.

15 MR. LANNING: Yes. Where did you live in  
16 relation?

17 JUROR NUMBER 116: I was in Washington D.C. and

18 [REDACTED]

19 MR. LANNING: Did you stay involved in the  
20 progress of the investigation?

21 JUROR NUMBER 116: Yes, I did, I was kind of  
22 like the family go between between the lawyers and  
23 the family.

24 MR. LANNING: And did you attend any court  
25 proceedings?

1 JUROR NUMBER 116: I attended the whole trial  
2 and I kept in touch with the attorney general like  
3 every three or four months for the seven years it  
4 took to get the guy executed.

5 MR. LANNING: Every three to four months?

6 JUROR NUMBER 116: Yes.

7 MR. LANNING: During the court proceedings, did  
8 you ever submit -- do you know what they call victim  
9 impact evidence?

10 JUROR NUMBER 116: No, I never did.

11 MR. LANNING: Were you ever called as a  
12 witness --

13 JUROR NUMBER 116: No.

14 MR. LANNING: -- in any proceeding? Did you  
15 ever speak at any proceedings?

16 JUROR NUMBER 116: No.

17 MR. LANNING: You indicated you -- I think you  
18 said you advocated with the attorney?

19 JUROR NUMBER 116: We had consultations with  
20 not the attorney general's office, the Commonwealth's  
21 attorney prior to the trial starting to see if we  
22 wanted to seek the death penalty as a family. So, I  
23 was in that consultation.

24 MR. LANNING: Okay.

25 JUROR NUMBER 116: And we decided that we did

1 want to seek the death penalty and then it was a  
2 determination as to whether we wanted a jury trial or  
3 trial by judge and we --

4 MR. LANNING: Did you have a voice in that?

5 JUROR NUMBER 116: The family determined that  
6 if the judge can apply the death penalty if he was  
7 found guilty, we'll go to trial by judge and that's  
8 how it happened.

9 MR. LANNING: And you attended the execution?

10 JUROR NUMBER 116: Yes.

11 MR. LANNING: And when did the execution take  
12 place?

13 JUROR NUMBER 116: I'm guessing [REDACTED]  
14 [REDACTED]

15 MR. LANNING: Did you join any organizations in  
16 support of the death penalty?

17 JUROR NUMBER 116: No.

18 MR. LANNING: Did you have -- have you  
19 continued to advocate --

20 JUROR NUMBER 116: No.

21  
22  
23  
24  
25 (CONTINUED TO VOLUME V)