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

CASE NO: 05-2012-CF-035337-AXXX-XX

ORIGINAL

STATE OF FLORIDA,
Plaintiff,

vs.

BRANDON LEE BRADLEY
Defendant.

FILED IN VOL. 01
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BREVARD CO. FL.

2014 JUL 25 P 12: 27

SCOTT ELLIS

VOLUME VII OF VIII

TRANSCRIPT OF DIGITALLY RECORDED JURY SELECTION

JUDGE: HONORABLE MORGAN REINMAN
DATE TAKEN: February 24, 25, 26, 27, and
March 6, 7, 10, 11, 13, 14, and
17, 2014
PLACE: Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, Florida 32940
REPORTED BY: Diane Lynch
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20 ALSO PRESENT: BRANDON LEE BRADLEY, Defendant
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1 Part of the reason why it's an individual
2 decision for you, you go back and you discuss and talk
3 about it with your fellow jurors, but in the guilt
4 phase, your verdict has to be unanimous to whatever
5 the verdict's going to be, in the penalty phase, it
6 does not have to be unanimous. If it's a 6-6 split
7 vote, or the majority for life, it comes back as a
8 life recommendation. If the majority is recommending
9 the death penalty, it gets reported as to the -- we
10 don't know who voted for what, but the number would be
11 reported. Obviously, if it's 12-0, we know how
12 everybody voted. Anywhere from 11-1 down to 7-5, it
13 simply gets reported as a recommendation for death by
14 the following vote. That's why when I say it's an
15 individual decision, you have to make it, and you
16 determine how much weight. You can discuss it with
17 the other jurors, but, ultimately, it's your decision
18 how to do that weighing process.

19 And as the judge told you, when we're talking to
20 you up here today, we're not going to ask you, it
21 wouldn't be fair to ask you, how much weight would you
22 give to this aggravator, or this mitigator, because
23 you don't know at this point. You have to hear them
24 all, and hear all the evidence, and that's how you
25 determine the weight. The key is, are you open to

1 considering the aggravators that she's going to list
2 and the mitigation that you hear. Are you open to
3 consider "A," are you open to consider "B"? And you
4 may think, well, I'll give it little weight, but I'll
5 be willing to consider it, and the weight is up to
6 you. Do you understand?

7 JUROR NUMBER 190: Yes.

8 MR. BROWN: She's going to tell you to go through
9 that weighing process, and you go through that
10 weighing process. If you find that the mitigating
11 circumstances outweigh the aggravating circumstances,
12 then your recommendation has to be for life, a life
13 recommendation. On the other hand, if the mitigation
14 does not outweigh the aggravation, then you're in a
15 position where you're legally justified to recommend
16 to the Court the death penalty. Now, she's not going
17 to tell you, if the State proves A, B, C, and D, that
18 you must return a recommendation of death. In fact,
19 what the judge is going to tell you is that you're not
20 legally required to make a death recommendation.
21 There's no requirement that you have to do that.

22 What she's going to require is that you go
23 through that weighing process. After you go through
24 that weighing process, of weighing the aggravators and
25 the mitigators, if you find that the mitigation does

1 not outweigh the aggravation, and after going through
2 that process, you find that the aggravation still
3 justifies the death penalty, then you can make that
4 recommendation.

5 Any questions about that process?

6 JUROR NUMBER 190: No.

7 MR. BROWN: Do you understand?

8 JUROR NUMBER 190: Yes.

9 MR. BROWN: Do you feel comfortable in your
10 ability to go through that process?

11 JUROR NUMBER 190: Yes.

12 MR. BROWN: And with that process, if you go
13 through that, and you do that weighing process, and
14 you find that the mitigation does not outweigh the
15 aggravation, and you feel that the aggravators justify
16 the death penalty, can you recommend the sentence of
17 death?

18 JUROR NUMBER 190: Yes.

19 MR. BROWN: Is there anything in your background
20 at all, be it political beliefs, philosophical
21 beliefs, moral beliefs, work history, family history,
22 whatever it may be, that causes you any undue concern,
23 anxiety, angst, question your ability, whatever it may
24 be, that causes you any hesitation in having to make
25 that decision or potentially make a recommendation for

1 death?

2 JUROR NUMBER 190: No.

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

5 THE COURT: Okay. Questions by the defense?

6 MR. MOORE: Good morning. When you were
7 discussing what you knew about the case before you got
8 involved in this jury selection process, you indicated
9 that you knew that a law enforcement officer was the
10 victim of the alleged first degree murder, and I
11 wasn't clear on what the source of that information
12 was. Where did you hear that?

13 JUROR NUMBER 190: I really don't know. I just
14 vaguely remember picking up on the fact that it had
15 been a police officer shot. I didn't come across it
16 in the paper for some reason, I might have just
17 skimmed by it and didn't read it, or never heard
18 anything on the television either. But I don't really
19 know where I picked it up, but somehow, in the back of
20 my mind, I remembered that.

21 MR. MOORE: I thought you said somebody told you.
22 Maybe I misunderstood.

23 JUROR NUMBER 190: I doubt that.

24 MR. MOORE: So is it fair to say that you never
25 discussed it with anybody, it didn't come up in casual

1 conversation outside the courtroom?

2 JUROR NUMBER 190: That's correct.

3 MR. MOORE: Do you recall -- now, you remember a
4 law enforcement officer was killed by a shooting, do
5 you recall anything about a hotel or things taken from
6 the hotel, there being a chase, a pursuit?

7 JUROR NUMBER 190: No.

8 MR. MOORE: Do you recall if there was more than
9 one defendant?

10 JUROR NUMBER 190: No.

11 MR. MOORE: Now, on the death penalty, do you --
12 you've indicated you're not against it, so for
13 discussion purposes, maybe it's not the appropriate
14 fit, but if I've got two categories, I've got to put
15 you in one of them, one is you're against it, can't
16 put you in that one because you're not against it, the
17 other one is that you're for it, so I'd put you in
18 that category, although with qualifications. But
19 you're not against it, so you're in the for the death
20 penalty category. Do you, roughly speaking, agree
21 with that?

22 JUROR NUMBER 190: Are you asking me if I'm an
23 advocate of the death penalty?

24 MR. MOORE: No. No. We're going to get into
25 that, but I'm saying if we had to pick those two

1 columns, I would put you in the "for" column, even
2 though it's not a clear, perfect fit. I mean, there's
3 some qualifications here. But you're not against it.
4 I mean, if you said, I'm against it, I'd put you in
5 the "against" category. But since I can't put you in
6 that column, I'd put you in the "for" column.

7 JUROR NUMBER 190: Okay.

8 MR. MOORE: And so that being the case, why --
9 and also, I'm not challenging or disagreeing with your
10 position, I'm just trying to understand. What would
11 be reasons why you would be in the "for" category
12 instead of the "against" category?

13 JUROR NUMBER 190: I think that both penalties
14 are horrible, and I really don't know which one is
15 worse than the other one. So that's why I really have
16 no -- I have no difference to -- I'm not against
17 either one, and I just think they're both horrible.
18 And I think that mitigating and aggravating
19 circumstances are a good way for the law to help us
20 decide which one. But morally, and the way I feel, I
21 really don't know which one is worse. So that's why I
22 couldn't tell you.

23 MR. MOORE: All right. I think I might be able
24 to guess what your answer to this next question is,
25 but I want to hear your answer anyway. Let's say we

1 put you on a line from 0 to 10, with 10 being very
2 strong support for the death penalty, you're not
3 there, and 0 is that you're actually against it, and
4 you're not there either, so where -- could you put
5 yourself on a number point on that contingent?

6 JUROR NUMBER 190: Again, it's kind of like
7 forcing me to --

8 MR. MOORE: Nobody's forcing you to do anything.
9 You know, if you say you don't know, you don't know.
10 I'm just -- this is all new to you, and I get that,
11 but, still, we're trying to decide who the more
12 appropriate jurors would be, and this is the only way
13 we have to find out.

14 JUROR NUMBER 190: Okay. Well, I'm not a crazy,
15 go for the death penalty person, so I'm not a 10; and
16 I don't disagree with it, so I'm not a 1. So I guess
17 I'd have to be 5.

18 MR. MOORE: Okay. What is your understanding of
19 what the sentence of life without parole would mean in
20 reality? I'm talking about the length of that
21 sentence, what is your understanding of what that
22 sentence would be?

23 JUROR NUMBER 190: In prison until death.

24 MR. MOORE: Correct. Some people think, well,
25 maybe he'll get out some day. But that -- if I tell

1 you that life without parole means a person sentenced
2 to life without parole dies in prison, do you accept
3 that without question?

4 JUROR NUMBER 190: Yes.

5 MR. MOORE: And you're trying to absorb this,
6 just like everybody who sits in that chair, and it's
7 critical that we know that you understand and have
8 good knowledge of it. So we've been through it a
9 couple times, and I don't think it has been explained
10 to you, and I know it hasn't been, that the Court
11 gives great weight to the jury's sentencing
12 recommendation. You heard the Court explain that,
13 right?

14 JUROR NUMBER 190: Yes.

15 MR. MOORE: What -- given your lack of
16 familiarity with this process, what does that mean to
17 you, the Court gives great weight to the jury's
18 sentencing recommendation?

19 JUROR NUMBER 190: It sounds like the judge would
20 be more influenced with the jury's recommendation than
21 on her own.

22 MR. MOORE: All right. Do you understand, and
23 would you accept if I tell you this, because it's the
24 truth, that the Court cannot impose a sentence, can't
25 reach a sentencing decision, without the jury's

1 recommendation. It's essential to her decision, her
2 final decision, on what the sentence is going to be.

3 Do you accept that?

4 JUROR NUMBER 190: Yes.

5 MR. MOORE: In other words, she can't go out on
6 her own, she can't just say, well, this is what I want
7 to do. I'll give you an example, best I could come up
8 with, of an airline pilot who is qualified to fly from
9 Miami to Italy, and although qualified to do that and
10 technically able to do that, that pilot can't do it
11 without certain things, like a co-pilot, global
12 positioning system, maps, knowledge of the route, and
13 all of those things, communication device. That's how
14 essential the role of the jury sentencing
15 recommendation is to the Court's sentence. It's a
16 teamwork sort of thing. Do you accept that?

17 JUROR NUMBER 190: Yes.

18 MR. MOORE: Can you think of types of homicide
19 where you think when you read about it, and we all do,
20 either see it on TV or read it in the news, of the
21 high profile -- they're usually the ones that sell
22 newspapers, they want it on the headlines -- that
23 should be punishable by death. You just read it and
24 think, that's a death case.

25 JUROR NUMBER 190: Sure.

1 MR. MOORE: All right. And can you think of --
2 well, can you give me examples of those?

3 JUROR NUMBER 190: O.J. Simpson.

4 MR. MOORE: He was acquitted.

5 JUROR NUMBER 190: Yeah.

6 MR. MOORE: Did you disagree with that?

7 JUROR NUMBER 190: Yes.

8 MR. MOORE: Well, let's talk about ones that
9 maybe haven't gone to trial, or maybe have and
10 resulted in -- well, it's just types of them, we don't
11 need to get specific ones. An example would be a mass
12 murder, you can think of a number of those cases I'm
13 sure, been exposed to, where you think, that's a death
14 case, a serial killer.

15 JUROR NUMBER 190: Yes.

16 MR. MOORE: Or homicide involving children,
17 torture and murder of children.

18 JUROR NUMBER 190: Hypothetically?

19 MR. MOORE: Sure it is.

20 JUROR NUMBER 190: We don't know all the facts,
21 and I know it's crazy but --

22 MR. MOORE: No, that's all you know. I mean,
23 that's all you know and you think, that guy deserves
24 to die, or gal. Have you ever had that reaction when
25 you've read about cases like that?

1 JUROR NUMBER 190: I would say yes.

2 MR. MOORE: Okay. Would those be cases where
3 there would be no mitigation you would consider?

4 JUROR NUMBER 190: No what?

5 MR. MOORE: That there would be no mitigating
6 circumstances that you would even be open to
7 considering, your mind would be closed to them, as far
8 as you're concerned.

9 JUROR NUMBER 190: No, my mind wouldn't be
10 closed.

11 MR. MOORE: Then let me ask you about specific
12 types of mitigating circumstances you may hear in this
13 case and ask you if you would consider them as
14 potentially mitigating. I'm not asking you to tell me
15 how you're going to vote or anything, we just have a
16 hypothetical here. So if you heard testimony by
17 qualified mental health experts that Mr. Bradley
18 suffered from a form of mental illness, would you be
19 open to considering those circumstances as potentially
20 mitigating?

21 JUROR NUMBER 190: Yes.

22 MR. MOORE: If you heard testimony from qualified
23 experts that Mr. Bradley had brain damage or brain
24 injury, is that something you'd be open to
25 considering?

1 JUROR NUMBER 190: Yes, I would.

2 MR. MOORE: Have you known, or know of, people
3 who were addicted to drugs?

4 JUROR NUMBER 190: No.

5 MR. MOORE: Do you believe drug addiction is a
6 choice?

7 JUROR NUMBER 190: Is what?

8 MR. MOORE: A choice. I want to make a
9 distinction first. I'm not just talking about drug
10 use, I'm talking about down the road when a person
11 becomes addicted. At that point, do you believe
12 addiction is a choice?

13 JUROR NUMBER 190: Probably not.

14 MR. MOORE: So you recognize that some people
15 struggle with drug addiction, some more than others?

16 JUROR NUMBER 190: Yes.

17 MR. MOORE: If you heard testimony of drug abuse
18 or drug addiction in this case, would that be
19 something you'd be open to considering?

20 JUROR NUMBER 190: Yes.

21 MR. MOORE: If you heard testimony of physical
22 and/or emotional abuse as a child, is that something
23 you'd be open to considering as potentially
24 mitigating?

25 JUROR NUMBER 190: Can you repeat that?

1 MR. MOORE: Yes. If you heard testimony of
2 childhood abuse, physical, verbal, emotional, is that
3 something you'd be open to considering as potentially
4 mitigating?

5 JUROR NUMBER 190: Yes.

6 MR. MOORE: I think you understand at this point,
7 as it's been explained to you, that the verdict in
8 what we call the guilt/innocence phase, the first part
9 of the trial, the jury decides whether Mr. Bradley is
10 guilty or not guilty, first degree murder or perhaps
11 some lesser form of homicide. Whatever the verdict
12 is, it has to be unanimous; that means all members of
13 the jury have to agree on a verdict. And in the
14 penalty phase, it's whatever the jury votes, there's
15 no unanimity required at the sentencing phase. Do you
16 understand?

17 JUROR NUMBER 190: Yes.

18 MR. BROWN: Now, at the penalty phase, sentencing
19 phase, if we arrive there, then whatever your verdict
20 is, whatever your vote is, it's an individual vote,
21 you're entitled to it. And you are -- have the right
22 to have that respected and accepted by other members
23 of the group, and not to be browbeaten or intimidated
24 to get you to change your vote just to agree with the
25 others. There's no requirement for that. Do you

1 accept that?

2 JUROR NUMBER 190: Yes.

3 MR. BROWN: And on the other side of the coin,
4 you have the obligation to extend that courtesy to the
5 other members of the jury, their vote is theirs, they
6 don't have to explain it, you don't have to explain
7 yours. Certainly, you should discuss it, but there's
8 no obligation that you change your vote just to agree
9 with others, or that you attempt to get others to
10 change their vote to agree with you.

11 JUROR NUMBER 190: Sure.

12 MR. MOORE: One moment. I've never been in your
13 situation and so, I mean, I don't -- and you're
14 learning here, this is a learning process for you.
15 But when we talk about these issues, the
16 hypotheticals, in the abstract, one part of the
17 process is not hypothetical, and that is that if
18 you're selected to sit on this jury, you could be a
19 part of the process which, in reality, could lead to
20 Mr. Bradley, 24 years old, being sentenced to death
21 and being executed. So as we discussed these things,
22 as this trial unfolds, we don't want you to lose sight
23 of that, because we're not talking hypothetical in one
24 instance, Mr. Bradley's life. It's a reality that his
25 life is in the balance in this process. Do you get

1 that?

2 JUROR NUMBER 190: I do.

3 MR. MOORE: Thank you, sir.

4 THE COURT: Okay. Number 190, you are going to
5 be released for the rest of the day. I do need you to
6 report back tomorrow for the second part of the jury
7 process at 8:30 tomorrow morning.

8 During this recess, you must continue to abide by
9 your rules governing your service as a juror. Don't
10 talk to anyone else about the case. I think I told
11 you the other day, you can tell them you're coming for
12 jury service, you can tell them what time, where
13 you're at; but what can't tell them what the case is
14 about, what the charges are, what happens in the
15 courtroom. And that remains in effect so long as
16 you're being considered as a juror; or if you become a
17 juror, I'm going to give you big instructions about
18 what your obligations are. But those rules remain in
19 effect at this time.

20 Any questions or concerns?

21 JUROR NUMBER 190: No.

22 THE COURT: Okay. We'll see you back here
23 tomorrow morning. Thank you, sir.

24 (Thereupon, Juror Number 190 was escorted out of
25 the courtroom by the court deputy; thereafter, voir

1 dire selection was had which was not requested to be
2 transcribed.)

3 THE COURT: Let's bring in Juror Number 198.

4 (Thereupon, Juror Number 198 was escorted into
5 the courtroom by the court deputy and the proceedings
6 were had as follows:)

7 THE COURT: Okay. Good morning, Juror Number
8 198. Thank you for being here, thank you for being
9 patient with us with regard to this process. Now,
10 when I talked to you the other day, I talked about
11 some rules that came into effect. Those rules started
12 at that time, so I'm first going to ask you about
13 that. Since I implemented those rules, have you read
14 or been exposed to reading newspaper headlines and/or
15 articles relating to this trial or its participants?

16 JUROR NUMBER 198: No.

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

19 JUROR NUMBER 198: No.

20 THE COURT: Have you conducted or been exposed to
21 any research regarding any matters concerning this
22 case?

23 JUROR NUMBER 198: No.

24 THE COURT: And have you discussed this case
25 among yourselves with any of the other potential jury

1 members, or with anyone else, or allowed anyone to
2 discuss it in your presence?

3 JUROR NUMBER 198: No.

4 THE COURT: Okay. This morning I'm going to ask
5 you some questions, the State may have an opportunity
6 to ask you some questions, and the defense may have an
7 opportunity. There are no right or wrong answers to
8 these questions. We're going to ask you questions
9 about your prior knowledge of the case and about the
10 death penalty. There are no right or wrong answers,
11 we just ask you to be honest, complete, frank. If
12 there's something that you think we need to know, you
13 need to tell us. If we ask you a question, it's a yes
14 or no question, we're going to want you to answer yes
15 or not, but if the answer is really, I don't know,
16 then you need to answer it that way as well.

17 JUROR NUMBER 198: Okay.

18 THE COURT: So my first question is an easy
19 question, do you know anything about this case, either
20 from your own personal knowledge, rumor, by
21 discussions with anyone else, or from the media,
22 including radio, television, Internet, electronic
23 device, or newspaper?

24 JUROR NUMBER 198: When it first happened. I've
25 seen it on TV. But to actually pry into it and all

1 the details of it, I do not.

2 THE COURT: Okay. So when it first happened, you
3 saw something on TV?

4 JUROR NUMBER 198: Correct.

5 THE COURT: Was that like a local news channel?

6 JUROR NUMBER 198: Yes.

7 THE COURT: Can you tell me what specific
8 information you believe you know about the case?

9 JUROR NUMBER 198: Okay. The only thing I heard
10 was that there was a deputy, and the deputy was shot,
11 and she died. And that's about it. I mean, I don't
12 know the details, I -- I'm not a news person, I don't
13 really listen to the news or look at the news or
14 whatever. My husband has it on, you know, at home,
15 but I'm not really into the news. Only because it was
16 a horrific thing, that was why I heard it.

17 THE COURT: Okay. So did you hear what happened
18 before the deputy was shot?

19 JUROR NUMBER 198: No.

20 THE COURT: Did you see a picture of Mr. Bradley?

21 JUROR NUMBER 198: No. I hadn't seen his face
22 until we walked in here yesterday.

23 THE COURT: Okay. Did you hear anything about a
24 co-defendant?

25 JUROR NUMBER 198: Yes. A mention of a girl,

1 that's about all I know.

2 THE COURT: Okay. Anything about the
3 co-defendant since then?

4 JUROR NUMBER 198: No.

5 THE COURT: Did you hear that jury selection was
6 going on with regard to the case?

7 JUROR NUMBER 198: Yes.

8 THE COURT: Okay. When did you hear that?

9 JUROR NUMBER 198: Probably on the news a week or
10 so ago, that they were still trying to put a jury
11 together. But I didn't get any details on it.

12 THE COURT: Okay. This case does involve the
13 death of a law enforcement officer. Some people have
14 -- what they believe they know about the court case so
15 far has solicited an emotional response in them, did
16 this case, when you heard about it, solicit an
17 emotional response from you?

18 JUROR NUMBER 198: Yes. Only that it was very
19 tragic that it happened, yes.

20 THE COURT: Okay. How do you feel about that
21 today, knowing that this is that case?

22 JUROR NUMBER 198: How do I feel about it? Well,
23 I mean, it happened a few years ago -- first of all,
24 you have to know that I'm not really from here.

25 THE COURT: Okay.

1 JUROR NUMBER 198: And I've lived here two and a
2 half years. This happened shortly after I moved in,
3 so I bought a house, refurnished it all, had to put
4 things away, so I really wasn't into the news or into
5 anything that's happening. Since then, it's been
6 mentioned, I've heard -- you know, I've heard it --
7 nothing that I can put my finger on that says I know
8 any details on it. And, like I said, I'm not a news
9 person. We don't get the newspaper, because we don't
10 know anybody here, so I just -- I mean, the news is on
11 at home, my husband listen to the news, but I'm not a
12 news person.

13 THE COURT: Okay. So if I were to tell you that
14 to be a juror in this case, you would have to set
15 aside anything that you may have learned about the
16 case, serve with an open mind, and reach a verdict
17 based only on the law and the evidence presented in
18 this trial, in this courtroom, would you be able to do
19 it?

20 JUROR NUMBER 198: Yes.

21 THE COURT: Okay. What if you heard all the
22 evidence in the case, and you were back in the
23 deliberation room, and you said, oh, you know what, I
24 remember hearing something about this, but that never
25 came in as evidence in the courtroom, that never came

1 in as evidence, would you be able to set that
2 information aside and decide this case only on the
3 evidence that you heard in this courtroom?

4 JUROR NUMBER 198: Yes. I'm a big note-taker, so
5 I would definitely take notes on anything that I --

6 THE COURT: Okay. We do give you an -- we give
7 you a piece of paper and a pencil, and you do have the
8 opportunity to take notes. And you can take your
9 notes with you when you go into the deliberation room.

10 In any criminal trial, the State has the burden
11 of proof. They have to prove each element of each
12 crime, or each count, there's four counts, beyond and
13 to the exclusion of every reasonable doubt. The State
14 knows that's their job, that's their job in every
15 criminal case. The defendant does not have to prove
16 anything. They do not have to prove anything. The
17 defendant is presumed to be not guilty.

18 JUROR NUMBER 198: Right.

19 THE COURT: In fact, as we sit here now, since no
20 evidence has come before the Court, at this time, the
21 defendant is presumed to be innocent. Can you hold
22 the State to their burden, make them prove the case
23 beyond and to the exclusion of every reasonable doubt
24 -- and I'm going to give you more instructions about
25 that later -- and can you look at the defendant at

1 this time and say the defendant is not guilty; in
2 fact, give the defendant the presumption of innocence?
3 Can you do that?

4 JUROR NUMBER 198: Yes.

5 THE COURT: Okay. I'm going to switch gears on
6 you. What are your views about the death penalty?

7 JUROR NUMBER 198: I'm not against it, depending
8 on the circumstances. But I'm not for it either. I
9 guess it would all depend on the circumstances and the
10 evidence that was proven and how the law is written as
11 far as, if it's this, then it's -- if it's this one
12 way -- I guess I'm a pretty straightforward person,
13 it's either yes, or no; and if the rules say, if this,
14 this, and this happens, then it's a death penalty,
15 then so be it. And if it says that it's beyond a
16 reasonable doubt, then that's what it has to be.

17 THE COURT: Okay. What if the rules say, you can
18 only consider death under certain circumstances, but
19 the rules are never going to say, you have to impose
20 death. That's going to be up to you as the juror.
21 The rules are going to say -- the rules will tell you,
22 under certain circumstances, you cannot consider
23 death, it will tell you that. But the rules are going
24 to say, you're -- in the death penalty process -- let
25 me go back and explain this to you.

1 In the first part of the trial, which we call the
2 guilt phase, if there is a guilty verdict on count
3 one, count one is the murder of the first degree,
4 then, and only then, we move into a penalty phase.
5 Now, it doesn't apply to the other three counts, it
6 only applies to count one. And for purposes of the
7 penalty phase, there's already a guilty verdict on
8 murder of the first degree. So then we go into the
9 penalty phase, if there's a guilty verdict on count
10 one, and in the penalty phase you're going to hear
11 evidence of aggravating circumstances and mitigating
12 circumstances. Aggravating makes the situation worse,
13 mitigating makes the situation less. And they're
14 going to explain this in more detail in a few moments.
15 But after you hear that evidence, we're going to
16 instruct you to go through a weighing process; but at
17 the end of that process, you're going to be
18 instructed, as a juror, to make a recommendation to
19 the Court, to me, of two possible penalties, death, or
20 life in prison without the possibility of parole.

21 No one's ever going to ask you here this morning,
22 they can't ask you, what you would do in this case.
23 No one's going to ask you that because you haven't
24 heard anything about this. But what they are going to
25 ask you is, can you consider both possible penalties?

1 Can you consider death, or life in prison without the
2 possibility of parole? Now, are you of the opinion
3 that death is the only appropriate penalty for murder
4 in the first degree?

5 JUROR NUMBER 198: No.

6 THE COURT: Okay. So you could consider -- and
7 you know a little bit about the facts of this case,
8 can you consider both possible penalties in this case?

9 JUROR NUMBER 198: Yes.

10 THE COURT: Okay. Now, I'm going to go one step
11 further. You heard me before, in certain
12 circumstances, if the mitigating circumstances
13 outweigh the aggravating circumstances, then you will
14 be instructed that the proper penalty is life in
15 prison without the possibility of parole. If the
16 aggravating circumstances outweigh the mitigating
17 circumstances, then you can consider death as a
18 possible penalty, but you're not going to get an
19 instruction that that's what you have to do.

20 JUROR NUMBER 198: Okay.

21 THE COURT: So it's not as black and white as
22 maybe some people would like it. But then you can
23 consider death, and it's up to you -- and it's up to
24 the jurors to consider -- to make that consideration.

25 JUROR NUMBER 198: And that's all based on facts

1 that are shown to us or testimony that's given.

2 THE COURT: The aggravating and the mitigating
3 factors.

4 JUROR NUMBER 198: Yes.

5 THE COURT: Can you consider both possible
6 penalties?

7 JUROR NUMBER 198: Yes.

8 THE COURT: Are you comfortable with this
9 process?

10 JUROR NUMBER 198: Yes.

11 THE COURT: Okay. I know that comfortable is a
12 relative term. I mean, comfortable would be laying in
13 bed, eating popcorn, watching a movie. That's what
14 comfortable is to me. But I mean, are you okay with
15 the process?

16 JUROR NUMBER 198: Yes, I am okay with the
17 process.

18 THE COURT: And you could consider both possible
19 penalties?

20 JUROR NUMBER 198: Yes.

21 THE COURT: Okay. Questions by the State?

22 MR. BROWN: Yes, Your Honor. Juror Number 198,
23 good morning. I want to go over the process with you,
24 kind of in a step by step, detailed approach, to make
25 sure that you understand it, and then ask you a few

1 questions along the way as we get to them.

2 JUROR NUMBER 198: Okay.

3 MR. BROWN: And, to make sure you understand, the
4 death penalty only applies if the jury comes back with
5 a verdict of guilty of murder in the first degree. If
6 the jury comes back with a lesser charge, such as
7 second degree murder, the death penalty's off the
8 table, sentencing is to the Court, and the jury's
9 service would be over. No second phase of the trial,
10 no recommendation from the jury. Now, obviously, if
11 it's not guilty, then there is no sentencing to have
12 at all.

13 There are two ways for the State to prove murder
14 in the first degree, first degree murder, that is
15 either through premeditated murder, or what's known as
16 felony murder, which is a death occurring during the
17 commission of a specific felony. And those terms, if
18 you advance on, will be explained to you in more
19 detail. But those are two ways to prove first degree
20 murder. We may, in this case, prove one way, we may
21 prove the other, we may end up proving both; but we
22 only have to prove it one way or the other to get the
23 jury to arrive at a first degree murder conviction.

24 If that happens, we then reconvene, and
25 additional evidence is presented. Then the Court will

1 give you a final set of instructions, and you'll go
2 back and deliberate. So the evidence from the first
3 phase, you don't suddenly ignore it, because some of
4 that material may prove the aggravating circumstances
5 or mitigating circumstances further on down the line.

6 In her set of instructions, what she's going to
7 tell you is to first look at the aggravating
8 circumstances. And if you recall from Tuesday, what
9 the Court told you is, it's a statutory list of
10 circumstances that may increase the gravity of the
11 crime or the harm to the victim. And it's to those
12 circumstances that you look to, to determine whether
13 or not you feel the death penalty is justified. Now,
14 the proof for those, like I indicated, gravity of the
15 crime, harm to the victim, may very well, for some of
16 those, come from the guilt phase of the trial. Or we
17 may present additional evidence for those in the
18 penalty phase. A lot of the proof's going to come
19 from the guilt phase, because that's when we're
20 showing you the crime, so the gravity of it, things of
21 that nature. So it's not just evidence from the
22 penalty phase, the first portion of the evidence
23 carries over. Do you understand?

24 JUROR NUMBER 198: Yes.

25 MR. BROWN: Okay. The burden of proof that we

1 have for those aggravating circumstances is beyond and
2 to the exclusion of any reasonable doubt. It's the
3 same burden of proof that we have in the guilt phase.
4 So the first question you have to ask is, has the
5 State proven any of those aggravating circumstances?
6 If your answer is no, we haven't proven any, then your
7 recommendation has to be for life, because you would
8 have found no aggravation.

9 JUROR NUMBER 198: Okay.

10 MR. BROWN: If we've proven at least one, and I
11 suspect she's going to give you a list that's more
12 than one, four, five, or so, if we've proven at least
13 one, we may prove more than one, we may prove all
14 that's on the list, but we have to prove at least one;
15 and then you look at what we've proven, those
16 aggravating circumstances that we've proven, and ask
17 yourself, do these justify the death penalty? Again,
18 if your answer is, no, the aggravating circumstances
19 do not justify the death penalty, you make a life
20 recommendation. If your answer is, yes, these justify
21 the death penalty, then you move on to the next step
22 in the process.

23 The next step is where you consider the
24 mitigating circumstances. The Court told you those
25 are circumstances coming from the defendant, his life,

1 character, background, things of that nature. And
2 just like aggravating circumstances may suggest a
3 penalty of death, the mitigating circumstances may
4 suggest to a juror a life sentence would be the most
5 appropriate recommendation. Now, there's a burden of
6 proof for those mitigating circumstances, it's a lower
7 burden than for the aggravating circumstances, but
8 there's still a burden, it's to the greater weight of
9 the evidence. So just like aggravators, if mitigation
10 evidence is presented, you don't feel that it's
11 proven, you disregard it, because it's not proven.

12 You take the aggravators that have been proven
13 and the mitigators that have been proven and you go
14 through a weighing process. Now, in your lifetime,
15 have you had to make some key, critical, important
16 decisions?

17 JUROR NUMBER 198: Yes.

18 MR. BROWN: And when you made those decisions,
19 did you try to look at and consider everything?

20 JUROR NUMBER 198: Yes.

21 MR. BROWN: And when you did that, some of the
22 factors you looked at you found to be pretty darn
23 important to your decision, and you gave them great
24 weight in making your decision.

25 JUROR NUMBER 198: Right.

1 MR. BROWN: Other factors you looked at, you
2 found that they were not very important to your
3 decision, and you gave them very little weight.
4 Right?

5 JUROR NUMBER 198: Right.

6 MR. BROWN: Same process Her Honor's going to
7 tell you to go through here. You look at and consider
8 everything that's been proven, and you have to weigh
9 those aggravators against those mitigators. You
10 determine how much weight. The judge is not going to
11 tell you that aggravator one is "X" amount of weight,
12 or mitigator one is "X" amount of weight. She's not
13 going to tell you how you weigh them against each
14 other. That's entirely to your choice what you have
15 to do with them. Okay?

16 JUROR NUMBER 198: Okay.

17 MR. BROWN: And when you go back there to the --
18 and when I say it's your choice, in the guilt phase,
19 the jury has to return a unanimous verdict. Whatever
20 it's going to be, it has to be unanimous. In the
21 penalty phase, it does not have to be unanimous. If
22 the recommendation is an equal vote, six are for
23 death, six are for life, or the majority is for life,
24 it comes back as a life recommendation. If the
25 majority recommends the death penalty, the verdict

1 will come back as a death recommendation, with the
2 vote in quotes on the verdict form. If it's 8-4, it
3 will come back, "We, the jury, recommend the death
4 penalty by a vote of 8-4." And we don't find out who
5 voted for what, but we know what the vote is.
6 Obviously, if it comes back as 12-0 for death, then we
7 know who voted for what because everybody voted the
8 same way. But anywhere from 11-1 to 7-5, there's the
9 split, and that's the jury vote, and we don't know who
10 voted for what.

11 But that's why you have to go through, and it's
12 your decision. You decide how much weight to give in
13 that weighing process. The juror right next to you,
14 he or she may give an aggravator greater weight or
15 lesser weight, one may give mitigation evidence
16 greater weight or lesser weight. You can go back, you
17 should discuss, talk about things, what's been proven,
18 how much weight, how you're arriving at that decision,
19 but it's ultimately your vote. You have to decide.
20 And there's no magic formula. She's not going to give
21 you hints on how you should weigh things. Now, the
22 attorneys, in our argument, may suggest to you how we
23 feel you should weigh it, when we get to that stage,
24 but it's up to you to make that decision.

25 The judge will tell you that you weigh the

1 aggravators against the mitigators, and if you find
2 that the mitigation outweighs the aggravation, then
3 you have to return, must return, a recommendation of
4 life. If, on the other hand, you find that the
5 mitigation does not outweigh the aggravation, and that
6 you still feel the aggravators justify the death
7 penalty, that's when you're in a position where you
8 can legally recommend to the Court a sentence of
9 death.

10 Now, as I talked about, she's not going to tell
11 you, if the State proves A, B, C, and D, then you must
12 return that recommendation. In fact, what she's going
13 to tell you is, you're never required to recommend
14 death. You are required to go through that weighing
15 process; but if you go through that weighing process,
16 and the mitigation does not outweigh the aggravation,
17 and you still feel that the aggravation justifies the
18 death penalty, that's when you can recommend a
19 sentence of death.

20 Trying to go through it step by step, does that
21 help you in your understanding of the process?

22 JUROR NUMBER 198: Yes. Definitely.

23 MR. BROWN: And that's why I try to take it --

24 JUROR NUMBER 198: Because I don't understand a
25 lot of this.

1 MR. BROWN: I understand. And that's the thing,
2 you all come in here --

3 JUROR NUMBER 198: But you're clarifying it very
4 good to me, and I appreciate it.

5 MR. BROWN: We deal with this on a, I wouldn't
6 say daily basis, but we do deal with it frequently,
7 and we understand the terms, and we know what it's all
8 about. It's the first time you've ever heard of it.

9 JUROR NUMBER 198: Exactly.

10 MR. BROWN: So knowing that that's the process,
11 are you confident in your ability to go through that
12 process and to weigh everything and consider
13 everything?

14 JUROR NUMBER 198: Yes.

15 MR. BROWN: And is there anything in your
16 background, moral beliefs, political beliefs,
17 religious beliefs, philosophical beliefs, family
18 history, work history, whatever it may be, that causes
19 you any undue concern, anxiety, angst, that troubles
20 you, in either being asked to be in that situation to
21 make that decision, or maybe having to make that
22 decision?

23 JUROR NUMBER 198: No. I think I could separate
24 the pros, cons, the most important parts, and make a
25 decision that way.

1 MR. BROWN: Okay. And you understand now -- I
2 think you said earlier that if the rules say to go
3 this way, death penalty, you can do that.

4 JUROR NUMBER 198: Yes. As long as it's lined up
5 that way and meets all the criteria, then I can do
6 that, yes.

7 MR. BROWN: Okay. You understand while you're
8 never be required to, it's something that you can do.

9 JUROR NUMBER 198: Yes.

10 MR. BROWN: And do you come in with any, at this
11 point, concept or idea that, well, I'll only consider
12 the death penalty in maybe this extreme circumstance,
13 or maybe these couple of extreme circumstances? And
14 let me give you an example that other people have
15 talked about and mentioned, like a mass murderer, or
16 someone that kills children. And their position is, I
17 could consider death in those circumstances, but
18 that's pretty much it. Any other circumstances, I
19 wouldn't be able to consider it. Are you of that
20 mindset?

21 JUROR NUMBER 198: No. I agree that mass
22 murderers, if they've proven it to that point, then
23 yes.

24 MR. BROWN: It certainly should be considered.

25 JUROR NUMBER 198: Right.

1 MR. BROWN: People come here -- and there's no
2 viewpoint that's wrong, everybody's on a complete
3 spectrum, but some people come in with the position
4 of, if it's first degree murder, it's an automatic
5 death penalty. I don't care about any mitigation
6 circumstances, if a person's convicted of first degree
7 murder, it's the death penalty. Others come in and
8 say, I'm opposed to the death penalty, and in no
9 circumstances will I consider it. It's just, I'll
10 never, ever consider it or vote for it. People are on
11 both sides. And then people are always somewhere in
12 that spectrum, I won't say everybody else is in the
13 middle, but every body else is somewhere in that
14 spectrum. And there's no viewpoint that's wrong,
15 we're just trying to find out, you know, are you on
16 one side, the other, the extremes, close to the
17 extremes, or tilting more towards the middle. And
18 that's all we're trying to find out.

19 The Court, as I indicated, is going to give you
20 that list of aggravating circumstances that can
21 justify a recommendation of death. Are you open to
22 looking at what she gives you?

23 JUROR NUMBER 198: Yes.

24 MR. BROWN: You're not coming in with a preset
25 concept of, it's just this, not these things, and I

1 don't care what else is on that list?

2 JUROR NUMBER 198: It's not about
3 (unintelligible), it's just that we have to weigh the
4 pros and cons.

5 MR. BROWN: Right. And then the same thing, of
6 course, goes along with mitigation, if it's been
7 proven, you have to consider it. And when I talked
8 about the personal decision that you had to make, the
9 important ones, when you do that, you try to look at
10 everything, right?

11 JUROR NUMBER 198: Right.

12 MR. BROWN: And consider everything.

13 JUROR NUMBER 198: Right.

14 MR. BROWN: And that's, ultimately, what we're
15 looking for today of -- the judge talked about us
16 asking, can you consider. Because at this point it
17 wouldn't be fair to ask you how you would weigh this
18 aggravator, how would you weigh this mitigator,
19 because you don't know.

20 JUROR NUMBER 198: Because I don't know the
21 details.

22 MR. BROWN: Right. Right. And you don't know
23 everything, and you can't weigh them against each
24 other. The key is, will you consider everything? You
25 may hear -- you know, if I asked you, Aggravator A,

1 Aggravator B, or Mitigator A, or Mitigator B, you may
2 say, no, I don't think I'd give that a whole lot of
3 weight, or I might, if that's proven, give that a lot
4 of weight. That's your decision. At this point you
5 can't really answer that. The key is, can you
6 consider something? Even if in the back of your mind
7 you're thinking, I may not give that a whole lot of
8 weight, are you open to considering it?
9 (Unintelligible).

10 JUROR NUMBER 198: Yes.

11 MR. BROWN: If you go back there, on the jury,
12 defendant's convicted of first degree murder, you've
13 looked at the aggravating circumstances, you found
14 that the State's proven at least one, you've looked at
15 the mitigating circumstances, considered all of them
16 that have been proven, you went through the weighing
17 process, you found that the mitigation did not
18 outweigh the aggravating circumstances, and you felt
19 that the aggravating circumstances justify the death
20 penalty; assuming you've made all those findings,
21 could you -- I'm not asking would -- at that point
22 make a recommendation for the death penalty?

23 JUROR NUMBER 198: Yes.

24 MR. BROWN: Your Honor, I have no further
25 questions. Thank you.

1 THE COURT: Okay. Questions by the defense?

2 MR. PIROLO: Yes, Your Honor. Thank you. Good
3 afternoon. How are you?

4 JUROR NUMBER 198: Just fine, thank you.

5 MR. PIROLO: You said you've been living here
6 about two and a half years?

7 JUROR NUMBER 198: Correct.

8 MR. PIROLO: Where are you from?

9 JUROR NUMBER 198: Michigan.

10 MR. PIROLO: Okay. You like it down here?

11 JUROR NUMBER 198: Love it. Especially this
12 winter.

13 MR. PIROLO: I was going to say, they're still
14 digging out of snow. Getting to the media part of
15 what you heard about this case, I know you said you
16 just moved here, you were renovating a house, getting
17 situated. But you did hear some stuff, right?

18 JUROR NUMBER 198: Right. On the news. You
19 know, it was on the news, something very prominent,
20 but I didn't hear any details. I heard, you know,
21 what it was, and that was -- I never really got into
22 it and said, oh, my gosh, I've got to see this.

23 MR. PIROLO: Did you hear anything about a chase
24 or pursuit that was involved in this?

25 JUROR NUMBER 198: No. I know there was a lot of

1 things that went down with it, but I just -- I heard
2 the result, and that was -- I didn't really research
3 anything else or see anything else or do anything
4 else.

5 MR. PIROLO: Do you know what station it was on?

6 JUROR NUMBER 198: No, I don't. I couldn't even
7 tell you that. Like I said, I'm not a TV watcher, my
8 husband has it on. I've got to be up doing something.
9 It was on TV, that's all I know.

10 MR. PIROLO: Your husband controls the remote,
11 right?

12 JUROR NUMBER 198: Absolutely.

13 MR. PIROLO: Other than hearing that it was a
14 police officer that was killed, a female police
15 officer, I think you said earlier you didn't see
16 Mr. Bradley's picture on TV?

17 JUROR NUMBER 198: I did not see his face until I
18 walked in here on Tuesday and you said that was the
19 defendant. I had no idea what, you know --

20 MR. PIROLO: Did you hear his name?

21 JUROR NUMBER 198: I didn't even recognize the
22 name until she said his last name was Bradley. I'm
23 sorry, I didn't even catch his first name.

24 MR. PIROLO: Okay. It's okay. Earlier you said
25 it was horrible thing, when you heard it.

1 JUROR NUMBER 198: Right.

2 MR. PIROLO: What do you mean by, it's a horrible
3 thing? And it's -- we know it's a horrible thing, but
4 was it horrible because it was a police officer? Was
5 it horrible because somebody lost their life?

6 JUROR NUMBER 198: It was that.

7 MR. PIROLO: So it wasn't the specific, you know,
8 police officer on-duty, it was the general, someone
9 lost their life.

10 JUROR NUMBER 198: Yes. Exactly.

11 MR. PIROLO: Okay. A lot of questions are going
12 to be posed as hypotheticals, generics, a lot of
13 general type questions; but what I want you to
14 understand is that, if you're selected for this jury,
15 and you sit through this whole trial, that it's not
16 going to be talking in generalities anymore, it's
17 going to be getting down to specifics. It's not going
18 to be about some hypothetical person out there, would
19 you consider the death penalty, hypothetical --

20 JUROR NUMBER 198: It's a real person, real
21 facts, real --

22 MR. PIROLO: Real person, and you're seeing him
23 right now.

24 JUROR NUMBER 198: Exactly.

25 MR. PIROLO: 24-year-old Brandon Bradley. A

1 young guy. Then, if you're selected, it becomes very
2 specific. If we get to the second phase, you're going
3 to be coming back with a recommendation that will --
4 the judge will then render a verdict, but it could
5 possibly -- a death sentence would be --

6 JUROR NUMBER 198: Taking his life, the rest of
7 life.

8 MR. PIROLO: Exactly. Whatever way it looks
9 like, he will -- kind of a good segue, because I was
10 going to ask you about life without parole and what
11 does it mean to you. Now, I know you come from a
12 different state, and some states, if you hear life, it
13 doesn't mean life; but what do you think it means? Do
14 you know what it means? In Florida. In the state of
15 Florida, what does life without parole mean?

16 JUROR NUMBER 198: In my generality of the law,
17 life without parole means that they're there for life.
18 He could live to be 100, or whatever, he's life
19 without parole. In some states, life means 20 years;
20 but with life without parole -- am I correct in
21 assuming that?

22 MR. PIROLO: Exactly. A person dies in prison.
23 In the state of Florida, a person who gets sentenced
24 to life without parole, it means that person never
25 comes out of prison unless they're in a box. That's

1 very real. Do you question that in any way?

2 JUROR NUMBER 198: No.

3 MR. PIROLO: All right. A life without parole
4 sentence, what type of sentence do you think that
5 would be?

6 JUROR NUMBER 198: Life without parole, what kind
7 of sentence? I guess that would probably be one of
8 the worst sentences you could have. It can't be much
9 more than that, other than death. And maybe life
10 without parole may be worse than death, if they're in
11 prison for the rest of their life, you know; but when
12 they die, their sentence is over. I mean, that's my
13 opinion.

14 MR. PIROLO: No wrong answers. Don't think you
15 got to say something to me, this is what he wants to
16 hear. That's all we want to hear. Don't ever think
17 that you got to say, okay, looking at Mr. Brown, I
18 think he wants to hear this, so let me say this.

19 JUROR NUMBER 198: Oh, no.

20 MR. PIROLO: Looking at me, I think he wants to
21 hear this, I'm going to say this. When the judge asks
22 you a question, I think she wants me to say this, so
23 this is what I have to tell her. It's whatever you
24 want to say, okay?

25 JUROR NUMBER 198: Yes.

1 MR. PIROLO: That's why we're doing this. That's
2 why we do this individually, so no one else is around,
3 you tell us what's on your mind about the subject.
4 You said earlier that you're not against the death
5 penalty, you're really not for it. I'm going to guess
6 the answer to my next question, but you tell us. If I
7 told you -- if I gave you a scale, 0 to 10, and I said
8 0 is you are against the death penalty, oppose it, and
9 10 is you're for it, strongly support it, where would
10 you fall on that scale?

11 JUROR NUMBER 198: I'd have to say probably right
12 in the middle, because I would have to consider all
13 the evidence and all the things that I would have to
14 weigh, and that's when I would make a decision. So I
15 can't, yes, I'm for it, or, no, I'm not, because -- if
16 it proves that it's really horrific, and that's what
17 is found, and it meets all the criteria, then that's
18 what it should be.

19 MR. PIROLO: It's difficult with you, a little
20 bit, you understand it's not easy -- this whole
21 thing --

22 JUROR NUMBER 198: It's not easy, no.

23 MR. PIROLO: Can you tell me why you don't sit
24 here and say, I support it.

25 JUROR NUMBER 198: Why I don't say that?

1 MR. PIROLO: Yeah. Why don't you say, I support
2 it?

3 JUROR NUMBER 198: I don't support it because
4 there's -- it can go either way, it depends on what
5 this person did. You have to take a person and see
6 how the rest of their life always was, and maybe
7 they've had bad instances in their life that, when
8 they made this horrible decision to shoot somebody or
9 whatever, and that person may not deserve to die
10 because of past circumstances.

11 MR. PIROLO: And you're touching on a lot of
12 things I'm going to get to, which is great, it's going
13 to make my job a lot easier. I'm going to put the
14 cart way in front of the horse, okay, way in front of
15 it. Let's assume through -- you make it on this jury,
16 and the first part of the trial, the jury returns a
17 guilty verdict for first degree murder. You now know
18 you make it to the second part.

19 JUROR NUMBER 198: Yes.

20 MR. PIROLO: Now, again, assuming in the second
21 part that you hear aggravating circumstances, and you
22 believe at least one aggravating circumstance beyond a
23 reasonable doubt; and let's hypothetically say you
24 find six aggravating circumstances beyond a reasonable
25 doubt, I'm just throwing a number at you. What is

1 your opinion, at that point -- do you have an opinion
2 of what you need to do, what happens next?

3 JUROR NUMBER 198: So you're asking me if -- so
4 all the aggravated circumstances, and they've proved
5 beyond a doubt that there's a lot of them, and he's --

6 MR. PIROLO: It's beyond the guilt. Remember, we
7 don't get to the second part unless and until he's
8 found guilty of first degree murder. Now, let's --
9 again, cart way in front of the horse.

10 JUROR NUMBER 198: So let's assume we've already
11 determined that he's guilty.

12 MR. PIROLO: Right. Guilty of first degree
13 murder. Second part of the trial, and you've heard
14 aggravating circumstances, okay? At that point,
15 what's your opinion of -- again, you required to do
16 anything at that point? And if you are, what do you
17 think that is?

18 JUROR NUMBER 198: You'd have to make a decision
19 whether it should be life, or if it should be death.

20 MR. PIROLO: You would agree at that point your
21 job's not done.

22 JUROR NUMBER 198: Correct.

23 MR. PIROLO: You still have to listen for the
24 mitigating circumstances, and consider the mitigating.

25 JUROR NUMBER 198: Right. And if there's more

1 mitigating circumstances than aggravating
2 circumstances, then it's a lesser penalty.

3 MR. PIROLO: We'll get to that. But I just
4 wanted to make sure that if you've heard the
5 aggravating circumstances, and you feel the State's
6 proved the aggravating circumstances to you, that it's
7 not over, it does not mean that you have to come back
8 with a death recommendation. Do you understand that?

9 JUROR NUMBER 198: Yes.

10 MR. PIROLO: Okay. It doesn't matter if six
11 aggravating circumstances have been proven to you. As
12 you've already been told, there's no magic number of
13 aggravating circumstances that says, once you get to
14 that point, you have to come back with a death
15 recommendation. Do you understand that?

16 JUROR NUMBER 198: Yes.

17 MR. PIROLO: You will not hear from this judge,
18 or any other judge, any language that tells you that
19 you shall return a death recommendation, you should,
20 you most likely should in this scenario, none of that.
21 You will never hear that. The only mandatory language
22 you're going to hear is when it comes to life without
23 parole. And you started to kind of get to that. If
24 it's 6-6, if your vote is 6-6, it's life. Death is
25 off the table.

1 JUROR NUMBER 198: It has to be --

2 MR. PIROLO: Death is off the table. If six of
3 you in the deliberation room say, my vote's for death,
4 and six of you say, my vote's for life, it's life.
5 Death is off the table. If life has the majority
6 votes, it's life. If you don't find aggravating
7 circumstances. The State puts on evidence and you
8 say, they didn't prove any aggravating circumstances
9 to me, it's life. That's it, death is off the table.
10 Do you understand that?

11 JUROR NUMBER 198: Yes.

12 MR. PIROLO: What you've got to understand is,
13 life is never off the table. It's always on the
14 table. It's on the table when the State's presenting
15 aggravating circumstances, they prove to you six, and
16 then when it's time to put on mitigating
17 circumstances, you hear a pin drop, you hear nothing,
18 life is still on the table. Do you understand that?

19 JUROR NUMBER 198: Yes.

20 MR. PIROLO: No one's going to say, okay, the law
21 now is going to say, you didn't hear any mitigating,
22 it has to be death. You will never, ever hear that.

23 JUROR NUMBER 198: It's never mandatory.

24 MR. PIROLO: I'm going to ask you this, I don't
25 mean any disrespect in any way, we've just got to --

1 again, we've got to know what you're feeling and what
2 you understand. You will -- again, if you make it to
3 this part of the case, you'll hear something called
4 victim impact evidence. Now, what the judge will tell
5 you is that you don't treat this as an aggravating
6 circumstance. It's not an aggravating circumstance.
7 It never is. But you get to hear about it. And you
8 may be sitting there, well, if it's not aggravating,
9 why do I get to hear it?

10 JUROR NUMBER 198: That as my conclusion.

11 MR. PIROLO: Okay. But it's important for you to
12 understand that you will hear it, but you'll also hear
13 an instruction that says you do not consider that as
14 aggravating. What I'm going to get to, and what I'm
15 going to ask you is, knowing that that's what the
16 instruction is, in your mind, are you going to say,
17 I'm sorry, but I'm going to treat that as aggravating?
18 No disrespect to the Court, but I can't follow that
19 instruction. And here's what it basically is, friends
20 and family can come in here and talk about what Deputy
21 Pill's life meant to them, how her loss has impacted
22 them. And you can pretty much guess, it can be very
23 -- it can get very emotional. Do you think you can --
24 will that affect you in a way that you say, okay, I
25 appreciate what the judge told me, I understand that's

1 the law, but I just can't follow that instruction? If
2 I hear from this woman's husband or son, that's it,
3 I'm done, I can't listen to any mitigation. Or can
4 you still listen to it, and then move on to
5 mitigating?

6 JUROR NUMBER 198: But that's not how -- that may
7 not be the true evidence.

8 MR. PIROLO: All right. I just want to make sure
9 that -- you know, some people say, it's just too
10 emotional for me at that point.

11 JUROR NUMBER 198: In my mind, yes, I can
12 separate that.

13 MR. PIROLO: Now, obviously you know Deputy Pill
14 was a female. Let me ask you, do you have kids?
15 Grandkids?

16 JUROR NUMBER 198: Both.

17 MR. PIROLO: Okay. If you hear Deputy Pill was
18 married, had children, had grandchildren, would that
19 shut you off to mitigation? You start hearing, okay,
20 well, here's a woman, mother, grandmother; is that
21 going to start tugging at your emotions to say, you
22 know what, I just can't listen to the mitigation at
23 this point?

24 JUROR NUMBER 198: No. Because I know someone's
25 going to react like that. I mean, they have to, it's

1 their family. But that has nothing to do with the
2 case, itself, as far as proving guilt or innocence.

3 MR. PIROLO: Again, this is beyond the guilt and
4 innocence point. We're putting -- and it's unfair
5 because we're -- again, the cart's going way in front
6 of the horse, we're moving onto the second part, and
7 we haven't even talked about things from the first
8 part of the trial. I just want to make sure that you
9 can be that person that will follow what the Court
10 tells her are aggravating circumstances, and only
11 consider what the law says are aggravating
12 circumstances.

13 JUROR NUMBER 198: I can be that person, yes.

14 MR. PIROLO: On the flip side, mitigation is
15 unlimited, and it's anything. Anything and everything
16 that you hear throughout the whole trial, where you go
17 back and deliberate and say, I heard that, you know
18 what, that's mitigating to me. Mitigation is whatever
19 you deem it to be. Okay?

20 JUROR NUMBER 198: Okay.

21 MR. PIROLO: And it's unlimited. The other part
22 of it is that aggravating circumstances have to be
23 proved beyond a reasonable doubt, which is a high
24 burden. Mitigating is a lesser burden, it's
25 reasonably convinced. And I think you can probably

1 appreciate why, you know, we're talking about
2 someone's life. In this particular case, if we get
3 there, we'll be talking about Mr. Brandon Bradley's
4 life. Do you -- I'm going to ask you -- I'm going to
5 give you, kind of, some examples of what you'll hear
6 in this case. I'm not telling you to commit and say,
7 yes, and I'm going to give them -- I'm going to give
8 it great weight, or what. I just want to know whether
9 or not you would consider some of the things I'm about
10 to ask you as possible mitigating circumstances.

11 If you hear evidence of mental illness, that
12 Mr. Bradley suffered from mental illness -- again, it
13 would come from an expert, psychologist, psychiatrist
14 -- can you consider that as mitigating?

15 JUROR NUMBER 198: Yes.

16 MR. PIROLO: How about, again, coming from an
17 expert, you hear evidence that Mr. Bradley had brain
18 injury or brain damage, would you consider that as
19 mitigating?

20 JUROR NUMBER 198: Yes.

21 MR. PIROLO: If you heard evidence of physical or
22 emotional abuse while Mr. Bradley was growing up,
23 could you consider that as mitigating?

24 JUROR NUMBER 198: Yes.

25 MR. PIROLO: I'm going to touch on drug addiction

1 now. You understand there's a difference between drug
2 use and drug addiction?

3 JUROR NUMBER 198: Yes.

4 MR. PIROLO: Okay. Do you think drug addiction
5 is a choice?

6 JUROR NUMBER 198: Yes.

7 MR. PIROLO: Okay. As opposed to -- drug use,
8 everyone would agree, is a choice, you choose to smoke
9 a joint.

10 JUROR NUMBER 198: You choose to continue and
11 continue and continue, then you become addicted. So
12 therefore it's your choice along the line that that
13 could lead to that.

14 MR. PIROLO: Okay. But do you think that some
15 people -- you know, obviously, alcohol could be a drug
16 as well, it is a drug. But somebody could pick up a
17 joint, smoke some marijuana, and not want it ever
18 again.

19 JUROR NUMBER 198: Yes.

20 MR. PIROLO: You have someone who picks it up on
21 Friday night. You know, long day of work, they say,
22 you know what, and they smoke it. But it doesn't
23 become a habit for them, they don't become addicted to
24 it. But you understand there are people that just
25 can't do that. Once they start doing it, they become

1 addicted.

2 JUROR NUMBER 198: Right.

3 MR. PIROLO: Do you know anyone, whether it's
4 friends, family, co-workers, that had -- were addicted
5 to something, whether it was prescription drugs,
6 drugs, alcohol?

7 JUROR NUMBER 198: No, I do not.

8 MR. PIROLO: But I'm sure you've heard of it
9 before, in the news, or reading something. Would it
10 be fair to say then, if you heard about drug addiction
11 in this case, that you would not consider it as a
12 mitigating circumstance?

13 JUROR NUMBER 198: I guess it would be a
14 mitigating circumstance, because it would affect their
15 whole life. I mean, it's something that -- if they
16 had been under that control, or whatever, it would
17 influence their decisions, why they did it, or what
18 they did. So that would be mitigating because it's
19 not -- it's something you have to consider.

20 MR. PIROLO: Would in any way, would you find
21 that as aggravating?

22 JUROR NUMBER 198: I would say it'd be more
23 mitigating than aggravating. Because it's something
24 that they've done within their life, it's -- I mean,
25 it's important. But, according to the case, it

1 wouldn't be aggravating because it would be something
2 they'd just have to deal with on a lower platform, or
3 whatever.

4 MR. PIROLO: If you're selected on this jury, you
5 will see photographs of how Deputy Pill looked after
6 she was shot, and they are very graphic. We'll ask
7 you tomorrow what kinds of shows and movies you like
8 to watch, but you've got to understand that these
9 aren't -- it's not makeup, it's a real person. Do you
10 think seeing photographs like that would affect your
11 ability to be fair and impartial?

12 JUROR NUMBER 198: It would not affect -- it be
13 horrifying, you know, it would be terrible to see
14 that, but -- it wouldn't turn my judgment against or
15 for because they're awful photographs.

16 MR. PIROLO: And would you still be able to
17 consider the mitigating circumstances even if you saw
18 pictures like that?

19 JUROR NUMBER 198: Mitigating?

20 MR. PIROLO: No, I'm not saying -- I'm saying,
21 even if you saw the pictures, could you still be able
22 to keep an open mind and consider mitigating
23 circumstances?

24 JUROR NUMBER 198: Yes. Because if this is what
25 happened, then that's what they show that it is.

1 That's just a fact. This is what happened. But that
2 doesn't necessarily make him guilty or innocent,
3 because it's all the other circumstances around that
4 that you'll base your decision on.

5 MR. PIROLO: You will see a video that shows
6 Deputy Pill being killed, and that too is very
7 graphic. Would that affect your ability to remain
8 fair and impartial?

9 JUROR NUMBER 198: It's part of the case, it's
10 something you have to see, have to weigh, and that
11 would -- it's not going to weigh me one side or the
12 other, but it's something that I have to know in order
13 to make a conscientious decision.

14 MR. PIROLO: What I want to get at first is,
15 seeing photographs or video like that, I want to make
16 sure it doesn't turn your mind off, you shut it down,
17 and you're able to listening to any mitigating
18 circumstances.

19 JUROR NUMBER 198: Oh, I would listen to the
20 mitigating circumstances.

21 MR. PIROLO: Your vote recommendation, if we get
22 to the second part, whatever the jury comes back as
23 their recommendation, the judge has to give it great
24 weight. That's what the law says. The judge has to
25 give the jury's recommendation great weight. What

1 does the term "great weight" mean to you?

2 JUROR NUMBER 198: Great weight means your list
3 would have more influence on one side than the other.
4 So there's great weight, that means that's more
5 important than other things that may be mitigating.

6 MR. PIROLO: Well, no, I'm saying what your final
7 vote is at the end. Whatever your final vote is, and
8 we talked about it, it could be 7-5, whatever -- let's
9 just hypothetically say that, there's a 7-5 vote for a
10 death recommendation. The judge has to give it great
11 weight. First of all, do you understand that the
12 judge can't do her job, which would be impose a
13 sentence, without your recommendation?

14 JUROR NUMBER 198: Okay. All right.

15 MR. PIROLO: She couldn't do it. And, again, the
16 law says she's got to give it great weight. Pretty
17 much it's, whatever the jury's recommendation is,
18 there's a good chance the judge might do that. So
19 what I'm trying to get at is, the gravity of your
20 vote, it means a lot.

21 JUROR NUMBER 198: Right.

22 MR. PIROLO: It's not something the judge will
23 look at and say, well, that's nice, and toss it aside
24 and come up with her own.

25 JUROR NUMBER 198: If it comes back 7-5 and she

1 has to use her greater weight of the -- she's going to
2 make her decision more towards the 7 than -- unless
3 there's some other circumstance that's in there that
4 she has to do something else. But she's going to take
5 what we say as pretty well what she should do.

6 MR. PIROLO: What you say is going to mean a
7 whole lot to her.

8 JUROR NUMBER 198: Yes.

9 MR. PIROLO: We just don't want you leaving and
10 thinking, you know what, whatever, the judge will
11 figure it all out.

12 JUROR NUMBER 198: That's not why we're here.
13 We're here to help her make a decision.

14 MR. PIROLO: Exactly. Otherwise we wouldn't be
15 doing this. And you understand if you're in the
16 deliberation room, and someone disagrees with your
17 vote, whatever your vote is, they can't force you into
18 changing your vote.

19 JUROR NUMBER 198: Right. It's my personal
20 opinion, and I have the right to decide what I feel is
21 right.

22 MR. PIROLO: You men and women can talk about it
23 and say, this is why I feel this way, but in the end,
24 no one can force you to change your vote. And on the
25 flip side, you can't sit next to a guy or a woman and

1 say -- still be twisting their arm, no, you've got to
2 vote my way. You understand that as well?

3 JUROR NUMBER 198: Right. It's our own personal
4 opinions.

5 MR. PIROLO: Judge, may I have a moment?

6 THE COURT: Yes, you may.

7 MR. PIROLO: No other questions, Your Honor.

8 Thank you.

9 THE COURT: Okay. Number 198, I am going to
10 release you for today, but you are still being
11 considered as a potential juror in this case. I need
12 you to report back tomorrow at 8:30 a.m. to the jury
13 assembly room. During this recess, you must continue
14 to abide by rules governing your service as a juror.
15 Specifically, do not discuss this case with anyone.
16 You can say that you're here, that you're coming to
17 the courthouse, that you're being considered as a
18 juror, and what time you're supposed to be here. But
19 you can't say what the case is about, what the charges
20 are, or anything that's happened in the courtroom.
21 Now, once you get released as a juror, at that point
22 you'll be able to discuss it with anyone you like.
23 But these rules remain in effect while you're being
24 considered as a juror and if you become a juror. Now,
25 the other things you must do is avoid reading

1 newspaper headlines and/or articles about this trial
2 or its participants. Avoid seeing or hearing
3 television, radio, or Internet comments about this
4 case. And do not conduct any independent research.

5 Now, do you have any questions or concerns?

6 JUROR NUMBER 198: No.

7 THE COURT: Okay. You're free to go, we'll see
8 you back here tomorrow. Thank you.

9 (Thereupon, Juror Number 198 was escorted out of
10 the courtroom by the court deputy; thereafter, court
11 was in recess. Following the recess, voir dire
12 selection was had which was not requested to be
13 transcribed; thereafter, court was in recess for the
14 day, 3/13/14. Court was reconvened on 3/14/14 and the
15 proceedings were had as follows:)

16 THE COURT: Let's bring them in.

17 THE COURT DEPUTY: All rise.

18 (Thereupon, the venire was escorted into the
19 courtroom and the proceedings were had as follows:)

20 THE COURT: Please be seated. Good morning,
21 ladies and gentlemen. Since I implemented the rules
22 governing your service as a juror, has anyone read or
23 been exposed to reading newspaper headlines and/or
24 articles related to this trial or its participants?
25 You can answer verbally.

1 THE PROSPECTIVE JURY PANEL: No.

2 THE COURT: And if there's a yes, if you could
3 raise your hand. Okay, I see no hands. Has anyone
4 see or heard television, radio, or Internet comments
5 about this trial? Okay. Juror Number 189, yes,
6 ma'am?

7 JUROR NUMBER 189: I was getting my nails done,
8 and it came on the news, so I couldn't avoid the
9 situation.

10 THE COURT: You were getting your --

11 JUROR NUMBER 189: My nail done.

12 THE COURT: Oh, okay. Getting your nails done
13 and it came on. So when did that happen?

14 JUROR NUMBER 189: About two weeks ago.

15 THE COURT: Okay. Would that have been before I
16 implemented these rules?

17 JUROR NUMBER 189: After.

18 THE COURT: After? And what -- so did you just
19 hear about jury selection continuing, or was there
20 anything else?

21 JUROR NUMBER 189: It was about the jury
22 selection, it was the day they had the standoff.

23 THE COURT: Okay. And what -- do you know what
24 channel that was?

25 JUROR NUMBER 189: Channel 13.

1 THE COURT: So it was on a Friday, it was that
2 day?

3 JUROR NUMBER 189: Yes.

4 THE COURT: The day they had the incident at the
5 courthouse?

6 JUROR NUMBER 189: Yes.

7 THE COURT: Okay. All right. Anyone else?
8 Juror 106, yes, ma'am?

9 JUROR NUMBER 106: I heard the same thing.

10 THE COURT: Okay. On that day?

11 JUROR NUMBER 106: Yes. I had just left, so yes.

12 THE COURT: Okay. Yes, you had just left. Yes.
13 Okay. Anyone else? (No response). Has anyone
14 conducted or been exposed to any research regarding
15 any matters concerning this case?

16 THE PROSPECTIVE JURY PANEL: No.

17 THE COURT: I see no hands. Have you discussed
18 this case among yourselves, or with anyone else, or
19 allowed anyone to discuss it in your presence?

20 THE PROSPECTIVE JURY PANEL: No.

21 THE COURT: I see no hands. Ladies and
22 gentlemen, I want to welcome everyone back to the
23 courthouse. I'm going to talk to you about different
24 things this morning, and then the attorneys will have
25 an opportunity to speak with you. We do anticipate

1 that this portion of the proceedings will take
2 probably today and tomorrow -- I mean, today and
3 Monday. We do expect to have a jury seated by
4 Tuesday, just so you know.

5 So I'm going to start with explaining different
6 things that will happen, that you'll see in this
7 courtroom. The first thing I'm going to talk about is
8 the charge of first degree murder, and we did talk to
9 you about that a little bit when you were here when we
10 individually spoke with you. The only charge that
11 qualifies for the death penalty in this case is the
12 first degree murder count, which is count one. There
13 are two ways that a person can be convicted of first
14 degree murder. The first is known as premeditated
15 murder, and the other is known as felony murder.

16 I'm going to talk to you about premeditated
17 murder first. Some people think that premeditated
18 means lying in wait after careful planning extending
19 over hours or days. While that definitely would
20 qualify, the legal definition is a little bit
21 different. In Florida, the legal definition that you
22 receive in a case involving murder in the first degree
23 on premeditation is that killing with premeditation is
24 killing after consciously deciding to do so. The
25 decision must be present in the mind of the defendant

1 at the time of the killing. The law does not fix the
2 exact period of time that must pass between a
3 formation of the premeditated intent to kill and the
4 killing. The period of time must be long enough to
5 allow reflection by the defendant, and the
6 premeditated intent to kill must be formed before the
7 killing. So the question of premeditation and the
8 question of time is something that you, the jury,
9 would determine based on that instruction.

10 Premeditated murder does not require days or
11 hours or even minutes of preparation. The length of
12 time must be enough to allow for reflection, but the
13 law does not fix the exact amount of time. You, the
14 jury, will determine how much time is needed for
15 reflection. Now, is there anyone who thinks they
16 would difficulty following this instruction on
17 premeditation? If you do, if you'll raise your hand.
18 (No response). Okay, I see no hands.

19 Now let me turn to the second way that murder in
20 the first degree can be proven. We talked about
21 premeditation, but there is an alternative theory that
22 the State can pursue for proving a first degree murder
23 case, and that is called felony murder. Now, in order
24 to prove a felony murder, the State must prove beyond
25 a reasonable doubt that the death occurred as a

1 consequence of, and while the defendant was engaged
2 in, the commission of certain types of crimes. The
3 Legislature determines that certain types of crimes,
4 if they were committed, and the death occurs as a
5 consequence of, and while the defendant was engaged
6 in, the commission of such crimes, could result in a
7 first degree murder verdict by a jury if the case can
8 be proven beyond a reasonable doubt.

9 The important thing for you to understand is that
10 when the State attempts to prove murder in the first
11 degree by means of a felony murder, premeditation is
12 not required. Premeditation is required for the first
13 type of first degree murder that I talked to you
14 about. If they proceed on the alternate theory of
15 felony murder, premeditation does not have to be
16 proven.

17 Is there anyone who feels they would have
18 difficulty following this instruction? (No response).
19 Okay, I see no hands.

20 At this time I want to give you some information
21 about the nature of criminal trials. Let me say that
22 all definitions that I have talked about and will talk
23 about will be given to you in written form at the end
24 of the case.

25 The rules of criminal procedure and the rules of

1 evidence govern the conduct of a criminal trial.
2 These rules have historical foundation and have
3 undergone revisions almost constantly to adapt to new
4 and different situations. Some of these rules require
5 jurors to adjust traditional notions of fairness,
6 especially if the natural tendency is to want to hear
7 both sides of a dispute. Evidentiary rules and
8 Constitutional considerations often preclude
9 presentation of information which jurors may feel
10 would be helpful in deciding the issues on trial. An
11 example is the presumption of innocence. Our system
12 of justice is accusatorial in nature, that means the
13 State of Florida has the power to accuse and the
14 burden to prove a charge against a defendant.

15 The defendant has entered a plea of not guilty.
16 This means you must presume or believe the defendant
17 is innocent. A defendant is presumed to be innocent
18 unless or until proven guilty beyond a reasonable
19 doubt, no matter whether the charge is a simple
20 misdemeanor or a first degree felony. We talked about
21 this individually with some of the jurors. This
22 presumption stays with the defendant as to each
23 material allegation in the charging document through
24 each stage of the trial unless and until such time as
25 the State has proven its accusations beyond a

1 reasonable doubt.

2 In order to sustain a guilty verdict, there must
3 be proof. Since no proof has been presented at this
4 point in the trial, and the defendant is presumed to
5 be innocent, if you were called upon to reach a
6 verdict right now, that verdict would have to be not
7 guilty. Does everyone understand this instruction?

8 THE PROSPECTIVE JURY PANEL: Yes.

9 THE COURT: Now, many of you we talked about this
10 individually. Anyone have any questions or concerns
11 at this time? (No response). Okay, I see no hands.

12 Now, what you have to do, and I asked many of you
13 to do this individually, can each of you look at the
14 defendant in this case at this time and presume him to
15 be innocent of all charges, as the law and your oath
16 will require, and is there anyone who cannot afford
17 the defendant the presumption of innocence? And if
18 you cannot, if you would raise your hand. (No
19 response). Okay, I see no hands.

20 To overcome the defendant's presumption of
21 innocence, the State has the burden of proving the
22 crime with which the defendant is charged was
23 committed, and the defendant is the person who
24 committed the crime. The defendant is not required to
25 present evidence or prove anything. In fact, in every

1 criminal proceeding, a defendant has the absolute
2 right to remain silent. At no time is it the duty of
3 a defendant to prove his or her innocence. From the
4 exercise of a defendant's right to remain silent, a
5 jury is not permitted to draw any inferences of guilt.
6 And the fact that a defendant did not take the witness
7 stand must not influence your verdict in any manner
8 whatsoever.

9 If you are selected as a juror in this case, will
10 each of you promise to follow this instruction? Can
11 each of you do that?

12 THE PROSPECTIVE JURY PANEL: Yes.

13 THE COURT: Okay. Does anyone have any questions
14 or concerns with this? And if you do, if you'll raise
15 your hand. I know I'm hitting you with some very
16 serious things early in the morning, but we need to
17 move this case along, and this is where we're at. (No
18 response). Okay.

19 Each crime in Florida has certain elements, and I
20 will explain the elements of the crimes charged later
21 on. What I will tell you now is, the State of Florida
22 has the burden of proving each element of each crime
23 charged beyond a reasonable doubt. So if a particular
24 crime has three elements, for example, the State would
25 have to prove each of those elements to you beyond a

1 reasonable doubt before you could find the defendant
2 guilty of that charge.

3 Whenever the words reasonable doubt are used, you
4 must consider the following: A reasonable doubt is
5 not a mere possible doubt, a speculative, imaginary,
6 or forced doubt. Such a doubt must not influence you
7 to return a verdict of not guilty if you have an
8 abiding conviction of guilt. On the other hand, if
9 after carefully comparing, considering, and weighing
10 all the evidence, there is not an abiding conviction
11 of guilt, or if having a conviction, it is one which
12 is not stable, but one which wavers and vacillates,
13 then the charge is not proved beyond every reasonable
14 doubt, and you must find the defendant not guilty
15 because the doubt is reasonable.

16 It is to the evidence introduced in this trial,
17 and to it alone, that you are to look for that proof.
18 A reasonable doubt as to the guilt of the defendant
19 may arise from the evidence, conflict in the evidence,
20 or the lack of evidence. If you have a reasonable
21 doubt, you should find the defendant not guilty. If
22 you have no reasonable doubt, you should find the
23 defendant guilty.

24 If you are selected as a juror in this case, will
25 you promise to follow this instruction?

1 THE PROSPECTIVE JURY PANEL: Yes.

2 THE COURT: Okay. Does anyone have any questions
3 or concerns about this? (No response). Okay, I see
4 no hands.

5 One of the instructions you will be given
6 pertains to weighing the evidence. It is up to you to
7 decide what evidence is reliable. You should use your
8 common sense in deciding which is the best evidence
9 and which evidence should not be relied upon in
10 considering your verdict. You may find some evidence
11 not reliable or less reliable than other evidence.
12 You should consider how the witnesses acted, as well
13 as what they said. Some of the things you should
14 consider are: One, did the witness seem to have an
15 opportunity to see and know the things about which the
16 witness testified; two, did the witness seem to have
17 an accurate memory; three, was the witness honest and
18 straightforward in answering the attorney's questions;
19 four, did the witness have some interest in how the
20 case should be decided; five, does the witness's
21 testimony agree with the other testimony and other
22 evidence in the case. You may rely upon your own
23 conclusion about the witness. A juror may believe or
24 disbelieve all or any part of the evidence or
25 testimony of any witness.

1 If you are selected as a juror, will you promise
2 to follow this instruction? Can everyone do that?

3 THE PROSPECTIVE JURY PANEL: Yes.

4 THE COURT: Any questions or concerns? (No
5 response). Okay.

6 Several of you have indicated on your juror
7 questionnaire that you know members of law
8 enforcement. So that gives me an opportunity to tell
9 you how the Court treats law enforcement officers and
10 other witnesses who are involved in the criminal
11 justice system.

12 Every witness comes into court on equal footing
13 with every other witness. In other words, the
14 testimony of one witness, including a law enforcement
15 witness, is not to be given greater weight simply
16 because of the witness's occupation or profession.
17 You should weigh the credibility of all witnesses as I
18 have just previously instructed you.

19 Now, can you assure me that you will follow my
20 instructions and fairly consider the testimony of all
21 witnesses, and do any of you feel that you might give
22 greater weight to the testimony of a witness just
23 because that witness happens to be a law enforcement
24 officer? Does anyone have any issues with this
25 instruction? Could everybody follow this instruction?

1 THE PROSPECTIVE JURY PANEL: Yes.

2 THE COURT: Is there anyone who has any questions
3 or concerns about that? (No response). Okay.

4 This is a pretty general, open question, and I
5 ask it that way on purpose so that you might have an
6 opportunity to respond if you feel it's appropriate.
7 Do any of you feel that you might be biased or
8 prejudiced for or against the defendant in this case?
9 Now, we talked about a lot of this individually, but
10 do any of you have any concerns about that? (No
11 response). Okay, I see no hands.

12 Okay. Do any of you feel that you might be
13 biased or prejudiced for or against the State of
14 Florida? We give this example, you got a traffic
15 ticket, and it really made you angry, and you just
16 can't get over it. That's a pretty simplistic
17 example, but some people have been involved in the
18 criminal justice system, maybe as a witness, maybe
19 involving a relative, maybe involving a case that you
20 were involved, and it might have been this state
21 attorney's office, Brevard County, and you just say,
22 hey, I have a grudge against the State of Florida. Do
23 any of you feel that you have those concerns? (No
24 response). Okay, I see no hands.

25 If you are selected as a juror in this cause, you

1 will be asked to render a fair and impartial verdict
2 based upon the evidence presented in this courtroom
3 and the law as it pertains to this particular case as
4 instructed by the Court. Will you promise to accept
5 and follow the Court's instructions on the law, even
6 if you find you disagree with the law and wish it were
7 something different? Can everyone do that?

8 THE PROSPECTIVE JURY PANEL: Yes.

9 THE COURT: I get to tell you what the law is,
10 and you've got to follow my instructions. Does anyone
11 have any difficulty with that? Some people have
12 really strong convictions about what they want the law
13 to be; and maybe when you come in here and hear the
14 law, it may be different than what you thought it was.
15 Can everyone follow this instruction?

16 THE PROSPECTIVE JURY PANEL: Yes.

17 THE COURT: Okay. Does anyone have any concerns
18 about this? (No response). Okay, I see no hands.

19 As I said at the outset, this is a criminal jury
20 trial, and as a juror, you will be called upon to
21 reach a verdict in this case, to find the defendant
22 either guilty or not guilty of the crimes charged. Do
23 any of you have any religious or philosophical belief
24 or moral convictions or concerns, where you would
25 prefer not to sit as a juror in this case, where you

1 would be called upon to make that type of a decision?
2 Anyone have any concerns about this? We talked about
3 this some in individual as well. (No response).

4 Okay, I see no hands.

5 Now, we know we talked about issues before, but
6 do any of you have any reason, such as a pressing
7 personal problem, or some other matter, that could
8 prevent you from giving your full and undivided
9 attention to this trial mentally? Anyone have any
10 concerns with that? Any hands? Okay. I see a
11 couple hands. I'm going to start -- I'm going to go
12 -- Number 2, yes, ma'am?

13 JUROR NUMBER 2: Well, the first day we were
14 here, during lunch, my son actually broke his arm at
15 school, and so he's got some appointments between now
16 and the next several weeks, he has some x-rays on it.
17 I'm a single parent, so I have to take him myself.

18 THE COURT: Okay. So you say your son broke his
19 arm at school. How old's your son?

20 JUROR NUMBER 2: Six.

21 THE COURT: And you are a single parent, and you
22 are the one responsible for doing that?

23 JUROR NUMBER 2: Yes, ma'am.

24 THE COURT: Do you have anyone who could help you
25 with that?

1 JUROR NUMBER 2: No.

2 THE COURT: Okay. Anyone else on this side?

3 Number 9, yes?

4 JUROR NUMBER 9: I have concern that if we were
5 sequestered, and I know you said nothing about that,
6 but I need to be -- I'm an online professor at [REDACTED]
7 [REDACTED], and we have some exams and papers going right
8 now, and I have to be able to tend to that. I can't
9 be locked away from the Internet. And, also, I work
10 at an engineering job, and I have to be able to keep
11 up with my e-mail, I'm one deep on my job.

12 THE COURT: Okay. So you're saying you need to
13 have e-mail access.

14 JUROR NUMBER 9: I have to have Internet access,
15 and not be -- I know they do that sometimes with cases
16 like this, they lock you all --

17 THE COURT: The time that that comes into effect
18 would be -- the time that we take away your computers
19 and your phones are during deliberation.

20 JUROR NUMBER 9: Okay.

21 THE COURT: So that would be at the end. I mean,
22 there would be a period of time that you wouldn't have
23 access to that, but it wouldn't be more than, perhaps,
24 a few days. I don't know.

25 JUROR NUMBER 9: Yeah. I'm saying, like, if it

1 was over a period of several days. I'm okay if I go
2 home and I --

3 THE COURT: And you can address that.

4 JUROR NUMBER 9: Yeah.

5 THE COURT: Okay. I saw one -- I saw Number 58,
6 yes, ma'am?

7 JUROR NUMBER 58: Last week, I was involved in a
8 three-car accident, and I'm currently under treatment
9 from my doctor, and I have to have therapy two times a
10 week.

11 THE COURT: Okay. And what were the nature of
12 your injuries?

13 JUROR NUMBER 58: In my back. It's very, very
14 difficult for me just to sit. I have to be able to
15 stand and move around a little bit.

16 THE COURT: And so you're under -- what kind of
17 treatment are you undergoing?

18 JUROR NUMBER 58: Physical therapy.

19 THE COURT: And how often are you doing that?

20 JUROR NUMBER 58: Twice a week. I do have the
21 physician, if you need that.

22 THE COURT: Okay. You should -- do you have that
23 accessible?

24 JUROR NUMBER 58: Yes.

25 THE COURT: Okay. Get that out, I'll get that

1 from you. I'll review that in just a few moments.

2 Okay. Anyone else in the box? (No response). I saw

3 -- I think it's 106, yes, ma'am?

4 JUROR NUMBER 106: Well, at the time that you had
5 asked us if we had any prior commitments that we
6 couldn't get out of, I was okay then, but now that
7 it's been another almost two weeks later before the
8 trial's going to start, I have a trip starting May
9 23rd through June 3rd.

10 THE COURT: May 23rd?

11 JUROR NUMBER 106: Yes. So I'm not sure how they
12 -- how long the trial's going to go.

13 THE COURT: May 23rd, you're good to go. With
14 all due respect, I have hundreds of cases. I'm going
15 to be somewhere else May 23rd. No, you're good to go.
16 If it was April 7th -- I don't even know what day that
17 is of the week -- but if it was that day, I might be
18 concerned. Okay. At this time, it looks like the
19 trial has been extended, with all due respect, and we
20 expect it may go through the first week of April,
21 possibly the second week of April, but it should be
22 done by then. Okay. Anyone else? Did I see any
23 hands over here? Okay, 113, yes, sir?

24 JUROR NUMBER 113: That first week of April, that
25 Friday, is my best friend's wedding before he's being

1 deployed. They had to move it up a little bit because
2 they moved up his deployment. While I was okay
3 because the actual wedding was on a weekend, now that
4 it's during the week, and they had to change venues
5 because of that, they have all the groomsmen and the
6 bridesmaids doing all the set up and the tear down at
7 one of the bride's relatives house for the actual
8 event and the post-party.

9 THE COURT: What time is it on that first -- it's
10 the Friday the first week of April?

11 JUROR NUMBER 113: Yes. The actual wedding, I
12 believe, is at 2:00. And it's in Sarasota.

13 THE COURT: Okay. So I think that's April 4th.
14 So if you had April 4th off, would you be able to do
15 that?

16 JUROR NUMBER 113: I mean, I could make it to the
17 event, but I would still like to be able to be there
18 to help for a couple days beforehand to help set
19 everything up and possibly put out any fliers that
20 need to be put out.

21 THE COURT: Okay. What is -- I mean, at this
22 time, what's your plans to go there? When were you
23 planning on leaving?

24 JUROR NUMBER 113: I was going to leave that
25 Wednesday.

1 THE COURT: So April 2nd?

2 JUROR NUMBER 113: Yes.

3 THE COURT: Okay. Anyone else on the right side?

4 Juror Number 149, yes, ma'am.

5 JUROR NUMBER 149: My husband and I have been
6 planning a trip for a year, and we're supposed to
7 leave April 3rd.

8 THE COURT: And where are you going?

9 JUROR NUMBER 149: We're going to Bali.

10 THE COURT: Where?

11 JUROR NUMBER 149: Bali. We're meeting our
12 daughter over there.

13 THE COURT: To go to the John Hardy Jewelry
14 Factory?

15 JUROR NUMBER 149: Oh, no.

16 THE COURT: That's my dream, I want to go to Bali
17 to the John Hardy Jewelry Factory.

18 JUROR NUMBER 149: My daughter works in Korea,
19 and we were going to meet her over there.

20 THE COURT: Okay. Any you're leaving when?

21 JUROR NUMBER 149: April 3rd.

22 THE COURT: Okay. Number 156?

23 JUROR NUMBER 156: Yeah, I just wanted to let you
24 know that I am, right now, on medication for treatment
25 of depression.

1 THE COURT: For treatment of --

2 JUROR NUMBER 156: Post-traumatic stress
3 syndrome.

4 THE COURT: Okay. How -- I mean, that would be
5 something I would assume you would have talked to us
6 before about. Are you having any issues with that?

7 JUROR NUMBER 156: Not at this time, no.

8 THE COURT: Okay. All right. I saw another
9 hand. 164?

10 JUROR NUMBER 164: Yes, ma'am. I have a
11 degenerative disc in my neck and pinched nerves and
12 pains in my shoulder (unintelligible) and I need to go
13 for treatment on that.

14 THE COURT: Okay. Why didn't we talk about that
15 before too?

16 JUROR NUMBER 164: Well, we were talking about my
17 arm being messed up before, but we also -- I did
18 mention that I had other pain issues, but nothing
19 spoken about that.

20 THE COURT: Okay. You would -- those chairs are
21 a lot harder than these chairs, are you having any
22 issues at this time?

23 JUROR NUMBER 164: Yes, I am. (Unintelligible).

24 THE COURT: Okay. With all due respect, this
25 process -- I had to get a certain number to move to

1 this process, and, I mean, these are some of the
2 issues I would have liked to have heard about -- I
3 heard you say other pain, but you didn't bring that
4 up, so I didn't -- it didn't appear to be an issue.
5 Why is that an issue now?

6 JUROR NUMBER 164: I'm not sleeping well, and I
7 have to get into the doctor for treatment.

8 THE COURT: Okay. I'll tell you that a juror
9 called in today and said they were sick, and I told
10 them they either be here, or get me a doctor's excuse.
11 That's how I feel about you all being here today.
12 This is an important process, it's taken us a long
13 time to get to this process. This is your duty to be
14 here and serve, and I take it very seriously.
15 Especially at this stage, we've made a lot of effort
16 to get to where we're at at this moment. Okay. I
17 think -- I can't quite see her number. Is it 190?

18 JUROR NUMBER 171: 171.

19 THE COURT: Oh, I didn't see you at all. Okay,
20 171. I was in the back. 171, yes, ma'am.

21 JUROR NUMBER 171: Yes, ma'am. I was here
22 Tuesday and Wednesday, and when I returned to work
23 yesterday, I was advised that I'm only getting paid
24 for two weeks of being here.

25 THE COURT: Okay.

1 JUROR NUMBER 171: So that would cause somewhat
2 of a hardship, especially in what I do.

3 THE COURT: Okay. Did you -- were you under the
4 impression that you were going to get paid for the
5 whole time you were going to be here?

6 JUROR NUMBER 171: I was advised the first time,
7 but then I guess they pulled out the handbook and it's
8 in there that it says two weeks only.

9 THE COURT: Okay. Tell me about your family
10 situation and your finances.

11 JUROR NUMBER 171: Well, it would affect my
12 finances with only getting paid, you know, \$30 a day.
13 That's what I make, like, in one hour, so it would
14 make it --

15 THE COURT: Well, some people say that, Judge, I
16 don't like it, but, financially, I can do it. I don't
17 like it, but I can do it. Other people say it would
18 be devastating. So that's what you have to help me
19 with.

20 JUROR NUMBER 171: I would probably say it would
21 make a huge impact.

22 THE COURT: Okay. How many people are in your
23 family?

24 JUROR NUMBER 171: Three.

25 THE COURT: What does your family consist of?

1 JUROR NUMBER 171: My fiance and my daughter.

2 THE COURT: And does your fiance live with you?

3 JUROR NUMBER 171: Yes.

4 THE COURT: Does he contribute to the household?

5 JUROR NUMBER 171: He's self-employed, so it's
6 not consistent.

7 THE COURT: And self-employed doing what?

8 JUROR NUMBER 171: Car detailing and paint for
9 cars.

10 THE COURT: Okay. All right. I saw a hand in
11 the second row, I think that was 190, or was it 184?
12 I can't see your number, so tell me what number you
13 are.

14 JUROR NUMBER 184: 184.

15 THE COURT: Okay. Yes, ma'am?

16 JUROR NUMBER 184: I did not mention it, but my
17 mother-in-law is living with us and --

18 MR. MOORE: I can't hear you.

19 THE COURT: You've got to speak up.

20 JUROR NUMBER 184: My mother-in-law is living
21 with us right now, she comes down and visits us during
22 the winter months, and we thought that she was going
23 to get better, but today, she seems to have gotten a
24 little worse, she suffers from dementia.

25 THE COURT: Okay.

1 JUROR NUMBER 184: And we have to watch her 24
2 hours, and so I need to be there for her. Because I
3 have a 12 year old, and I need to -- you know, my
4 husband spends a lot of time with her, and I need to
5 make sure that my daughter stays on task.

6 THE COURT: Okay. I have a 17 year old, believe
7 me, I need to make sure someone stays on task with
8 him, but I know you -- I know you work, so you would
9 be here about the same time that you would be at work.
10 So how is this affecting your ability to do those
11 things?

12 JUROR NUMBER 184: Well, sometimes I
13 (unintelligible) and help him with her.

14 THE COURT: Okay. Because you'll be -- you know,
15 we work from -- the hours that we're going to work is
16 9:00 to 5:00, you'll be home at night. And, believe
17 me, I always leave the courthouse and people say, have
18 a good night, Judge; and I say, no, my second job is
19 just starting. So making dinner, making sure
20 homework's done, I mean -- with all due respect, I
21 mean, how does this change that? Does this change any
22 of that? Because I know you work full time too.

23 JUROR NUMBER 184: Well, you know, it would hurt,
24 and, you know, you really don't know what's going on,
25 so sometimes it's kind of (unintelligible).

1 THE COURT: Does your husband work?

2 JUROR NUMBER 184: Yes.

3 THE COURT: Okay. Who stays with the mom during
4 the day?

5 JUROR NUMBER 184: She goes to a senior center,
6 like a daycare.

7 THE COURT: Okay. Okay. All right. Then,
8 anyone else? Did I miss anyone else? 17?

9 JUROR NUMBER 14: It may not really be a problem,
10 I don't know, but when we first started, you said the
11 trial would last five weeks. My daughter and two of
12 my granddaughters are coming down and have airline
13 reservations for April 1st. I live by myself, so
14 there would be nobody there to (unintelligible). It's
15 something I could possibly work around, I just didn't
16 really plan on this taking this long (unintelligible).

17 THE COURT: Okay. And how -- are they adults, or
18 kids?

19 JUROR NUMBER 17: Well, my daughter is.

20 THE COURT: Okay. Your daughter and your
21 granddaughter. I thought you said --

22 JUROR NUMBER 17: Two granddaughters.

23 THE COURT: Okay. So the daughter's going to be
24 with them. And the two granddaughters, I assume those
25 are kids.

1 JUROR NUMBER 17: Yeah. They're 15 and 17.

2 THE COURT: Okay. And you were planning on, I
3 assume, spending time with them and being with them;
4 is that correct?

5 JUROR NUMBER 17: Yes.

6 THE COURT: But you say it may be something you
7 can work around.

8 JUROR NUMBER 17: Well, yeah. Hopefully I was
9 going to be home in the evenings, and problems might
10 be transportation from the airport if they haven't
11 rented a car that week.

12 THE COURT: Okay. All right. Anyone else?
13 Number 89, yes, ma'am.

14 JUROR NUMBER 89: All I need is one day next
15 week, because my daughter's having problems at
16 school --

17 THE COURT: You know, we can't take off one day
18 next week. That doesn't work.

19 JUROR NUMBER 89: Right. That's what I'm saying.
20 Are we here every day next week?

21 THE COURT: We're going to be here -- we do have
22 two days that we're scheduled to be off, they've been
23 scheduled to be off a long time, they're March 24th
24 and March 25th. Other than that, we're going to be
25 here from 9:00 to 5:00 every day. I mean, you've had

1 some time off because we've been doing some other
2 things, but that's not going to happen once this --

3 JUROR NUMBER 89: She just called me right before
4 I walked in here.

5 THE COURT: And so what do you need to do?

6 JUROR NUMBER 89: I have to have a parent
7 conference because my daughter's not doing good in
8 school. Well, she's having issues in school.

9 THE COURT: Okay. You might have to work around
10 that. I have to have parent conferences too, and I
11 have to work around that. You might have to work
12 around that. Where does she go to school at?

13 JUROR NUMBER 89: Charter Elementary.

14 THE COURT: Where is that? What city?

15 JUROR NUMBER 89: Palm Bay.

16 THE COURT: That might be harder. I don't know
17 if you're -- if they'll do it during Spring Break, if
18 someone would do it during Spring Break. There might
19 be a time we have to get off early for some -- we have
20 to do other things, so you may get off early. If you
21 were going to do that, I would do that. You might
22 have a couple -- you might have a break maybe Tuesday
23 morning, but we can -- I mean, you're just going to
24 have to fit it in when you have to fit it in. Okay?
25 I mean, I would say lunch time, but Palm Pay is hard

1 to get to at lunch time. All right. But I would tell
2 you that you're going to have to work around things
3 like that. I mean, with all due respect, we all have
4 to work around things like that; and you've got to
5 tell her what you're doing, and I would think she
6 would think this is important, I would hope she would
7 think this is important and work with you. I mean,
8 maybe she might do it at 5:30 one night.

9 JUROR NUMBER 89: I'll ask.

10 THE COURT: Okay. Now, although I have tried to
11 ask some specific questions regarding your ability to
12 sit fairly and impartially as a juror in this case, I
13 may have overlooked a specific question, or only
14 touched upon an area without asking you a specific
15 enough question, so let me ask you now, in as broad a
16 sense as possible, do any of you know any reason why
17 you could not serve fairly and impartially as a juror
18 in this case, or why, now that you have some
19 additional knowledge about the case, you simply cannot
20 sit as a juror in this case? Does anyone have --
21 okay, I see one hand. Number 108? Do I have the
22 right number?

23 JUROR NUMBER 108: Yes.

24 THE COURT: If at any time any of us call the
25 wrong number -- or if we say a number and that's not

1 your number, and we think we're talking to you, it's
2 kind of hard to see your numbers sometimes, speak up
3 and tell us we have the wrong number. Because we are
4 making a record here based on the numbers, so it's
5 important that we have the right number. Okay.

6 Number 108, yes, ma'am?

7 JUROR NUMBER 108: I have one other question. If
8 chosen, are we to remain anonymous before, during, and
9 after?

10 THE COURT: Yes, ma'am. We take that very
11 seriously. Which is why you have numbers. Okay. The
12 only people that have your information are me and the
13 attorneys. And each time, like when a juror is not
14 selected, or the juror information is no longer in
15 use, that information is given back to the clerk, and
16 it's shredded. Just so you know.

17 Okay. I'm going to read to you this instruction.
18 In order to have a fair and lawful trial, there are
19 rules that all jurors must follow. You know the other
20 day, when I keep telling you that one instruction,
21 this is the long instruction to the short instruction
22 that I keep telling you. A basic rule is that jurors
23 must decide the case only on the evidence presented in
24 the courtroom. You must not communicate with anyone,
25 including friends and family members, about this case,

1 the people and places involved, or your jury service.
2 You must not disclose your thoughts about this case,
3 or ask for advice on how to decide this case. I want
4 to stress that this rule means you must not use
5 electronic devices or computers to communicate about
6 this case, including tweeting, texting, blogging,
7 e-mail, posting information on a website or chatroom,
8 or any other means at all. Do not send or accept any
9 messages to or from anyone about this case, or your
10 jury service. You must not do any research or look up
11 words, names, maps, or anything else that may have
12 anything to do with this case. This includes reading
13 newspapers, watching television, or using a computer,
14 cell phone, the Internet, any electronic device, or
15 any other means at all to get information related to
16 this case, or the people and places involved in this
17 case. This applies whether you are in the courthouse,
18 at home, or anywhere else. All of us are depending on
19 you to follow these rules so that there will be a fair
20 and lawful resolution to this case.

21 If you investigate, research, or make inquiries
22 on your own, outside of the courtroom, the trial judge
23 has no way to assure that they are proper and relevant
24 to the case. The parties, likewise, have no
25 opportunity to dispute the accuracy of what you find,

1 or to provide rebuttal evidence to it. That is
2 contrary to our judicial system, which assures every
3 party the right to ask questions about and rebut the
4 evidence being considered against it, and to present
5 argument with respect to that evidence. Non-court
6 inquiries and investigations unfairly and improperly
7 prevent the parties from having that opportunity our
8 judicial system promises. If you've become aware of
9 any violation of these instructions, or any other
10 instructions I give you in this case, you must tell me
11 by giving a note to one of the court deputies.

12 Now, it may be necessary during jury selection,
13 as well as the trial, for me to talk privately to the
14 attorneys here at the bench, or with the jury out of
15 the room. Please don't speculate on what these
16 conferences are about. These bench conferences should
17 in no way affect your duty as a juror in this case.
18 Some of these conferences can get a little extended.
19 We will do our best not to waste your time, but you
20 should expect some downtime on your part. Having to
21 wait, unfortunately, is part of your jury service. A
22 lot of times we handle legal issues while you're
23 outside the room, so you may be waiting while we
24 handle those. Given the stakes, I hope you will be
25 understanding and patient with us. We are going to

1 proceed thoughtfully, carefully, and deliberately.
2 This is not going to be a process that we are going to
3 rush.

4 Now, at this time I do want to have a bench
5 conference with the attorneys.

6 (Thereupon, voir dire selection was had which was
7 not requested to be transcribed.)

8 THE COURT: Okay. We can give this note back to
9 58. Okay. If you hear your name, I am going to
10 release you from being considered as a juror in this
11 case. Now, there was others that brought some
12 concerns up, with all due respect, we want to question
13 you more with regard to those concerns. We may still
14 have an opportunity to address the issue, but I'm not
15 going to release you at this time. So if you hear
16 your name, you are free to go. Report to the jury
17 assembly room, tell them you've been released from
18 Judge Reinman's courtroom, and they'll give you
19 further information. Juror Number 2, Juror Number 58,
20 and Juror Number 113. Okay. Others stressed some
21 concern to me, we're going to have -- I'm going to
22 give the attorneys the opportunity to question you
23 further with regard to that issue.

24 I want to thank everyone for answering my
25 questions. I am now going to call upon the attorneys

1 to ask you some questions. They will not ask the same
2 questions I have asked, but they may follow up on
3 questions about areas I have covered. During the
4 course of the trial, I am calling upon the attorneys
5 to proceed one in front of the other, in an
6 established pattern of trial procedure. I am never
7 picking or choosing which side I would personally
8 prefer to go first, nor am I showing any favoritism
9 whatsoever in which side is given the first or the
10 second opportunity to address you. I am simply
11 following a pattern of trial procedure which has been
12 agreed upon in this State. Nothing I say or do during
13 the course of this trial, nor any ruling I make,
14 should make you think I prefer one verdict to another,
15 or one side to the other, in the presentation of
16 evidence or testimony in this case. I assure you that
17 I have no such preference, and I wish to emphasize
18 that deciding on a verdict in this case is exclusively
19 the jury's job.

20 Okay. The State may proceed.

21 MR. BROWN: Thank you, Your Honor. Members of
22 the panel, good morning. As I introduced myself to
23 you all at various stages over the last few weeks, my
24 name is Tom Brown, I'm one of the two assistant state
25 attorneys that's going to be trying this case as we

1 proceed from this point forward. And as you can
2 gather, what we've been doing the last few weeks is
3 the portion of the trial known as voir dire. It's a
4 question and answer session, and now it's the
5 opportunity to do it as a group session.

6 A couple of ground rules to try to make this a
7 little bit smoother, easier, and as quick as I can
8 possibly do it. As you can imagine, we have well over
9 40, close to 50, people here. It's going to take some
10 time, both for my questions, as well as questions from
11 defense counsel. You know, if I spend 10 minutes per
12 person, which isn't really a lot of time, I'm going to
13 be here well into Monday questioning everybody at 10
14 minutes a person. I'm not going to be taking that
15 long, but some questions, I'm going to go down
16 individually, and just ask for each person's thoughts.
17 Other questions, I'm going to go, kind of, row by row,
18 ask for a show of hands. But what I need, especially
19 in those questions, and it's what we've been asking
20 all along, is everybody to be as forthright and as
21 complete in their answers as possible. It's very
22 important that we get that, and that's really the
23 whole essence of voir dire, which means "seek the
24 truth."

25 So, with that, as we go through, as the judge

1 indicated, if I call a wrong number -- and I've got
2 the numbers written out on my chart, but if I'm
3 looking at the wrong page, I may get the number wrong;
4 and sitting where I'm standing right now, it's
5 difficult or impossible to see some numbers, and
6 difficult for others. So if I'm looking towards your
7 direction, but I happen to call a wrong number, and
8 I'm nowhere near your number, please let me know,
9 we'll try to correct that.

10 The next thing is, as the judge as hit upon, we
11 need everybody to speak up. Everybody needs to be
12 able to hear you, and the recording system needs to be
13 able to hear you. Along with that, if you have any
14 concern, unable to hear what I say, please let me
15 know. And, also, if you're selected into the trial,
16 at any point during the trial that you're unable to
17 hear either the attorney's questions or the witness's
18 answers, immediately get our attention. Don't wait,
19 well, maybe I'll hear the next question and answer,
20 immediately get our attention. Because it doesn't
21 make much sense having a jury if you're going to miss
22 things and not be able to hear every question and
23 every answer. Along with that, what may very well
24 happen is, I'll start up here, be asking people
25 questions, go row by row, and perhaps when I get to

1 there or get back here, somebody may have said
2 something that may have rung a bell with somebody
3 who's already answered a question. It happens.
4 That's common. If that's the case, please raise your
5 hand, get my attention. By all means, I want to hear
6 your answer, hear your concern. So please get my
7 attention and answer that question. Sometimes I may
8 be on to a topic, or another question, two or three
9 down the line, and somebody has said something that
10 rings a bell for an earlier question, and you suddenly
11 think about it, by all means, let us know that too,
12 and I think when defense counsel asks their questions,
13 they'd appreciate the same courtesy. If it's for a
14 prior question, put it in context so we can relate it
15 back to that question, but I would appreciate
16 everybody, if anything comes to mind, just letting me
17 know.

18 With that, we'll be starting down in front with
19 Juror Number 1. I don't mean to pick on you, but
20 starting with Number 1 makes more sense than starting
21 anywhere else. And the first two-fold question that I
22 have, and I'll be asking this of everyone
23 individually, it's a two part question, first is, what
24 do you tend to do in your day-to-day, in your daily
25 life, not, you know, when I get a week off, this is

1 what I love to do, or, if I get a long weekend, this
2 is what I do, what do you typically do after work,
3 after hours, during the day? And the second half of
4 the question is, in a few words, can you give me a
5 description of your personality?

6 JUROR NUMBER 1: Sure. If I'm not at work, I am
7 at home with my fiance, and if I have days off, we
8 will get on the motorcycle and we'll pack our gear and
9 we'll take a day trip and go somewhere for the day,
10 just be together. Or we'll just do some errands on my
11 day off. So I'm usually with my fiance at home, or at
12 work. The second part of your question is, I try hard
13 to have an open mind, try to get along with others,
14 and mind my business.

15 MR. BROWN: Juror Number 4, same questions to
16 you, sir.

17 (Thereupon, voir dire selection was had which was
18 not requested to be transcribed.)

19 MR. BROWN: Number 5?

20 JUROR NUMBER 5: After work, I like to spend time
21 with my family, do a loft of softball practice,
22 baseball practice, soccer. Weekends, when we don't
23 have game days, we'll go out on the boat, on
24 four-wheelers. That's about it for me. As far as
25 personality, (unintelligible).

1 MR. BROWN: Okay. Juror Number 9?

2 (Thereupon, voir dire selection was had which was
3 not requested to be transcribed.)

4 MR. BROWN: Okay. Number 65?

5 JUROR NUMBER 65: Yes, sir. My routine in the
6 morning is, I'm retired at the moment because I got
7 injured from my previous job. I just stay home in the
8 morning, I get up, do some walking, go to the garden,
9 take care of the garden (unintelligible). And then,
10 most of the days, I love to watch sports, usually have
11 sports on day and night, and I also sit in my
12 (unintelligible) because I love to (unintelligible)
13 for myself. I love kids, I'm a fair-minded person,
14 and I like to listen to other people.

15 MR. MOORE: I didn't hear that last part.

16 JUROR NUMBER 65: I love kids, I'm a fair-minded
17 person, and I like to listen to other people.

18 MR. BROWN: What kind of work did you retire
19 from?

20 JUROR NUMBER 65: (Unintelligible) mechanic
21 (unintelligible) inspector for the state.

22 MR. BROWN: Thank you. Number 82?

23 (Thereupon, voir dire selection was had which was
24 not requested to be transcribed.)

25 MR. BROWN: Number 87?

1 JUROR NUMBER 87: I wake up at 2:00 a.m. to go to
2 work. When I get home, I usually take a nap
3 (unintelligible). I enjoy going to the movies. I
4 work most weekends, so (unintelligible). My
5 personality, I'm honest, hardworking, relaxed person.

6 MR. BROWN: Thank you. Number 88?

7 (Thereupon, voir dire selection was had which was
8 not requested to be transcribed.)

9 MR. BROWN: Number 102?

10 JUROR NUMBER 102: I work 8:00 to 5:00 in the
11 medical field, pretty much five days a week, we get
12 weekends off. I have a spare job in the evening that
13 I do after hours, same type of thing, medical field
14 diagnostics type of thing. Right now, they haven't
15 called me lately, but once in a while they do.
16 Basically, when I get off work, I go home, make
17 dinner, kick back and watch TiVo, we love Syfy. For
18 myself, I think I'm an honest person. I believe that
19 if I say I'm going to be somewhere, and I give my
20 word, I'm going to be there. I'm honest about it.

21 MR. BROWN: Okay. Thank you. Number 105?

22 (Thereupon, voir dire selection was had which was
23 not requested to be transcribed.)

24 MR. BROWN: Number 107?

25 JUROR NUMBER 107: I'm enjoying the good life,

1 I'm retired. I was working 42 years for
2 (unintelligible) in New York, I was a general foreman
3 in charge of the emergency bureau. I also retired
4 from (unintelligible) after 20 years. I raised four
5 beautiful children back in New York, they're all
6 living in New York. I have five grandchildren. I
7 live right down the road here. I love riding my bike.
8 My motorcycle, I should say. I like taking my wife --
9 it's just me and my wife now, we go back and forth
10 from here to New York. We're not really snowbirds, we
11 stay down here most of the time. I hang out by the
12 pool a lot with my friends. I like to go out to
13 dinner at night. I know I'm a trustworthy person. I
14 always believed in that there's always two sides to
15 every story. I'm honest. I'm a comedian. That's
16 about it.

17 MR. BROWN: Thank you, sir. Number 108?

18 JUROR NUMBER 108: After work, I usually run with
19 my dog. I'm working on my dissertation too, trying to
20 finish that. My husband and I will relax, watch TV,
21 The Voice, work around the house, that type of thing.
22 Personality-wise, I would also say that I'm
23 introverted. I like to think I'm pragmatic,
24 thoughtful, have a good sense of humor.

25 MR. BROWN: Thank you. Number 114?

1 JUROR NUMBER 114: I'm retired. I work part
2 time, to keep me busy. I owned a business for 40
3 years. I have a wood shop that I like to work in. I
4 like to fish. My wife also works -- she's retired,
5 but she also works. And in the evenings, we'll go for
6 walks, walk our dogs. And as far as my personality, I
7 was always a person who would take the hard job
8 (unintelligible) that I couldn't do it, I wouldn't
9 give it to somebody else. I had long-term employees.
10 And I'm a very happy person.

11 MR. BROWN: What type of business did you have?

12 JUROR NUMBER 114: I owned a woodworking company.

13 MR. BROWN: Thank you. Number 116?

14 (Thereupon, voir dire selection was had which was
15 not requested to be transcribed.)

16 MR. BROWN: Number 124?

17 JUROR NUMBER 124: I am not retired. I work
18 pretty much five days a week. After work, it becomes
19 my wife and kids, those are my life. Normally, it's
20 homework in the afternoon, dinner, and we do something
21 fun, you know, might take a walk, take the dogs for a
22 walk, go to the park, something. The kids are 10 and
23 8. On weekends, baseball, and gymnastics for my
24 daughter. Sunday morning's church, breakfast, and
25 then normally we go back to the house as a family and

1 do something fun, like barbecue. Personality, my
2 integrity is probably my biggest asset. I'm loyal,
3 hardworking.

4 MR. BROWN: Thank you. Number 125?

5 JUROR NUMBER 125: My career and my life pretty
6 much commingle. I love my life. I'm currently
7 rehabbing a 1950's car. I have a huge garden that I
8 spend a lot of time in and an organic
9 (unintelligible). And I love traveling the world,
10 getting to see different cultures. I currently live
11 with my fiance, and I love spending time with my dog
12 as well. My personality, I'm driven, friendly, I'm
13 very outgoing, and love spending time with my eight
14 siblings.

15 MR. BROWN: Okay. Thank you. Number 126?

16 (Thereupon, voir dire selection was had which was
17 not requested to be transcribed.)

18 MR. BROWN: Thank you. Number 136?

19 JUROR NUMBER 136: I work full time. Monday
20 through Thursday I work 7:30 to 5:30, and on Friday I
21 work half days. Usually, in the evenings, I go to the
22 fitness center with my daughter. And just dinner and
23 hanging out with my husband and my daughter, maybe
24 watching some TV. On the weekends, I'm usually doing
25 something around the house, cleaning, laundry, et

1 cetera. I like to go to dinner, the movies, and
2 church on Sundays, and then just hanging out with
3 family. As far as my personality, I'm sort of quiet,
4 I don't like speaking in front of large groups. I'm
5 dedicated, hard working, dependable, and I put others
6 before myself, I love to help others, and I will go
7 out of my way to make sure they have a better day.

8 MR. BROWN: Thank you. Number 147?

9 JUROR NUMBER 147: Right now I am unemployed, so
10 I care for a friend's nine month old. I love kids, I
11 have an almost 14 year old, and I spend most of my
12 time with her, just taking care of things with her. I
13 like spending time with my family, they're the most
14 important. (Unintelligible). My personality, I'm
15 quiet, I can be very honest, sometimes to a fault, I'm
16 a kind person, and I'm basically happy.

17 MR. BROWN: What line of work were you in
18 previously?

19 JUROR NUMBER 147: I've always done childcare.

20 MR. BROWN: Thank you. Number 149?

21 (Thereupon, voir dire selection was had which was
22 not requested to be transcribed.)

23 MR. BROWN: Number 156?

24 JUROR NUMBER 156: I worked for the utility
25 company in New York for 33 years, until I had to

1 retire. When I moved down to Florida, I got a
2 part-time job, anywhere from 25 to 30 hours a week.
3 In my spare time, I cut grass, do a little housework,
4 like to go fishing, try to help my neighbors.

5 MR. BROWN: How would you describe your
6 personality?

7 JUROR NUMBER 156: Pretty mild.

8 MR. BROWN: Okay. Number 159?

9 (Thereupon, voir dire selection was had which was
10 not requested to be transcribed.)

11 MR. BROWN: Thank you. Number 190?

12 JUROR NUMBER 190: I'm retired. I was a property
13 and liability claims adjuster. I live with my fiancée
14 now, and do retirement things, fish, bike, try to
15 finish (unintelligible). I'm currently studying to
16 get my life, health, and annuity license and sell
17 insurance. Personality, I'm pretty easygoing,
18 laid-back, sense of humor, curious. That's about it.

19 MR. BROWN: Okay. Thank you. Number 196?

20 (Thereupon, voir dire selection was had which was
21 not requested to be transcribed.)

22 MR. BROWN: Thank you. Number 198?

23 JUROR NUMBER 198: I recently moved here to
24 Florida, two and a half years ago, from Michigan. My
25 family is there. My husband and I are here, retired,

1 and I retired from education. I was a secretary in a
2 school system of 7000 students, and I worked in all
3 levels of the school system. And now I do pretty much
4 what retired people do, I walk, I -- we travel, we
5 like to eat out. As for -- I'm a very happy person, I
6 have to keep something going all the time. I'm not a
7 TV person, but I'm a very avid Tigers fan. I create
8 and design jewelry. I read, go to the beach, just
9 pretty general, whatever I want to do.

10 MR. BROWN: Number 205?

11 (Thereupon, voir dire selection was had which was
12 not requested to be transcribed.)

13 THE COURT: Okay. You know what, it would be an
14 appropriate time to take a break. So we're going to
15 give you a 15-minute break. If you do need to go
16 downstairs and outside, you can do that. I'm going to
17 ask you to be back here at five minutes to 11:00.
18 Now, you are going to be sitting in the same seats, so
19 if you need to leave something, you're free to do
20 that. You must continue to abide by your rules
21 governing your service as a juror. Do not discuss
22 this case among yourselves. You all can talk with
23 each other, but do not discuss this case. Do not
24 discuss this case with anyone else, if you see any of
25 the parties, the lawyers or the defendant, outside

1 this courtroom, or anything like that, you cannot talk
2 to any of them, or any witnesses about this case.
3 That's why you need to wear your badge all the time,
4 so they know that you're involved in this. Don't
5 conduct any research, don't read anything, or look at
6 anything about the case. Okay. Court will be in
7 recess.

8 THE COURT DEPUTY: All rise.

9 (Thereupon, the venire was escorted out of the
10 courtroom by the court deputy; thereafter, a recess
11 was taken in the proceedings.)

12 THE COURT: Okay. We can bring in the jury
13 panel.

14 THE COURT DEPUTY: Yes, ma'am. All rise for the
15 venire.

16 (Thereupon, the venire was escorted into the
17 courtroom by the court deputy and the proceedings were
18 had as follows:)

19 THE COURT: Okay. Please be seated. Now, after
20 some discussions with the attorneys, we are going to
21 release a few individuals. So if you hear your name,
22 you are released at this time from being considered as
23 a potential juror in this case, and you can report
24 downstairs, they'll give you some general information,
25 and send you on your way. That would be Juror 149,

1 164, and 171.

2 Okay. Now, some of you have talked to the
3 deputies with regard to the cameras, so you have
4 noticed that there are cameras in the courtroom. The
5 media, including cameras, are allowed in the courtroom
6 during these proceedings; however, the media is not
7 entitled to your names or personal information, nor
8 can they film or take pictures of any of you. With
9 all due respect, I do watch that, they have been very
10 respectful. In fact, when one of the jurors was
11 standing up and the camera was facing this way, he
12 actually moved his camera so that you would not be in
13 the view of the camera. There are some still pictures
14 being taken, sometimes he'll pan the courtroom, they
15 do that sometimes for focus, for other things, they're
16 not taking pictures of you. If you hear some clicks,
17 I noticed there were some clicks, to tell you the
18 truth, they're normally taking pictures of me. So
19 they do take pictures of me, and they do take pictures
20 of Mr. Bradley or the attorneys, I have noticed they
21 have done that, they do not take pictures of you. We
22 have a good rapport with the media, the media and the
23 Court have all met, we have a media specialist that
24 works for the courthouse, so if there's any questions
25 or concerns, they have to go through her. They have

1 met, everyone knows the rules, everyone signed on to
2 the rules. They're not allowed even in the courtroom
3 unless they've been a part of that committee that met,
4 the organization, unless they read the media rules,
5 and that they know what the rules are.

6 I assure you in this proceeding, especially in
7 this type of proceeding, there is nothing that has
8 happened that is arbitrary. I assure you about that.
9 So if you do have any concerns, ask the deputies, they
10 will address them, but we have -- we are, with all due
11 respect, used to trying cases, used to -- you know,
12 this is a more high-profile case than comes along
13 every day, but it's not something that we haven't done
14 before, and it's not something that we haven't
15 addressed. So we have prepared greatly for a case of
16 this length, and one of the things we have addressed
17 is the media coverage. So sometimes I do see the
18 camera, it'll look around, but they're not filming
19 you, they're not taking pictures of you, they know not
20 to do that. If they do violate the rules, they'll not
21 be allowed in the courtroom, nor will their agency be
22 allowed, and most of their agencies would not like
23 that, because, you know, they want to have coverage.
24 But it's me, normally it's the attorneys, and it's the
25 defendant. So I want to alleviate that concern.

1 Okay. I do have to ask you this, you all are
2 going to get tired of this, so has anyone read or been
3 exposed to reading newspaper headlines and/or articles
4 relating to this trial or its participants?

5 THE PROSPECTIVE JURY PANEL: No.

6 THE COURT: Has anyone seen or heard television,
7 radio, or Internet comments about this trial?

8 THE PROSPECTIVE JURY PANEL: No.

9 THE COURT: And have you conducted or been
10 exposed to any research regarding any matters
11 concerning this case?

12 THE PROSPECTIVE JURY PANEL: No.

13 THE COURT: And have you discussed this case
14 among yourselves, or with anyone else, or allowed
15 anyone to discuss it in your presence?

16 THE PROSPECTIVE JURY PANEL: No.

17 THE COURT: Okay. I saw no hands, and I heard
18 all no's. Okay. Mr. Brown, you may proceed.

19 MR. BROWN: Thank you, Your Honor. The next
20 question I'm going to put out, and I'm going to put
21 this out, and especially for the benefit of the people
22 in the first row, especially Number 1, I'm going to
23 put it out, and then go on to a few other topics and
24 come back to it. I'm going to ask everybody the
25 question, but people over here will have a lot of time

1 to think. The question's going to be, what's the
2 toughest decision you've ever had to make? And I just
3 know from questioning jurors in the past, that it's
4 always unfair for Number 1 right of the bat, so I put
5 that question out there, and we'll come back to that,
6 so it gives everybody a chance to think about it for a
7 few minutes; and then I'll go on to a few easier
8 questions, and then I'll come back to that.

9 First, by a show of hands in the front row, we're
10 going to do this row by row, who here owns a home?
11 (Prospective jurors comply). And second row?
12 (Prospective jurors comply). And third row?
13 (Prospective jurors comply). Over here, first row on
14 this side? (Prospective jurors comply). And second
15 row? (Prospective jurors comply). Third row?
16 (Prospective jurors comply). Over here, first row?
17 (Prospective jurors comply). Second row?
18 (Prospective jurors comply). And back row?
19 (Prospective jurors comply).

20 Next question, again it's going to be row by row,
21 who in front row is a registered voter? (Prospective
22 jurors comply). Second row? (Prospective jurors
23 comply). Third row? (Prospective jurors comply).
24 Over here, front row? (Prospective jurors comply).
25 Second row (Prospective jurors comply). And Juror

1 Number 122?

2 JUROR NUMBER 122: Yes?

3 MR. BROWN: You are not?

4 JUROR NUMBER 122: I'm sorry?

5 MR. BROWN: You're not a registered voter?

6 JUROR NUMBER 122: I am a registered voter.

7 MR. BROWN: Oh, you are? I'm sorry, I didn't see
8 your hand go up.

9 JUROR NUMBER 122: Yes, it did.

10 MR. BROWN: Okay. Third row? (Prospective
11 jurors comply). First row? (Prospective jurors
12 comply). Second row? (Prospective jurors comply).
13 Back row? (Prospective jurors comply). Good.

14 In case anybody's not aware, it's no longer a
15 requirement to be here in jury duty, so it's actually
16 the first panel that I've had in a long time that
17 everybody was registered, so that's good.

18 Next question I have, and I'll ask this row by
19 row if it applies to anybody, have you had any contact
20 with the police where you came away -- obviously,
21 everybody at one point or another has had some contact
22 with a police officer, but you had the contact and you
23 came away with just that bad feeling, where you were
24 ready to take pen to paper and write a letter to the
25 supervisor and say, this officer ought to be

1 reprimanded, fired, anything of that nature. You
2 know, it could be rude, didn't do their job, something
3 of that nature. Or, the flip side of that is, you had
4 contact with a police officer and that contact
5 resulted in that extra good feeling, you thought that
6 officer went well above and beyond, you were ready to
7 take pen to paper, write a letter to his chief saying
8 that he ought to get a raise or promotion. Either one
9 of those extremes. Everybody's had contact in the
10 middle, have you had either one of those extremes on
11 one side or the other? Front row? Juror Number 9?

12 (Thereupon, voir dire selection was had which was
13 not requested to be transcribed.)

14 MR. BROWN: Okay. Anybody else in the front row?
15 (No response). Second? Number 16?

16 (Thereupon, voir dire selection was had which was
17 not requested to be transcribed.)

18 MR. BROWN: Anybody else in the second row? (No
19 response). Third row? Number 88?

20 (Thereupon, voir dire selection was had which was
21 not requested to be transcribed.)

22 MR. BROWN: Anybody else in the back row (No
23 response). Over here on my left side? Number 106?

24 (Thereupon, voir dire selection was had which was
25 not requested to be transcribed.)

1 MR. BROWN: How about the next row, second row?
2 (No response). And the back row? Number 126?

3 (Thereupon, voir dire selection was had which was
4 not requested to be transcribed.)

5 MR. BROWN: Anybody else in that back row? (No
6 response). Over here in the front row? (No
7 response). Second? (No response). And third row?
8 (No response). And those that had a situation, the
9 good and the bad, is there any of those situations
10 that would affect you in any way sitting as a juror?
11 Can you put aside the -- wouldn't cause you to be for
12 or against any officer's testimony? Raise your hand
13 if it would (No response).

14 Okay. Now, back to Number 1, toughest decision
15 you've ever had to make? I gave you a little bit of
16 time, so hopeful that helps.

17 JUROR NUMBER 1: The toughest decision I've had
18 to make was, being a single mom, and my daughter was
19 15, and her dad lives in Maine, and my daughter was
20 starting to change her friends at school and starting
21 to get into some trouble, and she was having a hard
22 time listening to the authorities under our roof, so I
23 sent her to her dad's temporarily, and she ended up
24 staying permanently.

25 MR. BROWN: Juror Number 4?

1 (Thereupon, voir dire selection was had which was
2 not requested to be transcribed.)

3 MR. BROWN: Number 5?

4 JUROR NUMBER 5: Probably to re-enlist, or get
5 out of the (unintelligible).

6 MR. BROWN: What did you choose to do?

7 JUROR NUMBER 5: I got out, because, at the time,
8 I was -- still am a captain, and I was making a lot
9 more money fishing.

10 MR. BROWN: Okay. Number 9?

11 (Thereupon, voir dire selection was had which was
12 not requested to be transcribed.)

13 MR. BROWN: Number 65?

14 JUROR NUMBER 65: I think the toughest decision
15 is when I have to leave here to go back to Jamaica to
16 (unintelligible).

17 MR. BROWN: Number 82?

18 (Thereupon, voir dire selection was had which was
19 not requested to be transcribed.)

20 MR. BROWN: Number 87?

21 JUROR NUMBER 87: I'm still pretty young, so I
22 haven't made many decisions in my life, but the
23 hardest one would probably be buying my first home.

24 MR. BROWN: Number 88?

25 (Thereupon, voir dire selection was had which was

1 not requested to be transcribed.)

2 MR. BROWN: Number 102?

3 JUROR NUMBER 102: I'd have to say the hardest
4 thing for me, I was 41 and married, and I got
5 pregnant; and at that advanced an age, they do the
6 test to find out if there's any problems, and I was
7 six months pregnant when they did it. So the doctor
8 comes to me and he says, you know, we're almost past
9 the point, if it's a problem, you have to think about
10 it, and that was the hardest thing ever to do. We
11 were very fortunate, but it was really hard to think
12 about, you know, what if.

13 MR. BROWN: Okay. Number 105?

14 (Thereupon, voir dire selection was had which was
15 not requested to be transcribed.)

16 MR. BROWN: Number 107?

17 JUROR NUMBER 107: My daughter got hooked on
18 painkillers in New York, and came out to Florida last
19 year, and revealed to myself and my wife, you know,
20 what the problem was. And we took her to the hospital
21 -- and then she consumed a whole bottle of vodka and
22 some pills, but we went to the hospital and I spoke to
23 the doctor -- and she had told me that she didn't want
24 to live anymore, and we went to the doctor and they
25 wanted to Baker Act her, and we had to put her away

1 for a couple of months. Since then, her husband
2 divorced her and she lost custody of my granddaughter,
3 and, to this day, she's still fighting to get her
4 back. (Unintelligible).

5 MR. BROWN: Number 108?

6 JUROR NUMBER 108: I made the decision a few
7 years ago to stop giving my sister money. It was just
8 really hard because --

9 MR. LANNING: Sorry, speak up.

10 JUROR NUMBER 108: I made the decision to stop
11 giving money to my sister. It was really hard. You
12 know, you feel for them, I love her, but I just felt
13 like I wasn't helping her. And that was a really
14 tough decision.

15 MR. BROWN: Number 114?

16 JUROR NUMBER 114: In my life, my wife was my
17 son's best friend, my son was in Las Vegas on
18 vacation, it was unexpected, (unintelligible) of
19 things that we had to do, couldn't tell him on the
20 phone, I had to wait to see him face-to-face, and that
21 was the most difficult thing in my whole life.

22 MR. BROWN: Number 116?

23 (Thereupon, voir dire selection was had which was
24 not requested to be transcribed.)

25 MR. BROWN: Number 124?

1 JUROR NUMBER 124: Not being with my wife when my
2 son was born, I was away on business, something I
3 always will regret.

4 MR. BROWN: Number 125?

5 JUROR NUMBER 125: Having to tell my family about
6 something a family friend did to me when I was
7 (unintelligible). That was probably the toughest
8 choice.

9 MR. BROWN: Number 126?

10 (Thereupon, voir dire selection was had which was
11 not requested to be transcribed.)

12 MR. BROWN: 136?

13 JUROR NUMBER 136: Probably the toughest decision
14 I've ever had to make was about three years ago, my
15 14-year-old daughter was getting depressed, and so we
16 had an appointment scheduled with a therapist; but
17 before we could go, she had taken some pills. And she
18 went to school that day, and she had mentioned to her
19 friends that that's what she had done, and so her
20 friend told the guidance counselor, which, in turn,
21 told me. So when I had to go, they were either going
22 to have her Baker Acted, or I had to take her myself.
23 So I ended up taking her myself to Circles of Care
24 that day, but it was very difficult trying to decide
25 what to do.

1 MR. BROWN: Number 147?

2 JUROR NUMBER 147: I'd say deciding the end of
3 life treatments for my mom, where we have her reside
4 at that point, or -- it was very tough.

5 MR. BROWN: Number 156?

6 JUROR NUMBER 156: The only thing I have is,
7 right after 9/11, my company asked for volunteers to
8 go down and work around the World Trade Center. I had
9 to think about it, but I went anyway. And now I'm
10 paying for it because of all the (unintelligible) I
11 have.

12 MR. BROWN: Number 159?

13 (Thereupon, voir dire selection was had which was
14 not requested to be transcribed.)

15 MR. BROWN: Number 190?

16 JUROR NUMBER 190: I had to make a decision
17 whether I wanted to stay in New Mexico, where I was
18 at, or make a big change and sell my house, move to
19 Florida, to live with my girlfriend.

20 MR. BROWN: 196?

21 (Thereupon, voir dire selection was had which was
22 not requested to be transcribed.)

23 MR. BROWN: 198?

24 JUROR NUMBER 198: I had to make decisions for
25 end of life for my mom.

1 MR. BROWN: 205?

2 (Thereupon, voir dire selection was had which was
3 not requested to be transcribed.)

4 MR. BROWN: Let me go back to the front row,
5 anybody in the front row, have either yourself, a
6 family member, or close friend ever been arrested and
7 charged with a crime? Number 5?

8 JUROR NUMBER 5: A good childhood friend of mine,
9 he constantly gets arrested for the same thing.

10 MR. BROWN: Okay. Are you still good friends
11 with him, or just --

12 JUROR NUMBER 5: We don't hang out so much. We
13 don't bring (unintelligible).

14 MR. BROWN: And through the process, has he been
15 treated fairly?

16 JUROR NUMBER 5: I think so. He's not in jail.

17 MR. BROWN: Number 11?

18 (Thereupon, voir dire selection was had which was
19 not requested to be transcribed.)

20 MR. BROWN: Number 102?

21 JUROR NUMBER 102: We had a domestic violence
22 issue, my husband, six years ago. It worked its way
23 through everything, it worked out well. It was one of
24 the better things, I think, that actually happened to
25 him, because he got therapy, and it -- before

1 everything was finished, we had separation, so we each
2 simply sat down, reevaluated ourselves, looked at our
3 relationship, and he had therapy. And, basically,
4 today we are stronger than we were before.

5 MR. BROWN: So it's safe to assume it wouldn't
6 affect you at all sitting in this --

7 JUROR NUMBER 102: No. No. And the police
8 officers in the case, I should have mentioned, were
9 very sweet. They came and followed up after the fact,
10 to make sure that we were okay, nobody was bothering
11 us, that kind of thing.

12 MR. BROWN: Thank you. Anybody else in the front
13 row? (No response). How about the second row?
14 Number 108?

15 JUROR NUMBER 108: My husband was arrested before
16 I knew him, in the early '90s, for attempting to
17 (unintelligible).

18 MR. BROWN: Okay. I assume, since it was before
19 you knew him, you don't know much about it?

20 JUROR NUMBER 108: No.

21 MR. BROWN: Okay. Would it affect you at all
22 sitting as a juror?

23 JUROR NUMBER 108: No.

24 MR. BROWN: And Number 116?

25 (Thereupon, voir dire selection was had which was

1 not requested to be transcribed.)

2 MR. BROWN: Number 125?

3 JUROR NUMBER 125: I had a sister, when she was
4 young, write a bad check on accident --

5 MR. MOORE: I can't hear. I'm sorry.

6 JUROR NUMBER 125: I'm sorry. I had a sister
7 write a bad check when she was 19 or 20. They -- she
8 didn't -- I don't know if she realized it, whatever,
9 they put a warrant out. She had paid it prior to
10 knowing there was a warrant, she spent the night in
11 jail, and it was dropped.

12 MR. BROWN: Okay. Would that affect you at all
13 sitting on the jury?

14 JUROR NUMBER 125: No.

15 MR. BROWN: Number 126?

16 (Thereupon, voir dire selection was had which was
17 not requested to be transcribed.)

18 MR. BROWN: Number 136?

19 JUROR NUMBER 136: My oldest son was arrested
20 about 13, 14 years ago when he was a college student
21 at FSU. He was with a friend, and they stole a carton
22 of cigarettes.

23 MR. BROWN: Would it affect you at all sitting as
24 a juror?

25 JUROR NUMBER 136: No.

1 MR. BROWN: Front row on this side? Number 156?

2 JUROR NUMBER 156: A friend of mine, she had too
3 much to drink, and she got pulled over by the police.
4 She got out of the car, and was (unintelligible) on
5 the side of the road. When she got out, she slipped
6 into the ditch, and her hand went forward and touched
7 the police officer, and they arrested her for assault.
8 That was dropped, but she still got the drunk driving
9 ticket.

10 And then, something happened with me, we had an
11 ice storm, and the road was all ice, black ice all
12 over the road, and when I came around a turn, I turned
13 the wheel to go around the curve, but the car decided
14 to go straight, right into a tree. So the police
15 came, police officer got out of his car and slipped on
16 the ice and fell. About two days later, I get a
17 ticket in the mail for failure to control my vehicle.
18 That kind of annoyed me.

19 MR. BROWN: I'm going to make an assumption here
20 that the crash happened out of our state.

21 JUROR NUMBER 156: Oh, yeah.

22 MR. BROWN: Either one of those instances, would
23 it affect you at all sitting as a juror?

24 JUROR NUMBER 156: No.

25 MR. BROWN: Okay. You'd be able to set it aside,

1 as we talked about, and base this case on the facts
2 and evidence?

3 JUROR NUMBER 156:

4 MR. BROWN: Number 159?

5 (Thereupon, voir dire selection was had which was
6 not requested to be transcribed.)

7 THE COURT: Okay. We do need to take a lunch
8 break. I have another proceeding that I need to
9 address from 1:00 to 1:30, so you're going to break
10 until 1:30. At 1:30 you need to report to the jury
11 assembly room. You will be sitting in the same seats,
12 you can leave things here if you wish to. During this
13 break, you must abide by the rules governing your
14 service as a juror. Specifically, do not discuss this
15 case among yourselves or with anyone else, or allow
16 anyone to discuss it in your presence. Do not speak
17 to the lawyers, parties, or the witnesses about
18 anything. You must avoid reading newspaper headlines
19 and/or articles relating to this trial or its
20 participants. Avoid seeing or hearing television,
21 radio, or Internet comments about this trial, should
22 there be any. Do not conduct any research yourself
23 regarding any matters concerning this case. Okay,
24 we'll be in recess until 1:30.

25 THE COURT DEPUTY: All rise.

1 (Thereupon, the venire was escorted out of the
2 courtroom by the court deputy; thereafter, a recess
3 was taken in the proceedings. Following the recess,
4 voir dire selection was had which was not requested to
5 be transcribed.)

6 THE COURT: All right. We will bring them in.

7 THE COURT DEPUTY: All rise for the venire.

8 (Thereupon, the venire was escorted into the
9 courtroom by the court deputy and the proceedings were
10 had as follows:)

11 THE COURT: Okay. Looks like everyone's here and
12 seated. I do apologize for the delay, I had another
13 matter that I had to address that has been waiting to
14 be addressed for -- was scheduled for this period of
15 time for a long time, it was something that I had to
16 do, I couldn't have another judge do it. So I do
17 apologize for that.

18 At this time, I am going to release Juror 184.
19 So, Juror 184, you can go downstairs, tell the --
20 report to the jury clerk downstairs, tell them that
21 you've been released from Judge Reinman's courtroom,
22 and you're free to go about your business. Thank you.

23 Okay. I've got to ask you this again. Has
24 anyone read or been exposed to reading newspaper
25 headlines and/or articles relating to this trial or

1 its participants?

2 THE PROSPECTIVE JURY PANEL: No.

3 THE COURT: Has anyone seen or heard television,
4 radio, or Internet comments about this trial?

5 THE PROSPECTIVE JURY PANEL: No.

6 THE COURT: Has anyone conducted or been exposed
7 to any research regarding any matters concerning this
8 case?

9 THE PROSPECTIVE JURY PANEL: No.

10 THE COURT: I don't see all of you saying no. I
11 see someone in the back there not responding. Have
12 you discussed this case among yourselves or with
13 anyone else, or allowed anyone to discuss it in your
14 presence?

15 THE PROSPECTIVE JURY PANEL: No.

16 THE COURT: Now, I ask you that one last because
17 that's probably the most important one. That's the
18 one, if I have a problem, that's the one I'm going to
19 have a problem with. So just be mindful of that,
20 don't discuss this case among yourselves. You can
21 talk about the weather, talk about your kids, talk
22 about your family, but don't talk about what's
23 happening in here, don't talk about this case.

24 Okay. Mr. Brown, you may continue.

25 MR. BROWN: Thank you, Your Honor. Juror Number

1 1, I'm going to ask this question of everybody, do you
2 feel, in general, that the police treat people fairly?

3 JUROR NUMBER 1: Absolutely.

4 MR. BROWN: Number 4?

5 JUROR NUMBER 4: Yes, I do also. I believe that.

6 MR. BROWN: Number 5?

7 JUROR NUMBER 5: Yes.

8 MR. BROWN: Number 9?

9 JUROR NUMBER 9: Yes.

10 MR. BROWN: 11?

11 JUROR NUMBER 11: Yes.

12 MR. BROWN: 13?

13 JUROR NUMBER 13: Mostly.

14 MR. BROWN: Number 14?

15 JUROR NUMBER 14: Yes, sir.

16 MR. BROWN: Number 16?

17 JUROR NUMBER 16: Yes.

18 MR. BROWN: 17?

19 JUROR NUMBER 17: Yes.

20 MR. BROWN: 29?

21 JUROR NUMBER 29: Yes.

22 MR. BROWN: 36?

23 JUROR NUMBER 36: Yes.

24 MR. BROWN: And Number 42?

25 JUROR NUMBER 42: Yes.

1 MR. BROWN: Number 63?
2 JUROR NUMBER 63: Yes.
3 MR. BROWN: Number 65?
4 JUROR NUMBER 65: Yes.
5 MR. BROWN: 82?
6 JUROR NUMBER 82: Yes.
7 MR. BROWN: 85?
8 JUROR NUMBER 85: Yes.
9 MR. BROWN: 87?
10 JUROR NUMBER 87: Yes.
11 MR. BROWN: 88?
12 JUROR NUMBER 88: Most of the time.
13 MR. BROWN: And 89?
14 JUROR NUMBER 89: Yes.
15 MR. BROWN: Number 93?
16 JUROR NUMBER 93: Yes.
17 MR. BROWN: 102?
18 JUROR NUMBER 102: Yes.
19 MR. BROWN: Number 105?
20 JUROR NUMBER 105: Yes.
21 MR. BROWN: 106?
22 JUROR NUMBER 106: Yes.
23 MR. BROWN: 107?
24 JUROR NUMBER 107: Yes.
25 MR. BROWN: 108?

1 JUROR NUMBER 108: Yes.

2 MR. BROWN: 114?

3 JUROR NUMBER 114: Yes.

4 MR. BROWN: 116?

5 JUROR NUMBER 116: What's the question again,
6 please?

7 MR. BROWN: Do you feel that, in general, the
8 police treat people fairly?

9 JUROR NUMBER 116: Yes.

10 MR. BROWN: And Number 122?

11 JUROR NUMBER 122: Yes.

12 MR. BROWN: 124?

13 JUROR NUMBER 124: Yes, sir.

14 MR. BROWN: 125?

15 JUROR NUMBER 125: Yes.

16 MR. BROWN: 126?

17 JUROR NUMBER 126: Yes, sir.

18 MR. BROWN: 131?

19 JUROR NUMBER 131: Yes.

20 MR. BROWN: 136?

21 JUROR NUMBER 136: Yes.

22 MR. BROWN: 147?

23 JUROR NUMBER 147: Yes.

24 MR. BROWN: Number 156?

25 JUROR NUMBER 156: Yes.

1 MR. BROWN: Number 159?

2 JUROR NUMBER 159: Yes.

3 MR. BROWN: Number 177?

4 JUROR NUMBER 177: Yes, sir.

5 MR. BROWN: Number 190?

6 JUROR NUMBER 190: Yes.

7 MR. BROWN: Number 196?

8 JUROR NUMBER 196: Yes.

9 MR. BROWN: 198?

10 JUROR NUMBER 198: Yes.

11 MR. BROWN: And Number 205?

12 JUROR NUMBER 205: Yes, sir.

13 MR. BROWN: Okay. Since I've always been
14 starting up here, let me start over here for a minute.
15 Let's start with Number 107, did you hear the Court
16 earlier when she talked about the burden of proof, and
17 the standard is a reasonable doubt standard?

18 JUROR NUMBER 107: Yes.

19 MR. BROWN: And she talked about what reasonable
20 doubt is and is not?

21 JUROR NUMBER 107: Yes.

22 MR. BROWN: Did you hear the Court when she said
23 that a reasonable doubt is not a possible doubt,
24 speculative doubt, forced, or imaginary doubt?

25 JUROR NUMBER 107: Yes, I did.

1 MR. BROWN: Do you see a difference between, on
2 the one hand, whether or not you have a reasonable
3 doubt as to whether the State of Florida's proven an
4 element of a crime, that's what the reasonable doubt
5 applies to, the elements, and whether you have a
6 reasonable doubt whether the State has proved it
7 versus, what on the other hand would be, a possible
8 doubt, forced doubt, speculative doubt. Do you see
9 the difference between those?

10 JUROR NUMBER 107: Yes.

11 MR. BROWN: Having that built-in test of
12 reasonability?

13 JUROR NUMBER 107: Yes.

14 MR. BROWN: Do you agree with that statement?

15 JUROR NUMBER 107: Yes.

16 MR. BROWN: Do you understand, you can have an
17 imaginary doubt and force yourself to that opinion.

18 JUROR NUMBER 107: Right.

19 MR. BROWN: How about Juror Number 105, do you
20 see that difference between reasonable doubt on one
21 hand, versus possible doubt, speculative doubt, forced
22 doubt?

23 JUROR NUMBER 105: Yes.

24 MR. BROWN: And do you think that's an important
25 difference and distinction?

1 JUROR NUMBER 105: Do I think it's important,
2 yes.

3 MR. BROWN: Okay. Number 93, same question to
4 you, do you see that difference?

5 JUROR NUMBER 93: Did you expect me -- did you
6 say forced doubt?

7 MR. BROWN: Yeah. Well --

8 JUROR NUMBER 93: Can you explain that to me? I
9 don't really understand what it means.

10 MR. BROWN: The term is -- the instruction that
11 she gave you is what a reasonable doubt is not, and
12 it's not a -- reasonable doubt, on one hand, it is not
13 a possible doubt, forced doubt, speculative doubt, or
14 imaginary doubt.

15 JUROR NUMBER 93: Explain to me a forced doubt,
16 that's what I don't understand.

17 MR. BROWN: Okay. Well, I guess at this point I
18 can't really explain a lot to you other than to say,
19 you know, the same instance you can imagine a doubt,
20 you can just force yourself into doubting, you know,
21 whether someone landed on the moon or something. I
22 mean, you can keep forcing yourself to doubt
23 something, versus the reasonable doubt.

24 JUROR NUMBER 93: Okay. I understand.

25 MR. BROWN: Possible, speculative, forced doubt,

1 versus reasonable doubt. Do you see that difference
2 between that built-in test of reasonability?

3 JUROR NUMBER 93: Yes.

4 MR. BROWN: Think that's an important decision?

5 JUROR NUMBER 93: I think so.

6 MR. BROWN: I'll jump over here, Juror Number
7 190, do you also see that difference? Forced,
8 speculative, imaginary doubt, versus reasonable doubt?

9 JUROR NUMBER 190: Yes, I do.

10 MR. BROWN: Is that an important distinction?

11 JUROR NUMBER 190: I think so.

12 MR. BROWN: Okay. Can you follow it?

13 JUROR NUMBER 190: Yes.

14 MR. BROWN: Okay. Does everybody on this side,
15 do you see that difference and distinction between
16 reasonable doubt, that built-in test of reasonability,
17 versus possible, forced, speculative, imaginary doubt?

18 THE PROSPECTIVE JURORS: Yes.

19 MR. BROWN: And how about over here, the other
20 people that I didn't talk to, does everybody see that
21 difference and distinction?

22 THE PROSPECTIVE JURORS: Yes.

23 MR. BROWN: Everybody agree it's important?

24 THE PROSPECTIVE JURORS: Yes.

25 MR. BROWN: Everybody agree to follow it?

1 THE PROSPECTIVE JURORS: Yes.

2 MR. BROWN: And front row, rows that I didn't
3 speak to, everybody see that difference and
4 distinction?

5 THE PROSPECTIVE JURORS: Yes.

6 MR. BROWN: Think it's important?

7 THE PROSPECTIVE JURORS: Yes.

8 MR. BROWN: Do you agree to follow it?

9 THE PROSPECTIVE JURORS: Yes.

10 MR. BROWN: Okay. The next section, since I've
11 started with this group, I'll start on this side this
12 time. Who on this side has played a team sport?
13 Okay. Let's start with 205, what team sports have you
14 played?

15 JUROR NUMBER 205: Football, soccer, volleyball.

16 MR. BROWN: Okay. When you played football, let
17 me ask this question, what position did you play?

18 JUROR NUMBER 205: I played running back and
19 corner back.

20 MR. BROWN: Okay. When you played quarterback
21 and you got sacked, was it all your fault?

22 JUROR NUMBER 205: No, comeback.

23 MR. BROWN: Oh, comeback. Well, when you played
24 comeback and you gave up a -- somebody scored a
25 touchdown, was it all your fault?

1 MR. MOORE: Your Honor, I object. Can we
2 approach?

3 THE COURT: Yes, you may.

4 (Thereupon, voir dire selection was had which was
5 not requested to be transcribed.)

6 MR. BROWN: Juror Number 205?

7 JUROR NUMBER 205: Yes, sir.

8 MR. BROWN: You indicated you played comeback,
9 right?

10 JUROR NUMBER 205: Yes, sir.

11 MR. BROWN: Okay. When yourself and other
12 defensive backs give up a touchdown, is it entirely
13 that person's fault that a touchdown was given up?

14 JUROR NUMBER 205: Not necessarily. It depends
15 on what the coverage was. If it's one-on-one and I'm
16 getting smoked, then it's my fault.

17 MR. BROWN: Also, if your defensive linemen don't
18 put pressure on the quarterback, give him all day,
19 it's their responsibility as well, right?

20 JUROR NUMBER 205: Right.

21 MR. BROWN: You share in the responsibility,
22 right?

23 JUROR NUMBER 205: Sure.

24 MR. BROWN: Likewise, you played running back?

25 JUROR NUMBER 205: I played running back for a

1 year, yeah.

2 MR. BROWN: You make a break and score a
3 touchdown, is it entirely to your credit that you
4 scored?

5 JUROR NUMBER 205: No.

6 MR. BROWN: Linemen made blocks, right?

7 JUROR NUMBER 205: Yeah.

8 MR. BROWN: Quarterback maybe made a good fake?

9 JUROR NUMBER 205: Yeah.

10 MR. BROWN: Wide receivers made a good down field
11 block?

12 JUROR NUMBER 205: Sure.

13 MR. BROWN: So the team shares in the credit,
14 right? And the team shares in (unintelligible) for
15 giving up the score, right?

16 JUROR NUMBER 205: Yes, sir.

17 MR. BROWN: Everybody agree with that? Teams
18 share in the blame, share in the credit, right?

19 THE PROSPECTIVE JURORS: Yes.

20 MR. BROWN: Okay. Your Honor, at this time I
21 would ask the Court to read the instruction.

22 THE COURT: Okay. This is the instruction
23 entitled, Principals. If the defendant helped another
24 person or persons commit or attempt to commit a crime,
25 the defendant is a principal, and must be treated as

1 if he had done all the things the other person or
2 persons did if: (1) the defendant had a conscious
3 intent that the criminal act be done; and (2) the
4 defendant did some act or said some word which was
5 intended to and which did insight, cause, encourage,
6 assist, or advise the other person or persons to
7 actually commit or attempt to commit the crime. To be
8 a principal, the defendant does not have to be present
9 when the crime is committed or attempted.

10 MR. BROWN: I'm going to go over to this side to
11 Number 124.

12 JUROR NUMBER 124: Yes, sir?

13 MR. BROWN: Were you able to hear the Court's
14 instructions?

15 JUROR NUMBER 124: Yes, sir.

16 MR. BROWN: And did you understand it?

17 JUROR NUMBER 124: I did.

18 MR. BROWN: Okay. And, basically, there's two
19 elements to it, the first is if the person, the
20 defendant, has an intent that a criminal act be done.
21 And then he does something that aids, encourages,
22 assists, advises another person to commit a crime. In
23 other words, helps, plans, does something along those
24 lines, that each person is just as responsible. Do
25 you understand that?

1 JUROR NUMBER 124: Yes, sir.

2 MR. BROWN: What do you think about that?

3 JUROR NUMBER 124: I think it's fair to say.

4 MR. BROWN: Okay. Do you think you can follow
5 it?

6 JUROR NUMBER 124: Yes, sir.

7 MR. BROWN: Okay. To kind of liken it to a team,
8 once you have the intent, then you're responsible for
9 whatever happens, right?

10 JUROR NUMBER 124: Yes, sir.

11 MR. BROWN: Okay. Let me come down to Juror
12 Number 1. I'm going to ask everybody their opinion on
13 this. I'm going to ask if you agree with it, and if
14 you disagree, what issue you have; and, most
15 importantly, if you have some issues with it, can you
16 follow it if the Court gives you that instruction.

17 JUROR NUMBER 1: I do agree.

18 MR. BROWN: Okay. Number 4?

19 JUROR NUMBER 4: Yes, I also agree.

20 MR. BROWN: Number 5?

21 JUROR NUMBER 5: Yes, sir.

22 MR. BROWN: Number 9?

23 JUROR NUMBER 9: Yes.

24 MR. BROWN: 11?

25 JUROR NUMBER 11: Agree.

1 MR. BROWN: And Number 13?

2 JUROR NUMBER 13: Yes, I agree.

3 MR. BROWN: Number 14?

4 JUROR NUMBER 14: Agree.

5 MR. BROWN: Number 16?

6 JUROR NUMBER 14: Agree.

7 MR. BROWN: 17?

8 JUROR NUMBER 17: I agree.

9 MR. BROWN: 21?

10 JUROR NUMBER 21: Agree.

11 MR. BROWN: 36?

12 JUROR NUMBER 36: Agree.

13 MR. BROWN: 42?

14 JUROR NUMBER 42: I agree.

15 MR. BROWN: Number 63?

16 JUROR NUMBER 63: I agree.

17 MR. BROWN: 65?

18 JUROR NUMBER 65: Agree.

19 MR. BROWN: 82?

20 JUROR NUMBER 82: Agree.

21 MR. BROWN: 85?

22 JUROR NUMBER 85: Agree.

23 MR. BROWN: 87?

24 JUROR NUMBER 87: Agree.

25 MR. BROWN: 88?

1 JUROR NUMBER 87: Yes, sir.

2 MR. BROWN: Number 89?

3 JUROR NUMBER 89: Yes.

4 MR. BROWN: Okay. We still -- as we did
5 individually, we record it, so we still need those
6 verbal answers. Number 93?

7 JUROR NUMBER 93: Yes, sir.

8 MR. BROWN: 102?

9 JUROR NUMBER 102: Yes.

10 MR. BROWN: 105?

11 JUROR NUMBER 105: I agree.

12 MR. BROWN: Number 106?

13 JUROR NUMBER 106: I agree.

14 MR. BROWN: Number 107?

15 JUROR NUMBER 107: I agree.

16 MR. BROWN: Number 108?

17 JUROR NUMBER 108: Agree.

18 MR. BROWN: 114?

19 JUROR NUMBER 114: I agree.

20 MR. BROWN: 116?

21 JUROR NUMBER 116: I'm a skeptic. I think you're
22 setting me up for something, and I'm trying to figure
23 out what it is.

24 MR. MOORE: He's a lawyer, it's his job.

25 MR. BROWN: Well, I'm not setting you up. Do you

1 have any --

2 JUROR NUMBER 116: I agree with your basic tenet,
3 but I'm concerned about how this is being presented.
4 If I come to say, yes, I agree with you, that I'm
5 locked into some answer down the road, and I don't
6 want to be locked into anything.

7 MR. BROWN: No. The key is -- I'm not trying to
8 lock you into anything. You know, it's a theory of
9 law that may be given this case at the end, and I'm
10 trying to address whether anybody has issues or
11 concerns with it, and if they do, can they follow it
12 if the Court gives it to them.

13 JUROR NUMBER 116: Yes.

14 MR. BROWN: And it's -- the person, the
15 defendant, has to have the initial intent that a
16 criminal act be done. So if you are a person who's
17 out there, had no idea what was going to happen, you
18 had somebody ask you for a ride and you gave them a
19 ride, you have no intent of any criminal act being
20 done, you're not part of that team, you didn't know,
21 you wouldn't be involved. So you have to have an
22 intent that the act be done, and beyond just having
23 that intent, you have to actually do something,
24 assist, advise, help, in some way. So, with that, do
25 you agree with it?

1 JUROR NUMBER 116: Yes.

2 MR. BROWN: Okay. And if the Court gives it to
3 you, can you follow it?

4 JUROR NUMBER 116: Yes.

5 MR. BROWN: Okay. No trickery there, no follow
6 up, that's just what I'm looking for.

7 JUROR NUMBER 116: Just want to be on the record.

8 MR. BROWN: Number 122?

9 JUROR NUMBER 122: I agree.

10 MR. BROWN: 124? I already covered with you
11 initially. 125?

12 JUROR NUMBER 125: Yes.

13 MR. BROWN: Number 126?

14 JUROR NUMBER 126: Yes, sir.

15 MR. BROWN: Number 131?

16 JUROR NUMBER 131: I agree.

17 MR. BROWN: 136?

18 JUROR NUMBER 136: I agree.

19 MR. BROWN: Number 147?

20 JUROR NUMBER 147: I agree.

21 MR. BROWN: Number 156?

22 JUROR NUMBER 156: I agree.

23 MR. BROWN: 159?

24 JUROR NUMBER 159: Agree.

25 MR. BROWN: 177?

1 JUROR NUMBER 177: I agree.

2 MR. BROWN: Number 190?

3 JUROR NUMBER 190: Yes.

4 MR. BROWN: And Number 196?

5 JUROR NUMBER 196: Yes, I agree.

6 MR. BROWN: Number 198?

7 JUROR NUMBER 198: I agree.

8 MR. BROWN: And Number 205?

9 JUROR NUMBER 205: I agree.

10 MR. BROWN: Now, between our earlier discussions
11 individually and the questionnaires, I know a number
12 of people here come from out of state. Show of hands
13 if you moved from another state. So we have a number
14 of people from out of state; and, obviously, I know
15 pretty much most people here watch TV or may watch
16 various TV shows. The question that I want to cover
17 is, those of you from out of state, or maybe familiar
18 with various types of criminal law from TV shows, you
19 may be familiar with your state's laws, criminal laws,
20 may have some idea what various charges are titled,
21 what they include, this and that. What I want to make
22 certain is that -- we have four charges in this case,
23 beyond just the murder charge, some of you may be
24 familiar with those charges from your own state, or
25 something somewhere along those lines of the names

1 that are used. If the instructions here are
2 different, in other words, if the robbery instruction
3 gives you elements and you're like, wait a minute,
4 this is not a robbery where I came from, or resisting
5 with violence, hey, this is called something else
6 where I come from. Can everybody agree that what the
7 Court gives you, that's what you're going to follow?

8 PROSPECTIVE JURORS: Yes.

9 MR. BROWN: And along those lines, if we go to --
10 sometimes I feel like a teacher, I have to pick
11 somebody -- Number 108, if you go back to that jury
12 room, the Court has read you all the instructions, and
13 she's going to give you a preprinted packet with all
14 the instructions on there, you look at a particular
15 instruction, you look at that and say, you know, I
16 just don't agree with that. I don't know why it's
17 written this way, I just don't agree with this
18 instruction. Can you follow the instruction even if
19 you don't agree with it?

20 JUROR NUMBER 108: Yes.

21 MR. BROWN: Would you agree if you wanted to
22 change that instruction, change that law, the place to
23 do it is to go to Tallahassee and write to your
24 Legislature, not back in the jury room?

25 JUROR NUMBER 108: Yes.

1 MR. BROWN: When you take your oath, everybody
2 agrees to follow the law as written?

3 JUROR NUMBER 108: Yes.

4 MR. BROWN: Everybody agree with that?

5 THE PROSPECTIVE JURORS: Yes.

6 MR. BROWN: There may not be something that you
7 disagree with, but if there's something there that you
8 disagree with, you're still going to follow it and
9 apply it. And if you want to change it, when you're
10 finished with the trial, you can write to our state
11 senator or state representative and say, you ought to
12 change this. But the place to do it is not in the
13 jury room, right?

14 THE PROSPECTIVE JURORS: Right.

15 MR. BROWN: Juror Number 14, I talked in the
16 individual voir dire with some people, but not with
17 everybody, about this, and the judge covered it a
18 little bit in her opening instructions to you all.
19 But did you hear the Court when she talked about first
20 degree murder, there are two ways to prove it,
21 premeditated murder and what's called felony murder?

22 JUROR NUMBER 14: Yes.

23 MR. BROWN: And, you know, premeditated murder,
24 she kind of gave you a little bit of background there,
25 and it may not be what people come in and think of

1 premeditated murder. Most people think it's -- she
2 used the example lying in wait, you know, for a long
3 time, planning it. Can you agree to follow the
4 definitions that she gives you?

5 JUROR NUMBER 14: Yes.

6 MR. BROWN: And the same thing for felony murder,
7 you know, unless somebody's familiar with the law,
8 they may not necessarily know about that. Can you
9 read and follow the felony murder definition?

10 JUROR NUMBER 14: Yes.

11 MR. BROWN: And you understand that they are both
12 equal theories to get to first degree murder, and the
13 State, we can prove one or the other to get to first.
14 So it's simply a matter of you, as a juror, in your
15 mind, have we proven one, or have we proven the other,
16 then your verdict would be guilty of first degree
17 murder.

18 JUROR NUMBER 14: I understand.

19 MR. BROWN: How about Juror Number 16?

20 JUROR NUMBER 16: I understand.

21 MR. BROWN: And any issues about -- you know, the
22 Court's instruction on premeditated murder may be a
23 little different than what you would have thought of
24 coming in of premeditated murder. Can you agree to
25 follow what the judge gave you?

1 JUROR NUMBER 16: Yes.

2 MR. BROWN: And the same thing with the two
3 different theories of felony murder and premeditated
4 murder, both equal, both get you to first degree
5 murder, can you get there either way?

6 JUROR NUMBER 14: Sure.

7 MR. BROWN: You may get there both ways in this
8 case, but you could get there either way.

9 I'm going to switch over to asking the group as a
10 whole. As I talked about when I first got up here
11 this morning, I'm really hoping if anybody has an
12 issue or a question, that you raise your hand and say,
13 you know, I'm not quite certain on this. Ask me for
14 some clarification and let me discuss with you a
15 little bit. Because I have to take you at your word
16 when I do this as a group, as opposed to individually.

17 THE COURT: Mr. Brown, you have a hand.

18 MR. BROWN: Yes, sir?

19 UNIDENTIFIED SPEAKER: Is the State going to
20 explain to the jury which theory they're going to try
21 to prove, or is it up to the jury to determine which
22 theory they proved?

23 MR. BROWN: I anticipate both will be there, and
24 evidence will be presented to both things, and you'll
25 be instructed on those things. The question

1 ultimately is, have we convinced you, as a juror, of
2 the defendant's guilt of first degree murder; and you
3 can look at one theory, or the other, and you may find
4 that we've proven both, but it's basically two roads
5 to get to first degree murder. And in this case I
6 anticipate both instructions and evidence supporting
7 both theories.

8 UNIDENTIFIED SPEAKER: Okay.

9 THE COURT: There was a hand on the --

10 MR. BROWN: Yes?

11 UNIDENTIFIED SPEAKER: I may be getting in too
12 deep here, but if premeditated isn't proven, can you
13 fall back on felony and still get to first degree
14 murder?

15 MR. BROWN: Yes. They're two equal theories.
16 And here's the point you need to get to for first
17 degree murder, and like I said, it's two roads, two
18 ways to get there. You know, like taking US 1 or
19 Interstate 95, both will get you to the same place,
20 two different ways to get there. You can go either
21 way and, as I indicated, we may prove one in your
22 mind, we may prove the other, or we may prove both;
23 but only one is required.

24 UNIDENTIFIED SPEAKER: Understood.

25 MR. BROWN: Everybody good on this side?

1 Everybody understand?

2 THE PROSPECTIVE JURORS: Yes.

3 MR. BROWN: Everybody agree with that?

4 THE PROSPECTIVE JURORS: Yes.

5 MR. BROWN: Anybody have any issue, any question,
6 or concerns of, I just don't like (unintelligible).
7 How about the idea that felony murder and premeditated
8 are equal? They both result in first degree murder.
9 Anybody concerned about that? (No response). How
10 about on this side? Everybody agree with the
11 instruction, and everybody agree to follow the Court's
12 instruction that it can be either felony murder or
13 premeditated murder?

14 THE PROSPECTIVE JURORS: Yes.

15 MR. BROWN: Anybody ill at ease or just unsure
16 about the concept of that they're equal, that they
17 both result in first degree murder? (No response).
18 And how about up here? Everybody good?

19 THE PROSPECTIVE JURORS: Yes.

20 MR. BROWN: And I do want to say for Jurors
21 Number 116 and 159, I very much appreciate you raising
22 your hands and asking. It makes me feel better when I
23 try to do this in a group. So thank you.

24 The next issue, and I'll start over here -- and
25 I'm going to ask everybody individually, but I'm going

1 to start with Juror Number 156, with you, sir. It's
2 something I'm going to cover with everybody. And
3 there is a possibility that a co-defendant may testify
4 in this trial, and she may be called and may testify.
5 If she is called to testify, you may hear that she
6 entered into an agreement. You will hear the details
7 -- you will know, if she does testify, the details
8 about that. And my question is, as a juror, you have
9 to evaluate the credibility of every witness. You, as
10 a juror, each one of you, will make a decision and use
11 your common sense, use the guidelines that the Court
12 gives you, she went over some of those, and you would
13 have to decide whether you're going to believe or
14 disbelieve a witness, and you can believe all, part,
15 or none of what a witness testified to. That's what
16 you have to do as a juror, and you all, individually
17 and as a group, will make that decision. And some of
18 the factors that she talked about, such as, the
19 witness seemed to have an opportunity to see and hear
20 things about which the witness testified to; and one
21 of the factors will be, does the witness have an
22 interest or a bias in how the case is decided.

23 So my question is, obviously, a person who's
24 entered an agreement coming to testify, that's a
25 factor for you to use in evaluating that person's

1 credibility. No question about that. That's one of
2 the things you have to look at, and you should look at
3 that. But that simple fact alone, the fact that a
4 person may have entered an agreement to testify, would
5 that fact, by itself, cause you to automatically
6 disbelieve that witness's testimony?

7 JUROR NUMBER 156: No.

8 MR. BROWN: You agree to look at the testimony in
9 its entirety, compare it to everybody else, and apply
10 the standard that the Court gives you to evaluate the
11 credibility?

12 JUROR NUMBER 156: Correct.

13 MR. BROWN: Number 159, same question?

14 JUROR NUMBER 159: Yes.

15 MR. BROWN: As in -- I threw a lot of questions
16 out, so --

17 JUROR NUMBER 159: Yeah. Can you ask it again?

18 MR. BROWN: Okay. Do you agree to evaluate that
19 person's credibility as you would -- use the same
20 standard as you would every other witness?

21 JUROR NUMBER 159: Yeah.

22 MR. BROWN: And the simple fact that the person,
23 she may have pled, you would not automatically say, I
24 don't care what the person testifies to, I'm not going
25 to believe her no matter what?

1 JUROR NUMBER 159: Right.

2 MR. BROWN: Let me just back up to Number 196.

3 How do you feel about that?

4 JUROR NUMBER 196: I agree.

5 MR. BROWN: With which one?

6 JUROR NUMBER 196: What you said to him.

7 MR. BROWN: You agree to evaluate the testimony
8 in its entirety?

9 JUROR NUMBER 196: Yeah.

10 MR. BROWN: It's not going to automatically cause
11 you to disbelieve?

12 JUROR NUMBER 196: Correct.

13 MR. BROWN: Okay. Juror 190?

14 JUROR NUMBER 190: The same.

15 MR. BROWN: And Number 177?

16 JUROR NUMBER 177: I agree to evaluate the
17 testimony.

18 MR. BROWN: Juror Number 198?

19 JUROR NUMBER 198: I agree to evaluate.

20 MR. BROWN: And Juror Number 205?

21 JUROR NUMBER 205: All witnesses should be
22 evaluated equally.

23 MR. BROWN: Over here, we'll start with Number
24 93?

25 JUROR NUMBER 93: Yes, sir.

1 MR. BROWN: How do you feel about that?

2 JUROR NUMBER 93: Well, according to the theory
3 of the law, the co-defendant -- I don't know much
4 about the case, was the co-defendant charged with the
5 same charges as the gentleman here, or were they given
6 -- in other words, was that defendant charged with the
7 same offense, or lesser offenses?

8 MR. MOORE: Your Honor, I'm going to object to
9 this going too far, discussing the --

10 THE COURT: Okay.

11 MR. BROWN: I realize I can't answer the
12 question.

13 THE COURT: Okay.

14 MR. BROWN: I can't go that far in answering your
15 question. But what I'm looking at, and as I indicated
16 over there, it certainly is a factor for you to look
17 at, the agreement that she may have made, what it
18 entails, no question; and part of the Court's
19 instructions will be, does the witness have an
20 interest? And, obviously, that builds in an interest
21 for the co-defendant when they testify. So it's a
22 factor for you to look at in determining credibility.

23 JUROR NUMBER 93: To answer your question, sir, I
24 would evaluate her testimony. But, in all candor, I
25 would have to look at her testimony, if she's been

1 given, say, a plea bargain or something, in
2 consideration of her testimony. I would look at her
3 testimony, sir, with a greater amount of skepticism
4 than I would the medical examiner.

5 MR. BROWN: Okay. And that certainly is more
6 than fair. And that's why I'm -- I don't want to
7 mislead anybody, make anybody think that, you know,
8 the fact that that person may have entered into an
9 agreement shouldn't be a factor in determining their
10 credibility. It ought to. And the Court's
11 instructions will include that. I mean, not word for
12 word, but the instruction of, does the person have an
13 interest, it's a factor. What I'm trying to make sure
14 is that you're not immediately going to say, I don't
15 care what this witness has to say, they entered into a
16 deal, I'm going to discount everything they said
17 before they even take the witness stand. So you're
18 open to at least --

19 JUROR NUMBER 93: Absolutely. But as I said,
20 just have to look at -- I'll look at it with a little
21 more skepticism than I would a police officer or
22 something.

23 MR. BROWN: And like we talked about in
24 individual voir dire, you look at everything, right?

25 JUROR NUMBER 93: Exactly.

1 MR. BROWN: More than fair, sir. Number 102?

2 JUROR NUMBER 102: Evaluate everything and weigh
3 it accordingly.

4 MR. BROWN: 105?

5 JUROR NUMBER 105: Yeah. Just keep an open mind.
6 You know, I wouldn't take -- I wouldn't discount what
7 she had to say right offhand.

8 MR. BROWN: Okay. Number 106?

9 JUROR NUMBER 106: Same as 93, he stated it very
10 well.

11 MR. BROWN: And --

12 MR. MOORE: I did not hear that answer. I'm
13 sorry.

14 JUROR NUMBER 106: 93 answered it very well, I
15 would agree with 93.

16 MR. MOORE: Okay. Thank you.

17 MR. BROWN: 107?

18 JUROR NUMBER 107: I would agree, I would be open
19 to evaluate it, and I agree with 93 also.

20 MR. BROWN: 108?

21 JUROR NUMBER 108: I agree to evaluate it in its
22 entirety.

23 MR. BROWN: Number 114?

24 JUROR NUMBER 114: I would evaluate it and make a
25 decision based on that.

1 MR. BROWN: Number 116?

2 JUROR NUMBER 116: I would also evaluate it and
3 make a decision based on the facts.

4 MR. BROWN: And Number 122?

5 JUROR NUMBER 122: I agree to evaluate and decide
6 based on the facts.

7 MR. BROWN: 124?

8 JUROR NUMBER 124: I would evaluate everything
9 and then come to a conclusion.

10 MR. BROWN: Number 125?

11 JUROR NUMBER 125: I would evaluate and not
12 disregard.

13 MR. BROWN: 126?

14 JUROR NUMBER 126: I would evaluate all testimony
15 the same.

16 MR. BROWN: 131?

17 JUROR NUMBER 131: I would evaluate all
18 testimony.

19 MR. BROWN: 136?

20 JUROR NUMBER 136: I agree to evaluate.

21 MR. BROWN: And 147?

22 JUROR NUMBER 147: I also agree to evaluate.

23 MR. BROWN: Number 1?

24 JUROR NUMBER 1: I would agree also and evaluate
25 everything.

1 MR. BROWN: Number 4?

2 JUROR NUMBER 4: Yes, I would agree to listen to
3 the testimony and evaluate.

4 MR. BROWN: Number 5?

5 JUROR NUMBER 5: I would agree.

6 MR. BROWN: Number 9?

7 JUROR NUMBER 9: I would agree to listen to all
8 of her testimony, but I would look at her skeptically
9 because she once was (unintelligible). I would wonder
10 whether she was trying to help him.

11 MR. BROWN: Number 11?

12 JUROR NUMBER 11: I would evaluate everything.

13 MR. BROWN: Number 13?

14 JUROR NUMBER 13: I could weigh everything out,
15 but I would (unintelligible).

16 MR. BROWN: Number 14?

17 JUROR NUMBER 14: Yes, I would evaluate her
18 credibility.

19 MR. BROWN: Number 16?

20 JUROR NUMBER 16: I wouldn't reject any
21 testimony.

22 MR. BROWN: Number 17?

23 JUROR NUMBER 17: I would evaluate her testimony
24 and credibility.

25 MR. BROWN: Number 29?

1 JUROR NUMBER 29: I would listen to her.

2 MR. BROWN: Fair enough. Number 36?

3 JUROR NUMBER 36: I would evaluate and make the
4 best decision I could.

5 MR. BROWN: Number 42?

6 JUROR NUMBER 42: I would evaluate and listen to
7 the testimony and make a decision (unintelligible).

8 MR. BROWN: Number 64?

9 JUROR NUMBER 64: I would evaluate.

10 MR. BROWN: Number 65?

11 JUROR NUMBER 65: I would evaluate it.

12 MR. BROWN: Number 82?

13 JUROR NUMBER 82: I would too, but it would also
14 be the lawyers who would have to point to me about the
15 truth of the statements that are being made.

16 MR. BROWN: Number 85?

17 JUROR NUMBER 85: I agree.

18 MR. BROWN: 87?

19 JUROR NUMBER 87: I would evaluate.

20 MR. BROWN: 88?

21 JUROR NUMBER 88: I would follow the
22 instructions.

23 MR. BROWN: And Number 89?

24 JUROR NUMBER 89: I would evaluate everything and
25 not (unintelligible).

1 MR. BROWN: Let's start with Number 87. I'm
2 going to come up with -- I'm trying to come up with an
3 absurd example, just to kind of establish the point.
4 Suppose you came into court, and the judge told you
5 the crime the person was charged with was eating
6 chocolate on a Sunday. Obviously, no such crime, but
7 that was the crime that was charged on this imaginary
8 thing. You heard all the evidence, the Court gave you
9 the instructions, and it said, Elements, and it's the
10 elements of each crime that the State of Florida has
11 to prove beyond a reasonable doubt; and it gave you
12 the elements for eating chocolate on a Sunday. There
13 was a person charged, that person was eating
14 chocolate, and it was a Sunday. Those were the
15 elements, the three things the State of Florida had to
16 prove beyond any reasonable doubt.

17 You went back to that jury room, you sat back
18 with the jurors, and all of you collectively agreed,
19 the State of Florida had proven each of those three
20 elements, it was the person charged, it was a Sunday,
21 and that person was eating chocolate, proven those
22 beyond a reasonable doubt. No question in anybody's
23 mind that those three elements are proven. You had a
24 question in your mind as to the color of the wrapper,
25 would that affect your verdict at all?

1 JUROR NUMBER 87: No. (Unintelligible).

2 MR. BROWN: Right. If the three elements are
3 proven, the elements of the crime are proven, the
4 color of the wrapper makes no difference, right?
5 Juror Number 88, do you agree with that?

6 JUROR NUMBER 88: Yes, I do.

7 MR. BROWN: Okay. How about Number 16, does the
8 color of the wrapper make any difference to you if the
9 three elements are proven?

10 JUROR NUMBER 16: No. What's the penalty for
11 eating chocolate on a Sunday?

12 MR. BROWN: You have to eat ice cream on Sunday
13 instead. But you agree the color of the wrapper would
14 make no difference if the elements are proven, right?

15 JUROR NUMBER 16: Right.

16 MR. BROWN: Number 14, do you agree?

17 JUROR NUMBER 14: Yes.

18 MR. BROWN: Okay. Now, likewise, if you weren't
19 convinced that it was chocolate, that being an
20 element, that makes a difference, right? Makes a huge
21 difference, right? So, Number 4, do you see kind of
22 where I'm going with my example?

23 JUROR NUMBER 4: I do.

24 MR. BROWN: The elements of the crime that's
25 charged is what you look to, and go down almost like a

1 checklist, has the State proven Element 1, Element 2,
2 Element 3, Element 4, however many elements there are
3 per crime. So if we've proven those elements, that's
4 how you return a guilty verdict.

5 JUROR NUMBER 4: Yes, sir.

6 MR. BROWN: And if we haven't proven them, that's
7 how you return a not guilty verdict, right?

8 JUROR NUMBER 4: Yes, sir.

9 MR. BROWN: Number 5, agree with that?

10 JUROR NUMBER 5: Yes, sir.

11 MR. BROWN: How about Juror Number 177?

12 JUROR NUMBER 177: Yes, sir, I agree with that.

13 MR. BROWN: If we've proven the three elements of
14 chocolate on a Sunday, is the color of the wrapper
15 going to make a difference?

16 JUROR NUMBER 177: No.

17 MR. BROWN: Obviously, if we don't prove
18 chocolate, does that make a difference?

19 JUROR NUMBER 177: Yes.

20 MR. BROWN: How about Juror Number 190, the color
21 of the wrapper make a difference?

22 JUROR NUMBER 190: No.

23 MR. BROWN: If it's chocolate makes a difference,
24 right?

25 JUROR NUMBER 190: Correct.

1 MR. BROWN: So if the State proves the elements,
2 then it's guilty; if we don't, then it's not guilty.
3 Right?

4 JUROR NUMBER 190: Yes.

5 MR. BROWN: How about this side, everybody agree?

6 THE PROSPECTIVE JURORS: Yes.

7 UNIDENTIFIED SPEAKER: I do have a question.

8 MR. BROWN: Yes, sir?

9 UNIDENTIFIED SPEAKER: Is the State going to give
10 the jurors the elements so they can have them in hand
11 and they can check them off as you prove them, or are
12 you going to wait until after the fact and I'm
13 supposed to remember everything and then try to decide
14 what you've proved?

15 MR. BROWN: It's the judge who will give you the
16 instructions, and tell you what they are, and they are
17 given to you at the end of the case, before you
18 deliberate.

19 THE COURT: I just want to point out that you
20 will be given a notepad and a pencil and you can take
21 notes during the course of the proceedings.

22 UNIDENTIFIED SPEAKER: My question is, if there's
23 five elements to prove, I don't know those five
24 elements. So if I had a list of those five elements,
25 it would make it a lot easier for me to understand

1 whether the State proved it or didn't prove it, by
2 having the elements in front of me as the discussion
3 took place.

4 THE COURT: I don't disagree with you, but the
5 trial procedures are that the instructions and the
6 elements I will read to you at the end, they will be
7 quite extensive, they are quite extensive in any case,
8 they'll be given in writing, and you'll be able to
9 take those instructions back with you, which will
10 include the elements of the crime, in your
11 deliberation room. Before that, you will be given --
12 you will be given a notebook with paper in it, with
13 pencils -- you can't use pens, it's with pencils --
14 and each day we'll collect those, and each day we'll
15 give them back, and when you go into the deliberation,
16 you'll be able to use those notes for deliberations.

17 UNIDENTIFIED SPEAKER: Thank you.

18 MR. BROWN: Like the example I gave you, if you
19 disagree with the law, the instructions, you still
20 have to follow it. Instructions on how we have to
21 proceed for the trial procedure come from above us,
22 the Supreme Court sets them, and we've got to follow
23 those procedures. So whether or not myself, or any
24 individual trial judge, says, it'd be better another
25 way, we have to follow the way it's set out by the

1 Florida Supreme Court.

2 I'm going to ask everybody this individual
3 question. Juror Number 1, you've had a chance now,
4 you've sat on the first panel we brought in, so it's
5 been a couple weeks, you know the magnitude of the
6 case, it's going to be a lengthy case. You even had a
7 few weeks to think about it. How do feel about being,
8 potentially, on a jury of a case of this magnitude,
9 potential death penalty, and first degree murder?

10 JUROR NUMBER 1: I feel I can do that.

11 MR. BROWN: Is there anything in your background,
12 belief system, family history, that in any way is
13 going to impair your ability to make a decision?

14 JUROR NUMBER 1: No. No, sir.

15 (Thereupon, voir dire selection was had which was
16 not requested to be transcribed.)

17 MR. BROWN: Juror Number 5, how about you?

18 JUROR NUMBER 5: It's a (unintelligible).

19 MR. BROWN: Anything in your background, belief
20 system, anything at all that would in any way make it
21 more difficult or impair your ability to make a
22 decision?

23 JUROR NUMBER 5: No.

24 (Thereupon, voir dire selection was had which was
25 not requested to be transcribed.)

1 MR. BROWN: Juror Number 65?

2 JUROR NUMBER 65: Yes, I can make a decision.

3 (Thereupon, voir dire selection was had which was
4 not requested to be transcribed.)

5 MR. BROWN: Number 87?

6 JUROR NUMBER 87: Yes.

7 (Thereupon, voir dire selection was had which was
8 not requested to be transcribed.)

9 MR. BROWN: Number 102?

10 JUROR NUMBER 102: Yes.

11 (Thereupon, voir dire selection was had which was
12 not requested to be transcribed.)

13 MR. BROWN: Number 107?

14 JUROR NUMBER 107: Yes, I can do it.

15 MR. BROWN: Number 108?

16 JUROR NUMBER 108: Yes.

17 MR. BROWN: 114?

18 JUROR NUMBER 114: Yes, I can do it.

19 (Thereupon, voir dire selection was had which was
20 not requested to be transcribed.)

21 MR. BROWN: 124?

22 JUROR NUMBER 124: Yes.

23 MR. BROWN: 125?

24 JUROR NUMBER 125: Yes, I can do it.

25 (Thereupon, voir dire selection was had which was

1 not requested to be transcribed.)

2 MR. BROWN: 136?

3 JUROR NUMBER 136: Yes.

4 MR. BROWN: 147?

5 JUROR NUMBER 147: Yes.

6 MR. BROWN: 156.

7 JUROR NUMBER 156: Yeah, I can.

8 (Thereupon, voir dire selection was had which was
9 not requested to be transcribed.)

10 MR. BROWN: 190?

11 JUROR NUMBER 190: Yes, I can.

12 MR. BROWN: 198?

13 JUROR NUMBER 198: Yes, I can.

14 (Thereupon, voir dire selection was had which was
15 not requested to be transcribed.)

16 MR. BROWN: I'll put this one out there, I'll do
17 this as a group, do it section by section. Is there
18 any concern, an area or topic that we haven't covered
19 with you, that you're sitting there thinking, you
20 know, I probably should tell them this? This side?
21 Number 17?

22 JUROR NUMBER 17: It's something I don't think I
23 should say in front of the other jurors.

24 MR. BROWN: Okay.

25 THE COURT: Okay. Well, we'll ask you

1 individually.

2 MR. BROWN: Yes, sir, to my left?

3 UNIDENTIFIED SPEAKER: I didn't hear the
4 question.

5 MR. BROWN: Is there anything that I haven't
6 covered, we haven't talked about, either today or when
7 we spoke to you individually, that's -- you know,
8 you're sitting back thinking, this is something I
9 really need to let them know, something they would
10 want to know. Anything on this side? Number 105?

11 JUROR NUMBER 105: One thing I think it would be
12 better to talk to you all without the rest of the jury
13 here. Another thing, just a [REDACTED] I played
14 in at [REDACTED] a year or so ago with Barbara Pill. I
15 don't know anyone in her family or anything, but it's
16 just [REDACTED] I played in.

17 MR. BROWN: Okay. Would that affect you at all?

18 JUROR NUMBER 105: No.

19 THE COURT: And you said -- Number 105, you said
20 there's something you want to talk to us individually
21 about?

22 JUROR NUMBER 105: Yeah. I think it's better to
23 talk without the rest of the jurors.

24 THE COURT: Okay. We can do that on Number 105.

25 MR. BROWN: And this side? (No response).

1 Members of the panel, I thank you very much for
2 your time and information, and for your patience
3 throughout this process. Your Honor, I have nothing
4 further.

5 THE COURT: Okay. If I could have a bench
6 conference, please.

7 (Thereupon, voir dire selection was had which was
8 not requested to be transcribed.)

9 THE COURT: Okay. Number 9, Number 17, and
10 Number 105, we're going to ask you to stay, but we're
11 going to recess for today. During this recess, you
12 must continue to abide by the rules governing your
13 service as a juror. Do not discuss this case among
14 yourselves, or with anyone else, or allow anyone to
15 discuss it in your presence. Do not speak to the
16 lawyers, the parties, or the witnesses about anything.
17 You must avoid reading newspaper headlines and/or
18 articles relating to this trial or its participants.
19 Avoid seeing or hearing television, radio, or Internet
20 comments about this trial, should there be any. Do
21 not conduct any research yourself regarding any
22 matters concerning this case.

23 Now, I'm going to ask you to return Monday
24 morning at 9:00 a.m. Monday is a big court day,
25 Monday at any courthouse is a big court day. I would

1 ask you -- because we want you here by 9:00 a.m. --
2 you know, if one person is late, I've got to wait for
3 everyone. So try to get here early, parking is a
4 little more challenging on Mondays than it is any
5 other day. I'm not having you come at 8:30, that's
6 when everyone else comes, so I'm having you come at
7 9:00, but there's a lot of court proceedings that
8 start then as well. So try to get here -- I would get
9 here at about 8:45, just to make sure you get in the
10 jury assembly room by 9:00 a.m.

11 So be here at 9:00 a.m., have your badges with
12 you, and we'll be ready to go, and we'll continue with
13 the process. Other than the jurors I announces, court
14 will be in recess until 9:00 a.m. Monday morning.
15 Thank you.

16 THE COURT DEPUTY: All rise for the venire.

17 (Thereupon, the venire was escorted out of the
18 courtroom by the court deputy; thereafter, proceedings
19 were had which were not requested to be transcribed.
20 Following the proceedings, court was in recess for the
21 day, 3/14/13; thereafter, court was reconvened on
22 3/17/14 and the proceedings were had as follows:)

23 THE COURT: Okay. We're ready.

24 THE COURT DEPUTY: All rise for the venire.

25 (Thereupon, the venire was escorted into the

1 courtroom and the proceedings were had as follows:)

2 THE COURT: Please be seated. Good morning,
3 ladies and gentlemen. Has anyone read or been exposed
4 to reading newspaper headlines and/or articles
5 relating to this trial or its participants?

6 PROSPECTIVE JURORS: No.

7 THE COURT: Has anyone seen or heard television,
8 radio, or Internet comments about this trial?

9 PROSPECTIVE JURORS: No.

10 THE COURT: Has anyone conducted or been exposed
11 to any research regarding any matters concerning this
12 case?

13 PROSPECTIVE JURORS: No.

14 THE COURT: And have you discussed this case
15 among yourselves --

16 MR. MOORE: There's a hand up.

17 THE COURT: Oh, I didn't see the hand. Where's
18 the hand? Juror 126, yes, sir?

19 (Thereupon, voir dire selection was had which was
20 not requested to be transcribed.)

21 THE COURT: Okay. Juror Number 126, when we take
22 a break, we will talk to you in private about this
23 information. All right.

24 Has anyone conducted or been exposed to any
25 research regarding any matters concerning this case?

1 PROSPECTIVE JURORS: No.

2 THE COURT: And have you discussed this case
3 among yourselves, or with anyone else, or allowed
4 anyone to discuss it in your presence?

5 PROSPECTIVE JURORS: No.

6 THE COURT: Okay. Then the defense may proceed.

7 MR. LANNING: Good morning. Again, my name is
8 Mark Lanning, and myself and Randy Moore and Mike
9 Pirolo represent Brandon Bradley. We are employed by
10 the Public Defender's Office here in Brevard County.
11 We received from the clerk's office information sheets
12 based on information that you as jurors filled out in
13 the selection process, and some information -- well,
14 some of the sheets come up blank. For instance, Juror
15 85, you're a blank slate as far as I'm concerned. So
16 I'm going to be asking each of you questions related
17 to information from the sheets, as well as a little
18 additional questioning. I'm going to try not to make
19 it too boring; unfortunately, it may be, but it's
20 something we've got to take time with. In selecting a
21 jury, we're looking for people that can be fair and
22 impartial and with a wide array of background.

23 So, Juror 1, your sheet indicates you came to
24 Florida two years, may I ask where you're from?

25 JUROR NUMBER 1: I'm originally from

1 Massachusetts, and in July of '96 I moved to
2 Wilmington, North Carolina. I was a single mom with a
3 three-year-old daughter, and I wanted to raise my
4 daughter in a close-knit family, and they were all
5 located in Wilmington, North Carolina.

6 MR. LANNING: And the marriage, was it a
7 long-term marriage?

8 JUROR NUMBER 1: No, sir.

9 MR. LANNING: What did your spouse do for a
10 living?

11 JUROR NUMBER 1: Carpenter.

12 MR. LANNING: Okay. And you currently fiance, or
13 significant other?

14 JUROR NUMBER 1: Correct.

15 MR. LANNING: And what does he do?

16 JUROR NUMBER 1: He's a captain of a boat.

17 MR. LANNING: What brought you to Florida?

18 JUROR NUMBER 1: My fiance.

19 MR. LANNING: What's your educational background?

20 JUROR NUMBER 1: Graduated high school and have
21 done two years of hairdressing school.

22 MR. LANNING: And what is your political
23 affiliation?

24 JUROR NUMBER 1: (Unintelligible).

25 MR. LANNING: Are you a member of a church?

1 JUROR NUMBER 1: No, sir.

2 MR. LANNING: And any clubs or organizations?

3 JUROR NUMBER 1: No.

4 MR. LANNING: Juror 4?

5 (Thereupon, voir dire selection was had which was
6 not requested to be transcribed.)

7 MR. LANNING: Your child is an adult?

8 JUROR NUMBER 1: My daughter?

9 MR. LANNING: Yes.

10 JUROR NUMBER 1: Yes. She's 20 years old.

11 MR. LANNING: Is she working yet, or in school?

12 JUROR NUMBER 1: She is in school and is working.

13 MR. LANNING: What does she want to do?

14 JUROR NUMBER 1: Be a veterinarian.

15 (Thereupon, voir dire selection was had which was
16 not requested to be transcribed.)

17 MR. LANNING: Juror Number 5, your sheet
18 indicates zero years in Florida. I can't imagine
19 that's the truth.

20 JUROR NUMBER 5: That's not true. I was born in
21 San Diego, left there when I was two; and other than
22 four years in the Coast Guard, I've lived in Florida.

23 MR. LANNING: How did you get into the airboat
24 captain business?

25 JUROR NUMBER 5: I've been fishing since I got

1 out of the Coast Guard, and (unintelligible), I saw
2 the airboat job in the newspaper.

3 MR. LANNING: Are we talking about, like, a
4 charter service?

5 JUROR NUMBER 5: Tour guide.

6 MR. LANNING: Okay. Big ones or?

7 JUROR NUMBER 5: All shapes and sizes.

8 MR. LANNING: All the same job?

9 JUROR NUMBER 5: I started in the same job I have
10 now.

11 (Thereupon, voir dire selection was had which was
12 not requested to be transcribed.)

13 MR. LANNING: Are you a member of a church or
14 belong to any groups or organizations, and your
15 political affiliation?

16 JUROR NUMBER 5: I'm not a member of a church, I
17 would be more of an independent, and youth soccer.

18 MR. LANNING: Is that through children's
19 involvement, or --

20 JUROR NUMBER 5: Yeah.

21 (Thereupon, voir dire selection was had which was
22 not requested to be transcribed.)

23 MR. LANNING: Juror 65?

24 JUROR NUMBER 65: Yes, sir?

25 MR. LANNING: Retired auto mechanic.

1 JUROR NUMBER 65: Yes, sir.

2 MR. LANNING: And where are you from?

3 JUROR NUMBER 65: I'm from Jamaica. I migrated
4 in '85 to Brooklyn, and then I moved to Florida
5 permanently in 2010.

6 MR. LANNING: May I ask, did you migrate with
7 family, or by yourself?

8 JUROR NUMBER 65: With family.

9 MR. LANNING: And how long have you been here in
10 Florida?

11 JUROR NUMBER 65: From 2010, sir.

12 MR. LANNING: What brought you down to Florida?

13 JUROR NUMBER 65: Well, I have a back injury, and
14 when it's cold, it was really giving me a hard time,
15 so I decided to move down to Florida. When it's warm,
16 I do better.

17 MR. LANNING: Did you have family or friends
18 already here?

19 JUROR NUMBER 65: Well, yes. I worked with a
20 couple of us, we choose to live near (unintelligible).
21 We had come together and buy lots down here, so some
22 of us is within walking distance from each other.

23 MR. LANNING: Do you have adult children?

24 JUROR NUMBER 65: Yes, sir, I have three adult
25 children.

1 MR. LANNING: And what do they do for a living?

2 JUROR NUMBER 65: My daughter in Florida here,
3 she's a psychiatrist, but she works with timeshare
4 now. My oldest son in Jamaica, he went to school in
5 London to (unintelligible), and went back home doing
6 carpentry and landscape. And my other son in New
7 York, he's a new car technician.

8 MR. LANNING: And your political affiliation?

9 JUROR NUMBER 65: Registered Democrat, sir.

10 MR. LANNING: And are you a member of any clubs
11 or organizations?

12 JUROR NUMBER 65: I'm a member for
13 (unintelligible) on Palm Bay Road.

14 MR. LANNING: Member of a church?

15 JUROR NUMBER 65: No, sir.

16 MR. LANNING: Okay.

17 (Thereupon, voir dire selection was had which was
18 not requested to be transcribed.)

19 MR. LANNING: Juror 87, how long have you been
20 with Publix?

21 JUROR NUMBER 87: I'm in my sixth year.

22 MR. LANNING: So you started working when you
23 were 16 or 17?

24 JUROR NUMBER 87: 16.

25 MR. LANNING: Your sheet indicates that there are

1 two people in your house, who do you reside with?

2 JUROR NUMBER 87: I own my own home, and I reside
3 with my fiancée.

4 MR. LANNING: Okay. And under ages of family
5 members -- you're 22, right?

6 JUROR NUMBER 87: Right.

7 MR. LANNING: It indicates 21, 17, and 17. Are
8 they siblings?

9 JUROR NUMBER 87: Brothers.

10 MR. LANNING: Is your significant other employed?

11 JUROR NUMBER 87: 1st grade teacher.

12 MR. LANNING: Political affiliation?

13 JUROR NUMBER 87: Registered Republican, but
14 (unintelligible).

15 MR. LANNING: Are you a member of a church?

16 JUROR NUMBER 87: No, sir.

17 MR. LANNING: Any clubs or organizations?

18 JUROR NUMBER 87: No, sir.

19 (Thereupon, voir dire selection was had which was
20 not requested to be transcribed.)

21 MR. LANNING: Juror 198?

22 JUROR NUMBER 198: Yes?

23 MR. LANNING: You're from Michigan, what brought
24 you down to Florida?

25 JUROR NUMBER 198: Retirement. Warm weather.

1 MR. LANNING: Did you have contacts here, or --

2 JUROR NUMBER 198: My husband has two sisters
3 living in the Fort Lauderdale area. We didn't like
4 that area because it was too congested, so we decided
5 to move here.

6 MR. LANNING: And is your husband retired also?

7 JUROR NUMBER 198: He's been on disability since
8 1984.

9 MR. LANNING: Before that, what did he do?

10 JUROR NUMBER 198: He was a machine operator in a
11 factory.

12 MR. LANNING: Do you have adult children?

13 JUROR NUMBER 198: I do.

14 MR. LANNING: And what do they do for a living?

15 JUROR NUMBER 198: I have a son who's a sergeant
16 with the [REDACTED] Police Department in [REDACTED] and
17 I have a daughter who is an analyst for [REDACTED]
18 in [REDACTED]

19 MR. LANNING: Your son is a police officer, is he
20 on the road, or is he --

21 JUROR NUMBER 198: He's a sergeant, he's behind a
22 desk.

23 MR. LANNING: More administrative?

24 JUROR NUMBER 198: Yes. He's studying to take
25 the lieutenant's test this month.

1 MR. LANNING: How long has he been on the
2 administrative side?

3 JUROR NUMBER 198: Probably about five years.

4 MR. LANNING: As far as weighing and considering
5 testimony of police officers, feel like you're going
6 to give them a step up?

7 JUROR NUMBER 198: No. I spent 38 years working
8 in education, and I was secretary in a high school;
9 and when I retired, I worked in the counseling office,
10 and I also volunteered with a troubled youth
11 organization out of Michigan. So, you know, I've seen
12 both sides of it.

13 MR. LANNING: Your political affiliation?

14 JUROR NUMBER 198: I'm a registered Democrat.

15 MR. LANNING: And a member of any clubs or
16 organizations?

17 JUROR NUMBER 198: In Michigan, I was, I'm not
18 here.

19 MR. LANNING: May I ask what you were a member
20 of?

21 JUROR NUMBER 198: Oh, I just was a member of
22 (unintelligible).

23 MR. LANNING: Do you belong to a church?

24 JUROR NUMBER 198: I do. (Unintelligible).

25 MR. LANNING: Okay.

1 (Thereupon, voir dire selection was had which was
2 not requested to be transcribed.)

3 MR. LANNING: Juror 190, where are you from, sir?

4 JUROR NUMBER 190: Originally from New York.

5 MR. LANNING: And how long have you lived here?

6 JUROR NUMBER 190: One year.

7 MR. LANNING: Did you come here from New York?

8 JUROR NUMBER 190: No, I moved from New York in
9 1980 to New Mexico (unintelligible), and then I moved
10 here a year ago.

11 MR. LANNING: What's your educational background?

12 JUROR NUMBER 190: Bachelor's degree.

13 MR. LANNING: In what?

14 JUROR NUMBER 190: Business administration and
15 political science.

16 MR. LANNING: And prior marriages -- or are you
17 currently married?

18 JUROR NUMBER 190: No. Two prior.

19 MR. LANNING: And long-term, short-term?

20 JUROR NUMBER 190: Seemed like it. Six months,
21 and two years.

22 MR. LANNING: Any adult children?

23 JUROR NUMBER 190: One.

24 MR. LANNING: And what do they do for a living?

25 JUROR NUMBER 190: She's a waitress.

1 MR. LANNING: Your sheet indicates you or a close
2 family member have been the victim of a crime.

3 JUROR NUMBER 190: That's not true.

4 MR. LANNING: Okay. Why'd you decide to come to
5 Florida from New Mexico?

6 JUROR NUMBER 190: My girlfriend lives down here,
7 and I was commuting back and forth from Florida to New
8 Mexico for five years. So when I got laid off, I
9 decided it was a good opportunity to move.

10 MR. LANNING: And what does she do for a living?

11 JUROR NUMBER 190: She works in a bed and
12 breakfast, she's a cook.

13 MR. LANNING: Political affiliation?

14 JUROR NUMBER 190: Republican.

15 MR. LANNING: Clubs or organizations?

16 JUROR NUMBER 190: No.

17 MR. LANNING: Church?

18 JUROR NUMBER 190: No.

19 MR. LANNING: Thank you. Juror 177?

20 (Thereupon, voir dire selection was had which was
21 not requested to be transcribed.)

22 MR. LANNING: Juror 156, what brought you down
23 here to Florida?

24 JUROR NUMBER 156: The weather. I got tired of
25 snow and ice.

1 MR. LANNING: And do you have any adult children?

2 JUROR NUMBER 156: Yes, I have two.

3 MR. LANNING: What do they do for a living?

4 JUROR NUMBER 156: My daughter's a caretaker, and
5 my son's (unintelligible).

6 MR. LANNING: Your sheet indicates that you or a
7 family member have been a victim of a crime.

8 JUROR NUMBER 156: Yes.

9 MR. LANNING: Is that something you can talk
10 about here?

11 JUROR NUMBER 156: Yeah. It was my father, he
12 was the victim of a mugging and beating.

13 MR. LANNING: Was that in New York, or --

14 JUROR NUMBER 156: In New York.

15 MR. LANNING: Was that -- were you aware of it
16 immediately, or --

17 JUROR NUMBER 156: I found out about it the next
18 day.

19 MR. LANNING: Was anybody caught for it?

20 JUROR NUMBER 156: No, they've never been caught.

21 MR. LANNING: Your sheet also indicates close
22 friend or relative to law enforcement.

23 JUROR NUMBER 156: Yes. My wife's cousin is a
24 New York City police officer of 20 years; and my best
25 friend, who's like a brother to me, has been a police

1 officer for over 30.

2 MR. LANNING: All right. Law enforcement, will
3 they get any leg up by virtue of that law enforcement
4 uniform and badge?

5 JUROR NUMBER 156: No.

6 MR. LANNING: You indicated the other day that
7 you have PTSD?

8 JUROR NUMBER 156: Yes.

9 MR. LANNING: And it's from the World Trade
10 Center?

11 JUROR NUMBER 156: Correct.

12 MR. LANNING: Were you a -- you volunteered in
13 the clean up, or --

14 JUROR NUMBER 156: (Unintelligible) outside
15 buildings for hours and hours. And we were told not
16 to touch anything, but everything was loaded with
17 asbestos.

18 MR. LANNING: You indicated that you have a
19 number of medical issues?

20 JUROR NUMBER 156: Yes. I have breathing
21 problems and heart problems.

22 MR. LANNING: The other day you indicated that
23 PTSD, you don't really -- what might trigger an
24 attack?

25 JUROR NUMBER 156: Anything that involves the

1 World Trade Center.

2 MR. LANNING: I'm sorry?

3 JUROR NUMBER 156: Anything that involves seeing
4 pictures of the World Trade Center, or anything that's
5 -- like I can talk about it, as long as I'm not
6 viewing it.

7 MR. LANNING: Okay. You indicated some concern
8 with the ability to sit as a juror. Do you seem to be
9 expressing (unintelligible) about your jury service in
10 relation to PTSD?

11 JUROR NUMBER 156: Well, I am on medication for
12 it.

13 MR. LANNING: And does the medication keep it
14 under control?

15 JUROR NUMBER 156: Sometimes.

16 MR. LANNING: Are there times where the
17 medication fails to --

18 JUROR NUMBER 156: Well, I've been upping my
19 dosage now, it seems to be working again.

20 MR. LANNING: Okay. If you got into a situation
21 of distress (unintelligible).

22 JUROR NUMBER 156: I haven't gotten in that
23 situation yet, so I don't know.

24 MR. LANNING: Okay. And the health issues, any
25 health issues that cause you concern in your ability

1 to sit for several weeks as a juror?

2 JUROR NUMBER 156: Well, every once in a while, I
3 do go into a coughing -- just constantly cough, for 10
4 or 15 minutes straight.

5 MR. LANNING: Okay. How do you handle that?

6 JUROR NUMBER 156: Well, I have an inhaler today,
7 one of those emergency inhalers.

8 MR. LANNING: Beyond coughing, does it cause you
9 any other issues?

10 JUROR NUMBER 156: No.

11 MR. LANNING: Is your spouse employed outside the
12 home?

13 JUROR NUMBER 156: Yes, she is.

14 MR. LANNING: What does she do for a living?

15 JUROR NUMBER 156: Right now she's a cashier.

16 MR. LANNING: And what did she do in New York.

17 JUROR NUMBER 156: She was a legal secretary, and
18 she was a medical secretary.

19 MR. LANNING: In the legal secretary field, did
20 she work for a single practitioner, or a firm?

21 JUROR NUMBER 156: Firm.

22 MR. LANNING: Did they have a specialty practice?

23 JUROR NUMBER 156: I'm not sure about that.

24 MR. LANNING: Any kids?

25 JUROR NUMBER 156: I have two.

1 MR. LANNING: Are they adults?

2 JUROR NUMBER 156: Yes, they are.

3 MR. LANNING: What do they do for a living?

4 JUROR NUMBER 156: One's a lineman, one's a --

5 MR. LANNING: Oh, right. Okay. And political
6 affiliation?

7 JUROR NUMBER 156: Democrat.

8 MR. LANNING: Clubs or organizations?

9 JUROR NUMBER 156: No.

10 MR. LANNING: Member of a church?

11 JUROR NUMBER 156: No.

12 MR. LANNING: Any other marriages?

13 JUROR NUMBER 156: No.

14 MR. LANNING: Thank you, sir. Juror 147, can I
15 ask where you're from?

16 JUROR NUMBER 147: I was born in Albuquerque, New
17 Mexico, raised in New York, moved back to New Mexico,
18 and then Florida.

19 MR. LANNING: Have you spent the majority of your
20 life in New Mexico?

21 JUROR NUMBER 147: It was eight years in New York
22 and eight years in New Mexico.

23 MR. LANNING: What brought you to Brevard?

24 JUROR NUMBER 147: My mother just decided to move
25 down the Florida, so we all just kind of came.

1 MR. LANNING: Were you ever married?

2 JUROR NUMBER 147: No.

3 MR. LANNING: How about significant other?

4 JUROR NUMBER 147: Not right now.

5 MR. LANNING: Political affiliation?

6 JUROR NUMBER 147: (Unintelligible).

7 MR. LANNING: And clubs or organizations?

8 JUROR NUMBER 147: No.

9 MR. LANNING: Member of a church?

10 JUROR NUMBER 147: No.

11 MR. LANNING: Your sheet indicates that you have
12 an elderly person living in the home?

13 JUROR NUMBER 147: Yes.

14 MR. LANNING: Who would that be?

15 JUROR NUMBER 147: My mother.

16 MR. LANNING: Is that health-issues related,
17 or --

18 JUROR NUMBER 147: A little bit, yes.

19 MR. LANNING: Thank you. Juror 136, is your
20 husband employed?

21 JUROR NUMBER 136: Yes, he is.

22 MR. LANNING: And what's he do for a living?

23 JUROR NUMBER 136: He's an environmental health
24 and safety engineer.

25 MR. LANNING: Do you have any adult children?

1 JUROR NUMBER 136: I have three children. My
2 adult son lives in Washington state, and I have a 20
3 year old at the University of Central Florida, and my
4 daughter is 17 and still lives at home, a senior in
5 high school.

6 MR. LANNING: And the son's out -- what's he do?

7 JUROR NUMBER 136: He works in communications.

8 MR. LANNING: Any prior marriages?

9 JUROR NUMBER 136: I have two prior marriages.

10 MR. LANNING: And long-term? Short-term?

11 JUROR NUMBER 136: The first one was short, and
12 the second one was nine years, and I've been with my
13 current husband for 20 years.

14 MR. LANNING: The nine-year marriage, what did he
15 do for a living?

16 JUROR NUMBER 136: He was a supervisor in
17 warehouse distribution.

18 MR. LANNING: Political affiliation?

19 JUROR NUMBER 136: Registered Democrat.

20 MR. LANNING: And clubs or organizations?

21 JUROR NUMBER 136: No.

22 MR. LANNING: Member of a church?

23 JUROR NUMBER 136: Methodist.

24 MR. LANNING: Okay.

25 (Thereupon, voir dire selection was had which was

1 not requested to be transcribed.)

2 MR. LANNING: 125, your educational background?

3 JUROR NUMBER 125: High school.

4 MR. LANNING: Any prior marriages?

5 JUROR NUMBER 125: Yes.

6 MR. LANNING: Short-term, or long-term?

7 JUROR NUMBER 125: It was short-term.

8 MR. LANNING: And what did your husband do?

9 JUROR NUMBER 125: He (unintelligible). So he
10 went to Germany, and then went to Baghdad. And while
11 he was there, met someone else.

12 MR. LANNING: Are you currently married, or
13 significant other?

14 JUROR NUMBER 125: Significant other.

15 MR. LANNING: And what's --

16 JUROR NUMBER 125: He's currently a firefighter
17 in the city of [REDACTED] Prior to that, he worked
18 for NASA (unintelligible).

19 MR. LANNING: How long has he been a firefighter?

20 JUROR NUMBER 125: Just November.

21 MR. LANNING: Do he just go through the training
22 and --

23 JUROR NUMBER 125: Through his unemployment from
24 the Space Center, he took all his schooling to
25 (unintelligible) got hired pretty quickly.

1 MR. LANNING: Political affiliation?

2 JUROR NUMBER 125: Registered Republican, but I
3 am independent. I need to change that.

4 MR. LANNING: Clubs or organizations?

5 JUROR NUMBER 125: No, sir.

6 MR. LANNING: And member of a church?

7 JUROR NUMBER 125: Catholic.

8 MR. LANNING: 124, your wife works for [REDACTED]

9 [REDACTED] may I ask what she does?

10 JUROR NUMBER 124: She's an office manager.

11 MR. LANNING: And your educational background?

12 JUROR NUMBER 124: High school.

13 MR. LANNING: Adult children?

14 JUROR NUMBER 124: No, sir. I have a ten year
15 old and an eight year old.

16 MR. LANNING: Political affiliation?

17 JUROR NUMBER 124: Republican.

18 MR. LANNING: And clubs or organizations?

19 JUROR NUMBER 124: I belong to [REDACTED]

20 [REDACTED] and I'm also active in
21 my son's Little League program.

22 MR. LANNING: How long were you in the military?

23 JUROR NUMBER 124: I was in the military for a
24 little over four years.

25 MR. LANNING: Thank you.

1 (Thereupon, voir dire selection was had which was
2 not requested to be transcribed.)

3 MR. LANNING: Juror 114, where are you from, sir?

4 JUROR NUMBER 114: Pennsylvania. Northeast
5 Pennsylvania.

6 MR. LANNING: And what brought you down to
7 Florida?

8 JUROR NUMBER 114: Weather. Starting over, new
9 life.

10 MR. LANNING: Did your spouse ever work outside
11 the home?

12 JUROR NUMBER 114: Pardon me?

13 MR. LANNING: Did your spouse ever work outside
14 the home?

15 JUROR NUMBER 114: Yes.

16 MR. LANNING: What type of work did she do?

17 JUROR NUMBER 114: She works for the [REDACTED]
18 [REDACTED] she works with handicapped children.

19 MR. LANNING: And you indicate that you've been
20 previously married?

21 JUROR NUMBER 114: Yes. My first wife passed
22 away.

23 MR. LANNING: What type of work did she do.

24 JUROR NUMBER 114: She was a housewife.

25 MR. LANNING: Do you have adult children?

1 JUROR NUMBER 114: I do.

2 MR. LANNING: What do they do for a living?

3 JUROR NUMBER 114: I have a son that's a CPA and
4 chief financial officer for a credit company. And I
5 have four stepchildren, one is with the NSA, one works
6 at the Pennsylvania Department of Transportation, one
7 works for Microsoft, and the other is a student in
8 Milan.

9 MR. LANNING: Your sheet indicates that you or a
10 family member have been a victim of a crime.

11 JUROR NUMBER 114: No.

12 MR. LANNING: Okay. And your sheet also
13 indicates that your close friends or relatives with a
14 law enforcement officer.

15 JUROR NUMBER 114: I have a very good friend who
16 was a Pennsylvania State Trooper, who's now retired.
17 And we were very close for -- and we still are -- for
18 30 years, 35 years.

19 MR. LANNING: Your political affiliation?

20 JUROR NUMBER 114: I'm a registered Democrat.

21 MR. LANNING: And clubs or organizations?

22 JUROR NUMBER 114: I belong to (unintelligible).

23 MR. LANNING: Member of a church?

24 JUROR NUMBER 114: Yes.

25 MR. LANNING: And which church?

1 JUROR NUMBER 114: It's a Baptist church.

2 MR. LANNING: Thank you, sir. Juror 108, your
3 educational background?

4 JUROR NUMBER 108: Masters of Science and
5 Mechanical Engineering. When I finish my
6 dissertation, I'll have a PhD.

7 MR. LANNING: Your sheet indicates two people in
8 the household, is that a significant other?

9 JUROR NUMBER 108: It's my husband.

10 MR. LANNING: What does he do?

11 JUROR NUMBER 108: He's a city planner.

12 MR. LANNING: Your political affiliation?

13 JUROR NUMBER 108: Democrat.

14 MR. LANNING: And clubs or organizations?

15 JUROR NUMBER 108: No.

16 MR. LANNING: Are you a member of a church?

17 JUROR NUMBER 108: No.

18 THE COURT: Okay. Mr. Lanning, this might be a
19 good time to take a break. We're going to go ahead
20 and take a 15-minute break. It's a quarter til, it's
21 10:45, so I want you to be back here at 11:00. You
22 can go downstairs, you can go outside the building if
23 you feel you need to do that. During this break, you
24 must continue to abide by the rules governing your
25 service as a juror. Specifically, do not discuss this

1 case among yourselves, or with anyone else, or allow
2 anyone to discuss it in your presence. Do not speak
3 to the lawyer, the parties, or the witnesses about
4 anything. You must avoid reading newspaper headlines
5 and/or articles related to this trial or its
6 participants. Avoid seeing or hearing television,
7 radio, or Internet comments about this trial. Do not
8 conduct any research.

9 Now, you will be sitting in the same seat, so if
10 you want to leave something there, you're welcome to
11 do so. Report back upstairs, outside, in 15 minutes.
12 Thank you.

13 THE COURT DEPUTY: All rise.

14 (Thereupon, the venire was escorted out of the
15 courtroom by the court deputy; thereafter, a break was
16 taken in the proceedings. Following the break, voir
17 dire selection was had which was not requested to be
18 transcribed.)

19 THE COURT: Okay. Let's bring them in.

20 THE COURT DEPUTY: All rise.

21 (Thereupon, the venire was escorted into the
22 courtroom by the court deputy and the proceedings were
23 had as follows:)

24 THE COURT: Please be seated. Okay.

25 Mr. Lanning, you can continue with your questioning.

1 MR. LANNING: First, I want to comment, the
2 courthouse is fairly close quarters, and as attorneys,
3 we are not allowed to chat, we're not allowed to speak
4 you, as much as we'd like to, outside the courtroom.
5 About the most we can do is, good morning, hello, hope
6 you had a nice lunch; but as far as any conversations,
7 that could be interpreted as an impropriety, and we
8 can't do it. So if I run into you at the water
9 fountain or going down the stairs, we'd love to chat,
10 but we can't.

11 Juror 107, what brought you to Florida?

12 JUROR NUMBER 107: I retired after 42 years in
13 New York, and my wife didn't like the cold weather.

14 MR. LANNING: She put up with it for 42 years?

15 JUROR NUMBER 107: Yeah. Then she had a sister
16 who lived in Palm Bay, and I have a couple of friends
17 that live south.

18 MR. LANNING: What's your educational background?

19 JUROR NUMBER 107: High school. I went right to
20 work after I graduated.

21 MR. LANNING: Does your wife work outside the
22 home?

23 JUROR NUMBER 107: No.

24 MR. LANNING: Did she ever?

25 JUROR NUMBER 107: When we were dating, many,

1 many years ago.

2 MR. LANNING: All right. And do you have adult
3 children?

4 JUROR NUMBER 107: Yes, I do.

5 MR. LANNING: And what are their occupations?

6 JUROR NUMBER 107: My oldest son is a stock
7 broker, both of my daughters work for doctors.

8 MR. LANNING: What do they do?

9 JUROR NUMBER 107: One's an assistant plastic
10 surgeon, and the other one works in a dentist's
11 office. And my younger guy is a steel worker.

12 MR. LANNING: Your political affiliation?

13 JUROR NUMBER 107: Registered Democrat.

14 MR. LANNING: And any clubs or organizations?

15 JUROR NUMBER 107: Not really. The only club is,
16 when I bought my motorcycle at Space Coast, they give
17 you a free year as a (unintelligible) member, and I've
18 renewed it for the last three years. I never really
19 attended too many meetings though. I am a member of
20 it.

21 MR. LANNING: Any church?

22 JUROR NUMBER 107: St. John The Evangelist
23 Catholic Church.

24 MR. LANNING: Your sheet indicates close friend
25 or relative is a law enforcement officer.

1 JUROR NUMBER 107: No.

2 MR. LANNING: Okay.

3 (Thereupon, voir dire selection was had which was
4 not requested to be transcribed.)

5 MR. LANNING: Juror 102, your educational
6 background?

7 JUROR NUMBER 102: Two years of junior college in
8 Palm Beach, but I didn't finish it all because
9 (unintelligible).

10 MR. LANNING: And how long have you been here in
11 Florida?

12 JUROR NUMBER 102: I moved down here when I was
13 10 from New York.

14 MR. LANNING: Your sheet indicates your husband
15 runs a lawn service.

16 JUROR NUMBER 102: Yes, he has a business. He
17 and his father have had that longer than we've been
18 married, I guess probably 20, 24 years now.

19 MR. LANNING: Has he ever done other work beyond
20 that?

21 JUROR NUMBER 102: Before we got married, before
22 I even met him, he had a, I want to say, B.S. degree,
23 bachelor's degree, in finance, and he worked in the
24 (unintelligible) in Boca Raton.

25 MR. LANNING: Why'd he pass that up?

1 JUROR NUMBER 102: He found after he got the
2 degree that he really doesn't like talking to people
3 on the phone.

4 MR. LANNING: Adult children?

5 JUROR NUMBER 102: I have one son who's 29. At
6 this time, we really don't talk a lot, but the last I
7 know, he's an auto mechanic.

8 MR. LANNING: Member of a church?

9 JUROR NUMBER 102: No.

10 MR. LANNING: Okay.

11 (Thereupon, voir dire selection was had which was
12 not requested to be transcribed.)

13 MR. LANNING: Something that I'd like everybody
14 to consider over the lunch hour is, is there a
15 Constitutional right that you have that you would be
16 willing to give up, any Constitutional rights you have
17 that you would say, sure, I'll give that one up. All
18 right?

19 THE COURT: Okay. We are going to go ahead and
20 break for lunch. I'm going to ask you to be back here
21 at 1:00. Report to the jury assembly room at 1:00.
22 That gives you about an hour and 20 minutes. During
23 this recess, you must continue to abide by your rules
24 governing your service as a juror. Do not discuss
25 this case with anyone. Do not discuss this case among

