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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

STATE OF FLORIDA,
Plaintiff,

vs.

BRANDON LEE BRADLEY
Defendant.

ORIGINAL

SCOTT ELLIS
2014 JUL 25 P 12: 27
FILED IN 14L-01
CLERK OF CIR. CT.
BREVARD CO. FL.

VOLUME V 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
Court Reporter

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1 MR. BROWN: So if the State of Florida proves to
2 you a verdict of first degree murder, can you assure
3 us that you're going to come back with that, and not
4 compromise down to a lesser verdict just to avoid the
5 next step?

6 JUROR NUMBER 87: Yes, sir.

7 MR. BROWN: Do you see why we're concerned and
8 want to make certain that people understand?

9 JUROR NUMBER 87: Yeah.

10 MR. BROWN: Okay. Your Honor, I have no further
11 questions.

12 THE COURT: Okay. Questions by the defense?

13 MR. PIROLO: Thank you, Your Honor. Sir, good
14 morning. Where I want to start with you is, you said
15 you have -- I guess you talked to some people you told
16 you were coming in for jury duty, and they said it
17 maybe could be this case?

18 JUROR NUMBER 87: Yes.

19 MR. PIROLO: Did they say anything else? Did
20 they bring up things that they might have heard in the
21 news or read in the newspaper?

22 JUROR NUMBER 87: Well, the first person that
23 brought it up was my mother, and she said they were
24 going to be chosen, the five weeks, which I learned
25 yesterday. But no details or nothing, just that it

1 could be the case.

2 MR. PIROLO: Okay. And as to your grandmother
3 too, did she give any exact details to you?

4 JUROR NUMBER 87: No, we never talked about it.

5 MR. PIROLO: So it would be the first time you've
6 heard, or at least the charges that were read to you,
7 kind of the first time hearing --

8 JUROR NUMBER 87: The charges, yes. I heard of
9 the incident when it happened.

10 MR. PIROLO: And, specifically, what was it that
11 you heard about the incident?

12 JUROR NUMBER 87: That there was -- I think it
13 was in the Melbourne area, and there was a shooting.
14 Yesterday was the first time I heard that it was a
15 chase.

16 MR. PIROLO: I know the State asked you about
17 your prior important decisions that you've made. You
18 are a young guy, but it looks like you've already
19 accomplished a lot in not a long time. At work, it's
20 classified here that you're a Team Leader?

21 JUROR NUMBER 87: Right.

22 MR. PIROLO: What do you -- what are your duties,
23 basically?

24 JUROR NUMBER 87: I go in at 3:40 every day, and
25 I turn off the alarm. I'm basically the next step to

1 an assistant grocery manager.

2 MR. PIROLO: Okay.

3 JUROR NUMBER 87: I lead a group of people in the
4 mornings until the next leader gets there.

5 MR. PIROLO: I know your job title would be as a
6 Team Leader, do you consider yourself a leader, or a
7 follower?

8 JUROR NUMBER 87: A leader.

9 MR. PIROLO: Would you continue to consider
10 yourself a leader -- say you're in a group with 11
11 other people, and they're your mom and dad's age, or
12 older, or maybe younger, but there's a good chance you
13 may be the youngest one in there, would you still be
14 able to consider yourself a leader?

15 JUROR NUMBER 87: Well, I am (unintelligible).

16 MR. PIROLO: So if someone says, I'm old enough
17 to be your dad --

18 JUROR NUMBER 87: (Unintelligible).

19 MR. PIROLO: And you're able, obviously, to carry
20 out your duties even though --

21 JUROR NUMBER 87: Correct.

22 MR. PIROLO: -- someone could be your dad's age,
23 or mom's age, or older?

24 JUROR NUMBER 87: Yes.

25 MR. PIROLO: I'm going to ask you, and this could

1 be very difficult, because I don't know how -- before
2 today, how much you even gave any thought into the
3 death penalty. A lot of my questions aren't going to
4 be easy, so I apologize again. On a scale of 0 to 10,
5 10 being that you, no doubt, support the death
6 penalty, and 0 on the other end of it, where would you
7 put yourself?

8 JUROR NUMBER 87: 5.

9 MR. PIROLO: And prior to today, had you given
10 the death penalty much thought, or had a view on it?

11 JUROR NUMBER 87: No. I mean, in the past, like
12 Casey Anthony, or -- I think it depends on the
13 situation of what was done.

14 MR. PIROLO: You bring that up. Obviously, that
15 was major national news, especially locally, and
16 broadcast on TV. Do you feel a case like that --
17 obviously, the verdict, she was acquitted, but would
18 that be a case where you think the death penalty would
19 have been justified, in the death of a child?

20 JUROR NUMBER 87: Yes.

21 MR. PIROLO: Okay. Do you think in a case like
22 that, the death penalty would be automatic if the
23 person was convicted of --

24 JUROR NUMBER 87: No. Nothing's automatic.

25 MR. PIROLO: How about the death of a police

1 officer?

2 JUROR NUMBER 87: Nothing's automatic.

3 MR. PIROLO: Some of the processes were sort of
4 laid out for you. It's not in great, great detail,
5 but pretty much you know, or you understand at this
6 point, that we only get to the decision of the death
7 penalty or life without parole if there's a conviction
8 in the first part of the trial of first degree murder.
9 A not guilty verdict, something less than first degree
10 murder, we don't get to the second part. Do you
11 understand that?

12 JUROR NUMBER 87: Yes, sir.

13 MR. PIROLO: Okay. Now, if we get to this second
14 part, the jury's recommendation does not have to be
15 unanimous, it does not have to be 12-0. The first
16 part has to be unanimous, it's got to be 12-0 for not
17 guilty, it's got to be 12-0 for first degree, or
18 second degree, or even manslaughter. Even though it
19 doesn't have to be unanimous, it is a very important
20 decision to make, it's a very important
21 recommendation. The judge, she cannot do her job in
22 imposing a sentence without your recommendation, she's
23 got to give that recommendation great weight. So it's
24 not like you just go in and say, doesn't matter what I
25 say, the judge is going to do what she wants anyway,

1 it doesn't work like that. Do you appreciate the
2 gravity of that?

3 JUROR NUMBER 87: Yes.

4 MR. PIROLO: It's very important. And, you know,
5 we're going to start putting a name and a face to the
6 decision, it's not just some person out there, you're
7 starting to see that, you're feet away from
8 Mr. Bradley, that's who we're talking about in this
9 case. How do you feel about that, that if we get to
10 that second part, that you would have a young man's
11 life, the decision of life or death, in your hands?

12 JUROR NUMBER 87: The way I see it, if that was
13 me sitting in his position, I would want the person
14 here to be treated as if they were -- I would want to
15 be treated the same (unintelligible), but it's
16 somebody's life.

17 MR. PIROLO: If we get to the second part, the
18 State explained to you, the judge has explained to you
19 about aggravating circumstances. And, you know,
20 aggravating means it's just something that makes
21 things worse. By law, there are only -- there are
22 limited aggravating circumstances, and I can't get
23 into them with you right now, what they are,
24 unfortunately, but it's not wide open. The State has
25 to prove that, each one, beyond a reasonable doubt.

1 Now, let's hypothetically say they prove to you six of
2 them, six aggravating circumstances are proved to you
3 beyond a reasonable doubt. Can you -- still knowing
4 that six of them have been proven to you, can you
5 still take that next step and consider the mitigating
6 circumstances?

7 JUROR NUMBER 87: Yes, sir.

8 MR. PIROLO: And could you then take the step
9 after that if you found mitigating circumstances, that
10 they -- would you consider them and consider a life
11 sentence, even knowing that there were six aggravating
12 circumstances?

13 JUROR NUMBER 87: Yes, sir.

14 MR. PIROLO: And the judge will instruct you that
15 at no time are you required to vote for death. It
16 could mean the State proves six aggravating
17 circumstances, and zero mitigating circumstances have
18 been proven to you, and even then, you're never
19 required to vote for death. Do you understand that?

20 JUROR NUMBER 87: Yes, sir.

21 MR. PIROLO: Do you accept that?

22 JUROR NUMBER 87: Yes, sir.

23 MR. PIROLO: There is a -- with the aggravating
24 circumstances, as I said, they are limited, but
25 mitigating circumstances are unlimited, and their

1 burden is less, it's reasonably convinced. So it's
2 not beyond a reasonable doubt, it's reasonably
3 convinced. And you can appreciate why, when you're
4 talking about someone's life. Do you accept that?

5 JUROR NUMBER 87: Yes, sir.

6 MR. PIROLO: The mitigating circumstances are
7 things that would tend for you to consider a life
8 without parole sentence. Before we get into
9 mitigating circumstances, what does life without
10 parole mean to you?

11 JUROR NUMBER 87: Prison the rest of your life,
12 without any chance of getting out.

13 MR. PIROLO: Any doubt about that?

14 JUROR NUMBER 87: No.

15 MR. PIROLO: Do you accept that if Mr. Bradley's
16 sentenced to life in prison without parole, he dies in
17 prison?

18 JUROR NUMBER 87: Yes.

19 MR. PIROLO: What are your thoughts about a life
20 sentence?

21 JUROR NUMBER 87: It'd be a long sentence.

22 MR. PIROLO: Can you think of circumstances that
23 a life sentence would be more appropriate, as opposed
24 to a death sentence?

25 JUROR NUMBER 87: (Unintelligible), a mass

1 killing type of thing.

2 MR. PIROLO: That'd be examples of when you
3 couldn't consider life?

4 JUROR NUMBER 87: I mean, you always have to look
5 at it to see the evidence.

6 MR. PIROLO: Let me get into some mitigating
7 circumstances, and what we want to know is, would you
8 be able to consider them as mitigating circumstances.
9 For instance, if you heard evidence of a brain injury
10 or brain damage, would you be able to consider that as
11 mitigating?

12 JUROR NUMBER 87: Brain damage for who?

13 MR. PIROLO: For -- it would concern Mr. Bradley.
14 Let's say there's evidence that's presented that
15 Mr. Bradley suffers from brain damage or had a brain
16 injury, would you consider that as mitigating?

17 JUROR NUMBER 87: Yes, if it was proven.

18 MR. PIROLO: Right. I mean, present the
19 evidence, but if you hear it, and you're reasonably
20 convinced of it, would you consider that?

21 JUROR NUMBER 87: Yes.

22 MR. PIROLO: How about mental illness, could you
23 -- do you think mental illness is a choice?

24 JUROR NUMBER 87: No.

25 MR. PIROLO: And do you find the mental health

1 professionals, do you find that they're engaged in a
2 legitimate field?

3 JUROR NUMBER 87: Yes.

4 MR. PIROLO: I'm going to guess you've heard of
5 an MRI before?

6 JUROR NUMBER 87: Yeah.

7 MR. PIROLO: If you heard evidence, obviously
8 from a qualified expert, about an MRI in this case,
9 would you be able to consider that as mitigating?

10 JUROR NUMBER 87: Yes.

11 MR. PIROLO: Have you ever heard of a PET scan?

12 JUROR NUMBER 87: I've heard of it.

13 MR. PIROLO: Same question, if evidence is
14 presented to you from a qualified expert, would you be
15 able to consider that as mitigating in this case?

16 JUROR NUMBER 87: Yes.

17 MR. PIROLO: How about drug addiction, do you
18 think drug addiction is a choice?

19 JUROR NUMBER 87: It's a choice, yes. Unless the
20 parents (unintelligible).

21 MR. PIROLO: Can you think of any other times
22 that someone could get addicted to prescription pills,
23 recreational drugs --

24 JUROR NUMBER 87: That's true. Okay. Right.

25 MR. PIROLO: -- or all drugs in general? Can you

1 think of other times that someone could get addicted,
2 other than maybe they're mother took them when she was
3 pregnant? Can you think of other times that someone
4 could get addicted?

5 JUROR NUMBER 87: My grandfather used to get
6 addicted to some of the pills he took, which ended up
7 hurting him in the end.

8 MR. PIROLO: All right. Did you feel his
9 addiction was a choice, or that -- I mean, obviously
10 it's a choice to take the substance at first, but
11 people that develop addictions --

12 JUROR NUMBER 87: He had to because that's what
13 (unintelligible).

14 MR. PIROLO: Okay. Would you open, though, to
15 considering drug addiction as mitigating?

16 JUROR NUMBER 87: Yes. As long as it was a drug
17 from a -- a prescription drug.

18 MR. PIROLO: How about nonprescription drugs? Or
19 prescription drugs where the person doesn't have a
20 prescription for it? They start -- whether it's
21 smoking marijuana, cocaine --

22 JUROR NUMBER 87: No, I don't think it would be.

23 MR. PIROLO: It would not be mitigating?

24 JUROR NUMBER 87: No, sir.

25 MR. PIROLO: I'm going to flip that around, since

1 you wouldn't consider it as mitigating, drug addiction
2 is never an aggravating circumstance. Would you
3 consider it as aggravating, or would you just not
4 consider it, period? You don't find it mitigating,
5 it's just -- it's meaningless.

6 JUROR NUMBER 87: (Unintelligible).

7 MR. PIROLO: You indicated that you're not open
8 to considering drug addiction as mitigating, right?

9 JUROR NUMBER 87: Correct.

10 MR. PIROLO: My question is, would you just
11 completely disregard it then, or would you start --
12 would you consider it as aggravating? And I'll follow
13 it up by saying that it is -- the law is that it is
14 never an aggravating circumstance.

15 JUROR NUMBER 87: Well, if it's the law --

16 MR. PIROLO: Okay. So if you heard evidence of
17 drug addiction, I mean, you can't consider it as a
18 mitigator, so you would just pretty much set that
19 aside.

20 JUROR NUMBER 87: Depends on the drug. If it was
21 prescription, then yeah. (Unintelligible).

22 MR. PIROLO: I'm going to read to you an
23 instruction that you may get, and I'm going to ask you
24 if you would consider it as mitigating: "The capital
25 felony was committed while the defendant was under the

1 influence of extreme mental or emotional disturbance."
2 Would you be able to consider that as mitigating?

3 JUROR NUMBER 87: Yes, sir.

4 MR. PIROLO: And, remember, with mitigating we're
5 talking about things that would lead you to consider a
6 life sentence. "The capacity of the defendant to
7 appreciate the criminality of his conduct or to
8 conform his conduct to the requirements of the law was
9 substantially impaired." Would you be open to
10 considering that as mitigation?

11 JUROR NUMBER 87: Yes, sir.

12 MR. PIROLO: Forgive me if I asked you this
13 already, but physical or emotional abuse, if you heard
14 evidence of that, would you consider that as
15 mitigating?

16 JUROR NUMBER 87: Yes, sir.

17 MR. PIROLO: Some of the mitigating circumstances
18 we've touched on, if you heard evidence of what we've
19 discussed, with mental illness, brain damage, physical
20 abuse, would you consider that as an explanation of
21 Mr. Bradley's behavior, or would you consider that as
22 an excuse?

23 JUROR NUMBER 87: I'm not too sure. I wouldn't
24 say an excuse. It would help to (unintelligible).

25 MR. PIROLO: You would see some photographs that

1 are very graphic in nature, the photographs show what
2 Deputy Pill looked like after she was shot. Do you
3 think seeing those would cause you to not to be able
4 to consider mitigation after seeing photographs like
5 that?

6 JUROR NUMBER 87: No.

7 MR. PIROLO: Would you still be able to consider
8 a life recommendation if you saw photographs like
9 that?

10 JUROR NUMBER 87: Yes, sir.

11 MR. PIROLO: What about a video of her death, her
12 being killed in it, would seeing that cut you off and
13 say, I just cannot listen to any mitigation?

14 JUROR NUMBER 87: No.

15 MR. PIROLO: And would you still be able to
16 consider and, if appropriate, return a life
17 recommendation, even after seeing a video like that?

18 JUROR NUMBER 87: If things were proven, like
19 mental illness and things like that.

20 MR. PIROLO: We kind of talked about it in the
21 beginning, regarding fellow jurors, understanding that
22 no one should put pressure on a juror to make a
23 decision on it. Do you feel that if you're on the
24 jury, during deliberations, that if someone tried to
25 bully you or talk you out of your vote in the second

1 part, would you be able to stand your ground and say,
2 this is what I feel, this is going to be my decision?

3 JUROR NUMBER 87: Yes.

4 MR. PIROLO: In the same respect, you couldn't do
5 that to them, you couldn't try to, you know, twist
6 their arm or browbeat them, right?

7 JUROR NUMBER 87: Right.

8 MR. PIROLO: Do you have any hesitation that if
9 you consider the mitigating circumstances, do the
10 weighing process, and you feel that they outweigh the
11 aggravators, that you could render a life sentence?

12 JUROR NUMBER 87: No, sir.

13 MR. PIROLO: May I have a moment, Your Honor?

14 THE COURT: Yes, you may.

15 MR. PIROLO: Can you give us reasons why you
16 support the death penalty?

17 JUROR NUMBER 87: It wasn't before you brought it
18 up, I never really thought of someone having mental
19 illness, never really thought (unintelligible), but
20 (unintelligible) reason for life.

21 MR. PIROLO: I mean any reasons why you support
22 it, why you would be in favor of the death penalty.

23 JUROR NUMBER 87: If you take someone's life, in
24 a sense, you should get the death penalty.

25 MR. PIROLO: You would feel that automatic, or

1 would you?

2 JUROR NUMBER 87: No. (Unintelligible).

3 MR. PIROLO: Okay. Nothing else, Your Honor.

4 THE COURT: Okay. All right. Juror Number 87,
5 you are going to be released for today, but you are
6 still under consideration as a possible juror in this
7 case. What I'm going to ask you to do is, go
8 downstairs, report to the jury assembly room, and
9 they're going to give you a phone number. They're
10 going to ask you to call between 1:00 and 5:00 on
11 March the 5th. They'll give this information to you
12 again downstairs, but it's between 1:00 and 5:00 on
13 March the 5th. At that time, we're going to tell you
14 when you need to return. We're not going to be here
15 Monday, Tuesday, Wednesday, so feel free to make
16 plans. You may be back Thursday or Friday, but we'll
17 give you that information when you call.

18 During this recess, you must continue to abide by
19 the rules governing your service as a juror.
20 Specifically, do not discuss this case with anyone.
21 Now, you can tell people, as I said, I'm here, I'm a
22 potential juror in this case, this is what time I'm
23 supposed to be here, this is what I'm supposed to do,
24 but that's it. So if they ask you if you're on this
25 trial, you can say, I can't discuss that with you. Do

1 not -- you must avoid reading newspaper headlines and
2 articles relating to this trial or its participants.
3 Avoid seeing or hearing television or radio or
4 Internet comments about this trial. Do not conduct
5 any research yourself regarding this case or any of
6 its participants. Any questions or concerns?

7 JUROR NUMBER 87: No.

8 THE COURT: Okay. Thank you, sir. You are
9 released from my courtroom for today. Thank you.

10 (Thereupon, Juror Number 87 was escorted from the
11 courtroom by the court deputy; thereafter, voir dire
12 selection was had which was not requested to be
13 transcribed.)

14 THE COURT: We can bring in Juror Number 102.

15 (Thereupon, Juror Number 102 was escorted into
16 the courtroom by the court deputy and the proceedings
17 were had as follows:)

18 THE COURT: Good afternoon, Juror Number 102.
19 It's been a long time since I've talked to you this
20 morning, and then got to talk to you again. First of
21 all, I want to thank you for being, thank you for
22 being patient with us. We wish we could get to you
23 sooner, but I do have to go by the numbers. The first
24 question I'm going to ask you has to do with the rules
25 I previously implemented, those rules became in effect

1 at that time. So have you read or been exposed to
2 reading newspaper headlines and/or articles relating
3 to this trial or its participants?

4 JUROR NUMBER 102: No.

5 THE COURT: Have you seen or heard television or
6 radio or Internet comments about this trial?

7 JUROR NUMBER 102: No.

8 THE COURT: Have you conducted or been exposed to
9 any research regarding any matters concerning this
10 case?

11 JUROR NUMBER 102: No.

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

15 JUROR NUMBER 102: No.

16 THE COURT: Okay. The first question I'm going
17 to ask you is -- well, first I'm going to tell you
18 that you can say anything you like in here. There's
19 no restrictions. We want your opinion, we want your
20 views. What we ask you to do is to be honest, frank,
21 and provide candor to the Court. There's no right or
22 wrong answers. Having said that, do you know anything
23 about this case either from your own personal
24 knowledge, rumor, by discussions with anyone else, or
25 from the media, radio, television, Internet,

1 electronic device, or newspapers?

2 JUROR NUMBER 102: The only thing I know about it
3 was what I heard prior to being summoned as a juror.
4 I saw on the Internet that the officer had been shot,
5 and that's all I know.

6 THE COURT: Okay. And did you see that at the
7 time of the event, or would you have seen that more
8 recently?

9 JUROR NUMBER 102: No, that was weeks ago. That
10 was weeks ago. It was on the Internet, and that was
11 weeks ago, and it was probably a day or -- a day after
12 it happened.

13 THE COURT: Okay. So a day after the event
14 happened?

15 JUROR NUMBER 102: Right.

16 THE COURT: And that would be by Internet?

17 JUROR NUMBER 102: Yes. Yeah, I was just on and
18 I saw the headline and I opened it up.

19 THE COURT: Okay. And so what information do you
20 believe that you know about the case?

21 JUROR NUMBER 102: That's as much as I remember
22 about it. The only reason I know is because I
23 remember the name.

24 THE COURT: Okay. Which name?

25 JUROR NUMBER 102: The officer's name. Because,

1 obviously, I'm on medication and it just kind of stuck
2 in my mind.

3 THE COURT: The Pill?

4 JUROR NUMBER 102: Yeah.

5 THE COURT: Okay. Do you, as a matter of source,
6 listen to the news daily?

7 JUROR NUMBER 102: No.

8 THE COURT: Do you, as a matter of your standard
9 procedure, read the newspaper daily?

10 JUROR NUMBER 102: No, we don't get a newspaper
11 at our house.

12 THE COURT: Okay. So have you seen or heard
13 anything recently about this case?

14 JUROR NUMBER 102: No. No, that was the one and
15 only time.

16 THE COURT: Okay. So the question becomes, can
17 you set aside anything that you may have learned about
18 this case, serve with an open mind, and reach a
19 verdict based only on the law as I instruct you, the
20 evidence presented in this trial, in this courtroom?

21 JUROR NUMBER 102: Yes, ma'am.

22 THE COURT: Okay. So my next question is kind of
23 a general question, and I ask it to you that way on
24 purpose, what are your views about the death penalty?

25 JUROR NUMBER 102: In some cases, I would say it

1 is warranted; in some cases, I feel it's not
2 warranted. It basically depends on the situation that
3 it's applied to. There have been times when I thought
4 it would have been better for the jury not to find
5 that person guilty, let them be in prison, you know.
6 Especially if they're aiming for the other way.
7 Jeffrey Dahmer was an example, he wanted the death
8 penalty, but he didn't -- you know, and they gave it
9 to him. Personally, I think he should have been the
10 other way, I think they should have given him what he
11 didn't want, as opposed to what he was aiming for.

12 THE COURT: Okay.

13 JUROR NUMBER 102: I feel if -- as a justice
14 deterrent, it's not necessarily -- the way it's
15 applied today is not necessarily deterring anyone.
16 The only person it deters is the person you're
17 applying it to; but as a general deterrent, it's not a
18 general deterrent.

19 THE COURT: Okay. So if I was to say an
20 overview, you're for it in some situations.

21 JUROR NUMBER 102: It depends on the facts. It
22 depends on the facts. It would depend a lot on the
23 facts.

24 THE COURT: Okay. I'm going to talk to you about
25 how the -- generally how the trial process works, and

1 the State will have an opportunity to ask you some
2 questions, and the defense will have an opportunity to
3 ask you some questions.

4 We have the first phase of the trial, which we
5 call the guilt phase. In the guilt phase, if the jury
6 returns a verdict of guilty on count one, it only
7 applies to count one, that's murder in the first
8 degree, if there's a guilty verdict to that, then we
9 go on to a second phase. The second phase is called
10 the penalty phase. In the penalty phase, as a juror,
11 I will instruct you to give me a recommendation, me,
12 the judge, a recommendation as to a sentence; and the
13 possible penalties for you to consider are death, or
14 life in prison without the possibility of parole.
15 Now, as a juror, I will instruct you that you have to
16 consider both those possible penalties, and I will
17 give you detailed written instructions on how -- some
18 assistance in how to make those considerations, and
19 the attorneys will talk to you more about that in
20 detail in a few moments; but can you consider both
21 penalties?

22 JUROR NUMBER 102: Yes.

23 THE COURT: And are you of the opinion that death
24 is the only appropriate penalty for murder in the
25 first degree, and is that opinion so strong that you

1 would not consider life in prison without the
2 possibility of parole as a penalty under any
3 circumstances?

4 JUROR NUMBER 102: No. No, it would depend,
5 again -- it would depend on the facts. It doesn't
6 necessarily have to be the only outcome.

7 THE COURT: Because, remember, in order to even
8 get to the second phase, there has to be a guilty
9 verdict on murder in the first degree, on count one.

10 JUROR NUMBER 102: Right. That would be to be
11 beyond a reasonable doubt that --

12 THE COURT: Right.

13 JUROR NUMBER 102: That'd be -- right. Okay.

14 THE COURT: So if we get to the second phase,
15 then are you --

16 JUROR NUMBER 102: At that point it doesn't
17 necessarily mean that I'm not for it, it just means,
18 again, if it's -- at that point we're making a
19 recommendation, at that point that's where we take
20 everything we've already learned, and we apply it to
21 the recommendation, correct?

22 THE COURT: Well, you -- if you remember my
23 instruction, you're going to talk about aggravating
24 circumstances and mitigating circumstances.

25 JUROR NUMBER 102: Right. And do those --

1 THE COURT: And you'll weigh the two of them
2 against each other, and then you'll make a
3 recommendation to the Court. And I know the attorneys
4 are going to talk to you more about that. So you
5 would be open to considering both penalties in the
6 event there's a guilty verdict on count one?

7 JUROR NUMBER 102: Yes.

8 THE COURT: Okay. All right. Questions by the
9 State?

10 MR. BROWN: Thank you, Your Honor. Juror Number
11 102, good afternoon. I'm going to talk to you a
12 little bit about the death penalty, and as the Court
13 told you, I'm going to try to go through the process
14 with you, to get to the point where you make that
15 recommendation to the Court. As the judge told you,
16 it only applies to first degree murder. So what
17 happens is, the jury would go back, if you're
18 selected, you return a verdict in this case. If it's
19 anything other than for first degree murder, then
20 you're not going to be back for sentencing, the
21 penalty is going to be left entirely up to the Court.

22 If you do return a verdict for first degree
23 murder, then we would reconvene, you would hear
24 additional evidence, then the Court would give you a
25 new set of instructions. Through that set of

1 instructions, that's where the Court is going to lay
2 out what are known as the aggravating circumstances.
3 If you recall what she told you yesterday, aggravating
4 circumstances are circumstances that increase the
5 gravity of the crime or the harm to the victim. So
6 they're based upon that type of scenario. She will
7 give you -- it could be as few as one, I expect it
8 will be more than one -- a list of aggravators that
9 may apply in this case. Again, as the State of
10 Florida, we have to prove those aggravators to you
11 beyond and to the exclusion of any reasonable doubt.
12 The proof may come from the guilt phase, the original
13 phase of the trial, or the proof may come from the
14 penalty phase. Even though it's the second portion,
15 you don't ignore everything you learned that was
16 proven in the first portion.

17 So you take those aggravating circumstances, and
18 if the State hasn't proven any, then your
19 recommendation has to be for life. If the State has
20 proven at least one, they may prove more than one,
21 they could prove several, but if they've proven at
22 least one, then you take either that aggravating
23 circumstance, or circumstances, if we've proven more
24 than one, and ask yourself, do these justify the death
25 penalty? If the answer is no, then you return a

1 verdict of life. If you find that these aggravators
2 do justify the death penalty, you go on to the next
3 step of the process. The Court's going to tell you
4 that's where you look at the mitigating circumstances,
5 and the Court told you yesterday that those are things
6 concerning the defendant, his background, his
7 character, and, basically, his life. Those have a
8 burden of proof as well, it's a lower burden, it's to
9 the greater weight of the evidence. So if something's
10 presented, you don't find that it's proven, you
11 disregard it.

12 What the Court's going to tell you is that you
13 take that mitigation that's been proven, and you take
14 the aggravating circumstances that have been proven,
15 and you have to weigh those against each other. Now,
16 in your life, have you ever made some key critical
17 decisions along the way?

18 JUROR NUMBER 102: Yeah.

19 MR. BROWN: And when you made those decisions,
20 those important decisions, did you look at all the
21 circumstances and all the factors involved?

22 JUROR NUMBER 102: Yeah. You have to look at the
23 long-term versus the short-term.

24 MR. BROWN: Right. So you look at that, and when
25 you were doing that analysis, you found some factors,

1 or some key things, were very important, and you gave
2 them great weight in making your decision. Other
3 things you may have looked at, you found to have much
4 less importance, and you gave them little weight.
5 Right?

6 JUROR NUMBER 102: Right.

7 MR. BROWN: And that's how most of us make a
8 typical important decision in our life. The Court's
9 going to tell you it's the same process here. You
10 consider everything that's been proven to you, but you
11 decide personally how much weight you're going to give
12 it. You can consider something and say, I've
13 considered this, I find it to be important, and give
14 it great weight. Or you can say, I considered it, I
15 don't find it to be important, and I give it little
16 weight. It's up to you to decide how much weight
17 you're going to give to anything. The Court's not
18 going to tell you, we can't tell you. We may urge you
19 to -- how much weight to give it, but it's your choice
20 to decide how much weight. You have to assure us
21 you're going to consider it, but the weight is up to
22 you, only you can determine that, and you can
23 determine that when you hear it and put it all
24 together.

25 So you decide the weight to give to the

1 aggravators and the mitigators, and you weigh those.
2 If the mitigation does not -- well, if the mitigation
3 outweighs the aggravators, then your recommendation
4 would be life. If the mitigation does not outweigh
5 the aggravating circumstances, then you're in a
6 position where legally you can recommend to the Court
7 a sentence of death. Do you understand?

8 JUROR NUMBER 102: Yes.

9 MR. BROWN: The Court's not going to tell you,
10 well, if the State proves A, B, C, or D, you must come
11 back with a recommendation for the death penalty.
12 She's going to tell you that you're never required to
13 do that. You have to go through the weighing process,
14 take aggravators, weigh it with the mitigators, and if
15 you feel the aggravators outweigh the mitigators and
16 justify the death penalty, that's when you return a
17 recommendation of death. Do you understand the
18 process? Do you have questions about it?

19 JUROR NUMBER 102: No.

20 MR. BROWN: Okay. You feel comfortable with that
21 process?

22 JUROR NUMBER 102: Yes.

23 MR. BROWN: Okay. And if you find that the
24 aggravators justify the death penalty, can you
25 recommend a sentence of death?

1 JUROR NUMBER 102: I could.

2 MR. BROWN: Is there anything in your
3 philosophical, moral beliefs, religious beliefs,
4 family history that causes you any hesitation or any
5 concern, any questions about your ability to make that
6 recommendation?

7 JUROR NUMBER 102: No. No, I think I'm good with
8 that.

9 MR. BROWN: Do you come in here with any idea or
10 thought process of, you know, if it's not either A or
11 B, a mass murderer or something else, then I wouldn't
12 be voting for the death penalty?

13 JUROR NUMBER 102: No. Because it's based on
14 fact.

15 MR. BROWN: Okay. You're going to look towards
16 those aggravating circumstances that the Court gives
17 you.

18 JUROR NUMBER 102: Okay.

19 MR. BROWN: That's what you're basing your
20 recommendation of death on.

21 JUROR NUMBER 102: If the mitigating
22 circumstances don't outweigh it, right.

23 MR. BROWN: Right. But you have to look -- the
24 basis for the recommendation of death comes from, and
25 can only come from, that list of aggravating

1 circumstances.

2 JUROR NUMBER 102: Right. Only the aggravating
3 circumstances.

4 MR. BROWN: So you agree to consider the ones the
5 Court gives you?

6 JUROR NUMBER 102: Right.

7 MR. BROWN: And you can see the concern is, if
8 somebody comes in and says, well, it's only -- I would
9 only vote for death in this one particular
10 circumstance.

11 JUROR NUMBER 102: Oh, no, no, no.

12 MR. BROWN: You'll look at what the Court gives
13 you and base it off of that?

14 JUROR NUMBER 102: Right.

15 MR. BROWN: The last topic I want to cover would
16 be the issue of -- and I cover this with everyone,
17 just to be certain that it doesn't apply to you, but
18 also if you see it happening to another juror, if
19 you're selected. Obviously, as the Court mentioned,
20 if you come back with something else other than first
21 degree murder, such as a lesser-included, like second
22 degree murder, the death penalty's off the table,
23 you're not going to be in the situation where you have
24 to give that sentencing recommendation. So the
25 concern, and the question I want to put to you is, if

1 the State proves to you that this defendant committed
2 first degree murder, are you going to let it enter
3 into your thought process and say, you know, it's
4 going to be easier for me if I just do second, so I
5 don't have to make that next decision?

6 JUROR NUMBER 102: No.

7 MR. BROWN: Are you going to let that enter into
8 your thought process at all?

9 JUROR NUMBER 102: No. Because it has to be
10 based upon the facts of what's proved. It has to be
11 based on that. It can't be based on a personal
12 decision or a personal view, it has to be based on the
13 truths.

14 MR. BROWN: You would agree that justice would
15 require that a verdict leads to what the evidence says
16 it is?

17 JUROR NUMBER 102: It has to be.

18 MR. BROWN: And that's important to you, right?

19 JUROR NUMBER 102: It is. That would be the
20 right thing to do.

21 MR. BROWN: So if the evidence convinces you
22 beyond any reasonable doubt that this defendant's
23 guilty of first degree murder, that would be your
24 verdict, right?

25 JUROR NUMBER 102: We have to go where the

1 evidence leads.

2 MR. BROWN: You wouldn't compromise down just to
3 avoid the next step?

4 JUROR NUMBER 102: No. No, because that wouldn't
5 be the right thing to do.

6 MR. BROWN: You can understand -- you can see
7 where the concern comes from, to make sure that
8 people --

9 JUROR NUMBER 102: Right. I can understand how
10 people would do that, or they would try to, you know,
11 fudge on it and say, well, because my conscience says
12 I shouldn't do X, Y, Z, I'm going to come back with a
13 lesser thing, just so I don't have to encounter this.
14 But that's taking the easy way out. That's not the
15 right thing to do.

16 MR. BROWN: And it's not justice.

17 JUROR NUMBER 102: It's not justice.

18 MR. BROWN: Thank you. Nothing further, Your
19 Honor.

20 THE COURT: Okay. Questions by the defense?

21 MR. PIROLO: Yes. Thank you. How are you?

22 THE COURT: Doing good.

23 MR. PIROLO: Where I want to begin is by saying
24 that there are no wrong answers, as the judge said,
25 and just speak your mind. Whatever you're thinking,

1 let us know. I want to start with life without
2 parole. In the state of Florida, that means that a
3 person who's sentenced to prison for life without
4 parole means just that, that person dies in prison.
5 Do you accept that as being a law here in Florida?

6 JUROR NUMBER 102: That is what it is.

7 MR. PIROLO: What are your feelings on a life
8 without parole sentence?

9 JUROR NUMBER 102: It's -- I wouldn't call it a
10 deterrent, per se, just as the death penalty is not
11 necessarily a deterrent. It only deters the person
12 it's applied to, it doesn't necessarily deter the
13 general population. I feel that it has to be based
14 upon, again, what the facts say. It can't be based on
15 a personal view, it has to be on where the facts go in
16 the case. If there's less there, the aggravating
17 circumstances, to prove, then you have to go with
18 life. You have to, because it's what it says it is.
19 If you have proof that without a shadow of a doubt is
20 there, it's staring you in the face, it's huge,
21 there's enough to outweigh that, then you have to go
22 with the death penalty. It all depends on where the
23 facts of the case take you, and whether or not there's
24 enough there to be able to make it --

25 MR. PIROLO: It's been talked about already, I

1 just want to --

2 JUROR NUMBER 102: Yeah, I'm a terrible -- I
3 present terribly.

4 MR. PIROLO: You're doing fine, ma'am. You're
5 doing great.

6 JUROR NUMBER 102: I'm sorry.

7 MR. PIROLO: Nothing to be sorry about. You
8 understand that at no time you are required to
9 recommend the death penalty? You understand that?

10 JUROR NUMBER 102: Right. It's strictly
11 according to what the facts of the case present.

12 MR. PIROLO: Right. And also if -- even if you
13 get to the point where you believe there are
14 aggravating circumstances, multiple aggravating
15 circumstances, and there are no mitigating
16 circumstances, zero mitigating, you still at that
17 point -- you're not required to recommend the death
18 penalty. Do you understand that?

19 JUROR NUMBER 102: Uh-huh. Right.

20 MR. PIROLO: This judge and no other judge will
21 tell you that if there's, you know, X amount of
22 aggravators and zero mitigators, you have to vote on
23 death. That's -- you can always vote for life. Can
24 you accept that?

25 JUROR NUMBER 102: I can understand that.

1 MR. PIROLO: Okay. Now, you said that in the
2 right case, you can see where the death penalty's
3 warranted. First, tell us why you -- that tells me
4 you support the death penalty, you don't oppose it.

5 JUROR NUMBER 102: I'm not liberally against it,
6 but there's times when I look at it and I go, why?
7 Why did they do this instead of this? Or, okay,
8 somebody has been in prison for 25 years and now they
9 get the death penalty. What's the point? You know,
10 at that point, it's -- even though it took 25 years
11 for the wheels of justice to turn, at that point it's
12 almost -- you know, it's almost beyond the payout as
13 to why they're doing it now. If you're going to have
14 that kind of sentence, you know, they really need to
15 look at what they're really doing as far as getting
16 there.

17 MR. PIROLO: Why don't you oppose the death
18 penalty?

19 JUROR NUMBER 102: Because I feel that in some
20 cases it is warranted. In some cases, it is
21 warranted. Some crimes are so heinous, so horrible,
22 so awful, that the only way to send that message out
23 there and just say, look, this was really bad, and we
24 recognize that this was really bad, is to come back
25 and do that. You know, these guys -- this kid that

1 shot up that school up in --

2 MR. PIROLO: Connecticut.

3 JUROR NUMBER 102: Connecticut. You know, that
4 was really bad. That's the kind of thing that's
5 almost beyond the -- I mean, that's kids. That's
6 different. That's really different.

7 MR. PIROLO: Can you think of a case where --
8 and, obviously, that is beyond tragic, talking about
9 20 children, but can you think of a case where it's
10 not a mass murder that you feel warrants the death
11 penalty?

12 JUROR NUMBER 102: A case that's not mass murder
13 that warrants the death penalty? I can't really think
14 of one where somebody didn't die that you would say,
15 yes, we're going to do the death penalty on this --

16 MR. PIROLO: No, no. I mean, obviously it's a
17 murder, a person was killed, I'm just saying --
18 setting aside a mass killing --

19 JUROR NUMBER 102: You mean like a kidnapping,
20 where they kidnap somebody and the person died, and
21 then they come back and do the death penalty on them
22 or something? No, I wouldn't -- again, it would
23 depend on the facts in the case; but just off the top,
24 to say, oh, yeah, this is -- you know, he gets the
25 death penalty for this, no, not necessarily.

1 Different things are different -- you know, the cases
2 themselves are different.

3 MR. PIROLO: In a case such as this, where a
4 police officer was killed, do you feel the death
5 penalty should be automatic?

6 JUROR NUMBER 102: No.

7 MR. PIROLO: And you have to weigh the
8 aggravating and mitigating circumstances, right?

9 JUROR NUMBER 102: Absolutely. You have to on
10 every case. It doesn't -- the fact that the person
11 was an officer of the law -- I respect the officers of
12 the law deeply, my father was an officer of the law
13 many, many, many, many years ago; however, that does
14 not change the fact that he is a person who got shot.
15 It's just the same as if he was a grocery store clerk.
16 I don't think it gets them any extra weight, I don't
17 think it gets them any less weight, I think they're
18 exactly the same. If a guy goes into 7-Eleven and he
19 shoots the guy behind the counter, I think that's just
20 as sad as if a traffic cop stops some guy for a ticket
21 and he turns around and he shoots him. That doesn't
22 get extra weight because he's an officer, but at the
23 same time, it's still, you know, a shooting. It's
24 still a shooting. You wouldn't necessarily say, oh,
25 this guy gets the death penalty but this guy gets the

1 life in prison because he was the clerk and he was the
2 cop. No, it's not based on that. It's based on the
3 facts in the case and whether or not it was that kind
4 of heinous a crime that you actually have to do that.

5 MR. PIROLO: I want to touch on a couple things.
6 First, getting to the fact that your father was a law
7 enforcement officer --

8 JUROR NUMBER 102: Yeah, but he retired in '65,
9 so I don't have to worry about it.

10 MR. PIROLO: I got to throw it out there. You --

11 JUROR NUMBER 102: I know, I brought it up, you
12 got to touch on it. I opened that door.

13 MR. PIROLO: Knowing that we're talking about in
14 this case a person who was a police officer, could
15 that affect your verdict in this case, that your dad
16 was a police officer?

17 JUROR NUMBER 102: No. No. I think -- my father
18 retired when I was 10, I think, so the only real thing
19 I know is just that he's thrown some funny stories and
20 stuff out there. It was very rare to see him in
21 uniform, because by the time I was eight, he was
22 driving captain, and he wore plainclothes and he had a
23 plainclothes car, and he wasn't a beat cop on the
24 street that was out there every day arresting people.
25 It was a totally different time, and he was, you know,

1 on his 19th year, coming up for retirement.

2 MR. PIROLO: I'm going to throw some numbers at
3 you, you've got to pick one.

4 JUROR NUMBER 102: Okay.

5 MR. PIROLO: On a scale of 0 to 10, 10 being that
6 you strongly support the death penalty, 0 being that
7 you oppose it, where do you fall on that spectrum?

8 JUROR NUMBER 102: I'd give it about a 7 or an 8.
9 Around there. I'm not -- I'd say 7. I'm not, like,
10 crazy, you know, everybody who does this thing
11 absolutely, positively has to get it. But on the
12 other hand, there are times when it becomes necessary,
13 that you have to do that, you have to impose it. It's
14 just the -- well, I should say have to, I shouldn't
15 say have to. It makes it sound like it's a necessary
16 thing, no matter what. But based on the facts of the
17 case, where you need to look at it and say, this is a
18 consideration that you need to look at, as opposed to
19 automatically saying, no, we're not going to do this.

20 MR. PIROLO: So as you sit here right now, if the
21 Court instructed you -- if you become a juror in this
22 case, she will instruct you -- that we go to the next
23 phase, the second phase, if you found a conviction for
24 first degree murder, you have to consider both
25 penalties --

1 JUROR NUMBER 102: Absolutely. You have to
2 consider both penalties.

3 MR. PIROLO: Would you be able to do that?

4 JUROR NUMBER 102: Yes. Yes, you have to
5 consider both penalties. It's the right thing -- I
6 know I keep saying this, but it's part of me, it's the
7 right thing to do. You know what I'm saying? And in
8 this case, you have to go where the evidence leads,
9 and if it's someplace other than you maybe want it to
10 go, it doesn't matter, it's where it is. You know,
11 this is what the facts say, and you cannot change the
12 facts of the case. It is what it is.

13 MR. PIROLO: You mentioned earlier about
14 regardless if the person's a police officer or a
15 grocery store clerk, it's still a human being, which
16 is true. If we get to that point, we'll be discussing
17 a person's life, and you'll be giving a recommendation
18 of life or death. As we sit here today, that person
19 has a name and has a face, and that is Mr. Bradley,
20 who is sitting across the room from you.

21 The judge would instruct you that you've got to
22 find -- to find an aggravating circumstance, you've
23 got to find it beyond a reasonable doubt. Now, if you
24 do, what I want to ask you is, if you found, let's
25 say, two aggravating circumstances, would that shut

1 you off to listening to mitigation, the fact that
2 there's two aggravating circumstances?

3 JUROR NUMBER 102: No. Because you have to weigh
4 the mitigation. You have to weigh the mitigation.

5 MR. PIROLO: Does it change if we up the number,
6 let's say, to six?

7 JUROR NUMBER 102: You could have 10, and it
8 would still -- you would have to bring in the
9 mitigating circumstances, because it's part and parcel
10 of the whole case, it's part of the whole thing. You
11 have to -- you can't look at just this, and just that,
12 you have to weigh it all together.

13 MR. PIROLO: And then focusing in on the
14 mitigating circumstances, you understand that those
15 are -- the aggravating circumstances are actually
16 limited. By law, the judge will only read to you a
17 certain number. Mitigating circumstances are wide
18 open, unlimited. Also, the burden is less than the
19 burden on the aggravating circumstances. Aggravating
20 circumstances, the State's got to prove it to you
21 beyond a reasonable doubt. Mitigating circumstances,
22 you have to be reasonably convinced that they exist.
23 And you can appreciate why, because we're talking
24 about, again, a life or death decision, so you can
25 understand why the difference in the burdens.

1 JUROR NUMBER 102: So mitigating circumstances
2 are more like things that are the history of?

3 MR. PIROLO: Right. We're going to get to --
4 mitigating circumstances, and we'll get to a couple
5 specific ones, but it's pretty much anything that has
6 to do with Mr. Bradley's background, his life, his
7 upbringing, anything. That's why, again, they are
8 unlimited. And we're going to get to some of those.

9 While we're on that, if you heard evidence of
10 brain damage or injury, brain injury, could you
11 consider that as something that's mitigating?

12 JUROR NUMBER 102: That would be a mitigating
13 circumstance, because that is a -- it is a history of,
14 it goes to his past, it goes to his medical history.

15 MR. PIROLO: If you heard evidence of mental
16 illness, would you consider that as mitigation?

17 JUROR NUMBER 102: That would be a mitigating
18 circumstance. The severity of that would depend upon
19 the type of -- you know, it's one thing to have a
20 little bit of depression over here, it's another thing
21 to be a schizophrenic. It's totally, totally
22 different things. So, yes, it would be a mitigating
23 circumstance, it would depend on how severe we're
24 talking about. Not just -- you can't be general on
25 mental illness, you've got to be specific on that.

1 MR. PIROLO: And have you -- I assume you've
2 heard of MRI's and PET scans?

3 JUROR NUMBER 102: Oh, yeah.

4 MR. PIROLO: I know your field, I'm sure you've
5 heard of them, more than once. Would you be open and
6 would you consider that type of evidence as well, in
7 this case, as potentially being mitigating evidence?

8 JUROR NUMBER 102: Yeah, because they're very --
9 you know, I don't know as much about PET as I do about
10 MRI. PET is an entire body thing, usually that's why
11 they do it. It's positron emission, I believe, as
12 opposed to magnetic resonance, which is the MRI. MRI
13 focuses on a specific field of the body. Let's say
14 you want to look at a shoulder, okay, it's just going
15 to look at the shoulder, where a PET is going to look
16 at the whole -- it's going to do the entire body.
17 It's mostly the soft tissue, doesn't look at bone as
18 well as the x-ray, for example. It will only show you
19 what it can find, it isn't going to show you -- and
20 then what the picture is, is that it has to be read by
21 a radiologist. You know, just the technician or
22 somebody looking at it, they can't just say, oh, yeah,
23 that's a mass versus that's a cyst. Only a
24 radiologist, someone with the medical training, can
25 actually read that, it's going to be the one that

1 tells you that this is not just a cyst, it's a tumor.

2 MR. PIROLO: If you heard evidence pertaining to
3 that, to an MRI and/or a PET scan, could you consider
4 that as mitigating? Obviously coming from a qualified
5 expert who can read those. Would you consider that as
6 potentially mitigating in this case?

7 JUROR NUMBER 102: Yeah. Because it comes back
8 to the history of the medical -- his medical history.
9 And you're bound to that, you know, here is the
10 history of, as opposed to diagnosis of, which would be
11 aggravating. Aggravatings are things that are here
12 and now; whereas, the mitigating is more like the
13 history of. History of versus diagnosis of, in my
14 mind, where I come from. History of, it's things that
15 you know you've had in the past, but maybe not have
16 right now. An aggravating factor would be something
17 like, okay, yeah, you fell down yesterday, you broke
18 your arm. Aggravating, it's here, it's now. This
19 happened now, that happened then.

20 MR. PIROLO: Would you agree that there are some
21 things, like mental illness, where some people don't
22 know they have it?

23 JUROR NUMBER 102: Right. Exactly. And, again,
24 that is the kind of thing where you -- of course,
25 you'd have to have a doctor's opinion on that. And,

1 many times, it can be very hard to define, it can be
2 just something very, very minor, or it can be
3 something with a minor symptom that's very major. It
4 just depends on what it is they decide that you -- you
5 know, based on the symptomatology that you actually
6 have.

7 MR. PIROLO: Would you be able to consider
8 physical or emotional abuse as a mitigating
9 circumstance?

10 JUROR NUMBER 102: Physical abuse -- well,
11 actually both, yes. More emotional abuse than
12 physical abuse though, because physical abuse, I
13 think, you see that sooner. Most people would get
14 that -- that would get reported sooner, especially
15 with little kids, you see it sooner. Emotional abuse,
16 that can go on and on and on and you may never see it,
17 you know, unless the person comes forward, or someone
18 in the family reports it. You may never know.

19 MR. PIROLO: Can you think of some situations,
20 though, where physical abuse goes unreported?

21 JUROR NUMBER 102: Yeah. You can have people
22 with Munchausen Syndrome, for example, where they
23 abuse -- they abuse, but yet they keep telling the
24 doctor, he broke his arm, he broke his leg, he fell
25 down playing baseball. And it's only after about four

1 or five of these that maybe the doctor steps in and
2 says, hey, it's not the kid that's the problem, you
3 know, it's the parent.

4 MR. PIROLO: And they, obviously, figure that out
5 if the person's going to the doctor to get treatment
6 for that abuse, right? Sometimes people aren't as
7 fortunate to have the ability to go see a doctor.

8 JUROR NUMBER 102: Right. That's what I was
9 saying, it doesn't always pick up. Now a days, in
10 today's society, a lot of people, especially teachers,
11 pastors, you know, people like that, they get
12 training, so that some of them can try to stop this,
13 so maybe they don't go to the doctor, at least these
14 people can still maybe help these people and catch it
15 before it gets to the point where it becomes really
16 bad. It doesn't always happen.

17 MR. PIROLO: Could you be open to considering
18 drug addiction as a mitigating circumstance?

19 JUROR NUMBER 102: Yeah. That's -- that is a sad
20 thing. That is a sad thing.

21 MR. PIROLO: Would you be open to considering
22 that?

23 JUROR NUMBER 102: Yeah. Yeah. Because I worked
24 in a place where we've seen that come through, and
25 it's a sad thing. Some people can get better, some

1 people can't.

2 MR. PIROLO: I'm going to read to you a specific
3 instruction that you may get, it's part of mitigation;
4 and, after each one, I'm going to ask you if you'd
5 consider each one. One of them being, "the capital
6 felony was committed while the defendant was under the
7 influence of extreme mental or emotional disturbance."
8 Could you consider that as a mitigating circumstance
9 in this case?

10 JUROR NUMBER 102: That could be a mitigating
11 circumstance, yes. It depends on how long has this
12 been going on, is this something that's been there for
13 a while, is this something that just came around the
14 week before it happened. You know, his girlfriend
15 broke up with him and he got depressed, this kind of
16 thing, or is this something that he's always had since
17 childhood, he just didn't know about it. People --
18 family members would be able to say, well, you know,
19 he's always been kind of an out there kind of guy.
20 But it just depends. It depends, again -- yes, it's a
21 mitigating circumstance, but, again, the mental
22 illness is defined by the severity of it, it's defined
23 by how -- you know, a lot of things.

24 MR. PIROLO: Would you be able to consider the
25 following: "The capacity of the defendant to

1 appreciate the criminality of his conduct or to
2 conform his conduct to the requirements of the law was
3 substantially impaired."

4 JUROR NUMBER 102: Okay. Again, it would have to
5 be -- that one you would have to prove, because
6 impairment takes many shapes, so it doesn't mean that
7 I couldn't consider it, or anything like that, but I
8 would have to look at it. You know, you'd have to
9 look at it -- look at the whole of the picture, not
10 just the one time.

11 MR. PIROLO: And, again, this is just a brief
12 mention of some mitigating circumstances.

13 JUROR NUMBER 102: I know, I'm sorry.

14 MR. PIROLO: No, no, no, no. You're fine.
15 You're doing great. As we talked about earlier,
16 mitigation would be unlimited; but, I mean, we've
17 talked about some. The things that we've talked
18 about, would you consider those things as an
19 explanation for someone's behavior, or as an excuse?

20 JUROR NUMBER 102: No, not an excuse, but it
21 would -- could be a factor. It could be a factor.
22 But not an excuse. Because an excuse, to me, is like,
23 you know, the dog ate my homework. That's an excuse.
24 I had my homework, and all of a sudden, out of the
25 blue, the dog comes along and eats my homework. You

1 left your homework out, that's why the dog ate it, you
2 know, that kind of thing. So you'd have to have some
3 responsibility in there, but I wouldn't say it was an
4 excuse. I would say it's a factor, you know, it would
5 be part of it, but I wouldn't say it's an excuse. An
6 excuse sounds like an out-of-body experience, you
7 know, I watched my body walk down the street, you
8 know, but I wasn't there, that kind of thing. It
9 happened without my control or knowledge. But not an
10 excuse.

11 MR. PIROLO: I want to ask you, you're going to
12 see photographs that depict how Deputy Pill looked
13 after she was shot, they are graphic in nature, can
14 you still be able to consider the mitigating
15 circumstances after seeing photos like that?

16 JUROR NUMBER 102: Yes.

17 MR. PIROLO: You'll see a videotape depicting how
18 she was killed, can you, after watching that
19 videotape, still be able to consider the mitigating
20 circumstances?

21 JUROR NUMBER 102: Yeah, because you have to.
22 You have to. It's part of the whole -- like I said,
23 you can't just take one piece over here and say, okay,
24 because we have X, Y, Z, this is it, this is all I'm
25 going to look at, you know, this fits what we want, so

1 this is what we're going to do, and nothing else
2 matters. No, you can't say that nothing else matters,
3 it's all part of the whole.

4 MR. PIROLO: And after -- to take a further step,
5 could you return a life recommendation, if it was
6 appropriate, even if you saw pictures and videotape
7 that we just talked about?

8 JUROR NUMBER 102: Yeah, because, again, it's
9 based on -- it's based on the whole of the facts, not
10 just some of the facts. And you can't make a peanut
11 butter and jelly sandwich if you don't have jelly on
12 it, so, again, you have to have everything together in
13 order to be able to reach what you need to reach, or
14 you're only looking at part of it, and that's not
15 fair, and not fair is not justice.

16 MR. PIROLO: Can you assure us that while you're
17 deliberating that someone could change -- not be able
18 to change your opinion, your vote, in the case?

19 MR. BROWN: Judge, I'm going to object as to
20 that. May we approach?

21 THE COURT: Yes, you may.

22 (Thereupon, a benchside conference was had before
23 the Court, out of the hearing of anyone else present
24 in the courtroom as follows:)

25 MR. BROWN: That's a completely inappropriate

1 question. That's what deliberation is for.

2 MR. PIROLO: I didn't take it the whole step, you
3 succumb to a pressure.

4 THE COURT: Normally, you ask that a different
5 way than you asked it this time. So just ask it the
6 way you normally ask it.

7 MR. PIROLO: I was going to get there.

8 THE COURT: Okay.

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

11 MR. PIROLO: What I was getting at was, would you
12 succumb to pressure and other jurors' pressure on you
13 to change your vote?

14 JUROR NUMBER 102: They would have to be able to
15 prove to me that the conclusions that I have reached
16 -- you know, they would have to say, this is why you
17 are reaching this incorrectly, and show me something
18 that I don't already know. You know, they can't just
19 change my mind, willy nilly, just because of the group
20 -- you know, everybody's got to run off the cliff
21 together because the first guy did. No, we're not
22 going to be a bunch of lemmings. We have our own
23 mind, we actually have to listen to our own selves, we
24 have to reach a conclusion our own way, based on the
25 facts. We can't just say, okay, because you think

1 this, I think this. That's not right. Because if you
2 did that, then you could just have 11 guys up here,
3 and only one person making the decision, and everybody
4 else would just go, okay, a bunch of yes men.

5 MR. PIROLO: May I have a moment, Your Honor?

6 THE COURT: Yes, you may.

7 MR. PIROLO: No further questions. Thank you.

8 THE COURT: Okay. Hold on a second. You can't
9 leave until I tell you.

10 JUROR NUMBER 102: Okay. I'm sorry.

11 THE COURT: Okay. Juror Number 102, what I'm
12 going to have you do is, you're going to go downstairs
13 -- you're still being considered as a part of this
14 panel, you're going to go downstairs, you're going to
15 talk to the jury clerk, the jury clerk's going to give
16 you a phone number. You're going to call next
17 Wednesday between 1:00 and 5:00. So you don't need --
18 she'll tell you that when you downstairs, but it's
19 next Wednesday between 1:00 and 5:00. You don't need
20 to be here tomorrow, you don't need to be here Monday,
21 Tuesday, Wednesday. Okay? When you call next
22 Wednesday, then she's going to tell you when you need
23 to be back. Possibly a week from today, which would
24 be Thursday, possibly Friday, but we'll give you that
25 information when you call. Because I don't want you

1 to have to come over here and sit around and wait if
2 we're not ready yet to move on to the next process, or
3 the next phase. So you're going to call on Wednesday,
4 and she's going to give you that information.

5 During this break, you must continue to abide by
6 the rules governing your service as a juror.
7 Specifically, do not discuss this case with anyone.
8 You must avoid reading newspaper headlines and
9 articles relating to this trial or its participants.
10 Avoid seeing or hearing television, radio, or Internet
11 comments about this trial, should there be any. Do
12 not conduct any research regarding anything about this
13 case or its participants. Okay, you can go
14 downstairs. Thank you.

15 (Thereupon, Juror Number 102 was escorted out of
16 the courtroom by the court deputy; thereafter, voir
17 dire selection was had which was not requested to be
18 transcribed. Following voir dire, court was in recess
19 for the day, 2/27/14; thereafter, court was reconvened
20 on 2/28/14 and voir dire selection was had which was
21 not requested to be transcribed. Court was reconvened
22 on 3/6/14 and the proceedings were had as follows:)

23 THE COURT DEPUTY: All rise for the venire.

24 (Thereupon, the venire of Jurors 107 through 159
25 was escorted into the courtroom by the court deputy

1 and the proceedings were had as follows:)

2 THE COURT: Okay. Please be seated. Good
3 morning, ladies and gentlemen. Welcome to the Brevard
4 County Courthouse. My name is Morgan Laura Reinman,
5 and I am one of the Circuit Court judges in the 18th
6 Circuit, and I am the judge presiding over the jury
7 trials in this courtroom. Specifically, let me
8 welcome you to the Criminal Division of the Circuit
9 Court. I realize that you are here involuntarily, and
10 perhaps you would rather be anyplace else right now,
11 but please know that all of us here appreciate your
12 coming to serve. For our system of justice to work,
13 it is essential that citizens like yourself be willing
14 to come and work with us. Juries are one of the
15 things that separate us from other countries, where
16 people don't have the privilege of having juries
17 determine the outcome of cases. Service on a jury
18 panel affords you an opportunity to be part -- to be a
19 part of the administration of justice by which the
20 legal affairs and liberties of your fellow men and
21 women are determined and protected.

22 The Court realizes that service on a jury panel
23 is not always convenient. I will make every effort to
24 see that your time is not wasted. We do estimate that
25 this trial will go through March 28, 2014. This is an

1 estimate, and I must admit that this case may take
2 less, or this case could take more time than what is
3 estimated.

4 Let me pause here to say that most criminal
5 trials in this circuit are over in just a couple of
6 days. It is rare for one to go past even a week.
7 Every now and then, one comes along which requires me,
8 as the judge, to recruit and draft members of this
9 community to be jurors to hear a case of some length.
10 This happens to be one of those cases. Simply put, we
11 need your help. We recognize that serving on a jury
12 for this length of time can present a hardship for
13 some of you, and I will give you a chance to tell me
14 if there are reasons in your life that you think could
15 keep you from serving. Some of these, we may be able
16 to work around. But please understand that your
17 definition of a hardship may not meet the legal
18 definition of a hardship, and I am required to follow
19 what the law says.

20 Having said that, to the extent that we can
21 accommodate your concerns, we will try to do so.
22 Obviously, this is an important case. We would like
23 to have all of you volunteer for service. But please
24 understand if that is not possible, you may have to be
25 drafted even though it can prove to be an

1 inconvenience. Let me give you some examples of
2 hardships: If you are scheduled for surgery, that
3 could be a good excuse; if you are seriously ill or
4 have a medical or mental condition, that could keep
5 you from serving as a juror; if you are the sole
6 caretaker of a mentally or physically disabled
7 relative, that might be good grounds; if you are going
8 to be evicted from your home or go seriously in debt
9 if you miss many weeks of work, and your employer
10 won't pay for you to be here, we'll listen to those
11 sorts of issues. However, the fact that you or your
12 boss feel that you are indispensable to your job may
13 not be enough. We're going to have to hear the facts
14 a little bit more and make a decision on a
15 case-by-case basis. Basically, the reason for being
16 excused has to border on severe.

17 There will be no court on March 24th and 25th.
18 The hours that we generally work are from 9:00 a.m. to
19 5:00 p.m., and we break every one and a half to two
20 hours, and we take an hour to an hour and a half break
21 for lunch.

22 I do intend to go row by row in response to this
23 question. You may have some answers that you want to
24 give me, but please wait until you hear the question
25 before you give me that answer, because I am going to

1 ask you many questions. But the first question I'm
2 going to ask is, does the schedule that I have
3 explained to you present a great hardship for any of
4 you? And, like I said, I am going to go row by row,
5 we'll start here, we go by numbers. So in the first
6 row, is there anyone that this schedule, in and of
7 itself, presents a hardship for you? And, if you
8 would, if you'll raise your hand.

9 Okay. Number 108, you'll be the first one to
10 have to respond verbally. This is the only time that
11 you get to talk back to us, so how does this schedule
12 present a hardship for you?

13 JUROR NUMBER 108: I work as a mechanical
14 engineer at [REDACTED], I work in proprietary
15 or classified programs.

16 THE COURT: Okay.

17 JUROR NUMBER 108: We miss mission critical
18 hardware deliveries if I'm not there. We currently
19 have a shortage of mechanical engineers, and I'm the
20 only one that can perform the testing and analysis to
21 get the hardware out the door.

22 THE COURT: Okay. Do you have -- like I said,
23 you have to convince me that you're indispensable at
24 your -- I mean, the fact that you may be indispensable
25 at your job may not rise to the level that's a

1 hardship, so when -- do you have deadlines that are
2 due between now and March 28th?

3 JUROR NUMBER 108: Yes.

4 THE COURT: Okay. Be more specific with me with
5 regard to those deadlines.

6 JUROR NUMBER 108: We ship hardware to our
7 customer at the end of every week, so I can't keep up
8 with testing if I'm not there.

9 THE COURT: Okay. And there's not -- you said
10 that there's a shortage, but how many other people do
11 your job at [REDACTED]?

12 JUROR NUMBER 108: Nobody.

13 THE COURT: Okay. [REDACTED] has many employees, so
14 there's no one that does what you do?

15 JUROR NUMBER 108: No. We're trying to train
16 them, but it's not happened yet.

17 THE COURT: So what would happen if you were
18 here?

19 JUROR NUMBER 108: I'm not entirely sure. We
20 would miss deadlines.

21 THE COURT: Is there someone you could talk to at
22 the company and tell them that you happen to be here
23 with regard to this case and what would happen in the
24 event that you weren't available from now through
25 March 28th?

1 JUROR NUMBER 108: I don't think I would be able
2 to adequately train someone this weekend, to be able
3 to do what I do. It would take a bit longer than that
4 for training.

5 THE COURT: Well, I can tell you that we're going
6 to go through, and then we limit this to a pool of
7 less numbers, and then you will have a few days off
8 before you have to come back. I know you'll have
9 probably, most likely, tomorrow off, for sure, and
10 then maybe Monday and Tuesday. But then once we get
11 started, then -- other than the two days I mentioned,
12 there won't be time off. But there is a chance that,
13 if you had a couple days off, that you might be able
14 to train someone?

15 JUROR NUMBER 108: I can do my best.

16 THE COURT: Okay. Anyone else in this row?
17 Number 110, yes, ma'am?

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

20 THE COURT: Okay. My next question is, do any of
21 you have any medical or physical conditions that might
22 affect your ability to serve on the jury? I can tell
23 you that we have emergency personnel that are
24 available here at the courthouse. Those chairs are
25 not comfortable, those chairs are a lot more

1 comfortable than the benches. If you need to bring a
2 pillow, if you need to put your feet up, I mean, on
3 something to elevate your feet, we can accommodate
4 that. We do take breaks every -- we don't normally go
5 past two hours without 15-minute breaks, so you can go
6 downstairs and move around and do what you need to do
7 for 15 minutes. We normally take a morning break,
8 take a lunch break, take an evening break, and then
9 we're done. So does anyone have any medical or
10 physical conditions that would affect your ability to
11 serve on the jury? Anyone over here? Number 119,
12 yes, ma'am?

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

15 THE COURT: Okay. Then, if I could have the
16 attorneys, if they could approach the bench, we'll
17 have a bench conference.

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

20 THE COURT: Okay. If you hear your name, then
21 you are going to be released at this time. We may
22 address some more issues later, but at this time, if
23 you hear your name, you can be released. I'm going to
24 ask you to go down, report to the jury assembly room,
25 tell them that you have been released from Judge

1 Reinman's courtroom, and they'll give you further
2 information. Okay. Numbers 110, 119, 123, 130, 134,
3 137, 141, 142, 143, 144, 145, 153. Now, there were a
4 few that I asked you to check, I'll get back with you
5 on that. Okay.

6 At this time, I would like to take a few minutes
7 to point out some of the court personnel that you will
8 be seeing throughout the trial and what their duties
9 are. I will also give you an idea about what you are
10 here to do. First of all, I am the judge. You may
11 hear people occasionally refer to me as the Court. My
12 job is to maintain order and decide how to apply the
13 rules of law to this trial. I will also explain
14 various rules to you that you will need to know in
15 order to do your job as the jury. It is my job to
16 remain neutral on the issues of this case.

17 The staff attorney serves as the attorney for the
18 judge and performs specific assignments by the Court,
19 such as researching legal issues and drafting Court
20 orders. The court deputies are in charge of security
21 in the courthouse, and are also responsible for
22 maintaining order in the courtroom and enforcing the
23 Court's orders. They also have the charge and care of
24 the jurors during the term of this trial. If any of
25 you have a personal problem, or some other matter

1 which you feel needs to be brought to the Court's
2 attention, or to the attention of anyone involved in
3 this trial, the proper person for you to speak to
4 about that would be one of the court deputies.

5 However, the court deputy cannot answer any of your
6 questions about the case, only I can do that. The
7 deputy clerk serves as the Court's secretary in these
8 proceedings and performs several important functions
9 for the Court, including preparing all necessary
10 paperwork associated with this trial, and the
11 numbering and handling of any exhibits involved in
12 this trial.

13 Now, do any of you know me, the judge, or any of
14 the court personnel that I've pointed out? If you do,
15 if you'll raise your hand. I see no hands.

16 Now, the attorneys to whom I will introduce you
17 to have the job of representing their clients; that
18 is, they speak for their client here at the trial.
19 They have taken oaths as attorneys to do their best in
20 following the rules of their profession. Now, would
21 counsel for the State please stand and introduce each
22 -- Mr. McMasters, if you'll stand there and introduce
23 everyone at your table.

24 MR. MCMASTERS: Yes, ma'am. Good morning, my
25 name is Jim McMasters, and with me is Tom Brown, we're

1 with the State Attorney's Office here in Brevard
2 County.

3 THE COURT: Okay. Mr. Moore, if you would stand
4 and please introduce yourself and everyone at the
5 defense table, including your client.

6 MR. MOORE: I'm Randy Moore, my co-counsels are
7 Mike Pirolo, Mark Lanning, our client, who's Brandon
8 Bradley, and we're being assisted by Brooke Butler.

9 THE COURT: Okay. Thank you. Now, do any of you
10 know any of the attorneys in this matter or the
11 defendant? If you would, if you'll raise your hand.
12 Okay, I see no hands.

13 Last but not least is the jury, which we will
14 begin to select in a few moments from among all of
15 you. The jury's job will be to decide what the facts
16 are and what the facts mean. Jurors should be as
17 neutral as possible at this point, and have no fixed
18 opinion about the case. At the end of the trial, the
19 jury will give me a written verdict. A verdict is
20 simply the jury's answers to my questions about the
21 case.

22 The last thing I want to do before we begin to
23 select the jury is to explain to you the selection
24 process and how it works. Jury selection is the part
25 of the case where the parties and their attorneys have

1 the opportunity to get to know a little bit about you
2 in order to help them come to their own conclusions
3 about your ability to be fair and impartial, so that
4 they can decide who they think should be the jurors in
5 this case. How we go about this is as follows:

6 First, I'll ask you some general questions, which I
7 have begun to do. Then, each of the attorneys will
8 have more specific questions that they will ask of
9 you. After they have asked all their questions, I
10 will meet with them, and they will tell me their
11 choices for jurors. Each side can ask that I exclude
12 a person from serving on a jury if they can give me a
13 reason to believe that he or she might be unable to be
14 fair and impartial. That is what is called a
15 challenge for cause. The attorneys also have a
16 certain number of what are called peremptory
17 challenges, by which they may exclude a person from
18 the jury without giving a reason.

19 By this process of elimination, the remaining
20 persons are selected as the jury. The questions that
21 you will be asked during this process are not intended
22 to embarrass you or unnecessarily pry into your
23 personal affairs, but it is important that the
24 defendant and the attorneys know enough about you to
25 make this important decision. If a question is asked

1 that you would prefer not to answer in front of the
2 other jurors, please let me know, and we will address
3 you privately, and you can give your answer just in
4 front of the attorneys, the defendant, me, and the
5 court personnel. Sometimes people say, I just want to
6 talk to you, Judge, but we can't do that. So if you
7 do have an issue, you need to address one of the court
8 deputies, they'll tell me, and then if you want to
9 address me privately, it is in front of the attorneys,
10 the defendant, me, and the court personnel. There are
11 no right or wrong answers to the questions that will
12 be asked of you. The only thing I ask is that you
13 answer the questions as frankly and honestly and as
14 completely as you can. You have taken an oath to
15 answer all questions truthfully and completely, and
16 you must do so. Remaining silent when you have
17 information you should disclose is a violation of that
18 oath as well. If a juror violates this oath, it not
19 only may result in having to try the case all over
20 again, but may also result in civil and criminal
21 penalties against a juror personally. So, again, it
22 is very important that you be as honest and complete
23 with your answers as you possibly can. If you don't
24 understand a question, please raise your hand and ask
25 for an explanation or clarification.

1 In sum, this is a process to assist the attorneys
2 to select a fair and impartial jury. All the
3 questions they ask you are for this purpose. If, for
4 any reason, you do not think you could be a fair and
5 impartial juror in this case, you must tell us. Now,
6 from this group we are going to select 12 jurors and 3
7 alternates, a total of 15 individuals in this case.
8 Obviously, most of you will not be selected. Please
9 don't take this as an insult or any negative
10 reflection on you. It is a matter of selecting jurors
11 who can be fair and impartial in this particular case
12 and with whom both sides can be comfortable.

13 The case set for trial on this date is the State
14 of Florida versus Brandon Lee Bradley. It's case
15 number 05-2012-CF-035337. In a few minutes, I am
16 going to read to you the charges in this case. The
17 charges are what brings us to court, but is not
18 evidence in the case, and it is not to be considered
19 as such. The evidence will be presented during the
20 course of this trial.

21 At this time I will read the charges. Count one,
22 first degree premeditated murder of a law enforcement
23 officer with firearm. In the County of Brevard, State
24 of Florida, on March the 6th, 2012, Brandon Lee
25 Bradley did unlawfully kill a human being, Deputy

1 Barbara Pill, a law enforcement officer engaged in the
2 lawful performance of a legal duty, by shooting Deputy
3 Barbara Pill with a firearm, and said killing was
4 perpetrated by Brandon Lee Bradley from a premeditated
5 design to effect the death of Deputy Barbara Pill; and
6 during the commission of said offense, Brandon Lee
7 Bradley actually possessed a firearm, and further
8 during the commission of said felony, Brandon Lee
9 Bradley discharged said firearm, and as the result of
10 the discharge, did inflict death upon any person.

11 Count two, robbery. In the County of Brevard,
12 State of Florida, on March the 6th, 2012, Brandon Lee
13 Bradley did take money or other property valued at
14 \$300 or more from the person or custody of another,
15 Andrew Jordan, Mohammad Malik, with the intent to
16 permanently or temporarily deprive said person of said
17 property. In the course of the taking, did use force,
18 violence, assault, or putting in fear.

19 Count three, fleeing or attempting to elude, high
20 speed or wanton disregard. In the County of Brevard,
21 State of Florida, on March the 6th, 2012, Brandon Lee
22 Bradley did willfully flee or attempt to elude a law
23 enforcement officer in an authorized law enforcement
24 patrol vehicle, with agency insignia and other
25 jurisdictional markings prominently displayed on the

1 vehicle, with siren and lights activated; and during
2 the course of the fleeing or attempted eluding, did
3 drive at high speed or in any manner which
4 demonstrated a wanton disregard for the safety of
5 persons or property.

6 Count four, resisting an officer with violence.
7 In the County of Brevard, State of Florida, on March
8 the 6th, 2012, Brandon Lee Bradley did knowingly and
9 willfully resist, obstruct, or oppose an officer, or
10 officers, Deputy Barbara Pill, of the Brevard County
11 Sheriff's Office, in the execution of legal process,
12 or the lawful execution of a legal duty, by offering
13 or doing violence to the person of said officer, or
14 officers.

15 Now, you heard the name of the decedent in this
16 case, did any of you know the decedent during her
17 lifetime? And if you did, if you'll raise your hand.
18 Okay. I see no hands.

19 I am now going to read to you a list of potential
20 witnesses who may be called to testify in this trial.
21 Please listen carefully to the names, and see if you
22 recognize any of them. Also, please understand that
23 often many more names are listed as potential
24 witnesses than are actually called at the trial. Now
25 this list is voluminous, it takes me a few minutes to

1 read, so be patient with me.

2 The potential witnesses are as follows: Susan
3 Adams; Daniel Allen; Danny Roger Allen; Officer Ryan
4 Allen, Melbourne Police Department; Officer Jennifer
5 Amneus, Melbourne Police Department; Timothy Barker,
6 II; Timothy L. Barker, Sr.; Sergeant Brian Barnes,
7 Melbourne Police Department; Lieutenant Bruce Barnett,
8 Brevard County Sheriff's Office; Leanne Bennett; Agent
9 Harry Bermudez, Brevard County Sheriff's Office;
10 Stephanie Betcher; Stephanie Bertolli; Tammy Elizabeth
11 Brown; Lisa Michelle Bryant; Agent Marlon Buggs,
12 Brevard County Sheriff's Office; Officer Johnny Bynum,
13 Melbourne Police Department; Kathleen Carper; Agent
14 Craig Carson, Brevard County Sheriff's Office;
15 Catherine Carswell; Regina Carey; Sergeant Dennis
16 Casey, Brevard County Sheriff's Office; Sergeant
17 Michael Casey, Brevard County Sheriff's Office; Crime
18 Scene Tech Virginia Casey, Brevard County Sheriff's
19 Office; Deputy Brad Cervi, Brevard County Sheriff's
20 Office; Officer Nicole Chapman, Melbourne Police
21 Department; Officer Kevin Cincimino, Melbourne Police
22 Department; Sergeant Marc Claycomb, Melbourne Police
23 Department; Margaret Cline, Brevard County Sheriff's
24 Office; Andrew Colbert, Melbourne Fire Department;
25 Officer Charles Colon, Probation and Parole; Officer

1 Lisa Connors, Brevard County Sheriff's Office; Deputy
2 Brett Cook, Brevard County Sheriff's Office; Officer
3 Chad Cooper, Melbourne Police Department; Tech
4 Stephanie Cooper, Brevard County Sheriff's Office;
5 Lieutenant John Coppola, Brevard County Sheriff's
6 Office; Analyst Corey Crumbley, Florida Department of
7 Law Enforcement; Officer Daniel Desormier, Melbourne
8 Police Department; Arthur Dievers, III; Jeffery Jamie
9 Dieguez, Sr.; Corporal Jason Diogo, Brevard County
10 Sheriff's Office; Deputy Bruce Downey, Brevard County
11 Sheriff's Office; Agent Frances Dufresne, Brevard
12 County Sheriff's Office; Raven Durousseau, R.N.;
13 Officer Scott Dwyer, Melbourne Police Department; Keri
14 Ellison; Officer Joseph Escher, Melbourne Police
15 Department; Donna Ewing; Officer Edward Ferguson,
16 Melbourne Police Department; Deputy Stephen Fernez,
17 Brevard County Sheriff's Office; Lieutenant Alexander
18 Fishback, IV, Brevard County Sheriff's Office; Deputy
19 Travis Fitzgerald, Brevard County Sheriff's Office;
20 Sergeant Frank Flake, Brevard County Sheriff's Office;
21 Edward Flynn; Eric Theodore Flynn; Mark Allen Foster;
22 Lisa Fortner; Bryon Scott Fox; Larry James Galvin,
23 Jr.; Deputy Kirk Geweniger, Brevard County Sheriff's
24 Office; Terry Wayne Gibbs; Dr. Bruce Goldberger;
25 Lieutenant Jeffery Todd Goodyear, Brevard County

1 Sheriff's Office; Detective Jack Gordon, Melbourne
2 Police Department; Martha Gray; Michael Paul Gregg;
3 Casey Greene; Officer Brian Guilford, Brevard County
4 Sheriff's Office; Officer Greg Guillette, Palm Bay
5 Police Department; Jamie Lee Hammond; Deputy John
6 Hannigan, Brevard County Sheriff's Office; Pamela
7 Hansen; Richard Thomas Hansen; Officer Roy Havener,
8 Melbourne Police Department; Ben Hay, Melbourne Fire
9 Department; Officer Juanita J. Hazelett, Melbourne
10 Police Department; Cherlyn Henley; Deputy Christopher
11 Hendrix, Brevard County Sheriff's Office; Dr. Mark
12 Herbst; James Terry Henson, III; Hope Henson; Jeffery
13 Scott Herring; Officer Dennis Higgins, Melbourne
14 Police Department; Vernice Hobbs; Deputy Jessie Harold
15 Holton, Brevard County Sheriff's Office; Officer Cyril
16 Hopping, Melbourne Police Department; Denise Horn;
17 Richard Huckabee, Medical Examiner's Office; Emilie
18 Jill Huff; Russell C. Huff; Jeffery Humphries, Brevard
19 County Fire Rescue; Dylan James, Melbourne Fire
20 Department; Officer James Johnson; Caroline Jones;
21 Andrew J. Jordan; Yves Joseph; Tsvetomila Kaneva;
22 Officer John Kemper, Melbourne Police Department;
23 Andria Michelle Kerchner; Pamela T. Kerchner; Richard
24 Kerchner; School Resource Officer Wolfgang M. Kermer,
25 Melbourne Police Department; Shirley King, King

1 Reporting Service; Officer Brent Kleeberg, Melbourne
2 Police Department; Officer Joseph Klingler, Polk
3 County Correctional Facility; Officer Howard Koff,
4 Melbourne Police Department; Officer Jeff Koeberl,
5 Melbourne Police Department; Irma Porsue (phonetic);
6 Deputy Jeffrey Krull, Brevard County Sheriff's Office;
7 Leslie Ann Lamb; Officer Charles Landmesser, Melbourne
8 Police Department; Officer Blake Lanza, Melbourne
9 Police Department; Corporal Terrance Laufenberg,
10 Brevard County Sheriff's Office; Shane Letch,
11 Melbourne Fire Department; Julie Ann Long; Lieutenant
12 Gary Loos, Melbourne Police Department; Officer Jesus
13 Lopez, Melbourne Police Department; Perry Lopreato;
14 Trista Lowman; Mohammad H. Malik; Jeffrey Markham,
15 Melbourne Fire Department; Amy Mark; Robert William
16 Marks; Agent Joseph Martin, Jr., Brevard County
17 Sheriff's Office; Julie Martin; Agent Kevin McCann,
18 Bureau of Alcohol, Tobacco, and Firearms; Gina McCray;
19 Brandon DeShawn McDade; Officer Ian McDaniels,
20 Melbourne Police Department; Dave McGuinness; Deputy
21 Linda S. McLoughlin, Brevard County Sheriff's Office;
22 Vanessa Mcnerney; Officer Kristen Meadows, Melbourne
23 Police Department; William Leonard Metzger; Officer
24 Derek Middendorf, Melbourne Police Department; Crime
25 Scene Tech Jennifer Miller, Brevard County Sheriff's

1 Office; Officer Stephen Minich, Alliance Police
2 Department; Robert Gregory Miranda; Christopher
3 Montesano; Deputy Stacy Moore, Brevard County
4 Sheriff's Office; Thomas Morrisette, Melbourne Fire
5 Department; Brianna Morton; Thomas Bryan Murphy, Jr.;
6 Keith Nelson; Detective Rory Nelson, Melbourne Police
7 Department; Tony Nelson; Sergeant Dennis Nichols,
8 Melbourne Police Department; Officer James O'Brien,
9 Melbourne Police Department; Agent Daniel Ogden,
10 Brevard County Sheriff's Office; Dr. Jacqueline
11 Olander; Officer Andrew Ortez, Melbourne Police
12 Department; Sergeant Darryl Osborne, Brevard County
13 Sheriff's Office; Amanda Paige Ozburn; Officer Kevin
14 Palmier, Melbourne Police Department; Mina Patel;
15 Jeffery L. Patterson; Larry Pearson, Melbourne Fire
16 Department; Deputy Terry Pelton, Brevard County
17 Sheriff's Office; Miguel Angel Perez, Melbourne Fire
18 Rescue; Jeremy Pill, Brevard County Sheriff's Office;
19 Steven Pill; Mary Patricia Pittman; Officer Greg
20 Pugeseck, Melbourne Police Department; Lieutenant Renee
21 Purden, Melbourne Police Department; Dr. Sajid Qaisar,
22 Office of the Medical Examiner; Officer Jefferey A.
23 Rau, Melbourne Police Department; Detective Angel
24 Ready, Brevard County Sheriff's Office; Agent Don
25 Reynolds, Brevard County Sheriff's Office; Agent

1 Gregory Richter, Brevard County Sheriff's Office;
2 Detective Bonnie Rink, Melbourne Police Department;
3 Sergeant Sean Riordan, Melbourne Police Department;
4 Sergeant Allie Roberts, Brevard County Sheriff's
5 Office; Ashley Roberts; Agent Kevin Roberts, Brevard
6 County Sheriff's Office; Detective Paul Roman, Brevard
7 County Sheriff's Office; Officer Robin Romano,
8 Melbourne Police Department; Andrew Russell; Tech
9 Michael Ryle, Brevard County Sheriff's Office;
10 Detective Christopher Sands, Brevard County Sheriff's
11 Office; Sergeant Carl Sangeleer, Brevard County
12 Sheriff's Office; Corporal Christopher Sauro, Brevard
13 County Sheriff's Office; Officer Carl Rick Schmitt,
14 Brevard County Sheriff's Office; Detective Michael
15 Schneider, Melbourne Police Department; Jason Seaton;
16 Eric D. Sellers; Officer Trevor Shaffer, Melbourne
17 Police Department; Officer Howard Shelton, Brevard
18 County Sheriff's Office; Amanda Lacey Shetrone;
19 Detective Kevin Shields, Brevard County Sheriff's
20 Office; Gary Dale Shrewsbury, Jr.; Officer Amy
21 Siewert, Florida Department of Law Enforcement;
22 Detective Wayne Simock, Brevard County Sheriff's
23 Office; Sergeant Clifton Daniel Singleton, Brevard
24 County Sheriff's Office; Dr. Susan Skolly; Gregory
25 Bernard Smith, Jr.; Officer Brian Smith, Melbourne

1 Police Department; School Resource Officer Stan Smith,
2 Melbourne Police Department; Sergeant Michael
3 Spadafora, Brevard County Sheriff's Office; Detective
4 Michelle Stafford, Brevard County Sheriff's Office;
5 Deputy Aja Stake, Brevard County Sheriff's Office;
6 Officer James Starr, Brevard County Sheriff's Office;
7 Agent Brian Stoll, Brevard County Sheriff's Office;
8 Agent Ron Streiff, Melbourne Police Department;
9 Michael Sudlow, Brevard County Fire Rescue; Linda
10 Sullivan; Anthony Gus Summerford; Basia Taylor;
11 Tiffany Therese Taylor; Deputy Michael Thomas, Brevard
12 County Sheriff's Office; Deputy Albert Tolley, Brevard
13 County Sheriff's Office; Sergeant Cheryl Trainer,
14 Melbourne Police Department; Lisa Troescher; Deputy
15 James Troup, Brevard County Sheriff's Office; Dr.
16 Bartel Turk; Wilson Martin Valentin; Karen Vanderveen,
17 with Wuesthoff; Corporal Victor Velez, Brevard County
18 Sheriff's Office; Jamie Lee Vigliotti; School Resource
19 Officer Cheryl Wallschlager (phonetic), Melbourne
20 Police Department; Detective Robert Walters, Melbourne
21 Police Department; Gerard Joseph Weber, Sr.; Officer
22 Christopher Weber, Melbourne Police Department; Susan
23 Wesley; Janet White; Officer Mike Whitright, Melbourne
24 Police Department; Officer David Whittle; Alecia
25 Williams; Officer William Williams, Melbourne Police

1 Department; Dale Elaine Woodby; Officer Joseph Wu;
2 Sergeant Randy Young, Brevard County Sheriff's Office;
3 Dr. Patricia Zapf; Paul Louis Zarpaylic; Andrea
4 Ziarno, Brevard County Fire Rescue.

5 Okay. Now, are any of you related by blood or by
6 marriage to any of the potential witnesses, or do you
7 know any of them through any business or social
8 relationship? Okay. We'll start here with 109, yes,
9 ma'am?

10 JUROR NUMBER 109: I know Charles Colon.

11 THE COURT: And how do you know Charles Colon?

12 JUROR NUMBER 109: He is a family friend, we
13 worked on some of his wife's campaigns when she was
14 running for county commissioner in Palm Bay.

15 THE COURT: Is he a law enforcement officer?

16 JUROR NUMBER 109: He's a parole officer.

17 THE COURT: Okay. Now, do you think that your
18 relationship with him would in any way affect your
19 ability to serve in this case?

20 JUROR NUMBER 109: I trust his word.

21 THE COURT: Okay. So you might have an issue if
22 he were called as a witness?

23 JUROR NUMBER 109: Yeah.

24 THE COURT: Okay. In a little while, I'm going
25 to give you some information about how to treat people

1 involved in law enforcement or in the legal system.
2 What you're asked to do, and this is just a general
3 overview, you're going to more information about that,
4 I'm going to give you information on how you weigh the
5 weight of the testimony of any witness, I'll give you
6 that first, there's some rules with regard to that;
7 and then I tell you that you have to weigh anybody in
8 law enforcement, and I would include that as part of
9 law enforcement, you have to weigh their testimony
10 using the same rules as you'd use for anyone else.
11 Now, once you hear them, you can decide what weight
12 you want to give the testimony, but you can't give
13 them any extra credit just because they're in that
14 profession. Do you think that you would do that
15 because of your relationship with Mr. Colon? And
16 there's no right or wrong answers.

17 JUROR NUMBER 109: I don't know. I don't know.

18 THE COURT: Now, if he was called as a witness,
19 would it be uncomfortable for you to serve in this
20 case?

21 JUROR NUMBER 109: Probably.

22 THE COURT: Okay. When you say you're friends
23 with him, tell me how close of friends.

24 JUROR NUMBER 109: We've been to their house, we
25 were at their daughter's engagement party, I used to

1 babysit for them.

2 THE COURT: Okay. And when's the last time you
3 saw them?

4 JUROR NUMBER 109: It's been a while, it has been
5 a while.

6 THE COURT: But you do consider them personal
7 friends?

8 JUROR NUMBER 109: Yes.

9 THE COURT: Okay. So it would be an issue for
10 you if he was called as a witness.

11 JUROR NUMBER 109: Yes.

12 THE COURT: Okay. Anyone else on this side?
13 Okay. Anyone in the back on the right side? Number
14 132, is that right? Or 131?

15 JUROR NUMBER 132: 132.

16 THE COURT: 132. Sorry about that. Yes, ma'am?

17 JUROR NUMBER 132: The same person.

18 THE COURT: The same person? Do you all know
19 each other?

20 JUROR NUMBER 132: No.

21 THE COURT: Okay. You know the same person,
22 Charles Colon?

23 JUROR NUMBER 132: Yes, I do.

24 THE COURT: Okay. And how do you know him?

25 JUROR NUMBER 132: We used to work together as

1 probation and parole officers.

2 THE COURT: So you -- did you work in probation
3 and parole?

4 JUROR NUMBER 132: Yes.

5 THE COURT: And how long ago was that?

6 JUROR NUMBER 132: 19 years.

7 THE COURT: 19 years ago, or for 19 years?

8 JUROR NUMBER 132: 19 years ago.

9 THE COURT: Okay. And have you seen him since
10 then?

11 JUROR NUMBER 132: No.

12 THE COURT: Okay. If you were called to serve as
13 a juror in this case, do you think that relationship
14 would in any way affect your ability to serve?

15 JUROR NUMBER 132: We worked directly together.
16 We used to ride on cases together.

17 THE COURT: Okay. So if he was called as a
18 witness, it might be an issue for you?

19 JUROR NUMBER 132: Yes.

20 THE COURT: Okay. You heard my, kind of, little
21 talk, that's the brief talk, about how to weigh the
22 credibility of witnesses, would you give him extra
23 credit because you knew him in the past?

24 JUROR NUMBER 132: I feel he's an expert
25 probation and parole officer, so --

1 THE COURT: Okay. So you respect him in his job?

2 JUROR NUMBER 132: Yes, I do.

3 THE COURT: Okay. And so you may -- you're
4 concerned you may give him extra credit if he was
5 called as a witness?

6 JUROR NUMBER 132: I would certainly give that
7 (unintelligible).

8 THE COURT: Okay. All right. Anyone else?
9 Number 128, yes, sir?

10 JUROR NUMBER 128: I recognize Officer
11 Landmesser's name as the School Resource Officer for
12 my kid's school.

13 THE COURT: Okay. Now, if he came in as a
14 witness, do you think that would in any way affect
15 your ability to serve?

16 JUROR NUMBER 128: Not at all.

17 THE COURT: Okay. You just know him from being
18 at the school.

19 JUROR NUMBER 128: I had extended conversation
20 with him at the school.

21 THE COURT: Okay. Have you ever socialized with
22 him outside of school?

23 JUROR NUMBER 128: Just as chaperones at an event
24 and talked for a few hours about (unintelligible).

25 THE COURT: Okay. Now, do you think that you

1 would -- one of the things you heard me say is that
2 you have to -- I'm going to give you some information
3 on how to weigh witnesses' testimony, do you think you
4 could apply those rules to his testimony as well?

5 JUROR NUMBER 128: Absolutely.

6 THE COURT: Okay. And you wouldn't give him
7 extra credit just because you knew him previously?

8 JUROR NUMBER 128: No.

9 THE COURT: Okay. Anyone else on the right-hand
10 side? Now, I see no hands. Anyone on the left? I
11 see no hands.

12 Now, my question is, do any of you on the panel
13 today know each other? Anyone know each other? I
14 actually have had twice where a mom and a son sit
15 right next to each other, and a mom and a daughter sit
16 right next to each other. I think the possibilities
17 of that happening is statistically pretty low, but
18 I've had that happen twice. Okay. I see no hands.

19 Now, as you have heard, the defendant is charged
20 with murder in the first degree. Murder in the first
21 degree is punishable by life in prison without the
22 possibility of parole, or death. Now, because the
23 death penalty may become an issue in this case, I want
24 to tell you how it is tried. If the jury returns a
25 verdict of guilty of murder in the first degree in

1 this case, the jury will reconvene for the purpose of
2 rendering an advisory recommendation as to which
3 sentence, death or life in prison without the
4 possibility of parole, should be imposed. At this
5 hearing, evidence of aggravating and mitigating
6 circumstances will be presented for you to consider.
7 Then both the State and the defendant will have an
8 opportunity to present argument for and against the
9 death penalty.

10 Following those arguments, I will give you
11 written instructions on the law that you are to apply
12 in weighing those circumstances in making your
13 recommendation. The final determination of which
14 sentence should be imposed is my responsibility;
15 however, under the law, I must give your
16 recommendation great weight. Many people have strong
17 feelings about the death penalty, both for it and
18 against it. The fact that you may have such feelings
19 does not disqualify you to serve as a juror, as long
20 as you are able to put those feelings aside and apply
21 the law as I instruct you. In other words, you must
22 be willing to be bound by your oath as a juror to obey
23 the laws of this state in making your recommendation.

24 If the jury returns a verdict of murder in the
25 first degree in this case, we will move into what is

1 called the penalty phase, where you will be asked to
2 then weigh the aggravating and mitigating
3 circumstances presented, listen to the arguments of
4 the attorneys, apply the law as I instruct you, and
5 fairly consider both possible penalties before making
6 your penalty recommendation. In a few moments, we
7 will be questioning you individually about this issue.

8 Any evidence or argument at the penalty phase, if
9 we were to reach it, is presented in order that you
10 might determine, first, whether sufficient aggravating
11 circumstances exist that could justify the imposition
12 of the death penalty; and, second, whether sufficient
13 mitigating circumstances exist that outweigh any
14 aggravating circumstances found to exist. At the
15 conclusion of taking the evidence, and after argument
16 of counsel, you will be instructed on the factors in
17 aggravation and mitigation that you may consider. It
18 will be helpful for you to be familiar with some
19 definitions and rules initially.

20 An aggravating circumstance is a standard to
21 guide the jury in making the choice between the
22 alternative recommendations of life imprisonment
23 without the possibility of parole, or death. It is a
24 statutorily enumerated circumstance which increases
25 the gravity of a crime or the harm to a victim. An

1 aggravating circumstance must be proved beyond a
2 reasonable doubt before it may be considered by you in
3 arriving at your recommendation.

4 In order to even consider the death penalty as a
5 possible penalty, you must first determine that
6 sufficient aggravating circumstances have been proven.
7 The State has the burden to prove each aggravating
8 circumstance beyond a reasonable doubt. A reasonable
9 doubt is not a mere possible doubt, a speculative,
10 imaginary, or forced doubt. Such a doubt must not
11 influence you to disregard an aggravating circumstance
12 if you have an abiding conviction that it exists. On
13 the other hand, if after carefully considering,
14 comparing, and weighing all the evidence, you do not
15 have an abiding conviction that an aggravating
16 circumstance exists, or if having a conviction, it is
17 one which is not stable, but one which waivers and
18 vacillates, then the aggravating circumstance has not
19 been proved beyond every reasonable doubt, and you
20 must not consider it in rendering an advisory sentence
21 to the Court. It is to the evidence introduced in
22 this proceeding, and to it alone, that you look for
23 that proof. A reasonable doubt as to the existence of
24 an aggravating circumstance may arise from the
25 evidence, conflict in the evidence, or the lack of

1 evidence. If you have a reasonable doubt as to the
2 existence of an aggravating circumstance, you should
3 find that it does not exist. However, if you have no
4 reasonable doubt, you should find that the aggravating
5 circumstance does exist, and give it whatever weight
6 you determine it should receive.

7 A mitigating circumstance is not limited to the
8 facts surrounding the crime. It can be anything in
9 the life of the defendant which might indicate that
10 the death penalty is not appropriate for the
11 defendant. In other words, a mitigating circumstance
12 may include any aspect of the defendant's character,
13 background, or life, or any circumstance of the
14 offense that reasonably may indicate that the death
15 penalty is not an appropriate sentence in this case.
16 A mitigating circumstance need not be proved beyond a
17 reasonable doubt by the defendant. A mitigating
18 circumstance need only be proved by the greater weight
19 of the evidence, which means evidence which more
20 likely than not tends to prove the existence of a
21 mitigating circumstance. If you determine by the
22 greater weight of the evidence that a mitigating
23 circumstance exists, you may consider it established
24 and give that evidence such weight as you determine it
25 should receive in reaching your conclusion as to the

1 sentence to be imposed.

2 If a penalty phase is required, then at the
3 conclusion of the taking of the evidence, and after
4 argument of counsel, you will be instructed on the
5 factors in aggravation and mitigation that you may
6 consider. The sentence that you recommend to the
7 Court must be based upon the facts as you find them
8 from the evidence and the law. If after weighing the
9 aggravating and mitigating circumstances, you
10 determine that sufficient aggravating circumstances
11 exist, and that the mitigating circumstances do not
12 outweigh the aggravating circumstances, or in the
13 absence of mitigating circumstances, that the
14 aggravating circumstances alone are sufficient, you
15 may recommend a sentence of death be imposed rather
16 than a sentence of life in prison without the
17 possibility of parole. Regardless of your findings in
18 this respect, however, you are never compelled nor
19 required to recommend a sentence of death.

20 If, on the other hand, you determine that no
21 aggravating circumstances are found to exist, or that
22 the aggravating circumstances are outweighed by the
23 mitigating circumstances, or in the absence of
24 mitigating circumstances, that the aggravating factors
25 alone are not sufficient, you must recommend

1 imposition of a sentence of life in prison without the
2 possibility of parole rather than a death sentence.

3 Let me say at this time that all the definitions
4 that I have talked about, and will talk about, will be
5 given to you in a written form at the end of the case.
6 Let me say at this time that the fact that I am
7 talking about the death penalty is not to be taken by
8 you as any indication one way or the other as to
9 whether or not this is a case which justifies a death
10 penalty. I am discussing it because it is a
11 possibility. You are not to presuppose anything.

12 As you may have noticed, there are cameras in the
13 courtroom. The media, including cameras, will be
14 allowed in the courtroom during these proceedings.
15 However, the media is not entitled to your names or
16 personal information, nor can they film or take
17 pictures of any juror. You may also have noticed that
18 you have been given a number to wear on the outside of
19 your clothing. The number is actually the number of
20 seat you are occupying. I want to be certain that we
21 are recording the answers that you give us, and the
22 number is acting as a cross-reference of your name and
23 will assist us in creating an accurate record.

24 Now, this brings me to the next issue, which is
25 your prior knowledge of this case. If you have any

1 prior knowledge about this case, you will be asked to
2 put aside anything that you may have learned about
3 this case, serve with an open mind, and reach a
4 verdict based only on the law and the evidence
5 presented at the trial. This is another issue that we
6 will question you about individually.

7 Now, if I could have a bench conference with the
8 attorneys.

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

11 THE COURT: All right. Give me just a moment,
12 and we'll be ready. While we're doing that -- I need
13 to figure out one more thing, but Juror 109 and 132, I
14 am going to excuse you from this panel. If you will
15 go downstairs and report to the jury assembly room,
16 tell them that you have been released from Judge
17 Reinman's courtroom. Now give me just a moment. What
18 we're trying to do -- the individual questioning does
19 take a little bit of time. If I asked you to find out
20 information, do find out that information, and have
21 that for us when you come back. Now, Jurors 107 --
22 hold on just a minute, I didn't write down what time
23 to be back. Okay. Jurors 107 to 125, we're going to
24 have you come back this afternoon at 1:15. Jurors 107
25 to 125. Jurors 126 to 146, we need you back here at

1 8:30 in the morning. Okay? Jurors 147 to 159, you're
2 going to be back here at 1:15 tomorrow. Now, you can
3 assume that if you're not -- you can assume that you
4 don't need to be here the other times for today and
5 tomorrow if I gave you specific times. So what our
6 expectation is, is Jurors 107 to 125, be here at 1:15
7 today, most likely for the rest of the day. Jurors
8 126 to 146, be here at 8:30 a.m., until we conclude,
9 but hopefully we get that done before the lunchtime
10 break. And then Jurors 147 to 159, be here at 1:15
11 tomorrow, and expect to be here the rest of the day.

12 Now, I need everyone to pay attention, because
13 there are important rules that you must follow during
14 this process. You must abide by the rules governing
15 your service as a juror. Specifically, do not discuss
16 this case among yourselves. That doesn't mean you
17 can't talk to each other, it means you can't talk
18 about this case, or with anyone else, or allow anyone
19 to discuss it in your presence. Do not speak to the
20 lawyers, the parties, or the witnesses about anything.
21 You must avoid reading newspaper headlines and/or
22 articles relating to this trial or its participants.
23 Avoid seeing or hearing television, radio, or Internet
24 comments about this trial, should there be any. Do
25 not conduct any research yourself regarding any

1 matters concerning this case.

2 Now, any questions or concerns? Okay. 107 to
3 125, we'll see you back here at 1:15, and we are in
4 recess. Thank you.

5 THE COURT DEPUTY: All rise.

6 (Thereupon, the venire was escorted out of the
7 courtroom by the court deputy; thereafter, voir dire
8 selection was had which was not requested to be
9 transcribed.)

10 THE COURT: Okay, we're going to start, and we're
11 going to start with Number 107.

12 (Thereupon, Juror Number 107 was escorted into
13 the courtroom by the court deputy and the proceedings
14 were had as follows:)

15 THE COURT: Okay. Good afternoon, Juror Number
16 107. First, I'm going to ask you about the rules that
17 we talked about during the recesses, so I'm going to
18 ask you about those. Have you read or been exposed to
19 reading any newspaper headlines and/or articles
20 regarding this trial or its participants? And I mean
21 since these rules were in place.

22 JUROR NUMBER 107: No.

23 THE COURT: Okay. Because I'm going to talk
24 about prior exposure. Have you seen or heard
25 television, radio, or Internet comments about this

1 trial?

2 JUROR NUMBER 107: Yes.

3 THE COURT: Okay. Have you seen any since I
4 invoked the rules?

5 JUROR NUMBER 107: No.

6 THE COURT: Okay. Have you conducted or been
7 exposed to any research regarding any matters
8 concerning this case? And that's since I invoked
9 these rules.

10 JUROR NUMBER 107: No.

11 THE COURT: Have you discussed this case with any
12 other -- with any of the other jurors, or with anyone
13 else, or allowed anyone to discuss it in your
14 presence?

15 JUROR NUMBER 107: No.

16 THE COURT: Okay. Then, the first thing I'm
17 going to talk to you about is what you may have seen
18 or heard about this case previously. Do you know
19 anything about this case, either from your own
20 personal knowledge, rumor, by discussion with anyone,
21 or from the media, radio, television, Internet, any
22 electronic device, or newspaper?

23 JUROR NUMBER 107: A little bit.

24 THE COURT: Okay. Tell me what information you
25 believe that you know about the case.

1 JUROR NUMBER 107: Well, I remember March the
2 6th, it coming on, I believe, Channel 13, that we were
3 watching. And, from what I remember back then, the
4 way I saw and heard it was, that a person -- or two
5 people, I believe it was, had gone to a hotel or a
6 motel on 192 and were taking furniture out of there.
7 And they left that location, and came down -- I
8 believe they came down Wickham Road, some place near
9 Lake Washington, or whatever -- I'm not so familiar
10 with the area, I've only been here, like, four years.

11 THE COURT: Okay.

12 JUROR NUMBER 107: And I remember the police
13 officer, from what they said, stopping them; and I
14 just recall -- all I do remember from the whole case
15 was that the defendant came out of the car and shot
16 the police officer. I don't remember anything about
17 how they were apprehended, or anything else. I don't
18 remember any of that.

19 THE COURT: Okay. So that information that you
20 learned would have been at the time of the event?

21 JUROR NUMBER 107: Correct.

22 THE COURT: What about since the event?

23 JUROR NUMBER 107: Nothing really. Until I came
24 into court today.

25 THE COURT: Okay. So you're saying that you

1 didn't hear anything between the date of the event and
2 -- which would have been two years ago, and then up
3 until today.

4 JUROR NUMBER 107: Correct.

5 THE COURT: Okay. And the information that you
6 would have gained, that would have been from watching
7 television?

8 JUROR NUMBER 107: It was from Channel 13, that's
9 the station that myself and my wife always put on, for
10 the weather and everything.

11 THE COURT: Okay. And, just for the record,
12 that's a news station, correct?

13 JUROR NUMBER 107: It's a news station and
14 weather.

15 THE COURT: Okay. So the question that I'm going
16 to ask you is, can you set aside anything that you may
17 have learned about this case, serve with an open mind,
18 and reach a verdict based only on the law and the
19 evidence presented in this trial, in this courtroom?

20 JUROR NUMBER 107: Yes.

21 THE COURT: Can you do that?

22 JUROR NUMBER 107: Yes.

23 THE COURT: Okay. So you can set that aside.
24 What if, during the course of this trial, you remember
25 something that you may have learned from watching

1 Channel 13, and what if you don't hear that by either
2 of the parties, or that doesn't come before the Court
3 at any time when you're in this courtroom? Can you
4 put that aside and not consider that?

5 JUROR NUMBER 107: Yes.

6 THE COURT: Okay. Now, I'm going to ask you a
7 pretty general question, and then I'm going to get
8 specific. What are your views about the death
9 penalty?

10 JUROR NUMBER 107: Well, I've watched a couple
11 cases, parts of them, like the Casey Anthony case and
12 the George Zimmerman case.

13 THE COURT: Okay.

14 JUROR NUMBER 107: I watched them, and I kind of
15 agreed with the verdicts on them. And I've never had
16 to really -- I've never been asked that question
17 before about putting someone to death. I served on a
18 grand jury in New York for a month, and I was also
19 picked for two regular juries of cases. The grand
20 jury had homicides involved, there were two or three
21 homicides, from what I remember.

22 THE COURT: Okay.

23 JUROR NUMBER 107: We had to make the decision
24 whether or not these individuals were going to go
25 before a jury. That's the furthest I ever got to deal

1 with anybody that actually committed a homicide. I
2 never really thought about it too much, that my chance
3 would ever come where I might be in a court and would
4 have to decide whether somebody gets the death penalty
5 or not. I mean, it's a tough decision to make. But,
6 from being on a couple of juries, like I said, the
7 grand jury for a month and the other two juries, I
8 don't see myself really having a problem with it,
9 according to what I hear, or, I guess, the evidence
10 that's presented. And I know that if I don't do it,
11 somebody else is going to have to do it, and that's --

12 THE COURT: When you say, "do it," what do you
13 mean by "do it"?

14 JUROR NUMBER 107: Well, take my place and be a
15 juror.

16 THE COURT: Be a juror, okay.

17 JUROR NUMBER 107: I was never put in that
18 situation before, of whether or not someone should die
19 or not.

20 THE COURT: So if I were to instruct you --

21 JUROR NUMBER 107: So it's tough for me to answer
22 that.

23 THE COURT: Okay. Well, if I were to instruct
24 you as part of your duty as a juror that as a possible
25 penalty you need to consider both the death penalty

1 and life in prison without the possibility of parole,
2 and I'll give you more detailed instructions later on
3 about how you do that, but if I were to tell you that
4 you were to consider both possible penalties, could
5 you do that?

6 JUROR NUMBER 107: Yes.

7 THE COURT: Okay. And are you of the opinion
8 that death is the only appropriate penalty for murder
9 in the first degree, and is that opinion so strong
10 that you could not consider life in prison without the
11 possibility of parole as a penalty under any
12 circumstance?

13 JUROR NUMBER 107: No.

14 THE COURT: So you could consider both -- if
15 there was --

16 JUROR NUMBER 107: Yes.

17 THE COURT: Remember, this only comes into play
18 if there is a conviction --

19 JUROR NUMBER 107: Correct.

20 THE COURT: -- on count one, which is the
21 premeditated first degree murder charge.

22 JUROR NUMBER 107: Correct.

23 THE COURT: So if I were to tell you that if
24 there is a guilty verdict on count one, first degree
25 murder, then you would move into the penalty phase,

1 and you could consider both possible penalties?

2 JUROR NUMBER 107: Yes.

3 THE COURT: Okay. All right. Questions by the
4 State?

5 MR. BROWN: Yes, Your Honor. Thank you. Juror
6 Number 107, good afternoon. Let me go over a little
7 bit of the process with you as far as getting in the
8 position where you have to make that recommendation,
9 and I'll talk to you a little bit about actually
10 making the recommendation. As the Court told you,
11 obviously the charge here is first degree murder. The
12 death penalty's only going to apply if the jury comes
13 back with a verdict of guilty of first degree murder.
14 Do you understand that?

15 JUROR NUMBER 107: Yes.

16 MR. BROWN: So if the jury comes back with a
17 lesser charge, such as second degree murder, or even
18 not guilty, the death penalty's off the table, and
19 you're not going to be in that position to have to
20 make that recommendation.

21 JUROR NUMBER 107: Correct.

22 MR. BROWN: Now, if you're on the jury, the jury
23 comes back with that guilty verdict for first degree
24 murder, the procedure is, we reconvene, you hear
25 additional evidence, and then the Court will give you

1 another set of instructions, kind of your road map,
2 your guide, to making that decision.

3 The first thing she's going to tell you and have
4 you look at is what are called aggravating
5 circumstances. I know she talked about those with you
6 a little bit this morning, but those are circumstances
7 that increase the gravity of the crime or the harm to
8 the victim.

9 JUROR NUMBER 107: Correct.

10 MR. BROWN: And those are going to be the
11 circumstances, that's what you legally look to, to
12 determine whether the death penalty in this case is
13 justified. She's going to lay them out for you, I
14 suspect there's going to be more than one, but there's
15 going to be a list of those there, could be two,
16 three, four, five, whatever the total amount is, and
17 you have to look at those. And that's what you look
18 to in order to determine whether the death penalty is
19 justified, those circumstances that are laid out,
20 those factors, to determine whether the death
21 penalty's justified, those circumstances that are laid
22 out, those factors.

23 You have to look at those and determine, first of
24 all, whether the State of Florida has proven those to
25 you beyond any reasonable doubt. Obviously, if you

1 look and say that we haven't proven any, then you have
2 to make a life recommendation, you're required to. If
3 you find that we've proven at least one, you may find
4 that we've proven more than one, or proven them all,
5 and you take those ones you feel the State of Florida
6 has proven you and say, do either one, or do these,
7 justify the death penalty? If your answer is no, then
8 your recommendation is life. If your answer is yes,
9 then you go to the next step in the process, and
10 that's where you look at the mitigating circumstances.

11 As she told you this morning, those are things
12 concerning the defendant, his life, his background,
13 things of that nature. They are things that are there
14 to -- they mitigate, or may lean you towards, a
15 possible life sentence. Those also have a burden of
16 proof. It's a lower burden, it's a lower standard,
17 it's to the greater weight of the evidence. So you
18 look at those mitigating circumstances, and you say,
19 okay, what of these have been proven? The ones that
20 haven't been proven, you simply disregard. The ones
21 that have been proven to your satisfaction, to the
22 greater weight of the evidence, you consider them.
23 You consider everything that's been proven. Do you
24 understand?

25 JUROR NUMBER 107: Yes.

1 MR. BROWN: And the judge is going to tell you
2 that you have to go through a weighing process of
3 weighing the aggravating factors, or circumstances,
4 versus the mitigating circumstances. Now, in your
5 lifetime, you've had to make, I assume, some pretty
6 important decisions along the way, right?

7 JUROR NUMBER 107: Yes.

8 MR. BROWN: And when you make those decisions,
9 you try to look at all the factors involved.

10 JUROR NUMBER 107: Yes.

11 MR. BROWN: And some factors you look at and say,
12 this is pretty darn important, I'm going to give this
13 great weight. Right?

14 JUROR NUMBER 107: Right.

15 MR. BROWN: Other factors or circumstances you
16 look at and say, that's really not that important, and
17 you give it very little weight.

18 JUROR NUMBER 107: Correct.

19 MR. BROWN: Same type of process she's going to
20 instruct you on here. You look at those aggravators,
21 you look at the mitigators, and you decide what weight
22 to give. The only thing you're obligated to do is, if
23 it's proven, you have to consider everything. But you
24 can look at some things and say, this is very
25 important, I give it great weight; you can look at

1 other things and say, this carries very little weight
2 with me, I don't consider it important at all, and I
3 give this very little weight.

4 You can't -- the judge isn't going to tell you
5 how much weight to give to anything, it's your choice,
6 you have to decide and weigh it all. We may recommend
7 to you, but it's your choice. As a juror, you make
8 that call. So you go through that weighing process.
9 If you find that the mitigators outweigh the
10 aggravators, then you make a life recommendation. If
11 you find, however, that the mitigation does not
12 outweigh the aggravators, then you're in a position
13 where you're legally justified, and you can recommend
14 the death penalty to the Court.

15 Now, the Court's never going to tell you, if the
16 State proves A, B, C, and D, that you have to come
17 back with a death recommendation. Do you understand
18 that?

19 JUROR NUMBER 107: Yes.

20 MR. BROWN: Basically, you're going to be in a
21 position where, if you find those, then you're
22 justified in doing that. In fact, she's going to tell
23 you that you're never required or obligated to return
24 that recommendation of death. But you have to
25 consider everything, and go through that weighing

1 process; and if you find that the aggravators outweigh
2 the mitigators, then you're justified to recommend a
3 sentence of death. Then you're in a position where
4 you can legally make that recommendation, because you
5 feel the death penalty is justified. Do you
6 understand the process?

7 JUROR NUMBER 107: Yes.

8 MR. BROWN: Okay. Any questions about it?

9 JUROR NUMBER 107: No.

10 MR. BROWN: Okay. Now, given that process, do
11 you think that you can make the recommendation of a
12 death sentence?

13 JUROR NUMBER 107: After hearing the judge read
14 the law to me, I believe I could.

15 MR. BROWN: Okay. Now, both myself, and probably
16 the defense, when we hear the term "I believe" or "I
17 think," it means one of two things, one, it's a common
18 usage of speech, we say it all the time, I believe I
19 can do that, meaning it's absolutely yes; other times,
20 you say "I believe" or "I think" because you have that
21 little bit of doubt. It's kind of like if you're on
22 an airplane and you have a little bit of bad weather,
23 like we had at lunch time, the pilot comes on the
24 plane, you don't want to hear him say, I think I can
25 land this plane, or I believe I can, you want him to

1 say, I can land this plane. So same thing here, you
2 know, it may just be a figure of speech, it may be
3 having some doubt. Can you make a recommendation for
4 the death penalty?

5 JUROR NUMBER 107: Yes.

6 MR. BROWN: Know that the Court's not going to
7 tell you -- a lot of people say, well, if the law says
8 I have to do it, I have to do it. The law's not going
9 to ever tell you that you have to recommend death.
10 You go through that weighing process, you're the one
11 that has to do that weighing. Do you understand that?

12 JUROR NUMBER 107: Yes.

13 MR. BROWN: Do you feel comfortable in your
14 ability to make that decision?

15 JUROR NUMBER 107: Yes.

16 MR. BROWN: Now, do you have, in your own mind,
17 you know, kind of a notion or a thought of, well, I
18 can do death penalty in these couple of circumstances,
19 like a mass murder or something like that, but pretty
20 much limit it to that, do you feel?

21 JUROR NUMBER 107: No.

22 MR. BROWN: Are you open to the list of -- the
23 statutory list of aggravators that the Court's going
24 to give to you?

25 JUROR NUMBER 107: Yes.

1 MR. BROWN: And you understand that, under the
2 law, that's what can justify the -- it's that list
3 that justifies the death penalty?

4 JUROR NUMBER 107: Yes.

5 MR. BROWN: Okay. So you don't come in with an
6 idea of, okay, if it's not A or B, then the death
7 penalty's off the table for me?

8 JUROR NUMBER 107: No.

9 MR. BROWN: Any personal feelings, moral beliefs,
10 religious beliefs, philosophical beliefs, family
11 history, whatever it may be, anything that causes you
12 a great deal of concern, angst, hesitation, about
13 being put in that situation, or having to make that
14 recommendation, knowing that you may recommend the
15 death penalty?

16 JUROR NUMBER 107: No.

17 MR. BROWN: Confident in your ability to do it?

18 JUROR NUMBER 107: I believe I am, yes.

19 MR. BROWN: Okay. One last factor I want to
20 cover with you, and we talked about this right off the
21 bat, obviously, if the jury comes back with a verdict
22 of something less, such as second degree murder, then
23 you don't make that recommendation, death penalty's
24 off the table. You understand?

25 JUROR NUMBER 107: Yes.

1 MR. BROWN: So if you come back second, you're
2 not going to be in that chair again, having to make
3 that recommendation.

4 JUROR NUMBER 107: Correct.

5 MR. BROWN: So what my concern is, and I cover
6 this with everybody, not just yourself, is that might
7 in some way affect, or come into play, influence you
8 in your decision in a verdict in this case.

9 JUROR NUMBER 107: No.

10 MR. BROWN: Okay. You understand that if it's
11 proved to you beyond a reasonable doubt that the
12 defendant's guilty of first degree murder, would you
13 agree that justice would be to return a verdict of
14 first degree murder?

15 JUROR NUMBER 107: Yes.

16 MR. BROWN: Not simply compromise down to second
17 because, well, if I go to second, I don't have to make
18 that next decision.

19 JUROR NUMBER 107: No.

20 MR. BROWN: You understand why that would be a
21 concern from our side?

22 JUROR NUMBER 107: Yes.

23 MR. BROWN: So you can assure us that you'll
24 return the verdict that the evidence speaks to?

25 JUROR NUMBER 107: Yes.

1 MR. BROWN: Thank you, sir. No further
2 questions, Your Honor.

3 THE COURT: Okay. Questions by the defense?

4 MR. LANNING: Good afternoon, Juror 107. In your
5 grand jury service in New York, did you consider any
6 homicide cases during that?

7 JUROR NUMBER 107: Yes.

8 MR. LANNING: Is that both grand jury, as well as
9 jury?

10 JUROR NUMBER 107: No. Jury -- one of the juries
11 I had got picked, but then we never wound up going
12 anywhere with it. The other trial that I was on was a
13 fireman had got hurt, and he was suing the city for
14 negligence, because they had an abandoned building
15 that they never boarded up.

16 MR. LANNING: So it was a civil case.

17 JUROR NUMBER 107: It was a civil case, yes. The
18 grand juries were -- I believe they were two homicide
19 cases that we had to decide whether to have -- it was
20 -- each case was a gentlemen on both, and, you know,
21 whether they were going to go before a jury.

22 MR. LANNING: And the standard -- you understand
23 that the standard to bind somebody over for trial is
24 much different than the standards to sit on a jury?

25 JUROR NUMBER 107: Yes.

1 MR. LANNING: And the standards in New York state
2 are likely -- they may be similar, but they're also
3 likely different than the laws of Florida in different
4 matters; and if you were instructed that this is the
5 law in Florida, you'd be able to separate out your
6 jury service in New York, and just follow the Florida
7 laws?

8 JUROR NUMBER 107: Yes. If the laws are
9 different in Florida?

10 MR. LANNING: Yes.

11 JUROR NUMBER 107: Compared to New York?

12 MR. LANNING: Right.

13 JUROR NUMBER 107: Yes.

14 MR. LANNING: Okay. Now, you've -- what's your
15 perception of what life in prison without parole
16 means?

17 JUROR NUMBER 107: It's terrible.

18 MR. LANNING: Do you have any question in your
19 mind that -- as to whether life in prison without
20 parole actually means that?

21 JUROR NUMBER 107: You're living there for the
22 rest of your life, you're taken out of society, you're
23 not going to be able to raise a family, and it's --

24 MR. LANNING: But no issue in your mind that life
25 actually does mean life?

1 JUROR NUMBER 107: Life means life, yes.

2 MR. LANNING: All right. You've heard the judge
3 instruct about this process that you're going through,
4 this weighing process, as well as the State, a
5 paraphrasing of it. Do you have an opinion at this
6 stage, at this point, as to if the aggravators
7 outweigh the mitigators, there's multiple aggravators,
8 they do outweigh the mitigators, do you have an
9 impression at this point of what you should do?

10 JUROR NUMBER 107: Well, from what the judge had
11 read, if the aggravators outweigh the mitigators, then
12 it's a death penalty.

13 MR. LANNING: Okay. Now, we want to make sure
14 that you go into this without confusion. You'll get
15 written instructions, but even though at this point,
16 you've actually heard it twice, you are required to
17 impose a sentence of death. You're never required to
18 recommend it. The instructions -- in fact, you won't
19 see anywhere in the instructions that you should
20 return a sentence of death, under any circumstances.
21 Even if the aggravators outweigh the mitigators, you
22 won't see, "you should." You certainly won't see,
23 "you shall." But you won't even see the, "you
24 should." All you're getting from this process is
25 permission, okay? It's like you go through this

1 weighing process, and the aggravation totally the
2 mitigation, no question, it's still only a permission
3 slip. There's no "should," and there's no "shall."
4 Any question in your mind that that's the law?

5 JUROR NUMBER 107: No. So in other words, what
6 you're saying is, what the word should be is that you
7 should consider it.

8 MR. LANNING: You can consider it, but --

9 JUROR NUMBER 107: But there's nothing in stone
10 that says you have to --

11 MR. LANNING: Right. Or that you even should.
12 The only mandatory language that you'll see in the
13 instructions is, there are certain circumstances where
14 you have to impose life. And we're actually -- we're
15 jumping ahead of the gun to begin with, because we're
16 discussing the death penalty. Right?

17 JUROR NUMBER 107: Right.

18 MR. LANNING: We're not conceding that we're ever
19 going to get there. We're never going to get there
20 unless there's been a finding of guilty of first
21 degree murder. Right?

22 JUROR NUMBER 107: Right.

23 MR. LANNING: Now, you've been told that you're
24 going to get possible aggravating circumstances that
25 can be used to justify the death penalty. They're

1 very limited, they're limited by statute; and anything
2 beyond that, you can't use to consider toward
3 recommending a sentence of death.

4 Some evidence that could come in during the case
5 is called victim impact evidence. And that's where
6 you may hear evidence about the impact of this
7 homicide on friends, family, and community of Deputy
8 Pill. You'll be told that it's to show her uniqueness
9 and the result of loss to the community, friends, or
10 family, but that you can't consider that as any
11 evidence of aggravation.

12 JUROR NUMBER 107: Correct.

13 MR. LANNING: That can often be emotional,
14 obviously. Do you think that you would have any
15 problem not weighing that evidence in aggravation in
16 any way, and only consider it per the judge's
17 instructions?

18 JUROR NUMBER 107: Correct.

19 MR. LANNING: There are possible evidence of
20 mitigation that could come before you during the
21 course of the trial, would you consider, if evidence
22 is brought before you by qualified individuals,
23 qualified experts, that indicated brain damage on the
24 part of Brandon Bradley? Could you consider that as
25 mitigation?

1 JUROR NUMBER 107: Yes.

2 MR. LANNING: Have you ever heard of an MRI?

3 JUROR NUMBER 107: Yes.

4 MR. LANNING: How about PET scan?

5 JUROR NUMBER 107: CAT scan?

6 MR. LANNING: PET?

7 JUROR NUMBER 107: Yes.

8 MR. LANNING: Those are different scientific
9 scans that scientists can read and see things that the
10 ordinary person doesn't.

11 JUROR NUMBER 107: Right.

12 MR. LANNING: And assuming you see evidence of
13 brain damage, you can give that consideration?

14 JUROR NUMBER 107: Yes, definitely.

15 MR. LANNING: How about mental illness?
16 Assuming, again, a qualified expert presents testimony
17 that indicates mental illness on the part of Mr.
18 Bradley, is that something that you could consider and
19 give effect to as mitigation?

20 JUROR NUMBER 107: Yes.

21 MR. LANNING: What about evidence of childhood
22 abuse?

23 JUROR NUMBER 107: Yes.

24 MR. LANNING: Is that evidence you could
25 consider?

1 JUROR NUMBER 107: I could consider that.

2 MR. LANNING: Now, there may be evidence of drug
3 abuse and addiction coming into play in this case. Do
4 you see a distinction between drug abuse versus drug
5 addiction?

6 JUROR NUMBER 107: Do I see a distinction between
7 it?

8 MR. LANNING: Yes.

9 JUROR NUMBER 107: Drug abuse and drug addiction.
10 It's kind of, more or less, the same, I would --

11 MR. LANNING: One certainly leads to the other.

12 JUROR NUMBER 107: Yes.

13 MR. LANNING: Could you consider such evidence as
14 mitigation?

15 JUROR NUMBER 107: Yes.

16 MR. LANNING: May I have a moment?

17 THE COURT: Yes, you may.

18 MR. LANNING: Juror 107, you have any difficulty
19 in considering a case in which an individual is
20 charged with the death of a police officer?

21 JUROR NUMBER 107: No.

22 MR. LANNING: And in terms of general support for
23 the death penalty, I want you to think of a scale, 0
24 being virtually no support, and 10 being that you
25 really support it and think it should be used a lot

1 more frequently, could you put yourself somewhere on
2 that scale?

3 JUROR NUMBER 107: As far as -- what was the
4 question?

5 MR. LANNING: Your general support for the death
6 penalty, 0 being no real support for the death
7 penalty, 10 being very strong support, you know,
8 should be used a lot more frequently.

9 JUROR NUMBER 107: I would put myself in the
10 middle. Because, like I said earlier, it's hard to
11 make a decision on that until you weigh all the
12 evidence. And, I mean, I wouldn't have a problem
13 giving someone the death penalty, but I would need to
14 know all the facts. And the law, so when you combine
15 them, then you sit down and deliberate with the rest
16 of the jurors on what we come up with.

17 MR. LANNING: Thank you, sir.

18 THE COURT: Okay. Juror Number 107, you are
19 still being considered as a possible juror for this
20 case. What I'm -- you are released for today. You
21 must continue to abide by those rules I gave you
22 governing your service as a juror. I'm going to have
23 you go downstairs to the jury assembly room, they're
24 going to give you a phone number. Tell them you've
25 been released from Judge Reinman's courtroom for

1 today, and they're going to give you a phone number.
2 I need you to call back on Friday between 1:00 and
3 5:00, and they're going to give you further
4 instructions on when to report next. It won't be
5 tomorrow, I'm not sure it will be Monday. It may be
6 Monday, it may not be Monday, but we'll know more the
7 progress that we're making by tomorrow afternoon. Any
8 questions or concerns?

9 JUROR NUMBER 107: No.

10 THE COURT: Okay. So you're going to leave
11 today, go downstairs, get that phone number, call back
12 between 1:00 and 5:00 on Friday afternoon. Thank you,
13 sir.

14 (Thereupon, Juror Number 107 was escorted out of
15 the courtroom by the court deputy and the proceedings
16 were had as follows:)

17 THE COURT: Okay. We can bring in Juror 108.

18 MR. BROWN: Your Honor, she was one of the ones
19 that was going to check.

20 THE COURT: With the [REDACTED] thing, I will ask.
21 That'll be the first thing we talk about. I think
22 she's the only one in the panel that's coming back
23 this afternoon.

24 MR. BROWN: 117.

25 THE COURT: You see 117 too? Oh, I have 117 too.

1 You're right.

2 (Thereupon, Juror Number 108 was escorted into
3 the courtroom by the court deputy and the proceedings
4 were had as follows:)

5 THE COURT: Okay. Juror Number 108, when we
6 broke for lunch, you were going to talk to [REDACTED], you
7 talked about some deadlines and some job
8 responsibilities that you have that only you can do at
9 this time. So talk to me about what you learned.

10 JUROR NUMBER 108: They said as long as I was
11 willing to work weekends, they would take away some of
12 my other responsibilities so I could just concentrate
13 on testing on weekends if I needed to.

14 THE COURT: Okay. I'll tell you that you won't
15 be here tomorrow, so you'll have the ability to work
16 tomorrow. May be here Monday, may not be here Monday;
17 but then once the trial starts, other than the -- I
18 can't remember the dates now, the 24th and the 25th or
19 the 25th and the 26th, other than those two dates in
20 March -- I'll tell you to be sure. It's the 24th and
21 the 25th. You'll be here and, you know, we'll be
22 working Monday through Friday, you know, from 8:30 or
23 9:00 until 5:00 or 5:30. What do you think about
24 that?

25 JUROR NUMBER 108: I'm currently used to long

1 hours, so --

2 THE COURT: Okay. Then the next question
3 becomes, do you think that you -- would that make you
4 distracted, or would you be okay and, while you were
5 here, you would give this case your full attention?

6 JUROR NUMBER 108: I don't think I would be
7 distracted.

8 THE COURT: Okay. Okay. I appreciate that.
9 When we left, we talked about rules that were in
10 place, and those rules started when I announced them.
11 So during this recess, have you been exposed to
12 reading newspaper headlines and/or articles related to
13 this trial or its participants?

14 JUROR NUMBER 108: No.

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

17 JUROR NUMBER 108: No.

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

21 JUROR NUMBER 108: No.

22 THE COURT: And have you discussed this case with
23 any other jury members, or with anyone else, or
24 allowed anyone to discuss it in your presence?

25 JUROR NUMBER 108: No.

1 THE COURT: Just so you know, you can tell people
2 that you're here, you're at the courthouse, you're
3 serving on a jury, what hours you're working, and
4 where you are. You just can't discuss the case, the
5 specific case, or what the case is about, or anything
6 specific to this case. Once this case is over with,
7 then it's your decision to talk about anything you
8 like, but during this case, those are your rules
9 governing your service as a juror.

10 JUROR NUMBER 108: Okay.

11 THE COURT: Now I'm going to talk about any prior
12 knowledge about this case. Do you know anything about
13 this case, either from your own personal knowledge,
14 rumor, by discussions with anyone else, or from the
15 media, such as radio, television, Internet, electronic
16 device, or newspaper?

17 JUROR NUMBER 108: I think I heard about a police
18 officer being killed a little while ago, and that they
19 caught a suspect, and I think this is the same case,
20 but I'm not positive. I don't often watch the news,
21 and where I work is a secure environment, so we don't
22 Internet. So, honestly, I really haven't heard a lot.

23 THE COURT: Okay. So you don't even have the
24 Internet where you work?

25 JUROR NUMBER 108: No.

1 THE COURT: Not in the building where you work?

2 JUROR NUMBER 108: Not in the building where I
3 work.

4 THE COURT: Okay. And you say as part of your
5 regular routine, you do not watch the news?

6 JUROR NUMBER 108: No. The other thing I heard
7 about, or I saw one day when I was going to work, I
8 think there was, like, a procession of police
9 officers; and I think that was for the police officer
10 that got killed, I wasn't sure. But other than that,
11 that's really all I know.

12 THE COURT: Okay. So if I said you had set aside
13 anything that you may have learned about this case,
14 serve with an open mind, and reach a verdict based
15 only on the law and the evidence presented in this
16 trial in this case, could you do that?

17 JUROR NUMBER 108: Yes.

18 THE COURT: Okay. Now, the next question I'm
19 going to ask you is kind of a general question, and I
20 do that on purpose just so that you can answer it how
21 you feel comfortable, but what are your views about
22 the death penalty?

23 JUROR NUMBER 108: I don't think I have a strong
24 view either way, honestly, whether for or against.

25 THE COURT: Okay. So in this case, remember from

1 my instructions, that we have kind of the first part
2 of the trial, called the guilt phase.

3 JUROR NUMBER 108: Right.

4 THE COURT: In the event there is a guilty
5 verdict on count one, and it only pertains to count
6 one, and that's the first degree murder charge, then
7 we move into the second phase, which we call the
8 penalty phase; and in that phase, I would instruct you
9 that you are to consider possible penalties of death
10 and life in prison without the possibility of parole.
11 So if I instruct you that that is your duty as a juror
12 in this case, can you follow that instruction?

13 JUROR NUMBER 108: Yes.

14 THE COURT: Okay. Now, are you of the opinion
15 that death is the only appropriate penalty for murder
16 in the first degree, and is that opinion so strong
17 that you could not consider life in prison without the
18 possibility of parole as a penalty under any
19 circumstances?

20 JUROR NUMBER 108: No.

21 THE COURT: So you could -- in the event there's
22 a guilty verdict on count one, first degree murder,
23 you could consider both possible penalties?

24 JUROR NUMBER 108: Yes.

25 THE COURT: Okay. Thank you. Questions by the

1 State?

2 MR. BROWN: Yes, Your Honor. Juror Number 108,
3 good afternoon. I'm going to talk to you a little bit
4 about the death penalty. And, first, let me ask you,
5 do you believe you -- can you vote to recommend the
6 penalty of death?

7 JUROR NUMBER 108: Yes. I don't have strong
8 feelings either way, so --

9 MR. BROWN: I'm going to go through the process a
10 little bit with you. The judge kind of covered it
11 this morning, but she did throw an awful lot at
12 everybody in a compressed period of time. The first
13 step is, the jury -- in order to the stage where you
14 would make a sentencing recommendation, the jury has
15 to come back with a verdict of first degree murder.
16 If they come back with a lesser charge, such as second
17 degree murder, or down to not guilty, then --
18 obviously, if it's not guilty, there is no sentencing,
19 period; but, otherwise, if it's second degree murder
20 or another charge, then the death penalty's off the
21 table, the jury does not make any recommendation to
22 the Court. Do you understand that?

23 JUROR NUMBER 108: Yes.

24 MR. BROWN: So if the jury does come back with
25 first degree murder, the next step of the process is,

1 we would reconvene, and you'd hear additional evidence
2 towards sentencing, and the judge would give you a new
3 set of instructions. The first step that she's going
4 to tell you is to look at what are called aggravating
5 circumstances. It's going to be a list, I suspect it
6 will be more than one, maybe three, four, five, six
7 circumstances. She told you this morning that those
8 are statutorily limited, and it's those items that you
9 look at, and only those, to justify whether or not to
10 give the death penalty recommendation.

11 What they are is, they're factors or
12 circumstances that increase the gravity of the crime
13 or the harm to the victim. So you would look at
14 those, and the proof of those may come, not only just
15 from when you're back and the additional evidence you
16 hear in the penalty phase, but also the proof, because
17 it's related to the crime, also comes from the guilt
18 phase. You don't ignore everything from the guilt
19 phase when you reach step two.

20 So you look at those aggravating circumstances,
21 and they have to be proven, just like guilt, you have
22 to prove it beyond and to the exclusion of every
23 reasonable doubt. If we fail to prove any of those,
24 then your verdict has to be life, because you find
25 that there are no aggravating circumstances. If we

1 prove at least one, we very well may prove more than
2 one, but we have to prove at least one, you'll look at
3 those that are proven, and ask yourself, in your
4 opinion, do these justify the death penalty? If your
5 answer is no, then, obviously, your recommendation is
6 going to be for life. If the answer is yes, you move
7 to the next step in the process, and that's when you
8 look at what are called the mitigating circumstances.
9 As she told you, those come from the defendant's life,
10 his background, character, whatever it may be, but
11 it's evidence concerning the defendant. Those also
12 have to be proven to you, it's a lower burden for
13 those, it's to the greater weight of the evidence.

14 So you take that mitigation, and a mitigating
15 circumstance, if it's not proven, you throw it away,
16 you ignore it. You take the mitigating circumstances
17 that have been proven, and you have to compare those
18 and weigh those, the Court's going to tell you,
19 against the aggravating circumstances. So you
20 consider everything, and you have to go through that
21 weighing process.

22 Now, it's safe to say you've made, in your life,
23 either personal or professional life, you've made some
24 important decisions?

25 JUROR NUMBER 108: Yes.

1 MR. BROWN: When you make those decisions, you
2 try to look at all the factors involved.

3 JUROR NUMBER 108: Uh-huh.

4 MR. BROWN: And when you look at all the factors,
5 you look at some and you find that they're pretty
6 important, and you give them great weight in your
7 decision-making process, right?

8 JUROR NUMBER 108: Uh-huh.

9 MR. BROWN: Other factors you look at and say,
10 no, these just aren't very important at all, and you
11 give those very little weight in that decision-making
12 process.

13 JUROR NUMBER 108: Right.

14 MR. BROWN: The Court's going to tell you that's
15 the same process you go through here. You have to
16 weigh the aggravators, and you weigh the mitigators.
17 If you find that the mitigators outweigh the
18 aggravators, then your recommendation would be for
19 life. If you find that the mitigation does not
20 outweigh the aggravation, then you're in a position
21 where you're legally able to, you're legally justified
22 to, make a death recommendation to the Court.

23 Now, the judge is not going to tell you, if the
24 State proves to you, A, B, C, and D, that you must
25 return a recommendation of death. Do you understand

1 that?

2 JUROR NUMBER 108: Yes.

3 MR. BROWN: And, in fact, what she's going to
4 tell you is, you are never required to do that. What
5 you're required to do is to consider everything that's
6 been proven, you're required to do that weighing
7 process, and if you find that the aggravators are not
8 outweighed by the mitigation, and that they justify
9 the death penalty, then you're in a position where you
10 can recommend the sentence of death. Do you
11 understand the process?

12 JUROR NUMBER 108: Yes.

13 MR. BROWN: Any questions?

14 JUROR NUMBER 108: Is there any sort of guideline
15 for weighing aggravators versus mitigators? As long
16 as they're proven?

17 MR. BROWN: Right. If they're not proven, then
18 you don't consider it. Beyond that, you basically
19 have to consider everything that's been proven; but
20 you determine how much weight you're going to give to
21 each aggravator, and how much weight to give to all
22 the mitigating circumstances. The Court's not going
23 to tell you, we can't -- we may suggest in arguments,
24 but, obviously, at this point all we can ask is that
25 you would consider it. You may decide a whole slew of

1 things to give very little weight to, and that's a
2 decision you have to make as a juror. Are you
3 comfortable with that?

4 JUROR NUMBER 108: I think so.

5 MR. BROWN: Okay. Now, you used the term "I
6 think," and it's a very common thing, I do it myself.
7 It's a very common figure of speech. When we say
8 that, many times we mean, absolutely, yes; other times
9 we say it and we have a little bit of doubt in our
10 mind of, well, I think I can do it, but I'm not sure.

11 JUROR NUMBER 108: I say yes. Because of the
12 gravity of (unintelligible).

13 MR. BROWN: Okay. It's a lot we ask of the
14 jurors to come in on any case, especially one of this
15 gravity. So we're asking a lot from the time
16 commitment, along with the decision that you have to
17 make. You feel comfortable in your ability to do it?

18 JUROR NUMBER 108: I do.

19 MR. BROWN: Okay. Is there anything in your
20 background, philosophical beliefs, moral beliefs,
21 religious beliefs, family history, whatever it may be,
22 that causes you concern, angst, or to question your
23 ability to make that decision?

24 JUROR NUMBER 108: No.

25 MR. BROWN: Do you feel comfortable, if you feel

1 that it's justified, to recommend the death penalty?

2 JUROR NUMBER 108: Yes.

3 MR. BROWN: Any question about your ability to do
4 that?

5 JUROR NUMBER 108: No.

6 MR. BROWN: Now, do you come in here today with
7 an idea or concept of, well, I'd vote for death if
8 it's either one of these two things, mass murderer or
9 something like that, but I wouldn't vote for death in
10 any other circumstance?

11 JUROR NUMBER 108: I don't think so. I mean, you
12 haven't told me what aggravating circumstances are,
13 but (unintelligible).

14 MR. BROWN: Right. Can you accept the Court's
15 going to give you that list?

16 JUROR NUMBER 108: Right.

17 MR. BROWN: And can you accept that those are the
18 items that you look to, to justify the death penalty?

19 JUROR NUMBER 108: Yes.

20 MR. BROWN: You're limited to those items, but
21 they're going to be there. So you understand that's
22 what you look to, right?

23 JUROR NUMBER 108: Yes.

24 MR. BROWN: You feel comfortable in going by the
25 Court's list, not coming in with any preconceived

1 notions of, it's only A or B, and nothing else?

2 JUROR NUMBER 108: Yes.

3 MR. BROWN: Now, the last topic I want to cover,
4 and I cover this with everybody, as we spoke earlier,
5 if the jury comes back with second degree, or another
6 lesser charge, then we're not going to go to that next
7 step where you have to make that recommendation.

8 JUROR NUMBER 108: Right.

9 MR. BROWN: So my question to you is, knowing
10 that if you return a guilty of a lesser verdict, you
11 wouldn't be in that next step, you wouldn't have to
12 make that sentencing recommendation, do you feel that
13 that in any way would affect your verdict or your
14 deliberations?

15 JUROR NUMBER 108: Do you mean if it would be an
16 easier decision to give a lesser charge because then I
17 wouldn't have to make that decision?

18 MR. BROWN: Right.

19 JUROR NUMBER 108: No.

20 MR. BROWN: You understand the concern that the
21 State has?

22 JUROR NUMBER 108: Yes.

23 MR. BROWN: And you agree justice ought to be
24 done in the case?

25 JUROR NUMBER 108: Yes.

1 MR. BROWN: And would you agree that justice
2 would be that the evidence -- the verdict that the
3 evidence speaks and supports is the verdict that you
4 ought to return?

5 JUROR NUMBER 108: Yes.

6 MR. BROWN: Okay. So if the State proves to you
7 first degree murder, you would return that verdict,
8 knowing that you have to do the next step?

9 MR. MOORE: Your Honor, I object to that
10 question, how it's phrased (unintelligible).

11 THE COURT: Can we have a bench conference,
12 please?

13 (Thereupon, a benchside conference was had before
14 the Court, out of the hearing of any other parties
15 present in the courtroom as follows:)

16 THE COURT: I'm sorry, perhaps I missed it. Did
17 he say something different?

18 MR. MOORE: Well, I think -- I should have
19 objected to it before, because it's not the first
20 time. But the way it's being asked is, if you feel
21 that there's evidence to support a first degree murder
22 conviction, will you feel comfortable -- will you vote
23 for death, so that you will not -- so that you can
24 then go on to the next phase. In other words, it's
25 not saying, "can you," he's asking, "will you," will

1 you agree to find the person guilty if there's
2 evidence of it. And that's different from asking,
3 "can you." So, as phrased, it's seeking a commitment
4 from the juror.

5 MR. BROWN: I think I phrased it, if we proved to
6 you first degree murder, will you return that verdict.
7 And I --

8 MR. MOORE: That's a commitment. That seeks a
9 commitment. I mean, asking, "will you," that's
10 different from "can you." The question should be, can
11 you do that, can you consider that, not, will you do
12 that. In those terms, will you do anything, that's
13 seeking a commitment from the jury.

14 MR. BROWN: Not with the qualifier that, "if
15 we've proven to you first degree murder."

16 MR. MOORE: I'm asking it to be rephrased. I
17 mean, what we're getting at is their capacity to do
18 it, not their willingness to follow a direction the
19 State wants them in, or that anybody points them in.

20 MR. BROWN: In the overall scheme, the context is
21 how I've been phrasing it for days now. I think the
22 juror's are clear to where I'm going with the
23 question, what I'm asking, and I don't believe it's
24 improper to ask them, if we prove to you the elements
25 of the charge, will you return a verdict of first

1 degree murder?

2 THE COURT: Isn't it the same thing --

3 MR. MOORE: "Can you," not "will you."

4 THE COURT: -- as, if the mitigators outweigh the
5 aggravators, will you return a verdict of life in
6 prison without the possibility of parole?

7 MR. BROWN: Yes.

8 MR. MOORE: It's "can you," not "will you." It's
9 -- you know, we're talking about their ability to
10 follow the law, we're not asking them to seek a --
11 we're not asking for a commitment right now, for them
12 to go in a specific direction. We can't assume
13 anything about what they understand. I mean, the last
14 gentleman illustrated that when we're -- you know,
15 after he'd been told two or three times that he's
16 never required to vote for death, he's thinking he's
17 got to vote for death. So we can't assume anything.
18 We can't assume any level of understanding. So it's
19 got to be "can you," do you have the capacity, not
20 "will you."

21 MR. BROWN: The instructions will tell them that
22 they're to return the verdict for the highest charge
23 that's been proven. So, I mean, that's all my
24 question is, it's, if we prove to you first degree
25 murder --

1 MR. MOORE: "Can you."

2 THE COURT: My problem is, philosophically, I
3 think Mr. Moore is correct, it's "can you," and not
4 "will you." But, I mean, is that objectionable,
5 because they're supposed to follow the law. You know,
6 if that's what we're going to do, then we're going to
7 have to do that all the way around. It's the "can
8 you's" instead of the "will you's." There's a lot of
9 "will you's" in here, so -- I mean, I'll sustain the
10 objection, because I think, technically, that's a
11 better way. I don't know if it has to be that way.

12 MR. PIROLO: If the Court's concerned, there is
13 case law that (unintelligible) cannot get a juror to
14 commit during voir dire to return a guilty verdict.
15 If the Court's going to sustain --

16 THE COURT: I have sustained --

17 MR. BROWN: I don't think there's a single case
18 that takes the question the way I phrase it and says
19 that's an improper question. Because I'm tracking
20 what, and I followed what the instructions read, which
21 the Court will tell them, that if we prove first
22 degree murder, if we prove the defendant's guilt, they
23 are to return a verdict for the highest offense that's
24 been proven. Those are the instructions.

25 MR. MOORE: Ask it that way. Can you return a

1 verdict for the highest offense --

2 THE COURT: Is it "can you," or "will you"?
3 Mr. Brown, use "can you." I'll look the instruction
4 up though.

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

7 MR. BROWN: Okay. Juror Number 108, knowing that
8 -- as we were talking about if you come back with a
9 verdict of less, if the State of Florida proves to you
10 first degree murder, can you return that verdict for
11 first degree murder, knowing that you have to make
12 that next step?

13 JUROR NUMBER 108: Yes.

14 MR. BROWN: And you would agree that justice --
15 justice is returning the verdict that the evidence
16 supports, right?

17 JUROR NUMBER 108: Yes.

18 MR. BROWN: Thank you. No further questions,
19 Your Honor.

20 THE COURT: Okay. Thank you. Questions by the
21 defense?

22 MR. LANNING: Good afternoon, Juror 108. Now,
23 you don't watch the news very often?

24 JUROR NUMBER 108: No.

25 MR. LANNING: Last Friday, there was an incident

1 here at the courthouse, did you hear any news about
2 that incident?

3 JUROR NUMBER 108: I did. I saw it on my lunch
4 break, they said someone was at the courthouse with a
5 gun.

6 MR. LANNING: Okay. Now, when did you get your
7 jury summons?

8 JUROR NUMBER 108: January, I think.

9 MR. LANNING: January, okay. Well, when you
10 heard that on Friday, what were your thoughts about,
11 you know, I've got to go next week.

12 JUROR NUMBER 108: I was glad it wasn't today.

13 MR. LANNING: Very good. Anything about what you
14 heard about that cause you any concern about coming
15 here on a daily basis for the next however long?

16 JUROR NUMBER 108: No.

17 MR. LANNING: All right. Do you have any
18 question in your mind that life without the
19 possibility of parole means life without the
20 possibility of parole?

21 JUROR NUMBER 108: I guess not. I don't think
22 so.

23 MR. LANNING: Now, we're kind of jumping the gun
24 here, to begin with, by discussing the death penalty.
25 We haven't even started the trial.

1 JUROR NUMBER 108: Right.

2 MR. LANNING: Do you understand that we have to
3 do this now because we won't have an opportunity to
4 come back later, so this is just the way it has to be
5 done. We're not banking on anything. Now, you've
6 heard, at this point, the judge give the general
7 directions on how this works, the weighing process,
8 aggravators and mitigators. You've heard Mr. Brown
9 paraphrase the same. At this stage, at this point, do
10 you have, in your mind, what you should do if you find
11 that the aggravators outweigh the mitigators? A lot
12 of aggravation, say there's not mitigation, do you
13 have in your mind what you should do at that point?

14 JUROR NUMBER 108: Based on what he told me, if
15 the aggravators outweigh the mitigators, then I
16 understand, from what he told me, the recommendation
17 would be the death penalty.

18 MR. LANNING: Say that again?

19 JUROR NUMBER 108: If I understand what he told
20 me accurately, if aggravators outweigh the mitigators,
21 then the recommendation would be for the death
22 penalty.

23 MR. LANNING: Okay. We don't want you to go into
24 this process with misconceptions or misunderstanding.
25 At no point in the instructions -- and you receive a

1 written set of instructions, but at no point in the
2 instructions will you ever see that, if the
3 aggravators outweigh the mitigators tremendously, you
4 will never see that you should recommend death, you'll
5 never see that you shall recommend death, all you will
6 see is that you may. All you're getting, all this
7 process does, is, at most, provide a permission slip.
8 The only mandatory language within the instructions is
9 that there are certain circumstances, actually most of
10 the circumstances, where you're obligated to recommend
11 the sentence of life.

12 Likewise, in the instructions, there's nowhere
13 you'll ever see any language that you have to justify
14 to anyone, either in the jury room or anywhere else,
15 your decision. Okay?

16 JUROR NUMBER 108: Okay.

17 MR. LANNING: Considering the imposition of a
18 death recommendation, you're limited, by statute, to
19 certain aggravating circumstances, strictly limited.
20 You're not allowed to consider any other matters.
21 Some possible evidence that you'll hear is called
22 victim impact evidence, and it's evidence that's
23 presented to show the victim's uniqueness and the
24 result of loss of the friends, family, and community.
25 Now, you're told that you can't consider that as

1 aggravating circumstances.

2 JUROR NUMBER 108: Okay.

3 MR. LANNING: Some of that evidence is certainly
4 emotional, and do you think that you would be able to
5 follow that instruction that you can't consider that
6 in any way toward the imposition of a recommendation
7 of death?

8 JUROR NUMBER 108: Yes. So does victim impact go
9 to the recommendation of anything?

10 MR. LANNING: It -- you can only consider
11 aggravating circumstances, which will be limited by
12 the judge. You can't consider victim impact evidence
13 toward the imposition of the -- toward imposing the
14 recommendation of death.

15 JUROR NUMBER 108: Okay.

16 MR. LANNING: Any question in your mind that
17 you'll be able to follow that instruction?

18 JUROR NUMBER 108: No.

19 MR. LANNING: Now, some of the possible
20 mitigation evidence you might hear in this case,
21 assuming that you hear evidence from a qualified
22 expert, is that Brandon Bradley suffers from brain
23 damage; is that something that you could give weight
24 to consider?

25 JUROR NUMBER 108: Yes.

1 MR. LANNING: Are you familiar with the
2 technology of MRI and PET?

3 JUROR NUMBER 108: Yes.

4 MR. LANNING: And assuming you're presented
5 evidence of that, is that evidence that you would
6 consider?

7 JUROR NUMBER 108: Yes.

8 MR. LANNING: How about mental illness, is that
9 something that you would find to be mitigation? And
10 again, assuming --

11 JUROR NUMBER 108: Is that a criteria? I
12 guess it would fall under mitigation criteria?

13 MR. LANNING: It can. You decide what's
14 mitigating. Is that -- assuming a qualified
15 individual, or a qualified mental health professional,
16 testified that Brandon Bradley suffers mental illness,
17 is that something that you could find to be
18 mitigating?

19 JUROR NUMBER 108: Yes.

20 MR. LANNING: What about having been abused as a
21 child, is that something you could consider to be
22 mitigating?

23 JUROR NUMBER 108: Yes.

24 MR. LANNING: Now, what about drug abuse and
25 addiction?

1 JUROR NUMBER 108: Yes.

2 MR. LANNING: Do you see -- is there a
3 distinction in your mind between drug abuse versus
4 addiction?

5 JUROR NUMBER 108: I was thinking
6 (unintelligible) where you're under the influence of
7 something (unintelligible).

8 MR. MOORE: We're having trouble hearing.

9 JUROR NUMBER 108: Oh, I'm sorry.

10 MR. LANNING: Yeah, you're very quiet spoken.
11 Can you make -- I'm not sure if you made a distinction
12 or not.

13 THE COURT: Do you want to answer that again, and
14 do it a little louder.

15 JUROR NUMBER 108: Sure. I guess I was thinking
16 mental illness as a mitigating issue. Drug addiction,
17 I was thinking, if you committed a crime while under
18 the influence of drugs, I think that changes something
19 to (unintelligible).

20 MR. LANNING: I'm sorry?

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

22 MR. LANNING: Right. Right.

23 JUROR NUMBER 108: But, yes, I would consider it
24 as a mitigating circumstance.

25 MR. LANNING: Okay. Let me ask you this: If

1 evidence brought forth that, in fact, Brandon Bradley
2 said something that you could not consider, or would
3 you might consider it as aggravating?

4 JUROR NUMBER 108: I don't think I would consider
5 it aggravating.

6 MR. LANNING: All right. May I have a moment?

7 THE COURT: Yes, you may.

8 MR. LANNING: Some evidence in this case is a
9 video of Barbara Pill's final moments, it is graphic
10 in nature, and there are photographs that are also
11 graphic in nature. Would you be able to view those
12 items if you're picked to serve on this jury?

13 JUROR NUMBER 108: Yes.

14 MR. LANNING: Consider the death penalty a scale
15 of support, with 0 being no real support, versus 10
16 being very strongly support, should be used all the
17 time, where do you think you would fall in that scale?

18 JUROR NUMBER 108: Probably would be a
19 case-by-case basis. I don't really have a strong
20 opinion about the death penalty.

21 MR. LANNING: If you were -- if you were made
22 king for a day, would you have a death penalty? Well,
23 king for a year.

24 JUROR NUMBER 108: I don't know if I would.

25 MR. LANNING: Okay. Thank you.

1 THE COURT: Okay. Juror Number 108, you are
2 going to be excused for the day, and you're excused
3 for tomorrow. What I'm going to ask you to do is, go
4 downstairs, report to the jury assembly room, tell
5 them you've been excused from Judge Reinman's
6 courtroom for today. You are still being considered
7 as a possible juror in this case. They're going to
8 give you a phone number. You're going to call that
9 phone number between 1:00 and 5:00 on Friday, and
10 they're going to give you further instructions on when
11 to report. It all depends on how long this process
12 takes as to whether we'll be ready to go Monday, or
13 not ready to go Monday, or which day we'll be ready to
14 go. So we're going to have you report back -- I mean,
15 we're going to have you go downstairs, get the phone
16 number, report back when directed.

17 During this recess, you must continue to abide by
18 those rules governing your service as a juror, which I
19 spoke about earlier today. Any questions or concerns?

20 JUROR NUMBER 108: I don't think so.

21 THE COURT: Okay. If you have any questions or
22 concerns, you can call back and ask the jury clerks,
23 and they might be able to help you out with logistics
24 regarding the trial. Okay. Thank you.

25 (Thereupon, Juror Number 108 was escorted out of

1 the courtroom by the court deputy; thereafter, voir
2 dire selection was had which was not requested to be
3 transcribed.)

4 THE COURT: We'll bring in 114, and let 115 and
5 116 go.

6 (Thereupon, Juror Number 114 was escorted into
7 the courtroom by the court deputy and the proceedings
8 were had as follows:)

9 THE COURT: Okay. Juror Number 114, good
10 afternoon. When we recessed before, I talked to you
11 about some rules that govern your service as a juror.
12 Those rules came into effect when I announced them.
13 So they're in effect at this time. So I'm going to
14 talk to you about those first, they started then, so
15 I'm going to ask you, have you read or been exposed to
16 reading newspaper headlines and/or articles relating
17 to this trial or its participants?

18 JUROR NUMBER 114: No.

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

21 JUROR NUMBER 114: No.

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

25 JUROR NUMBER 114: No.

1 THE COURT: And have you discussed this case with
2 other jury members, or with anyone else, or allowed
3 anyone to discuss it in your presence?

4 JUROR NUMBER 114: Okay. Let me tell you that
5 you can tell people where you're at, the courthouse in
6 Viera, what time you have to be here; but what you
7 can't talk about is, what the case is about, what the
8 charges are, any evidence, or anything that happens in
9 this courtroom. Now, when this case is -- and those
10 rules remain in effect until I release you as a juror.
11 Once you're released as a juror, you can talk about
12 whatever you wish, to whoever you wish. But those
13 rules remain in effect while you're being considered
14 as a juror, and if you become a juror, they remain in
15 effect during the process.

16 JUROR NUMBER 114: Okay.

17 THE COURT: Okay. Now, I'm going to talk about
18 your knowledge of the case before you came here. Do
19 you know anything about this case, either from your
20 own personal knowledge, rumor, by discussion with
21 anyone, or from the media, including radio,
22 television, Internet, electronic device, or newspaper?

23 JUROR NUMBER 114: TV.

24 THE COURT: Okay. So you heard something about
25 this case on the news?

1 JUROR NUMBER 114: When it occurred, yes.

2 THE COURT: Okay. Have you heard anything about
3 this case since that time?

4 JUROR NUMBER 114: No. Well, I heard something
5 today about the sheriff, and some sort of dedication,
6 some special day today, in honor of the officer.

7 THE COURT: Okay. And you heard that --

8 JUROR NUMBER 114: I heard that just this
9 morning.

10 THE COURT: Okay. And that was on the news as
11 well?

12 JUROR NUMBER 114: Yeah. And I didn't know why
13 -- I knew I was coming here, but I didn't know that I
14 would be here for that particular case.

15 THE COURT: Okay. And what information did you
16 hear at the time of the event?

17 JUROR NUMBER 114: Just that an officer had been
18 shot and the -- there were two people involved. You
19 know, that's about it.

20 THE COURT: And what are your news habits
21 generally?

22 JUROR NUMBER 114: My -- pardon?

23 THE COURT: Your news habits? Do you watch --

24 JUROR NUMBER 114: My news habits? Do I watch
25 the news?

1 THE COURT: Do you watch the news regularly? Do
2 you not watch the news?

3 JUROR NUMBER 114: I do. I do.

4 THE COURT: Okay. Tell me what you do.

5 JUROR NUMBER 114: I watch the news.

6 THE COURT: Okay. Do you have it on and do other
7 things, or do sit down and watch it, and what time do
8 you watch it? Is that every day?

9 JUROR NUMBER 114: I vary it to what's going on,
10 so I watch the national news and a little bit of the
11 local news before that.

12 THE COURT: Okay. And would that be at night, or
13 in the morning?

14 JUROR NUMBER 114: That would be -- I'm usually
15 up at 5:00, so I see the local at 5:00, or 5:00, 6:00;
16 and in the evening, very seldom, but I like to watch
17 the national news. But that's very, very seldom.

18 THE COURT: Okay. So with that -- I would say
19 you watch the news pretty regularly in the morning.
20 For how long? An hour? Two hours?

21 JUROR NUMBER 114: I have coffee. Enough to see
22 the weather and -- it's basically the headlines. So,
23 you know, I watch it -- let's say I get up at 5:00,
24 I'll watch it at 5:30 for 10 minutes.

25 THE COURT: Okay.

1 JUROR NUMBER 114: But I've got to take care of
2 things that I have to do in the morning.

3 THE COURT: Okay.

4 JUROR NUMBER 114: So I don't just plop myself in
5 front of the TV and watch the news, no.

6 THE COURT: Okay. And what you've told me about
7 the case, is that all the information that you believe
8 you know about the case?

9 JUROR NUMBER 114: Yeah. I just remember the car
10 on the side of the road that I saw on TV, and, you
11 know, the photographs of the officer. But that's it.

12 THE COURT: Okay. What we ask you to do if
13 you're going to be a member of this jury is to set
14 aside what you may have learned about this case, serve
15 with an open mind, and reach a verdict based only on
16 the law and the evidence presented in this trial, in
17 this courtroom. Can you do this?

18 JUROR NUMBER 114: Sure. Yes.

19 THE COURT: What happens if you're sitting in
20 here, and the case concludes, and you say, oh, I
21 remember, I heard this on the news, but none of that
22 you heard in here? Can you set that aside and not
23 consider it for purposes of these proceedings?

24 JUROR NUMBER 114: Yes.

25 THE COURT: Okay. Now, this is a pretty general

1 question, but I just want to get your views on this,
2 what are your views about the death penalty?

3 JUROR NUMBER 114: I would say that I don't have
4 a view either way, meaning, if -- if it were proved
5 that the person, you know, did it, premeditatively,
6 then I -- you know, I would just do what I had to do
7 as far as, if I felt that it required the death
8 penalty, then that's what I would do.

9 THE COURT: Okay. Let me tell you how the
10 process works, and I'll follow up with that question.
11 We have the first phase of the trial, which is called
12 the guilt phase. In the event that the defendant is
13 found guilty on count one, the jury recommends -- I
14 mean, the jury returns a verdict of guilty on count
15 one, count one is murder of the first degree, then we
16 would proceed to the penalty phase. Only then,
17 because the death penalty only pertains to count one,
18 not the other counts. And, remember, count one can be
19 premeditated murder, so it would be an assumption that
20 there was a guilty verdict on count one.

21 Then we would move into the second phase, the
22 second phase is the penalty phase. In the penalty
23 phase, you would be instructed, as a juror, to return
24 a recommendation to the Court of a possible penalty of
25 death, or life in prison without the possibility of

1 parole. Now, could you consider both possible
2 penalties?

3 JUROR NUMBER 114: Yes.

4 THE COURT: And are you of the opinion that death
5 is the only appropriate penalty for murder in the
6 first degree?

7 JUROR NUMBER 114: No. It would be the
8 circumstances in -- you know, life in prison or -- you
9 know, if its premeditated, if it's proved, then the
10 vote, I would think, of the death penalty would be
11 warranted. But --

12 THE COURT: Okay. If it -- let's say that it's
13 premeditated and that is proven, and we proceed to the
14 penalty phase -- and this is all hypothetically, we
15 proceed to the penalty phase, let's say premeditated
16 is proven, can you consider -- based on what I tell
17 you, there's a weighing process of the aggravating and
18 the mitigating circumstances, you heard some of those
19 instructions this morning, can you consider life as a
20 possible penalty, even if you know the charge is
21 premeditated murder in the first degree?

22 JUROR NUMBER 114: Yes.

23 THE COURT: Okay. You wouldn't -- because you
24 said the death penalty is an appropriate penalty for
25 premeditated murder, let's assume that's proven, can

1 you still consider the possibility of life in prison
2 without the possibility of parole?

3 JUROR NUMBER 114: Yes.

4 THE COURT: Okay. Questions by the State?

5 MR. BROWN: Yes, Your Honor. Juror Number 114,
6 good afternoon. I'm going to talk to you a little bit
7 about the process for the death penalty. I know the
8 Court touched upon it here, she gave it to you this
9 morning, but she did give you an awful lot of
10 information within a small period of time.

11 You understand that the death penalty only comes
12 into consideration if there's a verdict for first
13 degree murder?

14 JUROR NUMBER 114: Yes.

15 MR. BROWN: One of the ways that first degree
16 murder can be proven is by premeditation.

17 JUROR NUMBER 114: Yes.

18 MR. BROWN: Now, if the jury returns a verdict of
19 first degree murder, then, and only then, would we
20 reconvene, you would hear additional evidence, then
21 get instructions from the Court, and then you would
22 make your sentencing recommendation to the Court.

23 That new set of instructions, what the Court's
24 going to tell you is, the first thing to examine in
25 the process are what's called aggravating

1 circumstances. And she told you this morning that
2 those are circumstances which may increase the gravity
3 of the crime or the harm to the victim. The first
4 thing you're going to look to is, are those
5 aggravating circumstances proven? And proof has to be
6 beyond a reasonable doubt, just like for the other
7 phase. The State has to prove at least one, it may
8 prove more than one, of those aggravating
9 circumstances beyond and to the exclusion of every
10 reasonable doubt. If you find we don't prove any
11 aggravating circumstances, then your verdict has to be
12 life. Even though there's a conviction for first
13 degree murder, and it may have been premeditated
14 murder, we have to prove those aggravating
15 circumstances on top of that, to even get to the
16 position where you can recommend death.

17 JUROR NUMBER 114: Okay.

18 MR. BROWN: Now, what she's going to tell you is
19 to take the aggravating circumstances that have been
20 proven, and the first question then is -- well, the
21 first question is, have we proven them? If we have
22 proven at least one, or more than one, then, does that
23 combination of aggravating circumstances that we've
24 proven justify the death penalty? If your answer is
25 no, then your recommendation has to be life. If your

1 answer is yes, these aggravating circumstances, in
2 your mind, justify the death penalty, then you go to
3 step two. She's not going to tell you what does or
4 doesn't, it's up to -- you have to decide if they
5 justify it.

6 Step two in the process is to examine the
7 mitigation evidence. As she told you this morning,
8 that mitigation evidence is -- or mitigating
9 circumstances are factors that come from the
10 defendant, his life, his background, his character.
11 They're things that may suggest to you that a
12 recommendation of life may be the more appropriate
13 sentence. They also have to be proven, but it's a
14 lower standard of proof. The proof for the mitigating
15 circumstances is to the greater weight of the
16 evidence.

17 And then what you have to do is, you take the
18 aggravators that have been proven, you take the
19 mitigation evidence that has been proven, and you
20 compare it and weigh it. Now, in your lifetime, have
21 you had to make important decisions, whether personal
22 life, business life, family life?

23 JUROR NUMBER 114: Yes.

24 MR. BROWN: And when you've had to make those
25 important decisions, did you sit back and try to look

1 at all the factors involved? Is that what you did?

2 JUROR NUMBER 114: Yes.

3 MR. BROWN: And when you did that, did you find
4 some of those factors, you looked at and said, these
5 are pretty darn important factors?

6 JUROR NUMBER 114: Sure.

7 MR. BROWN: And you gave those great weight in
8 your decision-making process. On the other hand, you
9 looked at some factors and said, you know, these
10 aren't that important to me, and you gave those little
11 weight. Right?

12 JUROR NUMBER 114: Yes.

13 MR. BROWN: And it's how most of us make -- at
14 least people I know, that's how most of us make
15 important decisions. The Court's going to tell you
16 it's the same process here. You look to make sure
17 that the aggravating circumstances have been proven
18 and those mitigating circumstances have been proven.
19 If something's not proven, you disregard it. Just a
20 reminder of that different level of proof. Once you
21 do that, then you have to look at them all, and you
22 decide how much weight you're going to give to the
23 aggravators, and how much weight to each of those
24 mitigators. You may look at it and say, this is
25 really important, this gets great weight; you may look

1 at something else and say, this isn't that important,
2 I'm giving this very little weight. If it's been
3 proven, you have to consider it, just like you did in
4 your personal life, you consider all the decisions.
5 You determine the weight. The Court's not going to
6 tell you, aggravator one you give this amount of
7 weight, mitigator circumstance one you give this
8 amount of weight. It's up to you to determine the
9 weight. You consider everything, but you determine
10 the weight. Do you understand?

11 JUROR NUMBER 114: Yes.

12 MR. BROWN: And we can't -- the judge isn't going
13 to tell you how much weight, we can't tell you how
14 much weight, we can recommend, we may in our arguments
15 say, you should give this little weight, here's why,
16 and you should give this great weight; but,
17 ultimately, that's your choice, and, as a juror, you
18 have to do that weighing process on your own. Could
19 you weigh and do that balancing?

20 JUROR NUMBER 114: Yes.

21 MR. BROWN: Now, if you do that weighing process,
22 the Court's going to tell you that if the mitigators
23 outweigh the aggravators, then you have to recommend a
24 sentence of life. If, however, you find that the
25 mitigation does not outweigh the aggravators, at that

1 point you're in a position where you legally can
2 recommend to the Court the death penalty.

3 Now, she's going to tell you -- in fact, what
4 she's not going to tell you is, if the State proves A,
5 B, C, and D, that you must return the death penalty.
6 That's never -- she's never going to tell you that.
7 In fact, what she's going to tell you is, you are
8 never obligated to return a sentence of death. Do you
9 understand?

10 JUROR NUMBER 114: Yes.

11 MR. BROWN: You have to go through that weighing
12 process, and if you find we've proven the aggravators,
13 the mitigation that's proven doesn't outweigh it, and
14 after you weigh that, you feel, based upon that
15 weighing process, that the death penalty is justified,
16 that's when you recommend the sentence of death.
17 You're never required, she's not going to instruct on
18 that. Do you understand?

19 JUROR NUMBER 114: Yes.

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

22 JUROR NUMBER 114: Yes.

23 MR. BROWN: Okay. Any questions about that?

24 JUROR NUMBER 114: No.

25 MR. BROWN: You understand?

1 JUROR NUMBER 114: I understand.

2 MR. BROWN: With that process, can you recommend
3 a sentence of death?

4 JUROR NUMBER 114: Yes.

5 MR. BROWN: Now, you mentioned earlier when you
6 came in -- and, again, we kind of get these answers
7 from you before we've had a chance to talk and
8 everything's explained, but you talked about, well, if
9 the premeditation is proven, this and that, and you
10 see we have to wait and see what those aggravating
11 circumstances are? Do you understand that?

12 JUROR NUMBER 114: Yes.

13 MR. BROWN: Are you comfortable with that?

14 JUROR NUMBER 114: Yes.

15 MR. BROWN: Okay. So simply because
16 premeditation may have been proven, is that -- now
17 that you know the process and you understand what you
18 have to go through, do you agree that's not -- that
19 doesn't mean it's an automatic death penalty?

20 JUROR NUMBER 114: I understand, yes.

21 MR. BROWN: And you agree you will go through --
22 you'll consider everything -- I'm not asking for any
23 commitments, I don't think the defense will either,
24 any commitments as to how much weight you'll give
25 anything, just that you'll agree to consider what's

1 been proven.

2 JUROR NUMBER 114: I will.

3 MR. BROWN: Is there anything in your background,
4 such as personal beliefs, religious beliefs, moral
5 beliefs, philosophical beliefs, family history,
6 whatever it may be, that causes you any extra concern,
7 angst, or difficulty in trying to make that type of
8 decision?

9 JUROR NUMBER 114: No.

10 MR. BROWN: Comfortable in your ability to do
11 that?

12 JUROR NUMBER 114: I am.

13 MR. BROWN: The last topic that I want to cover,
14 and I ask this of every person, we talked about in the
15 beginning that we only get to the point of making that
16 sentencing recommendation if the jury comes back with
17 first degree murder. If the jury comes back with
18 lesser, such as second degree murder, you're not going
19 to be making that recommendation, the process for you
20 would end at that point. Now, knowing that, say,
21 well, come back with a second, I don't have to put
22 myself in the situation where I have to make that next
23 tough decision. Would that influence your verdict at
24 all?

25 JUROR NUMBER 114: I wouldn't do that.

1 MR. BROWN: You would agree that justice would be
2 that whatever the evidence proves, that ought to be
3 what the verdict is?

4 JUROR NUMBER 114: Exactly.

5 MR. BROWN: And you shouldn't compromise down
6 simply to avoid having to go the next step?

7 JUROR NUMBER 114: I wouldn't.

8 MR. BROWN: You can understand why, you know, I
9 want to cover that topic, just to make sure that you
10 understand.

11 JUROR NUMBER 114: Yes.

12 MR. BROWN: Thank you. No further questions,
13 Your Honor.

14 THE COURT: Okay. Questions by the defense?

15 MR. LANNING: Good afternoon. The penalty of
16 life without the possibility of parole, first off, do
17 you have any notion that life without parole doesn't
18 really mean life without parole? Like clemency, or,
19 you know, they may be able to get out, or any --

20 JUROR NUMBER 114: No.

21 MR. LANNING: No question in your mind that life
22 without parole is what it means?

23 JUROR NUMBER 114: No question.

24 MR. LANNING: All right. Do you think life
25 without the possibility of parole would be a severe

1 sentence?

2 JUROR NUMBER 14: Life without the possibility of
3 parole would be a severe sentence, yes.

4 MR. LANNING: You heard the judge this morning,
5 and a little bit how the process works, she was
6 reading from the exact instructions that you're going
7 to get. They're typed up and provided to jurors. And
8 you heard Mr. Brown paraphrase that process. As you
9 sit here at this point, do you have in mind what you
10 do -- assuming the aggravators outweigh the
11 mitigators, the mitigators do not outweigh the
12 aggravators, what you do at that point?

13 JUROR NUMBER 114: I would consider the
14 possibility of a death sentence.

15 MR. LANNING: You would consider the possibility.
16 Some people get the idea that if that's -- if the
17 aggravation outweighs the mitigation, that you at that
18 point are somehow required to recommend death. I want
19 to make sure people don't go back into the jury room
20 with wrong ideas, or even start this process with
21 wrong ideas. You're never going to hear, or see, any
22 language that says, if the aggravation outweighs the
23 mitigation, that you must, or even should, impose a
24 death sentence. All you get is permission to consider
25 death. The only time you get mandatory language is,

1 under certain circumstances, you have to recommend
2 life. But you'll never see any language that says,
3 you should, or must, impose death. Okay?

4 JUROR NUMBER 114: Okay.

5 MR. LANNING: Part of the possible evidence that
6 could come in in this case is called victim impact
7 evidence. It is evidence about the impact of the
8 homicide on family, friends, and community of the
9 decedent; and you'll get instruction that the evidence
10 presented to show the victim's uniqueness as an
11 individual and the result of loss by the decedent's
12 death. You may consider this evidence as an
13 aggravating circumstance. Your recommendation to the
14 Court must be based on the aggravating circumstances
15 and the mitigating circumstances.

16 Now, victim impact evidence can be a difficult
17 subject, because it can potentially have emotional
18 impact, and you're not -- you're not told what to
19 consider it for. You're only told you can't consider
20 it as aggravation. Do you think that you can follow
21 that instruction and not consider that evidence?

22 JUROR NUMBER 114: Yes.

23 MR. LANNING: All right. I want to talk to you
24 briefly about some of the possible areas of
25 mitigation. You may hear evidence during the course

1 of this case that Mr. Bradley suffers from brain
2 damage. Assuming you hear from qualified
3 professionals, and assuming for a moment that you
4 believe them, could you give that evidence of
5 mitigation weight?

6 JUROR NUMBER 114: Yeah, consider it.

7 MR. LANNING: Have you ever heard of MRI and PET
8 scans?

9 JUROR NUMBER 114: Yes.

10 MR. LANNING: Assuming you hear evidence from MRI
11 and PET that brain damage exists, could you give that
12 weight?

13 JUROR NUMBER 114: Yes.

14 MR. LANNING: Assuming you hear evidence from a
15 qualified professional of mental illness, is mental
16 illness something you would consider as mitigation?

17 JUROR NUMBER 14: Yes.

18 MR. LANNING: What about evidence of prior
19 physical abuse as a child, and mental abuse as a
20 child, is that something that you could consider --

21 JUROR NUMBER 114: To him?

22 MR. LANNING: Yes.

23 JUROR NUMBER 114: Yes.

24 MR. LANNING: Now, if evidence is presented of
25 drug abuse and drug addiction, is that evidence that

1 you could consider as mitigation?

2 JUROR NUMBER 114: Yes.

3 MR. LANNING: Now, some people feel that they
4 can't give that consideration as mitigation, but you
5 think you probably could give it some weight?

6 JUROR NUMBER 114: Yeah, I would listen to
7 anything, and make a final decision. If I say yes, I
8 will do it.

9 MR. LANNING: If you put yourself somewhere on a
10 scale of support for the death penalty, 0 being the
11 least support, with 10 being I strongly support it --
12 and I'm talking about in general, I'm not talking
13 about any particular case, I'm just talking about it
14 general -- could you place yourself anywhere within
15 that scale?

16 JUROR NUMBER 114: I would be in the middle. I
17 mean, that's what I think is fair.

18 MR. LANNING: Are there certain homicides that
19 you have in mind that you think the death penalty is
20 certainly appropriate for, death penalty appropriate?

21 JUROR NUMBER 114: I mean, I would have to hear
22 the evidence.

23 MR. LANNING: Sure.

24 JUROR NUMBER 114: Do you mean do I have my mind
25 set that, if you do this, you die?

1 MR. LANNING: No, sir. Whether there are certain
2 murders that you have the notion that, yeah, that's an
3 appropriate case for --

4 JUROR NUMBER 114: No.

5 MR. LANNING: Okay. Not necessarily that you
6 would -- I'm not asking if you would impose it, I'm
7 asking what --

8 JUROR NUMBER 114: I mean, I would go just about
9 -- I mean, I'm not -- I don't have an opinion as to,
10 you know, if the person is -- if a woman is raped and
11 murdered, that person should, you know, get death, no,
12 and any person that does that should, no.

13 MR. LANNING: Okay. Thank you, sir.

14 THE COURT: Okay. Juror Number 114 --

15 MR. PIROLO: Judge, can we approach briefly?

16 THE COURT: Yes, you may.

17 (Thereupon, a benchside conference was had before
18 the Court, out of the hearing of any other parties
19 present in the courtroom as follows:)

20 MR. PIROLO: Judge, at 4:49, I had an e-mail from
21 a felony attorney in our office. She said she was
22 leaving the courthouse, she walked by our courtroom,
23 and she overheard a deputy speaking to a potential
24 juror, and she's got it in quotes, "yeah, a car stop
25 is like a box of Cracker Jacks, you never know what

1 you're going to get." I've asked her if she noticed
2 any numbers on the nametags, could she describe the
3 deputy, and I haven't heard back from her. I'm not
4 sure if this is one of the potential jurors that was
5 outside and heard that. My concern is that, as our
6 case concerns a car stop, are the jurors talking about
7 car stops outside, are the deputies talking about it?
8 I mean, it could be completely harmless, a juror could
9 just be talking about, hey, I just got stopped the
10 other day and the officer was rude, and the deputy was
11 maybe saying, you know, you never know what you're
12 going to get. It could be something very harmless
13 like that, or not. So I'm a little concerned, but I
14 haven't heard from her in terms of juror numbers or
15 anything else.

16 THE COURT: And you say that happened today?

17 MR. PIROLO: Yes. She sent the e-mail at 4:49.
18 I read it probably 15 minutes ago. I just wanted
19 to --

20 THE COURT: Tell me again what they said.

21 MR. PIROLO: She indicates that the deputy
22 speaking with a potential juror said, "yeah, a car
23 stop is like a box of Cracker Jacks, you never know
24 what you're going to get." And I responded back
25 asking her many questions, and she hasn't written me

1 back. But since we have him here, I don't know --

2 THE COURT: You say that was an attorney that
3 said that?

4 MR. PIROLO: She works in our office, she's a
5 felony attorney, she was leaving the fourth floor on
6 her way out, and she said that this is what she heard.

7 THE COURT: So what are you requesting?

8 MR. PIROLO: I'm asking if the Court would
9 inquire to this juror whether or not they -- or did
10 they hear anything outside about car stops, or, I
11 mean, I don't know if you want to -- since we have him
12 here, I say -- and what context was it in? I mean,
13 like I said, it could be something harmless. Someone
14 says, yeah, I got stopped by a pretty nasty officer
15 the other day.

16 THE COURT: Okay. Response from the State?

17 MR. BROWN: Judge, I don't object to the Court
18 inquiring. I don't know if we have enough to really
19 -- other than an inquiry from the Court.

20 THE COURT: I'll just ask this juror if the juror
21 heard any discussions between a deputy and a juror
22 with regard to a car stop.

23 MR. PIROLO: And, judge, with all due respect,
24 after this, I think the Court should probably talk to
25 the deputies and make sure they understand that no

1 comments remotely close to -- you know, voicing any
2 opinion to anything remotely close to --

3 THE COURT: I would think that they would know
4 that, but we've got their supervisor here, and I'll be
5 happy to discuss that with him.

6 MR. PIROLO: And, again, it could be completely
7 harmless, not involving the case, I don't know.

8 THE COURT: I'll discuss it.

9 MR. MOORE: Could the Court -- since the Court's
10 been asking leading questions, asking if he's heard
11 anything about the incident Friday, last Friday, the
12 shooting outside the courthouse.

13 MR. BROWN: I didn't catch what you were asking.

14 MR. MOORE: I'm asking the Court, since she's
15 going to be directing her questions to this gentleman,
16 to ask about the shooting last Friday, where the man
17 was shot in front of the courthouse. We haven't been
18 asking about that.

19 THE COURT: And then what do I ask?

20 MR. MOORE: Well, if he says yes, we can ask him
21 questions, turn that over to the lawyers. It
22 shouldn't take too long.

23 THE COURT: I'm just not going to do that with
24 every juror. If that's an issue in this case --

25 MR. MOORE: Well, we'll do it. We can do it.

1 THE COURT: I'm just saying, if that's an issue
2 in this case, then we'll have to -- if that's a valid
3 issue, we have to strike the panel and retry this case
4 six months later. Because that's the only way to
5 remedy that. That's a fact that happened.

6 MR. MOORE: Right. Well, with this panel, we
7 need --

8 THE COURT: He wasn't even on the panel then.

9 MR. MOORE: But he was watching TV. He might
10 know that.

11 THE COURT: No, he says he only watches TV, like,
12 10 minutes a day.

13 MR. MOORE: I'm just asking, Judge. We should
14 be able to inquire.

15 THE COURT: I'm just saying, if that is your
16 concern, then we're not going to be able to pick a
17 jury any time in the next --

18 MR. MOORE: It's the same concern we had about
19 the media coverage of this case. I mean, we don't
20 know unless we ask. It could be nothing.

21 THE COURT: No. But you could ask -- there's a
22 police officer that got shot and killed in Orlando two
23 weeks ago, you could ask them about that. You could
24 ask them -- I'm just saying, if that's a concern --

25 MR. MOORE: But this is close to home. I can see

1 how somebody says, I'm concerned, I don't want to come
2 to the courthouse for the jury and get shot. I can
3 see how people might have that concern. I mean, it's
4 just -- we drop it in there with all the other media
5 questions and just -- you know, it's just a blip in
6 the road, really, on the radar screen. It's not going
7 to slow us down any.

8 THE COURT: I think that this -- with all due
9 respect, I think this jury question of individual
10 jurors -- I'm questioning my decision to do this
11 individually, because this process has grown into a
12 bigger process, and I'm questioning that decision. If
13 we'd have taken -- just done the media, and done this
14 a different way, maybe we'd be through this. So I'm,
15 you know -- I didn't agree to individual questioning
16 of all jurors with regard to this, so I'm not going to
17 do that. I'm just not -- that's one more question,
18 that's one more issue, that's one more thing for
19 everyone to address. I just can't -- I can't expand
20 this process.

21 MR. MOORE: Well, let me ask, when we get our
22 turns, individually, the Court's not saying that we
23 can't ask that question ourselves?

24 THE COURT: I'd rather you do it with everyone
25 here, because it'll go a lot faster.

1 MR. MOORE: Okay.

2 THE COURT: If you do it in front of the whole
3 panel, then we can --

4 MR. MOORE: Get it out of the way.

5 THE COURT: If you do it in front of the panel,
6 you're going to have less opposition from me than this
7 individual questioning.

8 MR. MOORE: All right.

9 THE COURT: Okay.

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

12 THE COURT: Okay. Juror Number 114, when you
13 were outside, did you hear any discussions between any
14 potential jury members and court deputies with regard
15 to a car stop?

16 JUROR NUMBER 114: Pardon me?

17 THE COURT: With a regard to a car stop? Any
18 deputy and perhaps a potential juror discussing a car
19 stop?

20 JUROR NUMBER 114: No. I was the farthest one
21 down. I was the farthest away from the deputy. I
22 didn't hear anything of what they were talking about.
23 Everybody was talking and, you know, I was by the
24 door, I had my shoes off, I was --

25 THE COURT: You had your shoes off?

1 JUROR NUMBER 114: Yeah. I was relaxing.

2 THE COURT: It is a long day. Okay.

3 JUROR NUMBER 114: But I don't know anything
4 about that at all.

5 THE COURT: Okay. I tell little kids don't take
6 their shoes off in the courthouse because there's lots
7 of germs here.

8 All right. Juror Number 114, you are -- we're
9 going to recess for today. You are still being
10 considered as a potential juror in this case. So I'm
11 going to ask you to go downstairs, report to the jury
12 assembly room, and they're going to give you a phone
13 number. You're going to call tomorrow afternoon
14 between 1:00 and 5:00, and they're going to tell you
15 when to report back. It will not be tomorrow, chances
16 are, it might not be Monday, just so you know, but
17 they'll tell you a date and time to report back. Or a
18 date and time to call back. But they'll give you
19 further information.

20 JUROR NUMBER 114: Okay.

21 THE COURT: During this recess, you must continue
22 to abide by your rules governing your service as a
23 juror. Specifically, do not discuss this case with
24 anyone else. Don't read anything about the case,
25 don't listen to anything about the case, and don't do

1 any research regarding the trial or its participants.
2 Okay. Thank you, sir.

3 (Thereupon, Juror Number 114 was escorted out of
4 the courtroom by the court deputy; thereafter, voir
5 dire selection was had which was not requested to be
6 transcribed. Following voir dire, court was in recess
7 for the day, 3/6/14; thereafter, court was reconvened
8 on 3/7/14 and the proceedings were had as follows:)

9 THE COURT: Bring in Number 124, and then you can
10 bring the remainder up.

11 THE COURT DEPUTY: Yes, ma'am.

12 (Thereupon, Juror Number 124 was escorted into
13 the courtroom by the court deputy and the proceedings
14 were had as follows:)

15 THE COURT: Okay. Good afternoon, Juror Number
16 124. The first thing I want to do is, one, thank you
17 for being here, two, thank you for your patience with
18 regard to this process. We know that's it been a long
19 process for you, it's been a long process for us as
20 well. I assure you we're doing the best that we can
21 to try to move this process along as quickly as we
22 can. But it is, in and of itself, a long process. So
23 I do -- it's hard to estimate the time, and I view
24 that as my job, and I'm not doing a very good job of
25 it, of estimating the time, so -- but I'm doing the

1 best that I can.

2 So my first question I'm going to talk to you
3 about is, when I spoke to you last, I told you some
4 rules that govern your service as a juror. Those
5 rules started at that time. So I'm going to ask you,
6 since I talked to you about those rules -- because I'm
7 going to ask you later what you may have known about
8 the case before, but since those rules have been in
9 place, have you read or been exposed to any newspaper
10 headlines and/or articles relating to this trial or
11 its participants?

12 JUROR NUMBER 124: No, ma'am.

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

15 JUROR NUMBER 124: No, ma'am.

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

19 JUROR NUMBER 124: No, ma'am.

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

23 JUROR NUMBER 124: No, ma'am.

24 THE COURT: Okay. Let me tell you what you can
25 discuss, you can discuss with people that you feel

1 need to know that your here, that you're being
2 considered as a potential juror, and what time you're
3 expected to be here. What you can't discuss is the
4 why, I'm here on this case, what the charges are, and
5 you can't discuss what happens in the courtroom. Now,
6 once this case done, or you're released as a juror,
7 you can feel free to discuss whatever you wish with
8 whomever you wish. But while you're being considered
9 as a juror, and if you become a juror in this case,
10 those rules remain in effect.

11 JUROR NUMBER 124: Yes, ma'am.

12 THE COURT: All right. The first question I'm
13 going to ask is your knowledge about the case, do you
14 know anything about this case, either from your own
15 personal knowledge, rumor, by discussion with anyone
16 else, or from the media, radio, television, Internet,
17 electronic device, or newspaper?

18 JUROR NUMBER 124: It would be from the media,
19 when it actually happened.

20 THE COURT: Like news coverage?

21 JUROR NUMBER 124: Yes, ma'am.

22 THE COURT: Okay. And what information do you
23 believe you know about the case?

24 JUROR NUMBER 124: Just how it went down, I don't
25 know everything about it.

1 THE COURT: I'm going to ask you to be a little
2 more specific; and, just so you know, there's no right
3 or wrong answers in here, just tell us what you know,
4 try to be as frank and as honest and as complete as
5 you can, but there's no right or wrong answers.

6 JUROR NUMBER 124: Just that he shot Deputy Pill,
7 and pretty much that was it from the news. You know,
8 I watch a lot of world news, but not so much local
9 channels.

10 THE COURT: Okay. So did you know -- you said
11 you heard that at the time that it happened?

12 JUROR NUMBER 124: Yes.

13 THE COURT: What about since then?

14 JUROR NUMBER 124: Never really hear much.

15 THE COURT: Did you hear that they were picking a
16 jury in this case, or anything like that?

17 JUROR NUMBER 124: No.

18 THE COURT: Anything about any other specifics
19 about the case?

20 JUROR NUMBER 124: No.

21 THE COURT: Any you said you would have gained
22 this information from watching TV, a news channel?

23 JUROR NUMBER 124: Yes.

24 THE COURT: What are your, kind of, news watching
25 habits? Some people don't have any, some people say,

1 I watch it for this time; what do you generally do?

2 JUROR NUMBER 124: I normally maybe watch 15
3 minutes of news a day, and it's usually on Fox, and
4 it's the world news, not anything local.

5 THE COURT: Okay. So your preference is the
6 world news and not the local news?

7 JUROR NUMBER 124: Yes. Correct.

8 THE COURT: Okay. So my question becomes, can
9 you set aside anything that you may have learned about
10 this case, serve with an open mind, and reach a
11 verdict based only on the law and the evidence
12 presented in this trial, in this courtroom?

13 JUROR NUMBER 124: Yes, ma'am.

14 THE COURT: So if, during the course of the
15 trial, if once you go -- let's say you go into
16 deliberate the charges in this case, and you say, hey,
17 I remember I heard this somewhere on the news, or
18 somewhere, but that never came into evidence in the
19 course of the trial, could you set that other
20 information aside and not consider it for purposes of
21 your deliberation?

22 JUROR NUMBER 124: Yes, ma'am.

23 THE COURT: Okay. Do you think there would be --
24 would you have any problems or concerns about that?

25 JUROR NUMBER 124: No, ma'am.

1 THE COURT: Okay. Then I'm going to ask you a
2 pretty general question, what are your views about the
3 death penalty?

4 JUROR NUMBER 124: I never really paid attention
5 to it. As far as whether I believe in it or not, this
6 is the first time I ever heard anything for a jury.

7 THE COURT: Okay.

8 JUROR NUMBER 124: So, knowing the very little I
9 know about this, I would not even be able to state
10 whether that would come up or not.

11 THE COURT: Well, if someone were to say, are you
12 pro -- you know, pro death -- or pro life or pro
13 death, or opposed to it, or unopposed to it, what
14 would you say you were?

15 JUROR NUMBER 124: I would have to honestly say
16 I'm in the middle, neutral about it.

17 THE COURT: Okay. So it's not something that
18 you're really formed an opinion about previously?

19 JUROR NUMBER 124: Correct.

20 THE COURT: Have you had any discussions about it
21 with anyone else previously, any philosophical
22 discussions about what you think about that?

23 JUROR NUMBER 124: No, ma'am.

24 THE COURT: Okay. In the trial, there's the
25 first part of the trial, which we call the guilt

1 phase. If the jury returns a verdict of guilty on
2 count one, and it only pertains to count one, that's
3 the first degree murder charge, if there is a guilty
4 verdict to count one, and only if there's a guilty
5 verdict, then we proceed to a second phase, which we
6 call the penalty phase. In the penalty phase, I would
7 instruct you that you are to consider death as a
8 possible penalty, or life in prison in prison without
9 the possibility of parole as a penalty. Now, the
10 penalty is to the jury finding the defendant guilty of
11 murder in the first degree. So my question is, can
12 you consider both penalties, if I instruct you that
13 that's what you're supposed to do?

14 JUROR NUMBER 124: I could.

15 THE COURT: Okay. Do -- are you of the opinion
16 that the death penalty is the only appropriate penalty
17 for murder in the first degree?

18 JUROR NUMBER 124: No.

19 THE COURT: What if the jury comes back and they
20 prove premeditated murder in the first degree, are you
21 of the opinion that death is the only appropriate
22 penalty for premeditated murder in the first degree?

23 JUROR NUMBER 124: No, ma'am.

24 THE COURT: So you would be able to consider both
25 options, both penalties, in making a recommendation to

1 the Court?

2 JUROR NUMBER 124: Yes, ma'am.

3 THE COURT: Okay. Do you have any questions or
4 concerns about that, your ability to do that?

5 JUROR NUMBER 124: No, ma'am, I do not.

6 THE COURT: Okay. All right. Questions by the
7 State?

8 MR. BROWN: Yes, Your Honor. Juror Number 124,
9 good afternoon. Concerning the death penalty, I'm
10 going to go through the process with you here
11 momentarily, but do you feel that if -- do you think
12 that if you thought that the death penalty was
13 justified, could you return a recommendation of death?

14 JUROR NUMBER 124: Yes.

15 MR. BROWN: Let me go through the process with
16 you, and I know Her Honor covered this, at least some
17 of it, yesterday morning, but I'm also aware that she
18 threw a lot of information at you all in a condensed
19 period of time, so let me just kind of go through it
20 step by step.

21 Obviously, the first thing that has to occur is
22 we come in, we have what we call the guilt phase, and
23 the jury determines whether the defendant is guilty,
24 or not guilty, of a crime. And if the jury returns a
25 verdict of first degree murder, then we would proceed

1 to the second phase of the trial. If the jury came
2 back with a lesser charge, such as second degree
3 murder, then we wouldn't have that second portion of
4 the trial, the sentencing recommendation portion. The
5 death penalty, if it's second degree, is off the
6 table, and the sentence is entirely up to the Court,
7 and the jury doesn't have a recommendation to do at
8 that point. Do you understand that?

9 JUROR NUMBER 124: Yes, I do.

10 MR. BROWN: So the jury would have to come back
11 with first degree murder. Now, there are two ways
12 that the State can prove first degree murder, one is
13 what's called felony murder, the other is what's
14 called premeditated murder. They both carry the
15 potential of the death penalty, it's, basically, two
16 ways to prove first degree murder, you can prove one,
17 the other, or both. As long as we get proof one
18 method or the other to each juror's satisfaction, jury
19 comes back with a verdict of first degree murder, we
20 then proceed -- we would reconvene, additional
21 evidence is heard, the judge would give you a new set
22 of instructions, and then you would go back and
23 deliberate to make that recommendation.

24 In her instructions, the first thing she's going
25 to cover with you are what's called aggravating

1 circumstances. And she gave you this definition
2 yesterday, I'm going to cover it again. Aggravating
3 circumstances are a statutory list that increases --
4 circumstances that increase the gravity of the crime
5 or the harm to the victim. And she will have a list,
6 I expect it to be more than one, maybe three, maybe
7 four, maybe five, but she's going to have that list
8 for you; and it's to those items that you look to that
9 can legally justify the recommendation of the death
10 penalty. Okay?

11 JUROR NUMBER 124: Okay.

12 MR. BROWN: Now, the State has to prove those.
13 What she will tell you is, you have to look at that
14 list, and find out whether or not the State has proven
15 any of those. The burden of proof for the State for
16 aggravating circumstances is the same as in the guilt
17 phase, we have to prove them beyond and to the
18 exclusion of any reasonable doubt. So you look at
19 each aggravating circumstance, and ask yourself, did
20 the State prove this one? If you find we prove none,
21 then your recommendation has to be for life. If you
22 find we've proven at least one, you may find one, you
23 may find two, you may find that we've proven all of
24 them, but if we've proven at least one, you take that
25 one, or you take whatever combination that we've

1 proven, put them together, and ask yourself, do these
2 proven aggravating circumstances justify the death
3 penalty? If your answer is no, then the instructions
4 are going to tell you that you must return a
5 recommendation of life. If the answer is yes, these
6 aggravating circumstances, when I put them together,
7 justify the death penalty, you move on to the next
8 step in the process. Are you with me so far?

9 JUROR NUMBER 124: Yes, sir.

10 MR. BROWN: The next step is where you consider
11 the mitigating circumstances. And those are -- as the
12 Court told you, those are circumstances that come from
13 the defendant's life, his background, character,
14 things of that nature that stem, basically, from him.
15 And you look at those, and there's a burden of proof
16 for those as well, it's a lower burden, it's less than
17 what the State has to prove for aggravating
18 circumstances, the burden for the mitigation is to the
19 greater weight of the evidence. So if something's
20 presented to you, whether it's aggravation or
21 mitigation, if it's not proven, you disregard it. The
22 judge is going to tell you that you take everything
23 that's been proven, the aggravators and the
24 mitigators, and you go through a weighing process.

25 In your life, have you had to make some key

1 critical decisions?

2 JUROR NUMBER 124: Of course.

3 MR. BROWN: And when you made those decisions,
4 did you try to look at all the factors involved?

5 JUROR NUMBER 124: Of course.

6 MR. BROWN: And when you looked at those things,
7 some factors you looked at and said, these are pretty
8 darn important, and you put great weight on those
9 factors, right?

10 JUROR NUMBER 124: Correct.

11 MR. BROWN: Other factors you looked at and
12 considered, and you said, you know, these really
13 aren't that important, and you gave them very little
14 weight in making your decision, right?

15 JUROR NUMBER 124: Correct.

16 MR. BROWN: And then you did the weighing, pros
17 and cons, and you came to a decision. The Court's
18 going to tell you that it's the same process here.
19 You go through that same weighing process. Everything
20 that's been proven, you're to consider.

21 JUROR NUMBER 124: Okay.

22 MR. BROWN: But the judge isn't going to tell
23 you, well, aggravator number one, you give this much
24 weight to, or, on the other side, mitigator number
25 one, you give this much weight to. That's a decision

1 that you sit back as a juror, and you have to decide
2 how much weight you're going to give to all the
3 circumstances involved. There's no magic formula,
4 there's no magic, you know, flip to the back and see
5 how much weight to give. You, as a juror, have to
6 decide that, and you decide that individually. One
7 juror may decide to give more weight to some things
8 than you do, or vice versa. We can't -- we're
9 certainly not going to sit up here today and ask you
10 how much weight you're going to give to certain
11 things, because you don't know until you hear it.
12 And, the same thing, depending on the circumstances,
13 one case might get more weight, the next case might
14 get less, it just kind of depends. But what both
15 sides want to make sure is that you understand the
16 process, you'll consider what's been presented to you,
17 and you determine -- when you go back to that jury
18 room, you have everything to decide how much weight to
19 give. Do you understand?

20 JUROR NUMBER 124: Yes.

21 MR. BROWN: So you go back there, and you go
22 through that weighing process, and you weigh the
23 aggravators versus the mitigators. The Court's going
24 to tell you that if the mitigation outweighs the
25 aggravation, then you must recommend a sentence of

1 life. The flip side is, if the aggravators outweigh
2 the mitigators, if you find that, then you're in a
3 position where you legally are justified, and can,
4 recommend to the Court a sentence of death. Now,
5 she's not going to tell you, if the State proves A, B,
6 C, and D, that you must return a recommendation of
7 death. Do you understand that?

8 JUROR NUMBER 124: I do, sir.

9 MR. BROWN: In fact, what she's going to tell you
10 is, you are never required, or obligated, to return
11 that sentence of death. But what you are required to
12 do is to go through that weighing process. So if you
13 weigh those, and you find that the mitigation does not
14 outweigh the aggravators, then you're in a position --
15 if you look at that and say, the aggravators outweigh
16 the mitigators, and I feel that the death penalty --
17 those aggravators still justify the death penalty,
18 then you're in a position where you can legally
19 recommend to the Court a death sentence. Any
20 questions in that process?

21 JUROR NUMBER 124: No, sir.

22 MR. BROWN: Okay. Are you comfortable with that
23 process?

24 JUROR NUMBER 124: I am, sir.

25 MR. BROWN: Okay. Given that -- as I told you,

1 the Court's going to give you a list of aggravators,
2 do you come in with any preconceived notion of, you
3 know, if it's this type of a case, such as a mass
4 murder, I'm going to give the death penalty, but
5 anything less than that, I wouldn't consider the death
6 penalty?

7 JUROR NUMBER 124: No, sir.

8 MR. BROWN: Okay. So you're open to the list
9 that the Court's going to give you as to those things
10 that can aggravate this crime to the level of the
11 death penalty?

12 JUROR NUMBER 124: Yes, sir.

13 MR. BROWN: And if you are selected as a juror,
14 if you find that the State's proven aggravators,
15 through the weighing process, if you find the
16 aggravators outweigh the mitigators, and they justify
17 the death penalty, given that scenario, can you return
18 a recommendation of death?

19 JUROR NUMBER 124: If it fits that situation,
20 yes.

21 MR. BROWN: Okay. Do you have anything from your
22 background, from your family history, philosophical
23 beliefs, moral beliefs, religious beliefs, whatever it
24 may be, any thing in your background that causes you
25 any extra anxiety and angst, any discomfort, about

1 being put in a situation where you would have to make
2 this type of a recommendation?

3 JUROR NUMBER 124: No, sir.

4 MR. BROWN: You feel confident in your ability to
5 do it?

6 JUROR NUMBER 124: I do, sir.

7 MR. BROWN: The last thing that I want to cover
8 is, as we talked about when I first came up here, if
9 the jury comes back with something less than first
10 degree murder, such as second degree murder, you do
11 not advance to that second stage of the trial. Do you
12 understand that?

13 JUROR NUMBER 124: I do, sir.

14 MR. BROWN: So the concern that I have, and I'm
15 covering this with everybody, is that that in some way
16 might influence you to return a lesser charge than was
17 proven, just to avoid being put in the situation of
18 having to make that decision. Do you think that in
19 any way would affect your deliberation and your vote?

20 JUROR NUMBER 124: No, sir.

21 MR. BROWN: You would agree that justice would be
22 that you return the verdict that the evidence proves?

23 JUROR NUMBER 124: Yeah, and my integrity.

24 MR. BROWN: So if the State of Florida proves to
25 you first degree murder, can you return that verdict?

1 JUROR NUMBER 124: Yes, sir.

2 MR. BROWN: Knowing that you'll have to come back
3 and do the next step?

4 JUROR NUMBER 124: Yes, sir.

5 MR. BROWN: Thank you, sir. No further
6 questions, Your Honor.

7 THE COURT: Okay. Questions by the defense?

8 MR. MOORE: Can you -- if you feel the evidence
9 warranted such a verdict, could you enter a verdict of
10 a lesser offense than first degree murder, or not
11 guilty; is that something you can do?

12 JUROR NUMBER 124: Of course.

13 MR. MOORE: You weren't asked that, just asking
14 you (unintelligible) your answer.

15 JUROR NUMBER 124: Yes.

16 MR. MOORE: Let me ask you about your
17 recollection of what you saw on TV, and I think you
18 said -- well, I don't think you said you read anything
19 in the newspaper.

20 JUROR NUMBER 124: No, sir. I don't get the
21 newspaper.

22 MR. MOORE: And the way you put it was, he shot
23 the deputy.

24 JUROR NUMBER 124: Correct.

25 MR. MOORE: Do you recall any more details than

1 that, like preceded that, why the deputy and -- was
2 interacting with somebody that led to her being shot?

3 JUROR NUMBER 124: Only that there was a speed
4 chase. You know, I live in that area, so --

5 MR. MOORE: Do you? Were you aware of activity
6 related to the shooting in the area where you live?

7 JUROR NUMBER 124: No, sir.

8 MR. MOORE: So what you heard -- and this
9 encompasses since it happened until now, do you recall
10 hearing about how many people, how many suspects there
11 were involved?

12 JUROR NUMBER 124: One other.

13 MR. MOORE: One other? Do you know the gender?

14 JUROR NUMBER 124: Female.

15 MR. MOORE: Right. The race?

16 JUROR NUMBER 124: No.

17 MR. MOORE: Did you see a picture of either of
18 the two people, Mr. Bradley or the other person, on
19 TV?

20 JUROR NUMBER 124: Just the -- Mr. Bradley.

21 MR. MOORE: And do you recall the news story that
22 went along with that picture?

23 JUROR NUMBER 124: No, sir.

24 MR. MOORE: Okay. Now, I assume, since you --
25 you watch Fox News?

1 JUROR NUMBER 124: Yes, sir.

2 MR. MOORE: What do you watch for local news?

3 JUROR NUMBER 124: I don't.

4 MR. MOORE: So it's a local channel, Fox?

5 JUROR NUMBER 124: Well, on 260 it's more world
6 news.

7 MR. MOORE: But that's the source of your local
8 news?

9 JUROR NUMBER 124: If I have any, yes.

10 MR. MOORE: Well, what you're relating to me, you
11 got from watching Fox News, or Fox TV, whatever?

12 JUROR NUMBER 124: Right. Correct.

13 MR. MOORE: All right. Now, is that a source
14 that you consider, at least to a degree, to be a
15 credible source of events in news?

16 JUROR NUMBER 124: I do.

17 MR. MOORE: Okay. Now, you probably, at this
18 point in your life, like most mature, intelligent
19 adults, you don't accept everything at face value, you
20 learn to question with a healthy skepticism what you
21 hear.

22 JUROR NUMBER 124: Correct.

23 MR. MOORE: But, however, you do probably watch a
24 news source you've come to rely on, and accept what
25 you hear with at least a degree of credibility or

1 reliability.

2 JUROR NUMBER 124: I do.

3 MR. MOORE: All right. And so when you heard,
4 for example, that there was a situation involving a
5 shooting death of a deputy, you probably didn't
6 question that, I would guess.

7 JUROR NUMBER 124: I did not.

8 MR. MOORE: Probably accept that as, you know,
9 that's what happened.

10 JUROR NUMBER 124: Correct.

11 MR. MOORE: Okay. And then you, at some point,
12 heard that -- the news report that Mr. Bradley was the
13 one who was responsible for shooting the deputy.

14 JUROR NUMBER 124: Yes.

15 MR. MOORE: Now, was there any difference in the
16 way that you heard that information and responded to
17 it than the way you responded to the news report that
18 a deputy had been shot? Well, let me ask this: You
19 didn't question the reliability or credibility of the
20 deputy being shot?

21 JUROR NUMBER 124: No.

22 MR. MOORE: And then you get this additional news
23 that, according to the news, Mr. Bradley's the one
24 that shot the deputy; did you question that?

25 JUROR NUMBER 124: Well, it was all one thing.

1 MR. MOORE: Okay.

2 JUROR NUMBER 124: So it was a, here's the news,
3 we're bringing this up, this happened.

4 MR. MOORE: All part of the same package.

5 JUROR NUMBER 124: Correct.

6 MR. MOORE: All right. So did you give a degree
7 of credibility to that report that Mr. Bradley had
8 shot a deputy?

9 JUROR NUMBER 124: Yes.

10 MR. MOORE: And so did you -- when you learned
11 that this case involved that shooting of the deputy,
12 did, or do you, have an opinion to some degree of the
13 guilt of Mr. Bradley?

14 JUROR NUMBER 124: No. I don't have any idea
15 what -- all I had is that two-minute recollection of
16 that news story. That's it. And, you know, passing
17 down the street where it happened. That's all. As
18 far as news that, you know, came out recently or in
19 the past year, no.

20 MR. MOORE: Okay. But as far as the guilt of
21 Mr. Bradley is concerned, you say -- on the death of
22 Deputy Pill, by shooting, you don't question that,
23 from what you've heard? You've got no reason to.

24 JUROR NUMBER 124: No.

25 MR. MOORE: But on the issue of whether

1 Mr. Bradley did it or not, you're saying --

2 JUROR NUMBER 124: That's just what the news
3 said.

4 MR. MOORE: All right. So you question that? Or
5 do you accept that to a degree?

6 JUROR NUMBER 124: To a degree. I mean,
7 obviously --

8 MR. MOORE: That's what I'm getting at.

9 JUROR NUMBER 124: -- without knowing everything
10 about the case, I wouldn't be able to answer that from
11 watching the television.

12 MR. MOORE: Whatever the degree is to which you
13 accept the allegation in the news that Mr. Bradley
14 shot the deputy, is that going to be a part of your
15 deliberations at all?

16 JUROR NUMBER 124: I --

17 MR. MOORE: Let me explain something. When we
18 ask you questions, the Court asks you questions, the
19 State, me asking you questions, you may feel like you
20 only have -- one answer could be, yes, I can do that,
21 or, no, I can't do that. But another possibility is,
22 I don't know. So if I ask you if you can set that --
23 is that going to affect your deliberations in some
24 way, you may think you know what answer I want to
25 hear --

1 JUROR NUMBER 124: Well, no, it's not that. But
2 I --

3 MR. MOORE: I'm just putting that out there. So
4 if the answer for you is, I don't know, then, if
5 that's your answer, that's what we want to hear.

6 JUROR NUMBER 124: I have no way of answering
7 that. I don't know.

8 MR. MOORE: You don't?

9 JUROR NUMBER 124: No.

10 MR. MOORE: Okay. So let's see if we're clear
11 here, that what I'm asking you is, you know, you heard
12 what we discussed in that news report, and to a degree
13 you accept, or have an opinion to a degree, that
14 Mr. Bradley is guilty of shooting Deputy Pill. And
15 I'm asking if you could -- if that would affect your
16 deliberations in any way, and your answer is, as I
17 understood it, I don't know.

18 JUROR NUMBER 124: I don't -- I really don't
19 know.

20 MR. MOORE: Now, if the Court instructed you, as
21 she already has -- you're going to get your formal
22 instructions -- on that you had to set aside whatever
23 you've heard and base your verdict strictly on what
24 you hear in the courtroom. Is -- and it's like the
25 elephant in the room. You can say, you know, you can

1 go about your routine and do what you have to do, but
2 it's there. You can't ignore it. So to what degree
3 is the opinion that you have about Mr. Bradley's
4 guilt, the elephant in the room, of --

5 JUROR NUMBER 124: If I was instructed to set it
6 aside --

7 MR. MOORE: You made up your mind about that.
8 Now, on the death penalty, you say you never thought
9 about it before you came in the courtroom. Just for
10 discussions purposes, I'm going to make two
11 categories, one, you're for it, the other one, you're
12 against it. You know, we can't put you in the against
13 category because you've indicated that in some
14 circumstances you're for it. Could you say, now that
15 you're thinking about it, if there's a scale from 0 to
16 10, and 10 is the strongest support you can have for
17 the death penalty, and 0 is either no support, or
18 you're against it, can you give yourself a number of
19 where you would fall?

20 JUROR NUMBER 124: 5.

21 MR. MOORE: 5. Can you think of reasons why --
22 now, I have arbitrarily put you in the "for" category,
23 and I don't think you disagree with that? I mean, I
24 understand you're -- you have limitations on your
25 views of the death penalty. Can you think of reasons

1 why you might not be against the death penalty? Or,
2 to put it another way, what are reasons why you would
3 be for the death penalty, if you can identify any?

4 JUROR NUMBER 124: We be for? I would imagine it
5 would be a case-by-case basis of why am I -- I mean --

6 MR. MOORE: Well, what I'm saying is, not in this
7 case particular, but, you know, if you're just having
8 an abstract discussion with friends, and the death
9 penalty comes up, and people say, yeah, I'm for it,
10 and people say, I'm against it. In that kind of a
11 situation, do you think you could -- maybe you can't,
12 I don't know -- can you think of a reason why you
13 might be for the death penalty, which you've indicated
14 you are?

15 JUROR NUMBER 124: I would say, like I said, if
16 you're talking about a specific case, like serial
17 killer, you know, for no reason, you know, stuff like
18 that.

19 MR. MOORE: How about the death of a police
20 officer? Is that a case where -- now, if you had to,
21 as you pointed out, a case where you would be for the
22 death penalty, a serial killer --

23 JUROR NUMBER 124: Not necessarily.

24 MR. MOORE: So if we were talking about the death
25 of a police officer, that is a case where you would

1 still be able to engage in this weighing process?

2 JUROR NUMBER 124: Correct.

3 MR. MOORE: Look for aggravators, look for
4 mitigators, and weigh those?

5 JUROR NUMBER 124: Yes.

6 MR. MOORE: Now, do you understand what -- well,
7 what do you understand in the sense of life without
8 parole, what does that mean to you?

9 JUROR NUMBER 124: It means that, to me,
10 (unintelligible) in prison for the rest of his life.

11 MR. MOORE: Right. And that's exactly right. I
12 want to make sure you understand that. Do you
13 question that in any way?

14 JUROR NUMBER 124: No.

15 MR. MOORE: Do you understand that a person so
16 sentenced to life without parole will die in prison?

17 JUROR NUMBER 124: Yes.

18 MR. MOORE: Now, if -- and, again, we're speaking
19 hypothetically, because we have to. We may not get to
20 the penalty phase, which would require a conviction of
21 first degree murder, but if we do, we have to have
22 discussed this prior. So let's just say,
23 hypothetically, there's a conviction for first degree
24 murder, and let's say that you find, in your own mind,
25 that a number of aggravating circumstances have been

1 proved. Now, we can't say what they are beyond just
2 general vague terms, but let's say you find a number
3 of them. So there's a conviction of first degree
4 murder, you find five or six aggravating
5 circumstances, whatever they are, what is your
6 understanding of what your options are as a juror at
7 that point?

8 JUROR NUMBER 124: Still life without parole, or
9 the death penalty.

10 MR. MOORE: Okay. Do you understand that if you
11 reach that point, where -- let's say you found all the
12 aggravating circumstances there are, and you find no
13 mitigating circumstances, do you understand that you
14 are never required to vote for death?

15 JUROR NUMBER 124: Correct.

16 MR. MOORE: And that life without parole is
17 always an option?

18 JUROR NUMBER 124: Yes, sir.

19 MR. MOORE: It doesn't matter what you find,
20 aggravating or mitigating circumstances. It doesn't
21 matter the outcome of the weighing process, you're
22 never required to vote for death.

23 JUROR NUMBER 124: Correct.

24 MR. MOORE: Okay. Now, let me ask about types of
25 mitigating circumstances you think you would be able

1 to consider. I'm not asking you to tell me whether
2 you would accept these or not, or what you'd give to
3 them, but whether you'd be open to considering them as
4 potential mitigating circumstances. If you heard from
5 qualified experts testimony of mental illness of
6 Mr. Bradley, is that a potential mitigating
7 circumstance that you would consider?

8 JUROR NUMBER 124: Yes, sir.

9 MR. MOORE: How about evidence, again, from
10 qualified experts, of brain injury or brain damage?
11 Is that a potential mitigating circumstance that you
12 would consider?

13 JUROR NUMBER 124: Against? Could you --

14 MR. MOORE: Yeah. If you heard qualified experts
15 testify about brain damage or brain injury, would you
16 be able to consider that as potentially mitigating
17 circumstances?

18 JUROR NUMBER 124: Yes, sir.

19 MR. MOORE: What is your view of drug addiction?

20 JUROR NUMBER 124: I think it's a terrible thing.
21 It ranks right up there with alcohol addiction.
22 Obviously, it can alter the mind.

23 MR. MOORE: Do you feel that drug addiction is a
24 choice? Let me make a distinction. Drug addiction
25 versus drug abuse, or drug use. Drug use, a choice, I

1 think we can agree.

2 JUROR NUMBER 124: Right.

3 MR. MOORE: Drug addiction, there are different
4 views on that.

5 JUROR NUMBER 124: Once it goes over that side of
6 the hill, it's no longer a choice.

7 MR. MOORE: You recognize that some people
8 struggle with drug addiction?

9 JUROR NUMBER 124: Of course.

10 MR. MOORE: If you heard testimony of drug abuse,
11 drug addiction on Mr. Bradley's part, would you be
12 open to considering that as potentially mitigating?

13 JUROR NUMBER 124: Yes.

14 MR. MOORE: Do you understand that -- well, I'm
15 sure you don't, because nobody's explained it. At the
16 guilt and innocence phase, the verdict part of the
17 trial, you're asked to make a finding of guilt or not
18 guilty, or innocence, of a specific charge and crime.
19 With respect to the jury's verdict at that part of the
20 trial, it has to be unanimous. The jury has to vote
21 unanimously for not guilty or guilty, whatever choice
22 it is, unanimously.

23

24

25

(CONTINUED TO VOLUME VI)