

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

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

STATE OF FLORIDA,

Plaintiff,

versus

BRANDON LEE BRADLEY

Defendant,

ORIGINAL

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

VOLUME V OF XI

TRANSCRIPT OF DIGITAL RECORDED JURY TRIAL

VOIR DIRE

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

RYAN REPORTING
REGISTERED PROFESSIONAL REPORTERS

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A P P E A R A N C E S

1
2 THOMAS BROWN, ESQ.,
3 and
4 JAMES MCMASTER, ESQ.,
5 Assistant State Attorneys
6 State Attorney's Office
7 2725 Judge Fran Jamieson Way
8 Building D.
9 Viera, Florida 32940

Appearing for
Plaintiff

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

Appearing for
Defendant

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22
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24
25
Brandon Lee Bradley, Defendant, present

* * * * *

1 MR. LANNING: -- in any way for the death
2 penalty?

3 Now, this case involves the homicide of a
4 female police officer and there may be, there may be
5 family members of that officer testifying in the
6 proceedings, do you think that having gone through
7 that event that you would be able to set aside your
8 own experience?

9 JUROR NUMBER 116: Yes.

10 MR. LANNING: What sort of mitigation in your
11 mind would set -- is there any mitigation in your
12 mind that would justify a life without parole
13 sentence for a premeditated murder?

14 JUROR NUMBER 116: I'd have to hear the
15 circumstances before I can give you an answer to that
16 question.

17 MR. LANNING: You can't --

18 JUROR NUMBER 116: I haven't predetermined
19 anything of what's going to be life or death.

20 MR. LANNING: Well, can you think of any
21 examples --

22 JUROR NUMBER 116: Not offhand I can't.

23 MR. LANNING: -- involving premeditated murder,
24 life without parole could be an appropriate sentence?

25 JUROR NUMBER 116: I can't think of anything

1 write off the top of my head.

2 MR. LANNING: What type of evidence might you
3 consider to be mitigating?

4 JUROR NUMBER 116: Premeditation wasn't the
5 primary cause of death. So, if the guy wakes up this
6 morning and say I'm going to go out and kill a cop
7 today, then to me that's premeditation, and what in
8 his life is going to cause him to have that happen to
9 him, I don't know, you would have to tell me what his
10 circumstances are that led to him going out and
11 committing this crime.

12 MR. LANNING: Well, these are hypothetical at
13 this point.

14 JUROR NUMBER 116: Say again.

15 MR. LANNING: These are hypotheticals at this
16 point obviously.

17 JUROR NUMBER 116: Yes.

18 MR. LANNING: Let's assume that you heard
19 evidence of brain damage through a qualified expert,
20 through qualified scientific technology, MRIs, PET
21 scans, are you familiar with those technologies?

22 JUROR NUMBER 116: It depends on how
23 (unintelligible) it is.

24 MR. LANNING: Right.

25 JUROR NUMBER 116: If it's massive brain

1 damage, yes, they could be a mitigating circumstance,
2 if it's a minor thing, then, you know, I'd less
3 weight to that.

4 MR. LANNING: What about mental illness, would
5 that --

6 JUROR NUMBER 116: Same thing.

7 MR. LANNING: Same thing. What about abuse,
8 having been abused as a child?

9 JUROR NUMBER 116: It's going to be the same
10 thing, it's to the extent of what happened.

11 MR. LANNING: Right.

12 JUROR NUMBER 116: These are all things that
13 you can consider but based on the evidence and how
14 you're going to weigh it.

15 MR. LANNING: What about, what about drug abuse
16 and addiction?

17 JUROR NUMBER 116: I'm not sure that that's an
18 excuse.

19 MR. LANNING: Well, do you, do you see
20 mitigation as being an excuse?

21 JUROR NUMBER 116: Yes.

22 MR. LANNING: Some people would consider drug
23 abuse and addiction as aggravating in nature, what
24 about you?

25 JUROR NUMBER 116: No, I don't think it's

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[REDACTED]

[REDACTED]

MR. LANNING: [REDACTED]

JUROR NUMBER 116: [REDACTED]

MR. LANNING: [REDACTED]

JUROR NUMBER 116: [REDACTED]

[REDACTED]

MR. LANNING: And [REDACTED]

JUROR NUMBER 116: [REDACTED]

MR. LANNING: [REDACTED]

[REDACTED]

JUROR NUMBER 116: [REDACTED]

[REDACTED]

MR. LANNING: [REDACTED]

JUROR NUMBER 116: [REDACTED]

MR. LANNING: [REDACTED]

[REDACTED]

JUROR NUMBER 116: [REDACTED]

MR. LANNING: [REDACTED]

[REDACTED]

[REDACTED]

JUROR NUMBER 116: No.

MR. LANNING: Certainly heinous. What about --
what was presented by way of mitigation?

JUROR NUMBER 116: Mental illness, low IQ.

1 MR. LANNING: Could you tell me how that was
2 presented?

3 JUROR NUMBER 116: No, I couldn't be specific.

4 MR. LANNING: Was it by way of social workers
5 or psychologists or psychiatrists, teachers?

6 JUROR NUMBER 116: No, I would say probably
7 psychiatrists if I remember correctly, and I guess
8 the thing that didn't weigh in that guy's favor was
9 he (unintelligible) and put it back together. So,
10 believing that there was a mental illness that he
11 couldn't overcome was never suspect by the Judge.

12 MR. LANNING: He had carried on an occupation
13 or?

14 JUROR NUMBER 116: I can't remember whether he
15 was employed or not.

16 MR. LANNING: But there was evidence that he
17 could?

18 JUROR NUMBER 116: Yes, perform all these
19 wonderful tasks that he couldn't perform if he didn't
20 have the mental capacity to do it.

21 MR. LANNING: Did you get an impression about
22 the doctors that testified as to their credibility?

23 JUROR NUMBER 116: I didn't make that
24 determination, I just listened to them.

25 MR. LANNING: How about your in your

1 determination?

2 JUROR NUMBER 116: I didn't make a
3 determination about it, I had a vested interest.

4 MR. LANNING: Right.

5 JUROR NUMBER 116: So, I wouldn't sit here
6 trying to, you know, be the judge.

7 MR. LANNING: And this was held just before the
8 judge?

9 JUROR NUMBER 116: Yes.

10 MR. LANNING: Was the guilt phase before the
11 judge only?

12 JUROR NUMBER 116: Yes. I couldn't tell you
13 the judge's name.

14 MR. LANNING: Do you believe that you could set
15 aside empathy? And part of the evidence that you may
16 hear in the case involves victim impact evidence.

17 JUROR NUMBER 116: Involves what?

18 MR. LANNING: Victim impact.

19 JUROR NUMBER 116: Yes.

20 MR. LANNING: Relatives may be testifying.
21 After the execution, did you feel a sense of closure?

22 JUROR NUMBER 116: No, there's never going to
23 be closure.

24 MR. LANNING: Any feeling that you might have
25 that you might believe that you would be helping the

1 victim's by recommendation of the death sentence?

2 JUROR NUMBER 116: No.

3 MR. LANNING: All right. Thank you, sir.

4 JUROR NUMBER 116: You're welcome.

5 THE COURT: Okay. Juror Number 116, at this
6 time you're still part of this panel. You're still
7 being considered as a possible juror.

8 JUROR NUMBER 116: Okay.

9 THE COURT: But I'm going to recess you for the
10 day and you're going to be on recess on Monday. What
11 I'm going to have you do is go back downstairs,
12 they're going to give you -- talk to the jury clerk,
13 tell them you've been released for the day but you're
14 still under consideration. They're going to give you
15 a phone number. You're going to call that phone
16 number Monday between 1:00 and 5:00 and they're going
17 to give you further information about when to report
18 back again.

19 JUROR NUMBER 116: Okay.

20 THE COURT: Obviously, it depends on how far we
21 get in this process. We know it won't be today and
22 we know it won't be Monday. It could be Tuesday, it
23 could not be Tuesday, just depending on how far we
24 get.

25 During this break you must continue to abide by

1 your rules governing your service as a juror.
2 Specifically, do not discuss this case with anyone
3 else. Do not read any newspaper headlines, articles,
4 anything related to this trial. Don't watch anything
5 about the case, you know, anything on the Internet,
6 anything on the television, and don't conduct any
7 independent research yourself regarding any matters
8 concerning this case or the participants. Any
9 questions or concerns?

10 JUROR NUMBER 116: No, ma'am.

11 THE COURT: Okay. Then if you'll go
12 downstairs, I appreciate it.

13 JUROR NUMBER 116: Thank you.

14 THE COURT: Thank you, sir.

15 (Thereupon, Juror Number 116 exited the witness
16 stand.)

17 MR. LANNING: Judge Reinman?

18 THE COURT: Yes.

19 MR. LANNING: Could we?

20 THE COURT: I need to break. So, you're good.

21 MR. LANNING: You too?

22 THE COURT: Yes, I need to take a break. So,
23 we will be on recess. Let's try to make it for ten
24 minutes, get back here as soon as we can so we can
25 continue with the process. Thank you.

1 (Thereupon, a recess was taken in the
2 proceedings.)

3 THE COURT: All right. We can bring out
4 Mr. Bradley.

5 MR. MOORE: Judge, we don't need to approach as
6 to the last juror, we'll get Mr. Bradley here, we'd
7 like to address that.

8 THE COURT: I was going to say, I think I need
9 Mr. Bradley in here to do anything. So, we'll bring
10 in Mr. Bradley.

11 (Thereupon, the defendant was escorted into the
12 courtroom by the court deputy.)

13 THE COURT: Okay. You can be seated.
14 Mr. Moore, was there something that you wanted to
15 discuss?

16 MR. MOORE: Yes, ma'am. We move to strike
17 Number 116 for cause, the reason being -- well,
18 starting with [REDACTED]

19 [REDACTED]
20 [REDACTED] He did
21 say he could put that aside. I mean, that kind of
22 makes it suspect itself but. I think more to the
23 point is his view of mitigating circumstances as
24 excuses. It's one to say, yeah, I could consider
25 mitigation, and we talked about the specific

1 mitigation that was proposed, but the Court has to
2 take, you know, the whole picture of the person, not
3 just little bits and pieces. If he says yes, I can
4 follow the law, yes, I will consider the mitigation,
5 but on the other hand all mitigation is excuses, and
6 specifically drug abuse, drug use, he couldn't even
7 consider that and that's fine, may be -- any
8 mitigation that's offered can't be considered but if
9 it can't be then the person can't follow the law even
10 if they're instructed on that, and I expect they will
11 be in, and if he's -- of all the people we talked
12 about, very few have said that they wouldn't consider
13 it. And I'm not just focusing exclusively on that,
14 that's just an example of what he considers to be the
15 global picture of mitigation, they're all excuses.
16 And so he has indicated that, in his words and his
17 description for mitigation that he can't follow the
18 law and actually engage in the weighing process, the
19 finding process, is there mitigation, what weight to
20 give it, in his mind -- despite him saying yeah, he
21 would consider it, if he categorizes all mitigation
22 as excuses, then it says loud and clear that he can't
23 engage in the finding or the weighing process as it
24 relates to mitigation.

25 So, he -- and the whole back drop for this is

1 his experience as a survivor and he described the
2 graphic details of what happened in that situation.
3 So, this juror in our view cannot sit on this jury
4 because of his expressed disdain for mitigation and
5 his inability to -- despite him saying he could
6 consider it, what appears to be his inability to
7 consider it.

8 THE COURT: Okay. Response from the State.

9 MR. BROWN: Judge, he had every option
10 indicating he would follow the law, he didn't have
11 any question about that. He went through it both the
12 Court's questioning, I went through it in detail, and
13 even on Defense questioning he said he would consider
14 everything, he said he would consider the various
15 mitigation that they would propose. He never
16 wavered, never at any point ever indicated even a
17 question about whether he would consider the law.
18 The idea of mitigation is an excuse, well, yeah,
19 that's a proper question they can ask, I don't know
20 if most people -- you know, we're getting into
21 semantics, excuse versus explanation, but that's --
22 somebody calls it an excuse, the next person may say
23 it's an explanation, that's not a valid legal
24 challenge for cause. That may be a basis and that
25 would be, you know, certainly if it was a race

1 situation perhaps a race neutral reason for a
2 peremptory, but it certainly doesn't come close to
3 rising to the legal of a legal basis for a challenge
4 for case.

5 As far as the fact that he had [REDACTED]
6 [REDACTED] he said clearly,
7 never wavered on that, he can set it aside. He would
8 base this solely on facts and evidence that he heard.
9 He cited to his military career and his ability to
10 sit, military career, that's what I did, he set it
11 aside and base it just on what you hear. He was
12 clear on that, never hesitated. So, there's nothing
13 that he has said or indicated that is the basis for a
14 valid challenge for cause.

15 MR. MOORE: Judge, he said all the right
16 things, he's a -- he's somebody who's used to
17 leadership positions, he's going what he has to do
18 and he did say all the right things, but the things
19 that stand out, the red flags that the Court needs to
20 attend to are, for example, his choice of words
21 mitigation is an excuse and so --

22 THE COURT: That actually wasn't his choice of
23 words, he -- Mr. Lanning said that and he agreed to
24 it.

25 MR. MOORE: Well, he sure did and he didn't

1 hesitate.

2 THE COURT: And he didn't give him a choice, he
3 didn't say excuse or explanation, he said is that an
4 excuse and he said yes.

5 MR. MOORE: Well, he jumped all over it and he
6 didn't even hesitate and that tells me that he cannot
7 be open to considering it for the purpose which it's
8 on which it to mitigate and to suggest a life without
9 parole sentence and not just automatically dismiss
10 it, which is what his description of it, how he would
11 consider it, that's the way I took it, and his
12 adopting his view of mitigating circumstances as an
13 excuse.

14 THE COURT: He also said that he had a vested
15 interest in that case which led me to believe that he
16 was saying he doesn't have a vested interest in this
17 case. The request for Juror Number 116 to be struck
18 for cause is denied. Any other things -- anything
19 else we need to address before we bring in 118?

20 MR. MOORE: The Court said 116, right?

21 THE COURT: 116, the request for -- is denied
22 on 116. We're on 118 if I'm correct. Any reason not
23 to bring in 118? Okay. We'll bring in 118.

24 (Thereupon, Juror Number 118 was escorted into
25 the courtroom by the court deputy and the proceedings were

1 had as follows:)

2 THE COURT: Okay. Good morning Number 118.

3 JUROR NUMBER 118: Good morning.

4 THE COURT: The first thing I want to tell you
5 is thank you, say thank you for being here. Thank
6 you for being patient with us with regard to this
7 process. It is a process that's hard to estimate,
8 sometimes we go through questioning quicker with
9 someone, sometimes we do not. Sometimes we get a
10 series where we go very quick, sometimes we do not.
11 So, we do not know how long this process is going to
12 last. Unfortunately, you get exposed to that as
13 well, part of the process. So, we do thank you for
14 being patient with us. I talked to you the other day
15 about some rules that were put in place. Those rules
16 came into effect at the time I announced them to you.
17 I'm going to talk about any prior knowledge or
18 information you have about the case in a few moments
19 but at this time I'm going to ask you about those
20 rules. Have you read or been -- since the time they
21 were imposed, have you read or been exposed to
22 reading newspaper headlines and/or articles relating
23 to this trial or its participants?

24 JUROR NUMBER 118: No, Your Honor.

25 THE COURT: Are you seen or heard television,

1 radio, or Internet comments about this trial?

2 JUROR NUMBER 118: No, I have not.

3 THE COURT: Have you conducted or been exposed
4 to any research regarding any matters concerning this
5 case?

6 JUROR NUMBER 118: No.

7 THE COURT: And have you discussed this case
8 with other juror members or with anyone else or
9 allowed anyone to discuss it in your presence?

10 JUROR NUMBER 118: No.

11 THE COURT: Okay. Now I'm going to talk to you
12 about what you may have known about this case
13 previously. Do you know anything about this case
14 either from your own personal knowledge, rumor, by
15 discussions with anyone else, or from the media,
16 including radio, television, Internet comments,
17 electronic device, or newspaper?

18 JUROR NUMBER 118: Yes.

19 THE COURT: Okay. What information do you
20 believe that you know about the case? And be
21 specific if you can.

22 JUROR NUMBER 118: I know from the reports on
23 the news.

24 THE COURT: Okay.

25 JUROR NUMBER 118: And not detailed reports but

1 I know, I know that there was some type of items that
2 were taken from a hotel room I believe.

3 THE COURT: Okay.

4 JUROR NUMBER 118: And that there was two
5 suspects that they were looking for. I had heard
6 that the sheriff's department had a report that the
7 suspects were in a particular area and I believe
8 that's when Officer Barbara Pill came in and pulled
9 over a vehicle. I know that she was shot and that
10 that the suspects left the scene, that there was a
11 chase of not very far, maybe a mile, within a mile.
12 They had -- that the suspects the suspects had turned
13 onto I believe it was Parkway and lost control of
14 their vehicle, ended up in a ditch at which point law
15 enforcement was able to surround them and take them
16 into custody.

17 THE COURT: Okay. Did you hear or see anything
18 about that event -- was that at the time that the
19 event occurred?

20 JUROR NUMBER 118: Yes.

21 THE COURT: And what -- how did you gain that
22 information?

23 JUROR NUMBER 118: Through the media.

24 THE COURT: Okay. Through watching it on
25 television?

1 JUROR NUMBER 118: Watching the news on TV,
2 yes.

3 THE COURT: Okay. Do you regularly as a
4 regular course of you routine watch the news?

5 JUROR NUMBER 118: I like to watch some of the
6 news, I don't necessarily see it particularly every
7 single day or in its entirety, but I do like to keep
8 up on news that is happening.

9 THE COURT: Okay.

10 JUROR NUMBER 118: At least the headlines.

11 THE COURT: Okay. When you watched the news,
12 some people say from 5:00 to 6:00 I sit down and
13 watch the news, some people say it's on TV and I may
14 listen to it while I'm doing other things, what are
15 your news habits?

16 JUROR NUMBER 118: I turn it on in the morning
17 as I'm getting ready for work and taking a shower,
18 and after work, like I say, I will tend to watch bits
19 and parts to where I get the headlines and the
20 weather. What the weather is going to be like,
21 that's always important to me. And I like sports
22 news.

23 THE COURT: Okay. You talked about information
24 that you knew at the time of the event, what about
25 since that time?

1 JUROR NUMBER 118: Since that time?

2 THE COURT: Since.

3 JUROR NUMBER 118: I haven't followed the story
4 or kept up on it or anything to that nature, so.

5 THE COURT: I mean, did you know that jury
6 selection was happening?

7 JUROR NUMBER 118: Yes, I did.

8 THE COURT: How did you know that?

9 JUROR NUMBER 118: I did hear about that, yes.

10 THE COURT: Was that from the news as well?

11 JUROR NUMBER 118: Yes.

12 THE COURT: Okay. Any other details that you
13 can think of?

14 JUROR NUMBER 118: Any other details? You
15 know, I know from the initial time that it happened,
16 I saw a female suspect being pulled from the vehicle
17 and she had made a comment to the cameras, you know,
18 something to the effect of, you know, I don't know
19 what you all are doing, I didn't kill nobody or
20 something to that effect. Let me see, any details.
21 This happened like right down the road from my work
22 so I know the area where it happened. That's -- not
23 too much details beyond that.

24 THE COURT: Okay.

25 JUROR NUMBER 118: That I can recall.

1 THE COURT: Okay. What -- and you understand
2 that that's news reports, some of that may be
3 accurate, some of that may not be accurate, some of
4 that may be partially accurate, some of it may not be
5 accurate, do you understand that?

6 JUROR NUMBER 118: Yes, I definitely understand
7 that what the media says is usually different from
8 the facts.

9 THE COURT: Well -- so, what we ask you to do,
10 and you've got to -- you know, there's no right or
11 wrong answers in here, all we ask you to do is be
12 complete, frank and give us the information that, you
13 know, be honest with us with regard to the
14 information. Can you set aside anything that you may
15 have learned about the case, serve with an open mind
16 and reach a verdict based only on the law and the
17 evidence presented in this trial in this courtroom?
18 Can you do that?

19 JUROR NUMBER 118: I think I can, yes, Your
20 Honor.

21 THE COURT: Okay. Whenever you say think
22 they're going to -- the attorneys are going to what I
23 saw pounce on you, they're going to want you to
24 confirm whether that's a yes or no, but let me tell
25 you this. This is what may happen. You're going to

1 know some information, I'm calling it information,
2 that you may have learned outside the courtroom, what
3 happens if during this trial you never hear that
4 information in the trial and you may say, hey, I
5 heard that on the news but, you know, I never heard
6 that, no one ever testified to that or that
7 information was never brought forth in this trial,
8 what we ask you to do is you have to set aside that
9 other information that you have that you learned
10 elsewhere and not consider it in your deliberations
11 in this case, either in the penalty phase -- I mean
12 the guilt phase or if we get to the penalty phase the
13 penalty face, can you do that?

14 JUROR NUMBER 118: I would say yes, I think I
15 can do that. Yes, I can do that.

16 THE COURT: Okay.

17 JUROR NUMBER 118: But I've never been a juror
18 involved with a case.

19 THE COURT: I mean, have you formed an opinion
20 in your mind as to the guilt or innocence of the
21 defendant?

22 JUROR NUMBER 118: Based upon what the media
23 has said, possibly, yes.

24 THE COURT: Okay.

25 JUROR NUMBER 118: But I don't feel that I know

1 the evidence in the case.

2 THE COURT: Well, what you would have to do, I
3 mean, we want -- you know, we have to be fair to the
4 State and fair to the Defense, what we would need you
5 to do in order to be a juror in this case is to set
6 any prior opinions and say I'm starting with a clean
7 slate and I'm going to listen to the evidence. You
8 understand the State has the burden of proof, they
9 have to prove each element of each crime beyond and
10 to the exclusion of every reasonable doubt. The
11 Defense does not have to prove anything, and for
12 purposes of starting the trial at this moment, the
13 defendant is not guilty, presumed to be innocent.
14 So, can you give the defendant that presumption that
15 he is not guilty, presumed to be innocent?

16 JUROR NUMBER 118: I would say yes.

17 THE COURT: Okay. You say I would say, I
18 think, people talk like that as a matter of speech
19 when I -- when you realize that, even -- I catch
20 myself saying that too, I think so or I can, you
21 know, I may be able to do that. What we ask you to
22 do is can you commit and say, you know, obviously
23 people can never commit a hundred percent to anything
24 or everything, but can you say, Judge, I can do that
25 for purposes of this trial?

1 JUROR NUMBER 118: Well, I say yes but I go
2 back to I've never done it before.

3 THE COURT: Right.

4 JUROR NUMBER 118: So.

5 THE COURT: And we understand that but you -- I
6 mean, it's of your -- you're not -- what I'm really
7 trying to get at is are you so committed to what you
8 previously learned that you can't have an open mind
9 here in court?

10 JUROR NUMBER 118: I would say no.

11 THE COURT: Okay.

12 JUROR NUMBER 118: I would say no, that I
13 would, that I would want to, I would want to base any
14 judgment based upon the evidence that was presented
15 here.

16 THE COURT: Okay. Now, this is a pretty
17 open-ended question, I ask that -- I ask it this way
18 on purpose. What are your views about the death
19 penalty?

20 JUROR NUMBER 118: I feel if it's -- if the
21 punishment fits the crime, I have no problem with it.

22 THE COURT: Okay. So, what's going to happen
23 in this trial, and this is a brief overview, in the
24 event the jury returns a verdict of guilty on Count
25 I, Count I is murder of the first degree, only

1 pertains to that count, then we proceed from the
2 guilt phase to the penalty phase, there's a second
3 phase to the trial, and in that trial -- in the
4 penalty phase you would be asked as a juror to make a
5 recommendation to the Court of possible, a possible
6 penalty of death or life in prison without the
7 possibility of parole. Now, some people -- I
8 instruct you that you have to consider both
9 penalties. You just heard some of the instructions
10 earlier about what you do with regard to weighing and
11 the aggravating circumstances and the mitigating
12 circumstances, about how you do that, the process you
13 follow to get to your recommendation. Some people
14 feel that death is the only appropriate penalty for
15 murder in the first degree. Now, in this case in
16 order to get to the second -- the penalty phase there
17 is -- there would be a guilty verdict on murder of
18 the first degree. So, my question for you is are you
19 of the opinion that death is the only appropriate
20 penalty for murder in the first degree and is that
21 opinion so strong that you cannot consider life in
22 prison without the possibility of parole as a penalty
23 under any circumstances? And before you say that,
24 let me cough. Sorry about that. Okay. Go ahead.

25 JUROR NUMBER 118: Do I feel death is the only

1 punishment?

2 THE COURT: That death is the only appropriate
3 penalty for murder in the first degree.

4 JUROR NUMBER 118: No.

5 THE COURT: Okay. What about premeditated
6 murder in the first degree, if the State were to
7 prove premeditated murder in the first degree, would
8 you be open to consider life in prison without the
9 possibility of parole?

10 JUROR NUMBER 118: Yes.

11 THE COURT: Okay. Any hesitation about that?

12 JUROR NUMBER 118: No, I think it's a case by
13 case situation.

14 THE COURT: Okay.

15 JUROR NUMBER 118: As far as life or the death
16 penalty. I think there's always -- I think there can
17 be circumstances where the death penalty is
18 appropriate and I think there's circumstances where
19 life in prison would be more appropriate. I think
20 there's all situations.

21 THE COURT: Okay. Questions by the State.

22 MR. BROWN: Yes, Your Honor. Number 118, good
23 morning.

24 JUROR NUMBER 118: Yes, good morning.

25 MR. BROWN: Let me first cover a little bit

1 about the news that you heard and as the Court's told
2 you is what we need from you and need to be able to
3 assure ourselves is that you can set aside anything
4 that you heard and any preconceived notions that you
5 have and simply base this verdict on the facts and
6 evidence that you hear in the courtroom. Where that
7 comes into play is a couple of times is if a witness
8 testifies consistency with something that you heard
9 that you don't automatically give that person more
10 credibility because hey, that's what I read, it must
11 be true, or if a witness testifies to something that
12 either you didn't hear or contrary to what you recall
13 that you heard in the media and you say well, I don't
14 know if I'm going to believe that, that's different
15 from what I heard. You see how it can play both
16 ways? And so you either give a witness a leg up
17 because it goes along with what you heard or you hold
18 a strike against them because it's contrary, or you
19 simply agree to set aside what you heard and just
20 base it on what you hear in the courtroom and judge
21 that witness's credibility based upon what happens in
22 the courtroom. Did I make that too confusing or?

23 JUROR NUMBER 118: Are you asking me a
24 question?

25 MR. BROWN: Yeah, can you do that?

1 JUROR NUMBER 118: Can I do that?

2 MR. BROWN: Yes.

3 JUROR NUMBER 118: Again, I want to say yes but
4 I haven't done it before so I can't tell you with one
5 hundred percent certainty that in the back of my mind
6 that, you know, one percent of me, like you said,
7 would favor or not favor something because it's,
8 quote, unquote, what I heard.

9 MR. BROWN: Right.

10 JUROR NUMBER 118: But I feel I don't know
11 all -- I don't know the details of this case.

12 MR. BROWN: Right.

13 JUROR NUMBER 118: I followed the case.

14 THE COURT: Sometimes what you hear may not be
15 complete, may not be a full picture of the story.

16 JUROR NUMBER 118: Correct.

17 MR. BROWN: Some things may be wrong, some
18 thing may be right.

19 JUROR NUMBER 118: Correct.

20 MR. BROWN: Do you have a reasonable doubt
21 about your ability to set aside what you've heard?

22 JUROR NUMBER 118: No.

23 MR. BROWN: You're confident in your ability to
24 do that? You're always going to have everyone
25 looking at some spectrum of doubt, some possible

1 doubt, you know, speculative doubt. So, kind of put
2 the question to you are you confident in your ability
3 to set aside what you've heard?

4 JUROR NUMBER 118: I would say yes.

5 MR. BROWN: So, you kind of, you know, the
6 Defense may bring this up too and the Judge mentioned
7 when people use that term, it's a common usage, I
8 would say, I think, I don't think. To give it a
9 little spectrum is you're in an airplane and there's
10 a little bit of bad weather, when the pilot comes on
11 the intercom you don't want to hear him say I think I
12 can land, you want to hear him say I can land and
13 that's where we go to that, you know. So, confident
14 in your ability to set it aside?

15 JUROR NUMBER 118: Yes.

16 MR. BROWN: Okay. You will be able to --

17 JUROR NUMBER 118: I go back to I've never done
18 it before, so, but I still say yes.

19 MR. BROWN: Now, concerning the death penalty,
20 let me go through the process with you a little bit
21 that you would go through if you're selected and
22 you're sitting there and the jury returns that
23 verdict of first degree murder. What would happen
24 then is we would reconvene, additional evidence would
25 be presented to you and the Judge will give her final

1 set of instructions to you. And to prove first
2 degree murder there's two ways for the State to prove
3 it, one would be felony murder, the other is
4 premeditated murder, they're both first degree murder
5 and either one or both you're back and you would be
6 considering the possibility of the death penalty.
7 It's not automatic. It's not automatic in felony
8 murder, it's not automatic if it was a premeditated
9 murder. Okay. There's no automatic death penalty.
10 What the Court's going to tell you is you look at
11 what are called aggravating circumstances and she
12 would give that list to you and it's a statutory list
13 that -- circumstances that would either increase the
14 gravity of the crime or the harm to the victim. So,
15 she would give you this list, it could be as few as
16 one, I expect to be more than one, and you look at
17 those aggravating circumstances and the first
18 question is has the State proven any of those. If we
19 haven't proven a single aggravating circumstance,
20 then your recommendation must be life because there
21 are no -- you would have found that there are no
22 aggravators to this case. If you found that the
23 State proved at least one, we may have proven more
24 than one, we may have proven all that's on the list,
25 if you found that we've proven at least one

1 aggravator or more than one, you look at those
2 aggravators. The level of proof is proof beyond a
3 reasonable doubt just like the guilt phase. If we've
4 proven those aggravators, you'll look at those
5 aggravators and say do these combined justify the
6 death penalty. You're limited to looking at those
7 aggravators. You look at other factor and say well,
8 these aggravators don't justify the death penalty,
9 there's some other things here that I have to look
10 for. You have to look just at the aggravators for
11 that justification. If you feel the aggravators do
12 not justify the death penalty, then your
13 recommendation must be life. If you feel that they
14 do justify the death penalty, you move to the next
15 step in the process. You understand thus far?

16 JUROR NUMBER 118: Yes.

17 MR. BROWN: The next step the process is you
18 look at the mitigating circumstances, and as the
19 Court told you yesterday, those are things that come
20 from the defendant, his experience, background,
21 character, things of that nature, you look at those
22 mitigating circumstances. They have a burden of
23 prove as well, it's a lower burden, it's to the
24 greater weight of the evidence. Just like with
25 aggravators, if something isn't proven, you disregard

1 it. The Court's going to tell you that you take the
2 aggravators and the mitigator that have been proven
3 and you weigh them.

4 Now, in your life have you had to make some
5 important decisions be it personal, professional?

6 JUROR NUMBER 118: Sure. Yes.

7 MR. BROWN: And when you've made those
8 decisions do you try to look at all the factors
9 involved?

10 JUROR NUMBER 118: Yes.

11 MR. BROWN: And some of those factors you look
12 at, you find that they're pretty darn important to
13 the decision and you give them great weight, right?

14 JUROR NUMBER 118: Yes.

15 MR. BROWN: Some factors you look at and you
16 consider them and you say you know, I'm considering
17 these but these just aren't very important and you
18 give those little weight.

19 JUROR NUMBER 118: Yes.

20 MR. BROWN: She's going to tell you you do the
21 same process here. It's that weighing. If
22 something's prove proven, you have to consider it.
23 Just like in your life you consider everything. We
24 put forward put aggravating circumstances, the
25 Defense may put forward mitigating circumstances, you

1 have to agree that you'll consider everything that's
2 been presented. The Judge is not going to tell you
3 how much weight you give to each aggravator or each
4 mitigator. She's not going to tell you aggravator
5 one you give it this amount of weight, mitigator
6 number one you give it this amount of weight. The
7 weight you decide to give is entirely up to you. I'm
8 not going to ask you for a commitment, I don't think
9 the Defense is going to ask you because we really
10 can't because you don't know it, I'm not going to ask
11 you a commitment as to how much weight you would give
12 to this type of aggravator or this type of mitigator.
13 We have to be sure though that you're open to
14 considering everything that's been presented and
15 proved. You determine the weight and you determine
16 that individually as a juror. You may go back there
17 and you may want to give something little weight and
18 somebody else may give it great weight or vice versa.
19 It's that individual weighing process that you as a
20 juror have to do. Okay. Comfortable with that?

21 JUROR NUMBER 118: Yes.

22 MR. BROWN: Okay. Once you in your own mind go
23 through that weighing process, you weigh the
24 aggravators versus the mitigators, if the mitigation
25 outweighs the aggravation, then the Court is going to

1 tell instruct you that you must come back with a
2 recommendation of life. Okay. If you find that the
3 mitigation does not outweigh the aggravation, then
4 you're in a position where you're legally justified
5 and are able to recommend the death penalty to the
6 Court. I want to make sure you understand, she's not
7 going to tell you if the State proves A, B, C and D
8 that you must come back with a death recommendation.
9 She's actually going to tell you are never required
10 or obligated to do that. Your obligation is to
11 consider everything, weigh everything and come to the
12 conclusion and if you consider it and you weigh it
13 and you find that the aggravators outweigh the
14 mitigators and in your mind that they still justify
15 the death penalty, that's when you're able to make
16 that recommendation. Okay. Not required but it's up
17 to you and that's why it's a weighing process and
18 it's a recommendation to the Court. Do you
19 understand that process?

20 JUROR NUMBER 118: Yes.

21 MR. BROWN: Any questions?

22 JUROR NUMBER 118: No.

23 MR. BROWN: Are you comfortable with the
24 process and your ability to do that, go step by step
25 through it?

1 JUROR NUMBER 118: Yes.

2 MR. BROWN: If the State proves to you
3 aggravating circumstances and if you find they are
4 not outweighed by the mitigation and you feel they
5 justify the death penalty, can you return a
6 recommendation of death?

7 JUROR NUMBER 118: Yes.

8 MR. BROWN: Now, do you come in with any notion
9 or idea of well, you know, only under circumstance A
10 or circumstance B would I ever recommend the death
11 penalty? For instance, some people may come in and
12 say you know, in a case of mass murderer, serial
13 killer, that would be a death penalty, but other than
14 that I wouldn't recommend death penalty in any type
15 of case. Do you feel that way?

16 JUROR NUMBER 118: No.

17 MR. BROWN: Okay. Are you open to considering
18 the aggravating circumstances that the Court's going
19 to give you?

20 JUROR NUMBER 118: Yes, I would be.

21 MR. BROWN: Be open to whatever that list is
22 and not have this preconceived notion that there's
23 only one or two, I don't care what the others are,
24 just this and only this. You understand?

25 JUROR NUMBER 118: I'm sorry, say that again.

1 MR. BROWN: You're not going to look at it and
2 say I don't care what the aggravating circumstances
3 are, I'm only going to look at if it's either one of
4 these two and I'm not going to be concerned with any
5 others, would you be open to everything that the
6 Court gives you, the list that she gives you?

7 JUROR NUMBER 118: I would be -- yes, I would
8 be open to everything.

9 MR. BROWN: Okay. And as we talked about with
10 the aggravators and mitigators, consider what the
11 aggravators are and consider all the mitigators,
12 right?

13 JUROR NUMBER 118: Yes.

14 MR. BROWN: Now, one last area I want to cover
15 with you and I cover this with each person. As we
16 talked about and the Judge mentioned, the jury only
17 comes back for that second time for that
18 recommendation if there's a guilt -- verdict of
19 guilty of first degree murder. If the jury returns a
20 verdict of guilty for a lesser included offense such
21 as second degree murder, the death penalty is off the
22 table and you wouldn't be back here for that second
23 go around. You understand?

24 JUROR NUMBER 118: Yes.

25 MR. BROWN: Now, what I want to make sure is

1 that that fact of well, I can't avoid having to make
2 that decision if I just come back with second degree
3 murder, that wouldn't affect your deliberation at
4 all, that thought process?

5 JUROR NUMBER 118: No. I mean, I don't see it
6 as me being in a decision, it's a recommendation, the
7 final decision is not in my hands. That's the way I
8 feel.

9 MR. BROWN: Right, but I kind of backed up a
10 little bit to the verdict of guilty, guilty or not
11 guilty and guilty of what degree.

12 JUROR NUMBER 118: Yes.

13 MR. BROWN: You have to return a verdict of
14 first degree murder to even get to that second stage
15 of the recommendation.

16 JUROR NUMBER 118: Yes.

17 MR. BROWN: Now, the concern always is from my
18 standpoint is that a juror would sit back there
19 knowing that, well, if I just come back with second
20 degree murder, I don't have to go to that next step,
21 I'm not going to be faced with making that decision,
22 I may be tempted to compromise down and say, well,
23 first degree murder's been proven but I'm just going
24 with second because I don't want to have to deal with
25 that next step in the process. You see my concern?

1 JUROR NUMBER 118: What are you asking?

2 What's?

3 MR. BROWN: Well, do you see that concern that
4 the State has?

5 JUROR NUMBER 118: Oh, yes, yes, I do see that
6 concern.

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

10 JUROR NUMBER 118: Yes.

11 MR. BROWN: And so if the evidence proves to
12 you first degree murder, can you come back with the
13 verdict of first degree murder?

14 JUROR NUMBER 118: Yes.

15 MR. BROWN: And not compromise down simply to
16 avoid having to make that next step?

17 JUROR NUMBER 118: No, I would not.

18 MR. BROWN: Okay. Now, the other thing I do
19 want to cover is you mentioned that you understand
20 it's a recommendation you give to the Court for the
21 death penalty, for life or death recommendation.

22 JUROR NUMBER 118: Yes.

23 MR. BROWN: But I want to make sure that you
24 understand, and I think you probably do but I want to
25 make certain, is that it is an important part of the

1 process.

2 JUROR NUMBER 118: Yes.

3 MR. BROWN: And the judge is going to give it
4 great weight. Without the recommendation we couldn't
5 proceed in the process. It's an integral part. So,
6 I don't think that you would and I don't expect from
7 the rest of your answers that you would take it
8 lightly but I want to make sure you understand it is
9 key and critical an it's an important recommendation.

10 JUROR NUMBER 118: Yes.

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

13 THE COURT: Okay. Questions by the Defense.

14 MR. LANNING: Good morning.

15 JUROR NUMBER 118: Good morning.

16 MR. LANNING: Do you -- what channels would you
17 see the news?

18 JUROR NUMBER 118: I think primarily Channel 2
19 but, you know, I watch Channel 13 and Fox. I've
20 watched all of that them but I think I favor Channel
21 2, WESH, W-E-S-H.

22 MR. LANNING: And how about do you take the
23 newspaper?

24 JUROR NUMBER 118: Sometimes I do read the
25 newspaper, not every day, not on a regular basis.

1 MR. LANNING: Do you receive it at home or do
2 you see it at work?

3 JUROR NUMBER 118: Like if I stop at Chick
4 Filet and I'm waiting to get my breakfast, they have
5 papers there and I'll glance over some of that.

6 MR. LANNING: Do you recall seeing any news
7 articles in reference to this case?

8 JUROR NUMBER 118: Not any news articles that
9 I've read, any knowledge I have of the case is from
10 the TV media.

11 MR. LANNING: Okay. You work you indicated
12 fairly close to the --

13 JUROR NUMBER 118: Not too far down the road
14 from where --

15 MR. LANNING: Where do you work in relation to
16 that?

17 JUROR NUMBER 118: I work about a mile north of
18 the location where Deputy Pill was shot.

19 MR. LANNING: On John Rodes?

20 JUROR NUMBER 118: Off of John Rodes.

21 MR. LANNING: And --

22 JUROR NUMBER 118: Not on John Rodes but
23 another road off of John Rodes.

24 MR. LANNING: Do you recall the day of the
25 event --

1 JUROR NUMBER 118: Yes, yes, I do.

2 MR. LANNING: -- all the goings on I guess.

3 JUROR NUMBER 118: Yes, because when I left the
4 shop I came down John Rodes and I headed north on
5 John Rodes, when I got to Eau Gallie Boulevard, the
6 whole area was shut down. So, I knew something,
7 something was happening.

8 MR. LANNING: Right. Did you learn that day
9 what had occurred?

10 JUROR NUMBER 118: Did I learn what had
11 happened? Yeah, I saw it later on the news, yes,
12 yes, I did.

13 MR. LANNING: Do you recall anything -- do you
14 recall any information about Mr. Bradley?

15 JUROR NUMBER 118: Do I recall any information
16 about him personally?

17 MR. LANNING: Yeah.

18 JUROR NUMBER 118: That's a good question. No,
19 I don't think I know too much about him at all, no.

20 MR. LANNING: You did recall a little blurb
21 about the female?

22 JUROR NUMBER 118: Yes.

23 MR. LANNING: In the vehicle?

24 JUROR NUMBER 118: Yes, and some kind of
25 comment that she made right at the time when she was

1 being apprehended.

2 MR. LANNING: Do you recall the gist of what
3 she had said?

4 JUROR NUMBER 118: Like I say, it was something
5 to the effect of I don't know what the F you cops are
6 talking about, I didn't kill anyone, and that was as
7 they were putting her in the car or whatever, she was
8 kind of shouting this.

9 MR. LANNING: It sounds like you took pause at
10 your ability to set aside what you had seen or heard
11 in the news and there's -- like the Judge said,
12 there's no right or wrong answers, he's on trial
13 possibly for his life. Do you have any doubt as to
14 your ability to set aside what you already heard or
15 seen in deciding this case?

16 JUROR NUMBER 118: Well, like I said, I believe
17 that I can. You know, I keep go back to I've never
18 done it. So, I'm not -- you know, it's more like a
19 ninety-nine percent sure type deal.

20 MR. LANNING: When you say you've never done
21 it, do you mean I've never been asked to ignore what
22 I've what I know or I've never been asked to sit in
23 judgment?

24 JUROR NUMBER 118: Maybe both, you know, I
25 don't think that I've necessarily had to ignore facts

1 that I knew.

2 MR. LANNING: I mean, you know, the news you
3 apparently watch sometimes in the morning, sometimes
4 in the evening and I know, you know, occasionally
5 news stations don't get it all right but we wouldn't
6 be watching if we didn't have some us trust in the
7 news, right?

8 JUROR NUMBER 118: I think that the media jumps
9 to conclusions too quickly a lot of times, and I know
10 it's their job to report what they consider the facts
11 but I know -- I feel from experiences that may be
12 they jump to conclusions without knowing all the
13 evidence or facts. That is my opinion.

14 MR. LANNING: Well, getting back to you've
15 never sat as a juror before and I understand you
16 never been asked to do it before, but in terms of to
17 setting aside judgments or opinions you have from the
18 news, did you form any opinions as to Mr. Bradley's
19 guilt?

20 JUROR NUMBER 118: Based upon what I saw on the
21 news, yes.

22 MR. LANNING: And was that -- what was that
23 opinion?

24 JUROR NUMBER 118: That he shot and killed an
25 officer.

1 MR. LANNING: Now -- and is that opinion that
2 he shot and killed a police officer, does he come in
3 today with a clean slate or does the State have a leg
4 up at this point?

5 JUROR NUMBER 118: Well, that's what this is
6 all about and it's to reveal the facts or the
7 evidence of the case to determine --

8 MR. LANNING: But as you sit here right at this
9 moment, do you have an opinion about his guilt?

10 JUROR NUMBER 118: Well, like I said, based
11 upon what I saw on the news, I did draw the
12 conclusion that, yes, he was the one involved.

13 MR. LANNING: Now --

14 JUROR NUMBER 118: And this did happen. It's
15 always -- you know, on the news they always say stuff
16 like allegedly or the police say, so, you know.

17 MR. LANNING: Are we --

18 JUROR NUMBER 118: I mean, that's throws in
19 that doubt there that maybe what I think I know isn't
20 exactly what I do know.

21 MR. LANNING: Now, are we as the Defense going
22 to have to change your mind? Are we going to have to
23 show you that he's not guilty?

24 JUROR NUMBER 118: I would want to base any
25 judgment solely on the evidence that is presented and

1 that is what I would want to do.

2 MR. LANNING: That's what you would want to do
3 and that's what you would hopefully -- if you were
4 being tried for something, that's what you would want
5 the jury to require --

6 JUROR NUMBER 118: Yes.

7 MR. LANNING: -- for you?

8 JUROR NUMBER 118: Yes.

9 MR. LANNING: You wouldn't want a jury to come
10 in with any preconceived notions, would you?

11 JUROR NUMBER 118: Correct.

12 MR. LANNING: About you?

13 JUROR NUMBER 118: Correct, yes.

14 MR. LANNING: You have some preconceived
15 notions, can you set those aside? Do you have a
16 doubt in your own mind about your ability to set
17 those aside?

18 JUROR NUMBER 118: I think I -- I keep saying
19 that. I think I have the intelligence to do that,
20 yes, that I can set aside anything that I've heard
21 from the media and be able to listen to the evidence.

22 MR. LANNING: Because once we get past it, once
23 you get into the stage of actually being a juror, you
24 can't come back and say I decided I can't do this.

25 JUROR NUMBER 118: I understand.

1 MR. LANNING: Now is the time.

2 JUROR NUMBER 118: I understand. You know,
3 well, I will say that I've had something happen to
4 somebody that was close to me, a murder, and this
5 happened up in Michigan. You know, again, I can't
6 say one hundred percent that in the back of my mind
7 that -- I can't say one hundred percent.

8 MR. LANNING: Well -- okay. A murder in
9 Michigan?

10 JUROR NUMBER 118: Yes.

11 MR. LANNING: And was this a relative, close
12 friend?

13 JUROR NUMBER 118: Someone that I considered
14 family. They were not family but I considered them
15 family.

16 MR. LANNING: And were the circumstances of
17 that that murder -- obviously, you wouldn't have
18 brought it up unless it gives you some cause for
19 concern.

20 JUROR NUMBER 118: It's something that affected
21 me deeply and, you know, this was probably like six
22 seven years ago, but again it was somebody very close
23 to me so it definitely affected me deeply.

24 MR. LANNING: Is it something that you have
25 concern that you would carry over into consideration

1 of the evidence that you might hear throughout this
2 proceeding in terms of, you know, perhaps sympathy
3 for the victim's family or reactions that you might
4 go through in relation to your feelings for your
5 friend?

6 JUROR NUMBER 118: I don't --

7 MR. MOORE: You have a concern about it, you
8 want to tell me?

9 JUROR NUMBER 118: Well, I will say that, you
10 know, this person, this event that happened up in
11 Michigan that there was three people involved and the
12 person who was the trigger man was found not guilty.

13 MR. LANNING: And how did that --

14 JUROR NUMBER 118: That, that did not make me
15 happy, it made me mad that that happened.

16 MR. MOORE: Is it an event that you felt that
17 the evidence was there and that that person --

18 JUROR NUMBER 118: No, apparently that was the
19 problem, the evidence was not there. So, I don't, I
20 don't blame the court and the system for what
21 happened but more along the lines that -- and this
22 person was under eighteen.

23 MR. LANNING: Okay.

24 JUROR NUMBER 118: The one that was the trigger
25 man, the alleged trigger person, and he was with two

1 others who witnessed the crime from a distance but
2 they were nineteen.

3 MR. LANNING: Okay.

4 JUROR NUMBER 118: And -- so, it was -- and so
5 it was a case of circumstantial evidence based upon
6 what the two -- the two adults were blaming it on the
7 kid that was not an adult.

8 MR. LANNING: Was it a, was it a robbery or?

9 JUROR NUMBER 118: It was an attempted robbery,
10 yes.

11 MR. LANNING: On a business or?

12 JUROR NUMBER 118: Of a -- she was the manager
13 of a restaurant and she had closed up and was getting
14 in her car when this person -- when somebody
15 approached her.

16 MR. LANNING: How did you learn about what was
17 going on? Did you attend the funeral? Did you -- I
18 mean, were you in Michigan at the time?

19 JUROR NUMBER 118: No, I was living here but I
20 followed all the news stories that I could find about
21 it.

22 MR. LANNING: And did you know family that you
23 spoke with?

24 JUROR NUMBER 118: Yes, I'm very close to the
25 entire family yes.

1 MR. LANNING: Did you, did you go to --

2 JUROR NUMBER 118: In fact, they called me --
3 the kids called me their uncle even though legally
4 I'm not.

5 MR. LANNING: Did you attend any court
6 proceedings?

7 JUROR NUMBER 118: No, I was not able to. I
8 went up for the service but I could not go to any of
9 the court proceedings.

10 MR. LANNING: Did you submit any sentencing
11 recommendations or anything like that through the
12 proceedings?

13 JUROR NUMBER 118: No.

14 MR. LANNING: As you've mulled this over in
15 your mind, is that an event that you can set aside in
16 considering this gentleman's guilt or innocence?

17 JUROR NUMBER 118: I would say yes. I would
18 say that, you know -- again, I want to say I have the
19 intelligence to base any decision should I be a juror
20 completely on the evidence and the evidence only.

21 MR. LANNING: Now, do you have any question in
22 your mind as to whether life without the possibility
23 of parole actually means life without the possibility
24 of parole?

25 JUROR NUMBER 118: Do I have a question in my

1 mind?

2 MR. LANNING: Yes.

3 JUROR NUMBER 118: Yes. Yes, I do.

4 MR. LANNING: Do you think it may not actually
5 be life without parole?

6 JUROR NUMBER 118: My belief is that life
7 without parole that fifteen, twenty years down the
8 road there's a possibility, yes.

9 MR. LANNING: Is that something the Judge could
10 convince you otherwise by telling you?

11 JUROR NUMBER 118: That there would not be
12 parole?

13 MR. LANNING: Right. If the Judge instructed
14 you that life without the possibility of parole is
15 life without the possibility of parole, is that
16 something that you would be confident and believe?

17 JUROR NUMBER 118: If it came from the Judge,
18 yes.

19 MR. LANNING: I make that request.

20 THE COURT: Juror Number 118, life in prison
21 without the possibility of parole would mean that if
22 that was imposed that the defendant would live and
23 die in prison.

24 JUROR NUMBER 118: Yes.

25 THE COURT: Okay.

1 MR. LANNING: You've heard the Judge explain
2 about this process, the weighing and the aggravation
3 and the mitigation.

4 JUROR NUMBER 118: Yes.

5 MR. LANNING: And you heard the State
6 paraphrase it and go through it again.

7 JUROR NUMBER 118: Yes.

8 MR. MOORE: Now, what's your understanding at
9 this point what you do assuming the aggravation
10 outweighs the mitigation? What's the next step you
11 take assuming aggravation outweighs the mitigation?

12 JUROR NUMBER 118: In the penalty phase, is
13 that what you're asking?

14 MR. LANNING: Right.

15 JUROR NUMBER 118: That sounds like it would be
16 the death penalty recommendation. Is that what
17 you're asking?

18 MR. LANNING: Well, I'm asking you if that's
19 your understanding of the next step that you get to.
20 Assuming the aggravation outweighs the mitigation,
21 there's a next step, what do you understand at this
22 point the next step is?

23 JUROR NUMBER 118: The next step is the penalty
24 phase at which point we would be given instructions.

25 MR. LANNING: Right. You've already -- the

1 Judge basically gave you the instructions yesterday,
2 Mr. Brown --

3 JUROR NUMBER 118: Yeah, but we're not there
4 and we haven't been given the instructions as far as
5 what would happen at that point.

6 MR. LANNING: Well, the Judge has described per
7 the -- I mean, read the instructions about, you know,
8 this weighing process.

9 JUROR NUMBER 118: Right.

10 MR. LANNING: Mr. Brown described it again to
11 you and I'm asking you at this point in your mind --
12 what I'm trying to find out is whether you're clear
13 on where it goes from there. If the aggravation
14 outweighs the mitigation, what is your understanding
15 at this point of the next step? If the State proves
16 aggravation and the aggravation outweighs the
17 mitigation and I'm asking your understanding of what
18 your next step is at that point?

19 JUROR NUMBER 118: My next step at that point?

20 MR. LANNING: Yes.

21 JUROR NUMBER 118: Would be to make a
22 recommendation.

23 MR. LANNING: And do you understand that
24 it's -- is there any requirement in making a
25 recommendation of death assuming the aggravation

1 outweighs the mitigation?

2 JUROR NUMBER 118: Are there requirements for
3 making the death penalty?

4 MR. LANNING: Is there any requirement to make
5 a recommendation of death if the aggravation
6 outweighs the mitigation?

7 JUROR NUMBER 118: Are you asking me is
8 there -- I'm a little confused.

9 MR. LANNING: I understand, you've never been
10 through it.

11 JUROR NUMBER 118: Right. One more time.

12 MR. LANNING: Okay. Once you get to the point
13 State's proven the aggravation outweighs the
14 mitigation, is there any requirement at that point to
15 make a recommendation of death?

16 JUROR NUMBER 118: It sounds to me like yes.

17 MR. LANNING: And that's what I wanted to make
18 clear as to whether you understand because you
19 didn't. All right. There's no requirement, you
20 never will be required under any circumstances. I
21 don't care if the aggravation is to the ceiling and
22 the mitigation is down here on the floor, you'll
23 never be required to make a recommendation of death.
24 The instructions don't even say should recommend
25 death. The only time you'll see any language that is

1 mandatory in nature is that under most circumstances
2 you must impose life. All the, all the instructions
3 are, assuming the aggravation outweighs the
4 mitigation is a permission slip, you can if you
5 choose to impose death. All right?

6 JUROR NUMBER 118: Yes.

7 MR. LANNING: It's never required. It's not
8 even recommended.

9 JUROR NUMBER 118: Yes.

10 MR. LANNING: What -- if there were a scale in
11 support of the death penalty, zero being the least
12 support and ten being the strongest support, in favor
13 of the death penalty, where would you put yourself in
14 that scale?

15 JUROR NUMBER 118: For or against the death
16 penalty?

17 MR. LANNING: For or against, zero the least,
18 ten the highest.

19 JUROR NUMBER 118: I feel that there's certain
20 crimes that that's a just punishment.

21 MR. LANNING: Okay.

22 JUROR NUMBER 118: Do I feel that every murder
23 that's committed deserves that penalty, no.

24 MR. LANNING: So --

25 JUROR NUMBER 118: Oh, what would my number be?

1 That's the part I'm not understanding. I'm in favor
2 of a death penalty if that's what, you know, the
3 evidence and the crime warrants, but if it doesn't
4 then I'm not, then I'm not for it. So, I'm not sure
5 how I would rank that as far as from zero to ten. I
6 would say a ten if the crime fits it.

7 MR. LANNING: Are there any murders that you
8 could give an example to and say yes, that's just --
9 that crime should be punishable by death, that
10 particular homicide, that would be something that
11 should be punishable by death?

12 JUROR NUMBER 118: Nothing that stands out at
13 this moment that I can think of.

14 MR. LANNING: How about mass murderers?

15 JUROR NUMBER 118: Mass murderers?

16 MR. LANNING: Yeah.

17 JUROR NUMBER 118: What about them, as far as
18 would they deserve the death penalty?

19 MR. LANNING: Yeah.

20 JUROR NUMBER 118: Well, again, it would be a
21 case by case in that particular case but I probably
22 would say yes, you know. Again, you know, you're
23 kind of asking me a hypothetical.

24 MR. LANNING: Well, I am. I am.

25 JUROR NUMBER 118: You know, again, I would go

1 back to the same thing, just because it happens to be
2 a mass murder, again, I would say doesn't necessarily
3 warrant the death penalty but it could.

4 MR. LANNING: You could put yourself under
5 circumstances voting for it?

6 JUROR NUMBER 118: I don't know what those
7 circumstances would be but I would say yes.

8 MR. LANNING: What sort of circumstances --
9 what sort of mitigation evidence could you see as
10 being giving a life recommendation?

11 JUROR NUMBER 118: In?

12 MR. LANNING: In a situation of a first degree
13 murder, what sort of evidence might mitigate the
14 first degree murder?

15 JUROR NUMBER 118: I'm not even sure. I'm not
16 even sure about that.

17 MR. LANNING: Can you think of any examples?

18 JUROR NUMBER 118: Not offhand right now, you
19 know. Kind of on the spot here.

20 MR. LANNING: Yeah, it's part of your job.

21 JUROR NUMBER 118: I can't recall anything
22 specific, but I'm sure that there is cases in the
23 past where I have thought that, that that person
24 should get the death penalty.

25 MR. LANNING: What about, what about --

1 JUROR NUMBER 118: I guess, I guess I felt that
2 way about what happened to this person in Michigan.

3 MR. LANNING: Okay.

4 JUROR NUMBER 118: Even though that's not what
5 happened.

6 MR. LANNING: You thought that that --

7 JUROR NUMBER 118: Well, Michigan doesn't even
8 have the death penalty for starters. So, that wasn't
9 even.

10 MR. LANNING: Had that event occurred in
11 Florida, you would have felt that that would be
12 appropriate for the death penalty?

13 JUROR NUMBER 118: I think because I was
14 personally connected I probably, I probably would
15 have felt that way, yes.

16 MR. LANNING: Could you consider, could you
17 consider drug abuse or drug addiction as mitigating
18 in nature?

19 JUROR NUMBER 118: I'm sorry?

20 MR. MOORE: Could you consider drug abuse and
21 drug addiction, if evidence is presented to you that
22 convinces by the greater weight of the evidence that
23 Brandon Bradley suffered from drug abuse and
24 addiction, would you consider that as mitigating in
25 nature?

1 JUROR NUMBER 118: Mitigating in nature. What
2 do you mean by mitigating?

3 MR. LANNING: Mitigating is any evidence that
4 tends to, tends to -- that would tend to justify a
5 sentence of life without the possibility of parole.
6 Not that it lessens the homicide but it's reasons why
7 the person may be in the position that they're in but
8 mitigating in nature. So, could you consider drug
9 abuse and addiction as mitigating in nature?

10 JUROR NUMBER 118: I would say yes.

11 MR. LANNING: What about, what about mental
12 illness? Assuming for a moment that you heard
13 testimony from a qualified professional,
14 psychologist, psychiatrist, that Mr. Bradley suffered
15 mental illness at the time of the events, is that
16 evidence that you could consider as mitigating?

17 JUROR NUMBER 118: That I could consider, yes.

18 MR. LANNING: What about evidence of brain
19 damage?

20 JUROR NUMBER 118: Consideration, yes.

21 MR. LANNING: Are you familiar with MRI?

22 JUROR NUMBER 118: MRI?

23 MR. LANNING: Ever had an MRI done?

24 JUROR NUMBER 118: I haven't, no.

25 MR. LANNING: It's scientific technology of

1 looking into the human the body.

2 JUROR NUMBER 118: Okay. Yes.

3 MR. LANNING: The brain, the body parts,
4 whatever. Assuming evidence of that were presented
5 to you that indicates brain damage, is that evidence
6 that you could consider and give weight to?

7 JUROR NUMBER 118: Consider, yes.

8 MR. LANNING: Now, you felt that the individual
9 charged in the death of your friend that was
10 acquitted was guilty, right?

11 JUROR NUMBER 118: I wanted justice, yes.

12 MR. LANNING: Okay. And when you came in the
13 courtroom you came in with a predispose belief that
14 Brandon Bradley was guilty, right?

15 JUROR NUMBER 118: Based on what I saw on the
16 news, I would say yes.

17 MR. LANNING: Okay. Now, how do those two
18 believes differ? I mean, do you still today now
19 presume that he is guilty?

20 JUROR NUMBER 118: I don't have a personal
21 connection to this case, so that would be the
22 difference.

23 MR. LANNING: Today right now, do you presume
24 him to be guilty?

25 JUROR NUMBER 118: I would have to see the

1 evidence before I could one hundred percent say one
2 way or the other.

3 MR. LANNING: Okay. As he stands right now, is
4 he eighty percent guilty? I know it's a tough
5 question, sir, but.

6 JUROR NUMBER 118: Like I say, based upon what
7 I saw on the news, yeah, I thought that he was the
8 one who had done this to Brevard County deputy.

9 MR. LANNING: So, unless the evidence convinces
10 you otherwise, the evidence here in court, unless it
11 convinces you otherwise?

12 JUROR NUMBER 118: No, I would, I would have
13 to, I would have to come in here and I would have to
14 forget what I, quote, unquote, know, which isn't a
15 lot, but what I do know I would have to disregard it
16 and go only by the evidence that is presented to me.

17 MR. LANNING: Are you confident in your ability
18 to do that?

19 JUROR NUMBER 118: Yes.

20 MR. LANNING: This case involves the death of a
21 police officer, being a police officer, anything
22 about the fact of being a police officer that you
23 believe -- or that you would have an issue with in
24 this case versus another individual?

25 JUROR NUMBER 118: I think police officers have

1 one of the toughest jobs out there and I think the
2 majority of them are living people and they have the
3 toughest job to do. I don't know how -- if I'm
4 answering your question or not but.

5 MR. LANNING: Would the Defense have to prove
6 Mr. Bradley is innocent?

7 JUROR NUMBER 118: No.

8 MR. LANNING: All right. Thank you, sir.

9 THE COURT: Okay. Juror Number 118, I'm going
10 to release you for today. You're going to be
11 released for Monday. You are still being considered
12 as a potential juror for this case. What I'm going
13 to ask you to do is to go downstairs, report to the
14 jury assembly room, tell them that you've been
15 released for today but you're still a potential
16 juror. They're going to give you a phone number to
17 call. You're going to call that phone number on
18 Monday between 1:00 and 5:00 and they're going to
19 give you further information of when to report. It
20 all depends on how long this process is taking. You
21 will not be reporting the rest of today and you won't
22 be reporting on Monday.

23 During this recess you must continue to abide
24 by your rules governing your service as a juror. You
25 cannot talk to anyone about the case. I don't know

1 if I told you this. You can tell them that you're
2 here, you can tell them, you can tell them the what
3 and the when. I'm at the Brevard County courthouse,
4 I'm supposed to be here from this time to this time,
5 what you can't tell them is this why. I'm here for
6 the Bradley case, these are the charges, this is what
7 happened in court, you can't talk about those type of
8 things. Once this case is done or you're released as
9 a juror, you will have the privilege to talk to
10 anyone you like about anything or not talk to anyone
11 you like about anything, that will be up to you, but
12 while this case is -- while you're still a potential
13 juror or when you are a juror, you cannot discuss
14 this case with anyone. You cannot read the
15 newspapers. Avoid reading newspaper headlines or
16 articles related to this trial. Avoid seeing
17 television or hearing radio or things of that nature,
18 anything from the Internet, and do not conduct any
19 research yourself regarding any matters concerning
20 this case. Any questions or concerns?

21 JUROR NUMBER 118: No, Your Honor.

22 THE COURT: Okay. So, if you'll report
23 downstairs before you leave the courthouse this
24 morning. Okay. Thank you, sir.

25 (Thereupon, Juror Number 118 exited the

1 courtroom.)

2 THE COURT: Okay. Can we bring in 120?

3 MR. MOORE: First.

4 THE COURT: Yes.

5 MR. MOORE: We move to strike 118 for cause.

6 First issue is has a wide range of knowledge of this
7 case, he formed an opinion as to Mr. Bradley's guilt
8 before he came into jury selection, and he said
9 several times throughout questioning both by the
10 State and the Defense he can't set that aside a
11 hundred percent, even though he said other times that
12 he thought he was positive that he could set it aside
13 and follow the Court's instructions and yet even
14 after having said that, I counted three or four times
15 afterwards where he said he could not state with one
16 hundred precent certainty that he could set that
17 aside in deliberating.

18 Issue number two, he has a close friend that he
19 considered a family member, whose kids consider him
20 an uncle who was murdered and he had a firm belief
21 that the trigger man in that case who was guilty
22 ultimately was guilty. He said -- and I heard him
23 say this and I would hope the Court did too, that
24 certainty say with a hundred percent certainty that
25 he could set that aside as well. The difference

1 there in that case and this case, he said he was
2 emotionally involved in that case, he's not
3 emotionally involved in this one, but that still he
4 never wavered when he said I cannot say a hundred
5 percent certainty that I can set that aside.

6 Now, where he tried to qualify it several times
7 was that he, you know, I can't say that I can set the
8 media coverage apart and my opinion of Mr. Bradley's
9 guilt, I can't say one hundred percent I can't set
10 that aside. Doesn't matter what the reason is, if he
11 can't set it aside, he can't set it aside. And his
12 language throughout was I would like to say, I have
13 to, I would, it's a tall condition, I would like to,
14 I should do that, you know, it was all phrased in a
15 conditional way which had a big but in it which
16 was -- and the but was answered by him saying I can't
17 say with a hundred percent that I can.

18 Now, you know, we can't piecemeal, we can't
19 take out little bits and pieces and say that is a
20 reliable representation of what he said. I mean,
21 just pointing to him saying yeah, I can follow the
22 Court's instructions, yeah, I can set that aside, he
23 said that, but on several other occasions he said I
24 can't say with a hundred percent certainty that I can
25 set it aside. So, at best, his positions on whether

1 he could set aside the murder of a friend and set
2 aside his opinion of Mr. Bradley based upon the media
3 at best is equivocal and he should be stricken for
4 cause. That's why we spent a great deal of time on
5 this guy for that reason because he was all over the
6 place and he never stayed, you know, with any
7 position with any consistency. So, at best, he
8 equivocal, he should be stricken for cause.

9 THE COURT: Response from the State.

10 MR. BROWN: Judge, unlike the last gentleman
11 that I had the family member that was murdered, I
12 think this one is a closer call because he did, he
13 did put the qualifiers on and I don't think they have
14 to say a hundred percent but he was consistent in the
15 qualifiers. So, being cautious, I'm going to agree
16 on this one.

17 THE COURT: Okay. With all due respect, if you
18 all can do this quicker before I release them and let
19 them go down and get phone numbers. I kind of look
20 at both of you before I address them.

21 MR. LANNING: They can probably catch him in
22 the jury room, correct?

23 THE COURT: Okay. If we could -- yeah, I do
24 kind of look at both Mr. Moore and Mr. Brown to see
25 if there's going to be an objection. I didn't see

1 any so I did my little spiel. If we could tell
2 Number 118 that he's released, doesn't need to report
3 back on Monday. Okay. Let's bring in Number 120.
4 We can tell Number 121 that they can go to lunch.

5 THE COURT DEPUTY: Be back at what time?

6 THE COURT: 1:15.

7 (Thereupon, Juror Number 120 was escorted into
8 the courtroom by the court deputy and the proceedings were
9 had as follows:)

10 THE COURT: Okay. Good morning Juror Number
11 120.

12 JUROR NUMBER 120: Good morning.

13 THE COURT: First I want to thank you for being
14 here. Thank you for your patience with this process.
15 It is a long process. It's long for you, I assure
16 you it's long for us. We can't always judge how long
17 something is going to take. Sometimes things go
18 quick, sometimes they do not and so we do appreciate
19 you being patient with us. When we recessed
20 previously I implemented some rules regarding your
21 service as a juror. Those rules kind of came into
22 effect at that time. So, I'm going to ask you about
23 those rules. Have you read or been exposed to
24 reading newspaper headlines and/or articles relating
25 go this trial or its participants?

1 JUROR NUMBER 120: No.

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

4 JUROR NUMBER 120: I did hear on the radio this
5 morning that they were interviewing jurors, that's
6 all I heard.

7 THE COURT: Okay. Did you -- I mean, did you
8 hear -- did you make any attempt to turn that off or?

9 JUROR NUMBER 120: Yeah. I mean, you told us
10 to.

11 THE COURT: Okay. I know sometimes you're
12 listening and things just happen, but that's all you
13 heard, you didn't here any details?

14 JUROR NUMBER 120: No.

15 THE COURT: Okay. Have you conducted or been
16 exposed to any research regarding any matters
17 concerning this case?

18 JUROR NUMBER 120: No.

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

22 JUROR NUMBER 120: No.

23 THE COURT: I just want to clarify with you
24 that you can tell people the what and the when. You
25 can tell them that you're here at the Brevard County

1 courthouse, you can tell them what time you expect to
2 be here but you can't tell them the why. You can't
3 tell them that it's this case, what the charges are
4 or anything that's discussed in here in the
5 courtroom. Now, once you are released as a juror,
6 you're free to discuss anything you like. Okay.
7 That's up to you. And I'll give you further -- if
8 you do become a juror and you're released, I'll
9 discuss that with you further but while you are
10 either a potential juror or a juror in this case
11 these rules will remain in effect. Okay?

12 JUROR NUMBER 120: Okay.

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

20 JUROR NUMBER 120: Yes.

21 THE COURT: Okay. Tell me what information you
22 believe that you know. And be as specific as you
23 can.

24 JUROR NUMBER 120: Okay.

25 THE COURT: There's no -- let me tell you this

1 first. There's no right or wrong answers in here,
2 we're just trying to get information from you. We
3 want you to be as frank, as complete as you can, and
4 as honest as you can. So, just tell us what you
5 know.

6 JUROR NUMBER 120: Okay on the Internet I seen
7 the information about the robbery, the car, being
8 stopped, the shooting, the drugs, the girlfriend,
9 that's all.

10 THE COURT: Well, that would be during the time
11 of the event or afterwards?

12 JUROR NUMBER 120: During the time. It's been
13 a couple of years ago.

14 THE COURT: Okay. Have you heard or read or
15 seen anything recently?

16 JUROR NUMBER 120: Before I came here and knew
17 that this was -- well, I did see in the paper that
18 they were selecting the jury and that started the
19 process, that's all.

20 THE COURT: So, how did you gain any
21 information about this case?

22 JUROR NUMBER 120: That was in the newspaper.

23 THE COURT: Okay. About -- how did you gain
24 the other information? You said you saw it on the
25 Internet?

1 JUROR NUMBER 120: It's on the Internet.

2 THE COURT: What are your habits with regard to
3 looking at news? What's your normal -- some people
4 say, you know, from 5:00 to 6:00 every night I sit
5 down and watch the news, some people say, hey, I turn
6 it on when I'm getting ready in the morning, it's on
7 TV, I may listen to it, I may not, what's your normal
8 pattern regarding news?

9 JUROR NUMBER 120: Every morning I get on the
10 Internet and they have little blurbs and I click on
11 things that interest me and that's how I saw the
12 stuff on the Internet.

13 THE COURT: Is that Today newspaper or a
14 different newspaper?

15 JUROR NUMBER 120: It was the Internet and
16 then --

17 THE COURT: But is it from Today newspaper or
18 is it from some other source?

19 JUROR NUMBER 120: No, it's on AOL.

20 THE COURT: Okay. So, it wasn't like a
21 specific site?

22 JUROR NUMBER 120: No.

23 THE COURT: Okay. And you do that every
24 morning?

25 JUROR NUMBER 120: Every morning.

1 THE COURT: How long do you spend doing that?

2 JUROR NUMBER 120: A couple hours.

3 THE COURT: Okay. So, do you spend that just
4 on the news or do you spend that looking at other
5 things as well?

6 JUROR NUMBER 120: Looking at other things as
7 well.

8 THE COURT: So, you spend a couple of hours
9 each morning kind of being on the Internet?

10 JUROR NUMBER 120: Yes.

11 THE COURT: That may include news, it may not.
12 Do you respond to e-mails during that time as well?

13 JUROR NUMBER 120: Yes.

14 THE COURT: Okay. Now, what we ask you to do
15 in this case is can you set aside anything that you
16 may have learned about the case, serve with an open
17 mind and reach a verdict only on the law and the
18 evidence presented in this trial in this courtroom?
19 No right or wrong answers.

20 JUROR NUMBER 120: I don't think I can, no, I
21 don't.

22 THE COURT: Okay. Have you already formed an
23 opinion as to Mr. Bradley's guilt or innocence?

24 JUROR NUMBER 120: Yes.

25 THE COURT: Okay. In a criminal trial the

1 State has the burden of proof. They have to prove
2 each element of each crime beyond and to the
3 exclusion of every reasonable doubt.

4 JUROR NUMBER 120: Yes.

5 THE COURT: And the Defense does not have to
6 prove anything. The State has the burden of proof.

7 JUROR NUMBER 120: I understand that.

8 THE COURT: So, if you were to be a juror, at
9 this stage you would have to look at Mr. Bradley and
10 say that he's not guilty. In fact, say that he's
11 innocent because no proof has been presented at this
12 time. Do you think you can do that?

13 JUROR NUMBER 120: No.

14 THE COURT: Okay. You just think that you know
15 too much about the case?

16 JUROR NUMBER 120: I do.

17 THE COURT: Okay. From your body language, you
18 have difficulty when I was answering -- asking that
19 question kind of making eye contact with me but you
20 didn't on other issues and you didn't look at
21 Mr. Bradley until just a few minutes ago. I mean, am
22 I correct in that your convictions are pretty strong
23 with regard to that?

24 JUROR NUMBER 120: Yes.

25 THE COURT: Okay. There's no right or wrong

1 answers, we're just trying to get to the bottom of
2 some information.

3 JUROR NUMBER 120: I'm just trying to be
4 truthful and no, I don't, I don't, it was just
5 because it was a police officer it was very
6 interesting to me and I did read a lot.

7 THE COURT: Okay. Okay. State and Defense?

8 MR. MOORE: We'll stipulate.

9 MR. BROWN: We'll stipulate.

10 THE COURT: Okay. Number 121, thank you very
11 much for being here. I'm going to release in just a
12 few minutes but I want to thank you. Thank you for
13 being here. We appreciate you being here very much.
14 I am going to release you from being considered as a
15 juror in this case. Okay?

16 JUROR NUMBER 120: Okay.

17 THE COURT: So, what I am going to have you do
18 is go downstairs, talk to the jury assembly room.
19 They're going to just take your badge and they're
20 going to thank you for being here and then you'll be
21 released and be able to go about your business.
22 Okay? Thank you very much.

23 MR. PIROLO: Judge --

24 MR. MOORE: You believe you made a mistake.

25 THE COURT: I did make a mistake as to the

1 number, it's 120. Okay. Thank you.

2 (Thereupon, Juror Number 120 exited the
3 courtroom.)

4 THE COURT: I just realized that when I looked
5 at her number. Okay. Just for the record, Number
6 120 is released for cause. Okay. I already told 121
7 they could go to lunch so you're off the hook.

8 Is there anything we need to discuss before we
9 come back? When we come back we might talk about
10 telling other jurors -- well, actually, we should
11 probably do that now so I can give them the
12 information. If you don't mind, I'd like to spend
13 just a moment doing that. I have 121, I can't get my
14 pen to write. 121 through 127 coming back at 1:15
15 and I have 129 to 148 -- I mean, one 146 another ten
16 coming back at 1:15. So, we have -- we have to see
17 how many that is. One, two, three, four.

18 MR. BROWN: Six on first page.

19 THE COURT: Five.

20 MR. MOORE: Sixteen.

21 THE COURT: Six. Yes, that would be sixteen.

22 MR. BROWN: I don't think it's realistic.

23 THE COURT: I don't think it's realistic either
24 based on this pattern. How many recommend -- how
25 many do you want me to keep and how many do you want

1 me to release?

2 MR. MOORE: I think ten would be ambitious. We
3 shouldn't ask for anymore than that.

4 THE COURT: Let me see how many we got to.

5 MR. BROWN: We started at Number 115.

6 MR. MOORE: You know, the thing is we get --
7 once in a while we get runs of people who are out the
8 door very quickly. So, if we (unintelligible)
9 unfortunate sitting around to have a little
10 (unintelligible) there.

11 MR. BROWN: Two of those this morning.

12 THE COURT: We had two of those this morning
13 and we still only got to --

14 MR. BROWN: Five.

15 THE COURT: And that included 128.

16 MR. LANNING: We did a couple of couple of
17 quick once this morning, Judge.

18 THE COURT: Only two, yeah. I'm inclined to
19 keep eight. I'm trying to get Mr. Pirolo out of here
20 at a reasonable time.

21 MR. BROWN: Judge, if I want to go with six
22 based on this morning. I don't think we'll get
23 through eight but I certainly --

24 THE COURT: He doesn't get six, I'll give him
25 eight and I'll release the rest. Now, do we want to

1 go ahead and split up what's left for Monday?

2 MR. BROWN: I think that's right.

3 THE COURT: Because I hate for them to come
4 back and sit around. I don't know how many will be
5 left. That will be...

6 MR. MOORE: Do we have a new panel in the
7 afternoon?

8 THE COURT: We have a new panel in the
9 afternoon but I could release them. I could say I
10 don't need them.

11 MR. BROWN: So, we have nineteen left.

12 THE COURT: Is there that many left?

13 MR. BROWN: Yes.

14 THE COURT: Nineteen left in total?

15 MR. BROWN: No, no, no, for Monday.

16 THE COURT: Wow.

17 MR. BROWN: Twenty-seven left off of this
18 panel, eight for this afternoon. Nine --

19 THE COURT: Well, if there's nineteen I'm going
20 to split them up ten and nine. I'll let you know
21 when I go back. I don't want to do this -- I want to
22 look at the numbers and make sure I'm doing it
23 correctly. So, I'll release the panel for Monday
24 afternoon and we'll talk about the panel for Tuesday
25 as soon as I see these numbers. Okay. Okay. We'll

1 be in recess until 1:15. Thank you.

2 (Thereupon, a lunch recess was taken in the
3 proceedings.)

4 THE COURT: Please be seated. As soon as the
5 jurors are ready, you can bring them up.

6 THE COURT DEPUTY: Just wanted to confirm the
7 numbers.

8 THE COURT: I have different numbers so I have
9 to tell them and I need Mr. Bradley in here before I
10 can do that and then we'll talk about --

11 MR. BROWN: We have one thing to cover
12 publicity wise.

13 THE COURT: What wise?

14 MR. BROWN: Publicity wise.

15 THE COURT: Can we wait until Mr. Bradley is
16 here?

17 MR. BROWN: Yes, yes, I just wanted to let you
18 know.

19 THE COURT: Okay. I just be want to make sure
20 Mr. Bradley is in here. I have new numbers. Make
21 Mr. Pirolo happy. Not completely but.

22 (Thereupon, the defendant was escorted into the
23 courtroom by the court deputy.)

24 THE COURT: When I counted there was
25 twenty-eight jurors left. I counted like five times.

1 So, that means seven, seven, seven and seven. So,
2 what I did is 121 to 128, that's the seven -- did I
3 miss -- that's the seven for today, for this morning,
4 or this afternoon. One, two, three, four, five, six,
5 seven.

6 THE COURT DEPUTY: Judge, we did 128 this
7 morning.

8 THE COURT: Oh, that's it.

9 MR. BROWN: We'll do six that's left.

10 THE COURT: Well, he got the benefit of that.
11 Okay. I circled him but I didn't -- because he made
12 it through I didn't see that. Okay. So, let's do
13 this.

14 THE COURT DEPUTY: I have 129 and 130.

15 THE COURT: Hold on, I'm doing this. Okay. We
16 have 121 to 127 this afternoon at 1:15, that's six.
17 129 to 139, that's seven at 8:30 a.m. Monday morning.
18 Does everyone have seven? 129 to 139, right?

19 MR. BROWN: Yes.

20 THE COURT: Okay. 140 to 151, that's seven,
21 Monday at 1:15. Does everyone have seven?

22 MR. BROWN: Yes.

23 THE COURT: Okay. 152 to 159, that's seven,
24 Monday at 8:30. Everyone have seven?

25 MR. PIROLO: You mean Tuesday?

1 THE COURT: Tuesday at 8:30, I just got to put
2 lines in between here. That's Tuesday at 8:30. And
3 then I have a new panel of fifty-three Tuesday at
4 1:15 and then I have people calling Monday between
5 1:00 and 5:00 and I'll give them information at noon
6 on Monday. So, that means there's twenty-one,
7 twenty-seven more to go. That sound right? Is
8 everyone on page with that? I thought Mr. McMaster
9 said twenty-nine.

10 MR. MCMASTER: I counted twenty-seven, Judge.

11 THE COURT: Don't forget to take out 128.
12 Mr. Pirolo got his wish, he got six. Hopefully we'll
13 get through six. That's all I hope is we get through
14 who we...

15 Okay. Mr. Brown, you had an issue?

16 MR. BROWN: Yes. I'm briefly let Defense
17 counsel know this when we got back from the lunch
18 break and I saw Michelle Kennedy in the courtroom
19 when I came back so I've informed her as well, but
20 apparently there's a local publication,
21 [REDACTED] it's an on line local
22 news. They had posted on their [REDACTED] I
23 believe from the information I received it was
24 yesterday so they posted it last night, pictures and
25 they may have had an article to boot, but pictures of

1 the proceedings. Amongst the pictures posted
2 apparently was a wide angle view that appropriated
3 and included faces of the jurors seated in that box
4 area, the twenty-one, and what was related to me was
5 somebody in the comment section posted do you really
6 thing that's right putting the juror members up and
7 apparently within about five minutes of that post,
8 which was a very quick post, they took down the
9 entire section. Not just the pictures but the
10 comment section. So, I just wanted to disclose that.
11 I let Michelle Kennedy know, she indicated that's she
12 going to be contacting them and will take whatever
13 steps.

14 THE COURT: And it's called [REDACTED]

15 MR. BROWN: [REDACTED] and it's either
16 .com or .net, I have to check it again.

17 MR. MCMASTER: .com.

18 MR. BROWN: .com. I looked at the lunch break
19 and I could not find anywhere on there the article or
20 any reference to it which is what the person who
21 called my wife and told her who was relating
22 information to me, he told her that they went ahead
23 and figured out what they had done which I can
24 confirm. I did not see any pictures or the article
25 or anything else.

1 THE COURT: I wonder how they would have gotten
2 the pictures.

3 MR. BROWN: He was in here yesterday and it
4 appeared that he took a wide angle view.

5 MR. MOORE: He had a camera on his cell phone.

6 MR. PIROLO: He had a little camera, little
7 zoom camera and he was clicking pictures.

8 THE COURT: All right.

9 MR. BROWN: I need to disclose that.

10 THE COURT: I'm sure Miss Kennedy is contacting
11 them. You know, I have seen people take what I
12 appear to be pictures of the jury but I'm assuming
13 they're not taking those, I can't really tell.
14 Because I saw some angles that appear to me to be
15 directly to jurors and I don't know what they're
16 doing with those.

17 MR. BROWN: Florida Today has been in here
18 taking many pictures but I looked at their site, I
19 have not seen any pictures of any jurors even, you
20 know, caught in the say focusing on the Defense table
21 catching one just walking past. I know they signed
22 the agreement and they have courtroom privileges but.
23 So, they've been very good about that. I can't say I
24 ever looked at [REDACTED] but. I can say that
25 I didn't know it existed either.

1 THE COURT: It's [REDACTED]

2 MR. BROWN: Yes.

3 THE COURT: Okay. Okay. I was going to bring
4 up 121, 122 and 124, have the other three sit
5 downstairs in the grand jury room and we'll bring
6 them up next. Actually, what you could do -- I'll
7 just tell you when to bring up more.

8 THE COURT DEPUTY: Okay. So, you want 121 and
9 124 now.

10 THE COURT: Right. And leave 125, 126 and 127,
11 leave them in the grand jury room.

12 THE COURT DEPUTY: Yes, Your Honor.

13 MR. BROWN: Judge, just so I'm clear, what I
14 received from the person that called my wife that's
15 on their [REDACTED]

16 THE COURT: Okay.

17 MR. BROWN: So, I went to look at lunch on my
18 regular main page and it was gone.

19 THE COURT: Okay.

20 MR. BROWN: [REDACTED] I did check that
21 but it was (unintelligible).

22 THE COURT: That's okay, I don't either.

23 (Thereupon, a pause was taken in the
24 proceedings.)

25 THE COURT DEPUTY: They're present, Your Honor.

1 THE COURT: Okay. Any reason I can't bring in
2 121?

3 MR. MOORE: No, Your Honor.

4 THE COURT: Okay. We'll bring in 121.

5 (Thereupon, Juror Number 121 was escorted into
6 the courtroom by the court deputy and the proceedings were
7 had as follows:)

8 THE COURT: Okay. Good afternoon, Juror Number
9 121. First thing I want to do is thank you for being
10 here. Thank you for your patience, especially your
11 patience regarding this process. I know it's been a
12 long process for you, I assure you it's been a long
13 process for us. We are doing best that we can to try
14 to address what we need to do as quickly as possible.
15 It is not by nature a short process and sometimes
16 we've had a difficult time estimating how much time
17 we're going to take and so it's made you have to
18 wait. So, I do apologize for that.

19 JUROR NUMBER 121: No problem, I see it all
20 over the place.

21 THE COURT: Yes. When I spoke to you last I
22 talked about some rules that are in place governing
23 your service as a juror. Those rules kind of started
24 as of that time. So, I'm going to ask you about
25 those first. Have you read or been exposed to

1 reading newspaper headlines and/or articles relating
2 to this trial or items participants?

3 JUROR NUMBER 121: Prior to me being called.

4 THE COURT: Okay. Since you've called have
5 you?

6 JUROR NUMBER 121: The last -- before -- before
7 coming here and before hearing your order, I had seen
8 something on TV last Sunday I think it was.

9 THE COURT: Okay. I'm going to ask you more
10 about that in just a few moments, but since I've
11 placed the order have you see anything?

12 JUROR NUMBER 121: Not since.

13 THE COURT: Since I've placed that mandate,
14 have you even seen or heard television, radio, or
15 Internet comments about the trial?

16 JUROR NUMBER 121: No.

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

20 JUROR NUMBER 121: No.

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

24 JUROR NUMBER 121: No.

25 THE COURT: Okay. Then I'm going to talk about

1 what you know about the case prior to coming to
2 court. Tell me what you know -- if you know anything
3 about this case either from your own personal
4 knowledge, rumor, by discussion with anyone, or from
5 the media, including radio, television, Internet,
6 electronic device, or media?

7 JUROR NUMBER 121: I know when the case
8 happened, I know when the incident happened, I'm very
9 aware of it.

10 THE COURT: Okay.

11 JUROR NUMBER 121: And I have a problem with
12 it.

13 THE COURT: Okay. We're going to discuss that.
14 There's no right or wrong answers in here. That's
15 what we're here to kind of find out. So, you say you
16 know about the case when it happened?

17 JUROR NUMBER 121: Yes.

18 THE COURT: What -- tell me what information
19 you know and then we'll talk if you have a problem.

20 JUROR NUMBER 121: I knew about that there was
21 a robbery and a burglary of some sort and I knew that
22 there was a pursuit. I know that the officer was
23 murdered in the pursuit and, you know, when this
24 person came in contact with the officer.

25 THE COURT: Okay.

1 JUROR NUMBER 121: I have a problem with that
2 because my family who's is police.

3 THE COURT: Okay. So, when you say you know
4 about what happened at the time of the event?

5 JUROR NUMBER 121: Yes.

6 THE COURT: How did you gain that information,
7 from the news or from some other?

8 JUROR NUMBER 121: It was on TV.

9 THE COURT: Okay.

10 JUROR NUMBER 121: It was major headlines.

11 THE COURT: Okay. We are pretty familiar with
12 that, we've been addressing this for sometime now.
13 So, we're pretty familiar with that. What -- and so
14 you know about it from there. Have you been
15 following the case since that time?

16 JUROR NUMBER 121: No, not since that time.
17 Then up until last August when my father passed
18 away -- the people that are in my family who are
19 police are up north.

20 THE COURT: Okay. I'm going to talk about that
21 in just a moment.

22 JUROR NUMBER 121: Okay.

23 THE COURT: Have you heard about the case since
24 then?

25 JUROR NUMBER 121: No, I haven't heard anything

1 about the case up until last Sunday.

2 THE COURT: Okay. And then what did you see
3 last Sunday?

4 JUROR NUMBER 121: That juror selection was
5 going on. They showed a picture in this area of the
6 courtroom, they showed a picture of you and I heard
7 the voice of one potential juror say -- they were
8 asked a question would you have a problem, you know,
9 with this trial and the person said no and that was
10 the end of the news reel.

11 THE COURT: And that was from the TV?

12 JUROR NUMBER 121: That was on television, yes.

13 THE COURT: And then you told me that you have
14 family in law enforcement, tell me who you have.

15 JUROR NUMBER 121: My nephew is an active
16 detective in Baltimore, my wife's brother is an
17 active patrolman in Nassau County, New York.

18 THE COURT: New York. Okay.

19 JUROR NUMBER 121: Yes.

20 THE COURT: Okay.

21 JUROR NUMBER 121: And also my sister's husband
22 is retired and he was a Prince George County police.

23 THE COURT: Okay.

24 JUROR NUMBER 121: My godfather was a New York
25 city policeman.

1 THE COURT: Okay.

2 JUROR NUMBER 121: And I treat him like an
3 uncle, and then my wife's uncle is also NYPD.

4 THE COURT: It sounds like you -- did you
5 originally live up north?

6 JUROR NUMBER 121: Yes, I was from New York.

7 THE COURT: Okay. Now, when you say you have a
8 problem with this case, tell me what the problem is.

9 JUROR NUMBER 121: Because being in a police
10 family, this is like an affront on my family. This
11 is killing, you know, a person.

12 THE COURT: Okay. So, you have strong opinions
13 about that this case involves the death of a law
14 enforcement officer?

15 JUROR NUMBER 121: Yes.

16 THE COURT: Okay. The question that we ask you
17 is -- well, first I'm going to ask you, have you
18 already formed an opinion with regard to the guilt or
19 innocence of Mr. Bradley?

20 JUROR NUMBER 121: Yes.

21 THE COURT: Okay. And what is that opinion?

22 JUROR NUMBER 121: Guilty.

23 THE COURT: And where did you form that opinion
24 from?

25 JUROR NUMBER 121: From -- I can think of no

1 incident where it is justifiable to shoot a police
2 officer to death.

3 THE COURT: Okay. So, you formed that opinion
4 from what you read in the newspaper and what you saw
5 in the news?

6 JUROR NUMBER 121: Well, I saw it in the news,
7 I saw him on the news, you know, his picture was
8 shown at some point and they indicated that he was
9 the person who killed a police officer.

10 THE COURT: Okay. So, what we ask you to do
11 when you come in here is kind of put what you may
12 have learned or seen aside and have an open mind and
13 kind of start with a clean slate and wait for the
14 State to present the evidence because they -- as to
15 guilt or innocence because they have the burden of
16 proof, and then you'd have to -- but for the purposes
17 of that you have to set aside what you may think
18 prior to coming in here and presume that the
19 defendant is not guilty, and in fact at this point
20 since there's been no evidence you'd have to presume
21 that the defendant is innocent, do you think you can
22 do that?

23 JUROR NUMBER 121: No, I can't.

24 THE COURT: Is there anything I can say and
25 do -- if I tell you that that's the instructions, you

1 have to follow my instructions and I would say that
2 in order to be a juror you have to follow those is
3 instructions, would you be able to do that?

4 JUROR NUMBER 121: I would not, in all
5 fairness, to be honest with you, I would walk into
6 that deliberation biased.

7 THE COURT: Okay.

8 MR. MOORE: Stipulate.

9 MR. BROWN: Stipulate.

10 THE COURT: Okay. Number 121, I am going to
11 release you from being considered as a juror in this
12 case. Like I said, there's no right or wrong
13 answers, we're just trying to get the knowledge and
14 the information. I thank you for being -- your
15 candor and your honesty. I mean, that's what we need
16 here, that's the process that we're going through,
17 and you can -- what I'm going to have you do is you
18 can go downstairs, talk to the jury assembly room,
19 report there, tell them you've been released from
20 Judge Reinman's courtroom, they'll give you brief
21 information and then you'll be able to go about your
22 business.

23 JUROR NUMBER 121: Okay.

24 THE COURT: Okay. Thank you, sir.

25 JUROR NUMBER 121: Thank you.

1 (Thereupon, Juror Number 121 exited the
2 courtroom.)

3 THE COURT: Okay. For the record, Number 121
4 is released for cause. We can bring in Number 122.

5 (Thereupon, Juror Number 122 was escorted into
6 the courtroom by the court deputy and the proceedings were
7 had as follows:)

8 THE COURT: Okay. If you'll move over one seat
9 so we can get you on that microphone. There's a
10 microphone right next to you. Okay. Juror Number
11 122, the first thing I want to do is thank you for
12 being here. Thank you for your patience. This is a
13 long process. It's a long process for you, it's a
14 long process for us. We're doing the best that we
15 can to try to get through this process to get you in
16 here as soon as we can but we're not -- to tell you
17 the truth, it's my fault, we haven't been really good
18 about estimating time so far but I do appreciate you
19 being patient with us.

20 JUROR NUMBER 122: It's understandable, yes.

21 THE COURT: The first thing I'm going to talk
22 about is when we -- I talked to you last we talked
23 about some rules that govern your service as a juror.
24 Those rules kind of came into effect at that time.
25 So, I'm going to ask you from that time forward about

1 the rules. Have you read or been exposed to reading
2 newspaper headlines and/or articles relating to this
3 trial or its participants?

4 JUROR NUMBER 122: No, ma'am.

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

7 JUROR NUMBER 122: No, ma'am.

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

11 JUROR NUMBER 122: No, ma'am.

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

15 JUROR NUMBER 122: No, ma'am.

16 THE COURT: Okay. I just briefly want to tell
17 you that these rules remain in effect as long as
18 you're being considered as a juror in this case and
19 that if you become a juror the rules are in effect
20 until you're released as a juror.

21 JUROR NUMBER 122: Yes, ma'am.

22 THE COURT: You can tell people the what and
23 the when. You can tell them that you're at the
24 courthouse serving at jury duty and you can tell them
25 what time, you know, when you're supposed to be here,

1 what days, what you can't them is the why, that
2 you're here for this case. You can't tell them what
3 this case is about, can't tell them what happens in
4 the courtroom. Now, once you're released you can do
5 whatever you wish. You can talk to people or not
6 talk to people, it's up to you. Okay. Now I'm going
7 to talk about whether you have any knowledge about
8 this case prior to coming here. So, do you know
9 anything about this case either from your own
10 personal knowledge, rumor, by discussions with anyone
11 else, or from the media, including radio, television,
12 Internet, electronic device, or newspapers?

13 JUROR NUMBER 122: I just seen very little on
14 the TV.

15 THE COURT: Okay. So, you've seen something
16 about the case and if you did it would have been
17 through the TV?

18 JUROR NUMBER 122: Yes, ma'am.

19 THE COURT: Can you tell me what information
20 you believe you know about the case?

21 JUROR NUMBER 122: Basically that the defendant
22 killed a police officer and that's about it.

23 THE COURT: Okay. So, you know there was the
24 death of a police officer?

25 JUROR NUMBER 122: Yes, ma'am.

1 THE COURT: Any other specifics?

2 JUROR NUMBER 122: No, ma'am.

3 THE COURT: When would that information -- you
4 have gotten that information?

5 JUROR NUMBER 122: Probably a long time ago
6 when it actually happened.

7 THE COURT: Okay. And when would that -- would
8 that have been by what source?

9 JUROR NUMBER 122: TV.

10 THE COURT: Okay. I'm going to talk to you a
11 little bit about your news habits.

12 JUROR NUMBER 122: Okay.

13 THE COURT: Do you have watch the news
14 regularly, do you read the paper regularly, do you
15 check the Internet regularly, what do you do with
16 regard -- if you have any news habits, what would
17 they be?

18 JUROR NUMBER 122: Every now and then at night
19 I'll flip on Channel 13 just to get the local news
20 but not on a regular basis, and I do not read the
21 newspaper.

22 THE COURT: Okay. So, some people like when
23 they get up in the morning turn on the TV and have it
24 on like a news channel while they're getting ready,
25 you don't do something like that?

1 JUROR NUMBER 122: No, I do not.

2 THE COURT: Okay. So, how many times on a
3 weekly basis, if it is a weekly basis, how many times
4 on average would you be exposed to watching the news?

5 JUROR NUMBER 122: Two to three times a week.

6 THE COURT: Okay. And for how long a period of
7 time?

8 JUROR NUMBER 122: Fifteen minutes.

9 THE COURT: Okay.

10 JUROR NUMBER 122: Maybe at a time, ten,
11 fifteen.

12 THE COURT: And you don't recall seeing
13 anything else about this case other than when it
14 first happened?

15 JUROR NUMBER 122: I did hear something a month
16 or two ago wherein there was someone else involved
17 with the case that went to court. I don't recall
18 what happened to the person but I just recall
19 somebody else went to court with regard to this case.

20 THE COURT: And no other specifics about that?

21 JUROR NUMBER 122: No, ma'am.

22 THE COURT: Okay. What we ask you to do for
23 purposes of your service as a juror in this case is
24 to set aside anything that you may have learned about
25 the case, serve with an open mind and reach a verdict

1 based only on the law and the evidence presented in
2 this trial in this courtroom, do you think you can do
3 that?

4 JUROR NUMBER 122: Yes, ma'am.

5 THE COURT: Now, what may happen is you'll be
6 in the courtroom, you have some information or some
7 impressions from what happened outside, you may never
8 hear about that information or those impressions, you
9 may not hear about that in this case. It may not, it
10 may not come into evidence in this courtroom. If you
11 somehow remember something that's out -- that you
12 learned outside, are you going to be able to set that
13 aside and not consider that for purposes of your
14 deliberations in this case?

15 JUROR NUMBER 122: Yes, ma'am.

16 THE COURT: Okay. All right. Now, the next
17 question I'm going to ask is a pretty general
18 question. What are your views about the death
19 penalty.

20 JUROR NUMBER 122: I feel that each case is
21 different. So, it's based on the facts of the case.

22 THE COURT: I mean, do you have -- if people
23 were to say are you for or against the death penalty,
24 what would you say?

25 JUROR NUMBER 122: I am not biased either way.

1 I use to be a legal secretary so I would have to look
2 at the facts.

3 THE COURT: So, you say you use to be a legal
4 secretary, how long ago was that?

5 JUROR NUMBER 122: I was a legal secretary for
6 about thirteen years and it's been about seven years.

7 THE COURT: And was that here in Brevard
8 County?

9 JUROR NUMBER 122: Yes, ma'am.

10 THE COURT: And can you -- who did you work
11 for?

12 JUROR NUMBER 122: [REDACTED] for the
13 longest time. I've worked for [REDACTED]
14 [REDACTED]

15 THE COURT: I think most of them, if I'm
16 correct, did civil cases.

17 JUROR NUMBER 122: Personal injury mainly is
18 what I've done.

19 THE COURT: So, it sounds like you never been
20 like a secretary in a criminal --

21 JUROR NUMBER 122: Never.

22 THE COURT: Over a criminal -- of someone who
23 had a criminal practice?

24 JUROR NUMBER 122: Never.

25 THE COURT: Okay. In this case the first phase

1 of the trial is called the guilt phase. In the guilt
2 phase, if the jury returns a verdict of guilt to
3 Count I, and it only pertains to Count I, and if
4 there's a guilty verdict on Count I which would be
5 first degree murder, then and only then do we proceed
6 to the second -- proceed to a second phase and the
7 second phase is the called the penalty phase. In the
8 penalty phase I will instruct you that as a juror you
9 would need to make a recommendation to the Court, to
10 me, of a penalty for the conviction -- for the guilty
11 verdict on the Count I and the penalty that you would
12 consider -- I would instruct you that you would have
13 to consider death or life in prison without the
14 possibility of parole, would you be able to follow
15 those instructions and consider both possible
16 penalties?

17 JUROR NUMBER 122: Yes, ma'am.

18 THE COURT: Okay. And are you of the opinion
19 that death is the only appropriate penalty for murder
20 in the first degree?

21 JUROR NUMBER 122: No, I'm not.

22 THE COURT: How about if it's he's found guilty
23 of murder in the first -- of premeditated murder in
24 the first degree, are you of the opinion that death
25 is the only appropriate penalty for that?

1 JUROR NUMBER 122: No, I'm not.

2 THE COURT: So, you would consider the
3 possibility of both penalties, death or life in
4 prison without the possibility of parole?

5 JUROR NUMBER 122: Yes, ma'am.

6 THE COURT: Okay. All right. Questions by the
7 State.

8 MR. BROWN: Yes, Your Honor. Juror Number 122,
9 good afternoon.

10 JUROR NUMBER 122: Hi there. How are you?

11 MR. BROWN: Good. Let me cover some --
12 basically go over the process of what the jury face
13 is if they're selected and sit on death penalty if
14 get to that portion of the trial. As the Judge told
15 you, in order to get to the penalty phase the jury
16 would have to come back with a verdict of guilty of
17 first degree murder. If you come back, obviously,
18 with not guilty, there is no sentencing, period. If
19 you come back with a verdict of less than first
20 degree murder such as second degree murder, then the
21 death penalty is off the table, it's entirely up to
22 the Judge and the jury does not make any sentencing
23 recommendation in the case at all. Okay?

24 JUROR NUMBER 122: Um-hmm.

25 MR. BROWN: Now with that, there are two ways,

1 obviously -- well, there are two ways the State can
2 prove first degree murder. One is felony murder, the
3 other is premeditated murder, both theories of
4 proving first degree murder. In either circumstance
5 death penalty is not automatic. Regardless of which
6 method or whether we use both, we proceed to the next
7 phase if there's a guilt verdict of first degree
8 murder. You understand?

9 JUROR NUMBER 122: Yes, sir.

10 MR. BROWN: And in that next phase additional
11 evidence is presented, the Judge will then give you
12 the final set of instructions and then you would
13 deliberate with those instructions. The first thing
14 she's going to point you to is to look at and examine
15 what are called aggravating circumstances, and she
16 told you yesterday those are circumstances that
17 increase the gravity of the crime or the harm to the
18 victim. Now, she has -- there will be a list of
19 them, it's by statute, and you look at that list.
20 The State of Florida has to prove those to you by the
21 same burden for the guilt phase which is beyond and
22 to the exclusion of any reasonable doubt. So, if you
23 look at the aggravating circumstances and you were to
24 find that the State of Florida did not prove any of
25 those, then because you found no aggravation you have

1 to return a verdict, a recommendation of life. If
2 you find that the State has proven at least one, and
3 I expect you'll have several of those, three, four,
4 five, if we've proven at least one, or if we've
5 proven more than one, you look at all the ones that
6 the State has proven, put them together and ask
7 yourself do these aggravating circumstances justify
8 the death penalty. Again, if your answer is no, then
9 you return a verdict of life. If your answer is yes,
10 you go to step two of this process.

11 Step two is you examine the mitigating
12 circumstances, and mitigating circumstances as the
13 Court told you yesterday are those things that come
14 basically from the defendant's life, his background,
15 character, things of that nature but it's coming from
16 the defendant, and you would have to look at those
17 and there's a burden of proof for those. It's a
18 lower standard. Aggravating circumstances proof
19 beyond a reasonable doubt, the mitigating
20 circumstances are to the greater weight of the
21 evidence. So, there's still a burden of proof, just
22 a lower standard. And if something's not proven,
23 aggravator or mitigator, you disregard it. The Judge
24 is going to tell you that you take what's been
25 proven, the aggravators and mitigators, you go

1 through a weighing process.

2 In your own personal life, be it personal side
3 or your professional side, have you had to make key
4 and important decisions?

5 JUROR NUMBER 122: Yes, I have.

6 MR. BROWN: And when you made those decisions,
7 did you try to look at all the factors involved?

8 JUROR NUMBER 122: Always.

9 MR. BROWN: When you looked at those factors,
10 did you find some factors you found pretty darn
11 important and you gave them great weight in how to
12 making your decision, right?

13 JUROR NUMBER 122: Yes.

14 MR. BROWN: Other factors you looked at and you
15 considered but you said these aren't very important
16 and you gave them very little weight, right?

17 JUROR NUMBER 122: Yes.

18 MR. BROWN: That's how most of us make
19 important decisions. Same process here. Everything
20 that's been presented and proved to you, you
21 consider.

22 JUROR NUMBER 122: Right.

23 MR. BROWN: The most we can ask of you and what
24 we both sides will ask of you at this point is are
25 you open to considering what's presented?

1 JUROR NUMBER 122: Yes.

2 MR. BROWN: You personally if you're selected
3 as a juror, you decide what weight to give. The
4 Court's not to tell you aggravator number one you are
5 to give this amount of amount, or mitigator one you
6 give this amount of weight. Okay. It's entirely
7 your choice. Now, counsel for both sides during our
8 arguments may suggest to you the weight you should
9 give but it's entirely your choice as a juror how
10 much weight you give. And we're not going -- I'm
11 certainly not because it wouldn't be fair, we're not
12 going to tell you what's going to be presented at
13 this point so I can't ask you how much weight you
14 would give to aggravators and mitigators, just that
15 you're open and that you would consider it. You may
16 consider it give that very little weight, something
17 else you consider and give great weight or somewhere
18 in the middle.

19 JUROR NUMBER 122: Right.

20 MR. BROWN: You determine the weight to give.

21 JUROR NUMBER 122: Yes.

22 MR. BROWN: So, when you do that weighing
23 process, when you weigh those aggravators against the
24 mitigators, if you find that the mitigation outweighs
25 the aggravation, Court's going to tell you at that

1 point that you have to return a life sentence, life
2 recommendation. If you find that the aggravators
3 outweigh the mitigators, at that point you'll be in a
4 position where you can legally recommend to the Court
5 the death penalty. Now, she's not going to tell you
6 that if the State proves A, B, C and D that you must
7 return a recommendation of death. Okay. You're
8 never going to hear that. In fact, what the Judge
9 will tell you is you are never required or obligated
10 to return that recommendation of death.

11 (Unintelligible) that you have to do that.

12 JUROR NUMBER 122: Yes.

13 THE COURT: Okay. What she's going to tell you
14 is what you have to do is go through the weighing
15 process. So, if you weigh the aggravators against
16 the mitigators, you find that the aggravators
17 outweigh the mitigators and at that point you look at
18 it all combined and you say the aggravators justify
19 the death penalty in your mind, that's when you have
20 the choice and you can recommend the death penalty.
21 You understand?

22 JUROR NUMBER 122: Yes I do.

23 MR. BROWN: Any questions about that process?

24 JUROR NUMBER 122: No, sir.

25 MR. BROWN: Okay. I know we're throwing an

1 awful lot at everybody so that's why I try to break
2 it down step by step.

3 JUROR NUMBER 122: I understand.

4 MR. BROWN: You feel comfortable with that?

5 JUROR NUMBER 122: Yes.

6 MR. BROWN: Okay. If you go through this
7 process and you're selected, you sit on the jury and
8 return that verdict of first degree murder, you find
9 the aggravators, you find they justify the death
10 penalty, that they outweigh the mitigation, and after
11 comparing and weighing you feel the death penalty is
12 still justified, can you return a recommendation of
13 death?

14 JUROR NUMBER 122: I possibly could.

15 MR. BROWN: Okay. When you say the term
16 possibly, do you have some internal hesitation,
17 uncomfortableness with it?

18 JUROR NUMBER 122: No, I really would like to
19 hear all the evidence. I can't say that I would
20 until I hear it.

21 MR. BROWN: Right. And I'm not asking if you
22 will or won't.

23 JUROR NUMBER 122: Right.

24 MR. BROWN: Although I try to phrased my
25 question, hopefully I did, if I didn't I apologize,

1 is if you find the death penalty is justified, can
2 you, I'm not asking will you, can you return a
3 recommendation of death?

4 JUROR NUMBER 122: Yes, I could.

5 MR. BROWN: Do you come in with a mindset of
6 under a set of circumstances I can recommend death
7 but nothing else such as, you know, if this was a
8 mass murder, I can recommend for a mass murder but
9 less than that I couldn't do it?

10 JUROR NUMBER 122: No, sir, never.

11 MR. BROWN: Okay. You understand when the
12 Court gives you that list of aggravating
13 circumstances that that's the list that you look at
14 to justify the death penalty?

15 JUROR NUMBER 122: Yes, sir.

16 MR. BROWN: And you're limited to those.

17 JUROR NUMBER 122: Right.

18 MR. BROWN: You look at other factors, you're
19 limited to those aggravating circumstances, but
20 that's the list and that's where you look at to the
21 things that can justify the death penalty.

22 JUROR NUMBER 122: Yes.

23 MR. BROWN: Are you open to considering what's
24 on that list?

25 JUROR NUMBER 122: Yes, sir.

1 MR. BROWN: So you're not close minded, I don't
2 want use the term close minded, but not of the
3 opinion that unless it's a mass murder or one of
4 these other types of situations I can think of, other
5 than those circumstances I consider it?

6 JUROR NUMBER 122: No, I'm not predisposed.

7 MR. BROWN: So, you'll look fairly and evaluate
8 the statutory aggravators that the Court will list to
9 you, right?

10 JUROR NUMBER 122: Yes. Yes, sir.

11 MR. BROWN: Do you have any, in your background
12 be it from your educational background, work history,
13 philosophical thoughts, religious beliefs, moral
14 beliefs, family history, whatever it may be, your
15 whole background that makes up who you are, is there
16 anything there that causes you any undue concern,
17 hardship, that angst if your belly about being in
18 this situation potentially being asked to make a life
19 or death recommendation?

20 JUROR NUMBER 122: No, sir.

21 MR. BROWN: You feel you can do it?

22 JUROR NUMBER 122: Yes.

23 MR. BROWN: Last topic that I want to cover and
24 I cover these topics with everybody. So, I'm not
25 just picking on you. I talked about when I first

1 came up here that you if you return a verdict of
2 something less than first degree, you don't get to
3 the next phase of the process. You wouldn't come
4 back and have to make a recommendation to the Court.
5 So, what I want to ask is knowing in the back of your
6 mind, well, if I just come back with second, I'm
7 never going to put in that situation of having to
8 make that recommendation? Do you think that thought
9 process would affect your verdict on guilt or
10 innocence at all?

11 JUROR NUMBER 122: I wouldn't come in here with
12 that thought process to begin with. So, if I answer
13 (unintelligible)?

14 MR. BROWN: I want you to answer it the way you
15 want to answer.

16 JUROR NUMBER 122: I'm not going -- I'm not
17 coming in here thinking that, because if I was coming
18 in here thinking that I wouldn't be a good juror.

19 MR. BROWN: You're not going to compromise down
20 simply to avoid having to make that next decision?

21 JUROR NUMBER 122: Right.

22 MR. BROWN: You understand the concern that I
23 have as the State?

24 JUROR NUMBER 122: I do.

25 MR. BROWN: And you would agree that justice in

1 this case, or justice in any case, is that the
2 verdict should be what the evidence proves, correct?

3 JUROR NUMBER 122: Right.

4 MR. BROWN: And if the State proves --

5 JUROR NUMBER 122: I feel that way, yes.

6 MR. BROWN: If the State proves first degree
7 murder, then can you return that verdict of first
8 degree murder?

9 JUROR NUMBER 122: Yes, I could.

10 MR. BROWN: Knowing that you go to the next
11 step?

12 JUROR NUMBER 122: Yes.

13 MR. BROWN: Thank you. I have no further
14 questions.

15 THE COURT: Okay. Questions by the Defense.

16 MR. MOORE: Good afternoon.

17 JUROR NUMBER 122: Hi.

18 MR. MOORE: I want you to understand, and you
19 probably do being a legal secretary for thirteen
20 years.

21 JUROR NUMBER 122: Yes.

22 MR. MOORE: That in questioning you it may seem
23 like you're only given two options for answers. One,
24 I can or two, I can't, but there's a third option and
25 that is, if it apply, an appropriate answer, if it

1 applies, might be I don't know. Okay. So, you know,
2 you don't want to put yourself in a situation where
3 you feel like a certain answer is expected or maybe
4 you only have a choice, choice A, choice B, but may
5 be it's something in the middle or something else.
6 So, we spend all this time trying to get at what you
7 think, not what you think we want you to say. Follow
8 me?

9 JUROR NUMBER 122: Yes, I do.

10 MR. MOORE: Okay. All right. So, if the
11 appropriate answer for you is I don't know, then
12 that's what I want you to say, what is the
13 appropriate answer for you.

14 And I want you to understand also we're not
15 speaking hypothetically. We are about -- just about
16 all of the things that we're bringing up here we're
17 asking you, in a hypothetical situation, what can you
18 do. We're not asking you to say what will you do or
19 predict how you will vote, but we're asking you are
20 you capable of making a decision. Could you go in
21 that direction, could you go in that direction or are
22 you open to all the directions that you legally could
23 go. We're not asking you to predict what you will
24 do. Okay. But the one thing that is not
25 hypothetical is that if you are chosen as a juror,

1 then you will be involved in a process which could
2 lead to the sentence of death and execution of that
3 man right there, Mr. Bradley. So, we're not talking
4 about death in the abstract, we're talking about that
5 person seated with us.

6 JUROR NUMBER 122: Yes, sir.

7 MR. MOORE: Bring it down to reality I guess if
8 you want to look at it that way. When you -- to the
9 media now. You have some idea what this case is
10 about, you indicated that at the time of I believe
11 you said on TV?

12 JUROR NUMBER 122: Yes.

13 MR. MOORE: You heard that there was a
14 situation involving the death of a police officer and
15 that the defendant killed the police officer, I think
16 that was the word you used, or murdered.

17 JUROR NUMBER 122: I don't know that I heard
18 that he killed the police officer. I saw a picture
19 of the house and a police -- and was told there was a
20 police officer that was shot but I don't specifically
21 remember at the time that who did it.

22 MR. MOORE: Okay. So, if I -- I might have
23 misunderstood, I thought you said that the -- you
24 heard the police officer died and that the defendant
25 killed her.

1 JUROR NUMBER 122: At the time I first heard
2 about the police officer was shot, I didn't hear
3 exactly who did it but since that time on the news I
4 have heard of who supposedly did it.

5 MR. MOORE: Okay. All right. So, I didn't
6 mean to limit the focus of that question to just what
7 you heard then.

8 JUROR NUMBER 122: Right. When I originally
9 heard about it I didn't know who did it or.

10 MR. MOORE: All right. So -- but you have
11 come -- you've learned at least through the media
12 coverage of what the media reports has recorded that
13 Mr. Bradley killed a police officer?

14 JUROR NUMBER 122: Yes.

15 MR. MOORE: And when we, when we watch TV or
16 read newspapers we do that to inform ourselves and we
17 turn to what we consider to be a reasonably reliable
18 source, would you agree with that?

19 JUROR NUMBER 122: No.

20 MR. MOORE: You don't.

21 JUROR NUMBER 122: You can't believe what you
22 see on the news and in the newspapers.

23 MR. MOORE: Well, I don't mean do you expect
24 what you read, everything you read as the absolute
25 truth. I mean there are some things that you would

1 read in a newspaper and you don't question. Like, I
2 don't know, the results of an election, presidential
3 election, pick up the paper and you see Obama wins
4 and you -- I mean, do you look at that and say I
5 don't know about that. See what I'm saying?

6 JUROR NUMBER 122: Yes.

7 MR. MOORE: I mean, there's a basic level of
8 credibility or you wouldn't be watching Channel 13.
9 It's like reading Mad Magazine, it's garbage, I think
10 it is, and so you're not going to get anything of any
11 use out of it, so why read it. Same thing with the
12 media source, if you watch a channel or read a
13 newspaper and you think what you're getting is
14 probably incorrect, then why bother.

15 JUROR NUMBER 122: Not always incorrect but I
16 think it comes from being a legal secretary I just
17 scrutinize everything.

18 MR. MOORE: Sure. Sure, sure. I get that.
19 But what I'm saying is we ascribe -- give to the
20 media source, Channel 13 in your case and whatever
21 else you've been exposed to, a certain level of
22 credibility or believability among certain things.

23 JUROR NUMBER 122: Yes.

24 MR. MOORE: Doesn't mean you accept everything.

25 JUROR NUMBER 122: Right.

1 MR. MOORE: Carte blanche.

2 JUROR NUMBER 122: Right.

3 MR. MOORE: And so when, for example, in this
4 case you heard that a police officer had been killed,
5 did you question that? In other words, is that
6 something you pretty much accepted as that's probably
7 what happened?

8 JUROR NUMBER 122: They said she was killed,
9 why would they she was killed.

10 MR. MOORE: Yes, ma'am, that's my point.

11 JUROR NUMBER 122: Yes. Right.

12 MR. MOORE: And then later you heard that
13 Mr. Bradley did it.

14 JUROR NUMBER 122: Right.

15 MR. MOORE: And then so how did you accept
16 that? Did you say well, they may have gotten that
17 wrong or that's probably the way it happened? Or
18 maybe you didn't even think about it, I don't know.

19 JUROR NUMBER 122: I really didn't even think
20 about it to be honest with you.

21 MR. MOORE: As we talk about it now, what is
22 your belief, if you have one, what is your opinion on
23 whether Mr. Bradley is guilty of killing Deputy Pill?

24 JUROR NUMBER 122: I have heard no facts
25 surrounding the case. I mean, I don't know. I don't

1 follow the news to know, you know, what they're
2 saying he did or didn't do. So, I would really have
3 to listen to the facts.

4 MR. MOORE: All right. And so you're saying
5 you don't have an opinion one way or the other at
6 this point?

7 JUROR NUMBER 122: No.

8 MR. MOORE: Mr. Bradley in fact is, as the
9 Court's instructed you, is presumed innocent at this
10 point.

11 JUROR NUMBER 122: Always.

12 MR. MOORE: And you accept that?

13 JUROR NUMBER 122: Yes.

14 MR. MOORE: Now, in the death penalty you
15 indicated that you are neither for or it against it,
16 it depends on the facts?

17 JUROR NUMBER 122: Right.

18 MR. MOORE: In your opinion?

19 JUROR NUMBER 122: Every case is different and
20 I have to hear the facts.

21 MR. MOORE: Sure. Again, I'm not asking for a
22 prediction here. I would -- you know, let me just
23 for purposes of discussing this. I put you --
24 there'd have to be columns here. One would be for,
25 one would be against, I would put you in the for with

1 qualifications.

2 JUROR NUMBER 122: Okay.

3 MR. MOORE: Would you agree with being placed
4 in that category?

5 JUROR NUMBER 122: For what?

6 MR. MOORE: For the death penalty. And not
7 necessarily in this case or not in any specific case
8 but just in general. I mean, you're not against the
9 death penalty.

10 JUROR NUMBER 122: I'm 50/50 and I'm really one
11 of those people that would have to hear the facts in
12 the case.

13 MR. MOORE: Right. If there was a scale from
14 zero to ten, ten is the strongest support you can
15 have and zero is either no support or against it,
16 could you give yourself a number on that scale?

17 JUROR NUMBER 122: I'm one of those fives.

18 MR. MOORE: In the middle?

19 JUROR NUMBER 122: I'm right in the middle.

20 MR. MOORE: Okay. Can you think of reasons why
21 you're not against the death penalty?

22 JUROR NUMBER 122: I don't know of the person's
23 state at the time, the crime was committed, I do not
24 know how the crime was committed.

25 MR. MOORE: Is the death penalty an issue that

1 you had a position on before you came here to this
2 courtroom?

3 JUROR NUMBER 122: No.

4 MR. MOORE: Fair to say this is the first time
5 you've ever given it any serious thought on what your
6 position is?

7 JUROR NUMBER 122: No, it's not the first time.

8 MR. MOORE: Was there ever a time when you were
9 either for it or against it, I mean, more strongly
10 against or more strongly for?

11 JUROR NUMBER 122: No, I've never put myself in
12 that situation where I had to be one way or the
13 other.

14 MR. MOORE: All right. So, from the time you
15 first thought about the issue of the death penalty
16 until now, would you say your position has pretty
17 much been the same?

18 JUROR NUMBER 122: Yes.

19 MR. MOORE: In terms of your understanding of
20 what you've heard so far, very different area of the
21 law than what you're used to. I mean, thirteen years
22 as a legal secretary for a personal injury firm, you
23 probably knew some areas of the law as well as the
24 lawyers, if not better.

25 JUROR NUMBER 122: Right.

1 MR. MOORE: You didn't hesitate answering that.
2 Because I know good secretaries correct me and I'm
3 grateful to them. So, you had the penalty phase
4 process explained to you.

5 JUROR NUMBER 122: Yes.

6 MR. MOORE: Judge Reinman read the
7 instructions, Mr. Brown again went over it and the
8 question I have concerns your understanding of -- and
9 we're all speaking hypothetically and just because
10 we're talking about the death penalty doesn't mean we
11 expect to get there but we have to talk about it.

12 JUROR NUMBER 122: Right.

13 MR. MOORE: In case we do get there.

14 JUROR NUMBER 122: Right.

15 MR. MOORE: Is what if, hypothetically, you
16 find -- you convict of first degree murder in which
17 you have to -- that would have to occur, I'm not
18 saying it will, but it would have to occur for us to
19 get to the penalty phase.

20 JUROR NUMBER 122: Right.

21 MR. MOORE: And let's just say that has
22 occurred and then you are convinced of an aggravating
23 circumstance, maybe several, maybe several of them,
24 and you're not so much convinced about mitigating
25 circumstances, then what at this point, what is your

1 understanding of what your options are at that stage?
2 What can you do at that point as a juror, what must
3 you do as a juror? This is not a trick question, I'm
4 just wondering where you are in you're thinking about
5 if that point were reached then what options would be
6 able in terms of your vote.

7 JUROR NUMBER 122: Well, then at that point we
8 would -- that's when you would start weighing the
9 those mitigating facts and make the decision at that
10 point of life or death.

11 MR. MOORE: All right. So, what you're saying
12 is you do understand and can accept and follow the
13 instructions that you are never required to vote for
14 death?

15 JUROR NUMBER 122: Right.

16 MR. MOORE: You find all the aggravating
17 circumstances, no mitigating circumstances and you
18 could still have the option of voting for life
19 without parole.

20 JUROR NUMBER 122: Right.

21 MR. MOORE: You understand?

22 JUROR NUMBER 122: Yes.

23 MR. MOORE: Now, let me ask you about what your
24 concept is of life without parole, what you think.
25 What do you think that means really, life without

1 parole.

2 JUROR NUMBER 122: That means you're going to
3 be behind bars for the rest of your life.

4 MR. MOORE: Do you question that in any way?
5 Do you think, well, maybe, you know, the defendant
6 might get good time or gain time or probation or an
7 early out or something?

8 JUROR NUMBER 122: Well, without parole means
9 he can't get out.

10 MR. MOORE: That's correct. I just want to
11 make sure you understand that.

12 JUROR NUMBER 122: Yes.

13 MR. MOORE: And you done question that, life
14 without parole means a person sentenced to life
15 without parole dies in prison.

16 JUROR NUMBER 122: Right, I understand that.

17 MR. MOORE: I'm not talking down, I'm just
18 making sure.

19 JUROR NUMBER 122: Make sure I'm understanding
20 what you're saying.

21 MR. MOORE: Yes. I'm glad you understand that.

22 Now, let me ask about the case involving, as
23 this one does, the death of a police officer. If you
24 were asked about certain type of cases where you
25 might think just a knee jerk reaction death is

1 appropriate, how about a case involving a first
2 degree murder of a police officer, without knowing
3 anything more than that?

4 JUROR NUMBER 122: What are you asking me?

5 MR. MOORE: What I'm asking you is, you know,
6 you talked about a mass murderer that was proposed to
7 you, what about in that situation and I think you
8 indicated you would have to hear all the facts.

9 JUROR NUMBER 122: So, you're asking if I
10 formed some kind of opinion because it's a police
11 officer?

12 MR. MOORE: How would that affect -- it's a bad
13 thing, a police officer dying.

14 JUROR NUMBER 122: Right.

15 MR. MOORE: In the line of duty. I'm not
16 asking how -- what your view is on that, what I'm
17 asking is how that, how would that affect your
18 ability to consider mitigating circumstances because
19 a police officer died?

20 JUROR NUMBER 122: I would not put anymore wait
21 in that it's a police officer versus anyone because
22 everyone is human. So, I would not put anymore
23 weight on it because it was a police officer if
24 that's what you're asking me.

25 MR. MOORE: You understood my question and I

1 appreciate your answer.

2 JUROR NUMBER 122: Okay.

3 MR. MOORE: All right. Now, if you were to --
4 if you were presented with evidence of mental
5 illness.

6 JUROR NUMBER 122: Okay.

7 MR. MOORE: Through qualified experts,
8 psychologists, psychiatrists, mental health experts,
9 is that a potential mitigating circumstance that you
10 would consider? I'm not asking you what weight --

11 JUROR NUMBER 122: Consider for what?

12 MR. MOORE: Mitigating circumstance. Remember
13 the concept of aggravating circumstances.

14 JUROR NUMBER 122: I believe that but.

15 MR. MOORE: And then if you find an aggravating
16 circumstance or more, then as you correctly pointed
17 out you would then consider mitigating circumstances.

18 JUROR NUMBER 122: Right.

19 MR. MOORE: You would decide if there are any
20 and if so what weight to give them. So, what I'm
21 asking is if you were presented with testimony of
22 mental illness, is that potentially something that
23 you would consider as a mitigating circumstance? I'm
24 not asking you to commit to telling me what you will
25 do with it, I'm saying are you open to considering

1 that?

2 JUROR NUMBER 122: Potentially but I would have
3 to weigh that testimony as well.

4 MR. MOORE: Sure. I'm not asking -- I want to
5 make it clear I'm not asking you to predict how that
6 would affect your vote.

7 JUROR NUMBER 122: Right.

8 MR. MOORE: I'm just asking, you know, some
9 people will say I wouldn't consider it, you know,
10 it's just not something that resonates with me, I
11 don't consider that mitigating, you know.

12 JUROR NUMBER 122: No, I will not say I won't
13 consider it, I will consider it but I would have to
14 weigh the testimony at that point with regard to
15 that.

16 MR. MOORE: Right, I'm not suggesting
17 otherwise. I'm just asking if you're open to it and
18 you've indicated you are.

19 JUROR NUMBER 122: Yes.

20 MR. MOORE: How about evidence of brain damage,
21 if you heard through qualified experts that there --
22 Mr. Bradley has had brain injury or brain damage, is
23 that a potential circumstance that you could consider
24 as mitigating?

25 JUROR NUMBER 122: Yes, that would be mental

1 illness, you would have to weigh that evidence. It
2 would have to be proven beyond a reasonable doubt.

3 MR. MOORE: Actually, I'm glad you brought that
4 up. Aggravating circumstances, this is a different
5 area of the law for you, but aggravating
6 circumstances are required to be proven beyond a
7 reasonable doubt. Mitigating circumstances are
8 different, they're proven by the greater weight of
9 the evidence. That's a lesser standard.

10 JUROR NUMBER 122: Okay.

11 MR. MOORE: It's just like a little bit more
12 than fifty percent, reasonably convinced, okay, but
13 not beyond a reasonable doubt. So, aggravating
14 circumstances beyond a reasonable doubt, mitigating
15 circumstances greater weight of the evidence,
16 reasonably convinced.

17 JUROR NUMBER 122: Okay.

18 MR. MOORE: So, if you heard evidence of brain
19 damage and you believe, you believe that it had
20 proven by the greater weight of the evidence, could
21 you consider brain damage as a mitigating
22 circumstance? Are you open to considering that?

23 JUROR NUMBER 122: Yes.

24 MR. MOORE: Do you see you see a distinction
25 between drug use and drug abuse or drug addiction?

1 JUROR NUMBER 122: Well, drug use and drug
2 addiction are separate, one is my understand every
3 now and then and one is all the time.

4 MR. MOORE: All right. So. Let's focus on
5 drug abuse and being under the influence of drugs at
6 the time of the offense, is that a set of
7 circumstances that you are open to consider as
8 potentially mitigating?

9 JUROR NUMBER 122: No.

10 MR. MOORE: Then you recognize that there is a
11 difference between drug use and drug abuse, drug
12 addiction?

13 JUROR NUMBER 122: Yes.

14 MR. MOORE: Do you recognize that some people
15 struggle with drug addiction?

16 JUROR NUMBER 122: Yes, I do.

17 MR. MOORE: Do you think drug addiction is a
18 choice?

19 JUROR NUMBER 122: Yes I do.

20 MR. MOORE: Do you think that all people who
21 are addicted could choose not to be? Tough question.

22 JUROR NUMBER 122: Yeah, very tough question.

23 MR. MOORE: There it is.

24 JUROR NUMBER 122: The circumstances is
25 different.

1 MR. MOORE: Okay. So --

2 JUROR NUMBER 122: (Unintelligible) on that.

3 MR. MOORE: That's what I mean. Have you ever
4 known anybody who struggled with drug addiction?

5 JUROR NUMBER 122: A lot of people. A lot of
6 people.

7 MR. MOORE: Have you known people who were not
8 able to overcome it?

9 JUROR NUMBER 122: Yes.

10 MR. MOORE: You recognize that some people
11 can't, for whatever reason, are unable to overcome
12 drug addiction?

13 JUROR NUMBER 122: They say they can't.

14 MR. MOORE: Okay. Is drug --

15 JUROR NUMBER 122: They exhibit that they
16 can't.

17 MR. MOORE: But you question that. Is it your
18 feeling that if a person makes up his or her mind to
19 overcome drug addiction, it can be done?

20 JUROR NUMBER 122: Yes, it could.

21 MR. MOORE: Yes?

22 JUROR NUMBER 122: Yes.

23 MR. MOORE: Are you open to considering drug
24 addiction as a potential mitigating circumstance?

25 JUROR NUMBER 122: I would have a hard time

1 with that.

2 MR. MOORE: As a juror in the -- I'll give you
3 a hypothetical. In the penalty phase you have the
4 right to your own individual vote. That is, a jury
5 does not have to unanimously make a recommendation,
6 each juror has an individual vote. There does not
7 have to be unanimity. In the guilt phase where
8 you're asked to determine guilt or innocence of a
9 specific offense or lesser offenses the jury
10 must unanimously vote for guilty or not guilty. In
11 the penalty phase different, you know, the jury
12 doesn't have to agree. Now, you understand the
13 difference?

14 JUROR NUMBER 122: Right.

15 MR. MOORE: And you understand you have the
16 right to your own views, your own vote, and that you
17 don't have justify your position to anybody? You
18 understand that?

19 JUROR NUMBER 122: Yes, I do.

20 MR. MOORE: And you have the right not to be
21 intimidated or browbeaten into joining the club or
22 whatever, they want you to change your opinion. You
23 have the right to stick to whatever your opinion is.

24 JUROR NUMBER 122: Right.

25 MR. MOORE: And the other side of that coin is

1 you have an obligation to extend that courtesy to the
2 other members of the jury.

3 JUROR NUMBER 122: Yes, sir.

4 MR. MOORE: You respect their vote, their
5 opinion, their position.

6 JUROR NUMBER 122: Yes.

7 MR. MOORE: If I may have a moment.

8 THE COURT: Yes, you may.

9 (Thereupon, a pause was taken in the
10 proceedings.)

11 MR. MOORE: No more questions. Thank you.

12 JUROR NUMBER 122: Thank you.

13 THE COURT: Okay. Juror Number 122, you are
14 still being considered as a potential juror on this
15 panel.

16 JUROR NUMBER 122: Okay.

17 THE COURT: But we're going to release you and
18 let you break for recess. We won't call you today.

19 JUROR NUMBER 122: Okay.

20 THE COURT: We won't call you Monday. Chances
21 are you won't be called for Tuesday. Okay. But what
22 I'm going to have you do is go downstairs, speak to
23 the jury clerk, she's going to give you a phone
24 number. You're going to call on Monday between 1:00
25 and 5:00 and they're going to tell you when to report

1 back next.

2 JUROR NUMBER 122: Okay.

3 THE COURT: Okay. That's the best information
4 I can give you, try not to have you wait around too
5 long. So, that -- we'll know our progress better at
6 that time.

7 During this recess you must continue to abide
8 by your rules governing your service as a juror. You
9 know, specifically, don't talk about this case with
10 anyone else. Don't look up anything, you know, see
11 any television, radio, Internet comments. Don't --
12 avoid the radio, you know, newspapers, and don't, you
13 know, talk to any of the other potential jurors. You
14 can talk to them, just don't talk about this case.
15 Okay?

16 JUROR NUMBER 122: Thank you, Your Honor.

17 THE COURT: Okay. Thank you.

18 (Thereupon, Jury Number 122 exited the
19 courtroom.)

20 THE COURT: Okay. Unless I hear something
21 else, we can bring in number -- how many do I have
22 up?

23 THE COURT DEPUTY: You have one left.

24 THE COURT: We'll bring in Number 124 and then
25 you can bring the remainder up.

1 (Thereupon, the proceedings had were previously
2 transcribed.

3 THE COURT: Okay. I need take a brief recess.

4 Before we do that, Michelle Kennedy, our media
5 specialist here at the courthouse with court
6 administration, did talk to [REDACTED] was the
7 publisher with [REDACTED], he says as we
8 discussed an error was made yesterday in posting a
9 photo from the Barbara Pill trial on our [REDACTED]

10 [REDACTED] Upon realizing its content, this photo was
11 removed immediately. The intended photo to be posted
12 was one of the defendant, not the jury pool and our
13 associate media manager made this mistake without
14 malice and who has been severely reprimanded. I take
15 full responsibility and I'm extremely sorry for this
16 error which I can assure you will not happen again.
17 Let me stress this is an unintended mistake and one
18 for which I profusely apologize and regret. Now, in
19 speaking with him, he told Miss Kennedy that it had
20 been up approximately an hour. The [REDACTED]
21 reporter is [REDACTED] Now, she asked if there's
22 anything else she needs to do as a result of that.
23 Is there anything else that we're requesting at this
24 time?

25 MR. MOORE: No.

1 THE COURT: I received that e-mail, in
2 fairness, about an hour ago. So, it was addressed --
3 I mean, she addressed it, made a call to him. She
4 had already had a call into him when I e-mailed her
5 which is as soon as I heard it. So, she must have --
6 she did speak with him promptly and we've addressed
7 as best we can at this time. Mr. Brown, anything
8 else?

9 MR. BROWN: No, Judge. Just so your timing's
10 aware, she was in the courtroom when I walked in
11 probably about 1:05, that's when I told her the
12 situation, she left and I assume she addressed it
13 immediately, so.

14 THE COURT: Okay. I'm not going to have
15 anything else done at this time. If we hear anything
16 else, then we'll have to address it. We do have, you
17 know, the media -- high profile media rules that are
18 in place that the press has agreed to. I'm going to
19 make the assumption that this was unintended but I
20 hope everyone understands what the rules are.

21 You know, sometimes it does appear that cameras
22 are pointed towards the jury and specific jury
23 member, can't be a hundred percent sure of that, but
24 sometimes it does appear that. I'm assuming that
25 photos aren't being taken. I haven't addressed it

1 because I haven't heard this concern. I personally
2 have never had a problem with the press in my
3 courtroom. So, I'm assuming that it's not an issue.
4 If I hear anything else, we might have to readdress
5 it but I have not -- I have not seen that. I know
6 sometimes they'll put their cameras -- they want to
7 take a picture of me and they might focus somewhere
8 else just to see if their camera's in focus, I don't
9 know, but I'm going to make that assumption because
10 I've never had issues with that. But if you hear
11 anything else, please bring that to my attention.
12 And with them I mean the media or the press in my
13 courtroom. Okay. We'll take about a ten minute
14 break, be back at 3:15. Okay. Thank you.

15 (Thereupon, a recess was taken in the
16 proceedings.)

17 THE COURT: Okay. Bring out Mr. Bradley.

18 (Thereupon, the defendant was escorted into the
19 courtroom by the court deputy.)

20 THE COURT: Okay. Is there anything else we
21 need to discuss before we bring in Juror Number 125?

22 MR. BROWN: Nothing from the State, Your Honor.

23 MR. MOORE: No.

24 THE COURT: Okay. We'll bring in Juror Number
25 125.

1 (Thereupon, the proceedings had were previously
2 transcribed).

3 THE COURT: Okay. We can bring in Juror 126.

4 (Thereupon, Juror Number 126 was escorted into
5 the courtroom by the court deputy and the proceedings were
6 had as follows:)

7 THE COURT: Okay. Good afternoon, Juror Number
8 126.

9 JUROR NUMBER 126: Let me make sure my phone is
10 off.

11 THE COURT: Okay. First I want to thank you
12 for being here. Thank you for your patience with
13 regard to this process. It is a long process for
14 you, I assure you it's a long process for us. It is
15 a necessary process. We are trying to go as fast as
16 we can but sometimes it takes a little longer than
17 others. I have kind of estimated times so you
18 wouldn't have to wait long but sometimes I haven't
19 been very accurate with that estimation. So, you had
20 to wait longer than I would have liked, but I assure
21 you that we're all working hard to get through the
22 process. The other day I gave you some rules. Those
23 rules came into effect at the time that I announced
24 them. So, I'm going to ask you about them and then
25 they -- remember that they came into effect at that

1 time and then we're going to talk about when you may
2 have known about the case before. Have you read or
3 been exposed to reading newspaper headlines and/or
4 articles relating to this trial or its participants?

5 JUROR NUMBER 126: Yes.

6 THE COURT: Okay. Is that since the rule went
7 into effect?

8 JUROR NUMBER 126: No.

9 THE COURT: Okay. So, I'm talking about since
10 the rule went into effect.

11 JUROR NUMBER 126: No, I turned the TV off and
12 (unintelligible).

13 THE COURT: So, since the rule's been in
14 effect, have you seen or heard television, radio, or
15 Internet comments about this trial?

16 JUROR NUMBER 126: No, ma'am.

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

20 JUROR NUMBER 126: No.

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

25 JUROR NUMBER 126: No.

1 THE COURT: Now I'm going to talk about what
2 you may have known about the case before coming to
3 court. Do you know anything about this case either
4 from your own personal knowledge, from rumor, by
5 discussion with anyone else, or from the media,
6 including radio, television, Internet, electronic
7 device, or newspaper?

8 JUROR NUMBER 126: From the media.

9 THE COURT: Okay. Tell me what information you
10 believe you know about the case and be specific if
11 you can. And first of all, I want to tell you
12 there's no right or wrong answers in here, we just
13 want to know the information you know.

14 JUROR NUMBER 126: What I know is that -- from
15 the newspaper articles I read and the TV articles has
16 been that the gentleman was supposed to steal
17 something out of a hotel and I guess the sheriff
18 officer followed him and she was shot and he was
19 apprehended I guess. That's about the only thing I
20 can tell you.

21 THE COURT: Okay. Did you learn that at the
22 time of the event?

23 JUROR NUMBER 126: No, I learned it from TV and
24 the newspaper.

25 THE COURT: Okay. Would that be after the date

1 that it occurred or at the time that it occurred?

2 JUROR NUMBER 126: After.

3 THE COURT: After the date?

4 JUROR NUMBER 126: Right.

5 THE COURT: Have you heard anything recently
6 about the case?

7 JUROR NUMBER 126: Not since I became a juror.

8 THE COURT: Prior to you becoming a juror but
9 more recent?

10 JUROR NUMBER 126: Yeah, every day that I
11 listen to the news it comes on TV and I saw it in the
12 newspaper. I'm an avid person that reads the
13 articles and everything that comes on.

14 THE COURT: Okay. So, tell me about your news
15 habits. I heard TV and I heard newspaper. So, do
16 you watch news daily?

17 JUROR NUMBER 126: Oh, yes.

18 THE COURT: Okay. And what -- tell me what you
19 do, what kind of your routines are with regard to
20 watching news.

21 JUROR NUMBER 126: I just like to see what kind
22 of weather's going to take place, what's going on in
23 the world. I'm an avid fan because I am involved in
24 the community and I people ask me a lot of things
25 about what goes on and they don't keep up with it and

1 I pride myself in knowing what's taking plays out
2 there in the City of Melbourne or the county or the
3 entire country including the world.

4 THE COURT: Okay. So, some people say they'll
5 turn on the news while they're getting ready to go do
6 something, they'll listen to it hit or miss, other
7 people say they sit down from this time to this time
8 every day and watch the news, what do you do?

9 JUROR NUMBER 126: I normally watch it when I'm
10 eating.

11 THE COURT: Okay. When you're eating dinner?

12 JUROR NUMBER 126: Right, eating dinner or
13 either cooking because I'm a great cook, try to be a
14 great cook. I'm just in the habit of news and
15 details.

16 THE COURT: Okay. So --

17 JUROR NUMBER 126: It comes on at the same time
18 other programs comes on. If the news comes on at
19 time, I'll just automatically watch it.

20 THE COURT: What about newspaper?

21 JUROR NUMBER 126: I get the newspaper
22 Thursday, Friday, Saturday and Sunday.

23 THE COURT: Okay. And do you read it each --
24 do you read it on those days?

25 JUROR NUMBER 126: Well, it's getting to where

1 I have trouble with my eyes. I stopped, I used to
2 get it every day but for the past years I started it
3 getting it like every Thursday, Friday, Saturday and
4 Sunday but they're starting to pile up in my house,
5 you know, sometime I don't even open it up and that's
6 the way it is now. So, sometime I don't even open
7 the newspaper up. And I'm really thinking I'm just
8 cutting off and just getting the Sunday paper. I
9 been thinking about that for quite sometime. So, not
10 an advocate newspaper reader no more. It's just
11 something I don't do anymore.

12 THE COURT: Okay. So, it sounds like you know
13 some information about this case. Do you know
14 anything recently? Did you here anything about jury
15 selection or anything in that respect?

16 JUROR NUMBER 126: No.

17 THE COURT: Okay. To serve as a juror in this
18 case, what we ask you to do is to set aside anything
19 that you may have learned about the case, serve with
20 an open mind and reach a verdict based only on the
21 law and the evidence presented in this trial in this
22 courtroom, can you do that?

23 JUROR NUMBER 126: I'm absolutely
24 (unintelligible).

25 THE COURT: Say that again.

1 JUROR NUMBER 126: I'm quite sure I can do
2 that.

3 THE COURT: Okay. So, what we say is if you --
4 let's say you're sitting as juror in this case and
5 let's say you even go to deliberate and you say, hey,
6 I remember -- in your mind you say I remember that I
7 heard some information but I never -- it never came
8 in -- I never heard it in the courtroom, it never
9 came before me as evidence in the case, nobody ever
10 talked about that, can you set aside what you learned
11 out here and not consider it for purposes of your
12 deliberations in this case?

13 JUROR NUMBER 126: I can assure you I won't
14 even bring up anything that I even read about or
15 heard about or saw on TV or read about
16 (unintelligible).

17 THE COURT: Okay. I appreciate that as well
18 but in your mind can you set it aside and say I'm not
19 going to consider that because the Judge told me I
20 can't, I'm just going to put that over here and I'm
21 going to base my decision on what happens in this
22 courtroom?

23 JUROR NUMBER 126: Absolutely.

24 THE COURT: Okay. Then I'm going to switch
25 subjects on you. What are your views about the death

1 penalty?

2 JUROR NUMBER 126: I really don't have any
3 views about it, I just think it's a necessity
4 sometimes and sometimes it isn't but I really don't
5 have no views on it.

6 THE COURT: Okay. People --

7 JUROR NUMBER 126: I'm not against or
8 (unintelligible) for it.

9 THE COURT: If people were to say are you for
10 the death penalty or opposed to the death penalty,
11 what would you say?

12 JUROR NUMBER 126: I would probably say I'm for
13 it.

14 THE COURT: Okay. In this case, this is a
15 general overview, the attorneys are going to be more
16 specific, the first phase of the trial is called the
17 guilt phase and the guilt phase -- if there -- if the
18 jury returns a verdict of guilty to Count I, Count I
19 is first degree murder, and that's the only count
20 that we're -- pertains to the death penalty, if the
21 jury returns a verdict of Count -- of guilty to Count
22 I, then we proceed to the second phase, to a second
23 phase, and that face is called the penalty phase and
24 in that penalty phase you would be instructed by me
25 to consider and make a recommendation to the Court of

1 a penalty and that penalty that you would be
2 instructed to consider is death or life in prison
3 without the possibility of parole. So, the question
4 becomes if I instruct you that that's your duty as a
5 juror, can you follow my instructions and consider
6 both penalties?

7 JUROR NUMBER 126: Without a doubt.

8 THE COURT: Okay. Are you of the opinion that
9 death is the only appropriate penalty for murder in
10 the first degree?

11 JUROR NUMBER 126: No.

12 THE COURT: And what if it's a murder, what if
13 it's premeditated murder in the first degree, are you
14 of the opinion that death is the only appropriate
15 penalty?

16 JUROR NUMBER 126: No.

17 THE COURT: You would consider both penalties?

18 JUROR NUMBER 126: Without a doubt.

19 THE COURT: Okay. We talked -- when you talked
20 to us before you talked about needing back surgery,
21 you've had an opportunity to probably sit around a
22 little bit. Like I said, those chairs aren't as
23 comfortable, those chairs a little bit more
24 comfortable, have you had any thoughts or concerns
25 about putting that back surgery off or about your

1 back during this process?

2 JUROR NUMBER 126: I've already asked my wife
3 to call because I couldn't get in touch with my
4 doctor yesterday. So, I (unintelligible) touch with
5 my doctor. Not only that, I have some support. I
6 have swelling in my ankle and my fee and my leg and
7 my foot doctor put a wrap on it, it's supposedly
8 supposed to relieve the swelling. He's supposed to
9 remove the wrapping he tells me overlapping and he's
10 supposed to remove it tomorrow, not tomorrow, Monday,
11 and I informed her to let him know that
12 (unintelligible) if I was selected for the jury so I
13 wouldn't be able to come to his office. Also I told
14 her to get in touch with my surgeon, the person
15 who -- the nurse who makes the appointment and let
16 them know that if I am selected for the jury that it
17 will be probably be after the month of this month,
18 sometime next month, (unintelligible), that's about
19 it.

20 THE COURT: Okay. So, it sounds like you're
21 good to go.

22 JUROR NUMBER 126: Whatever you say.

23 THE COURT: Okay. If by chance -- just so you
24 know, if there are issues, you need to let me know,
25 let one of the court deputies know who let me know.

1 The other thing is if you need to elevate your feet,
2 you can -- you know, you can bring in a little stool
3 to elevate your feet if you need to do that if that's
4 a necessity.

5 JUROR NUMBER 126: That might be something, I
6 appreciate that.

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

9 MR. BROWN: Yes, Your Honor. Juror Number 126,
10 good morning, or good afternoon, sorry about that.
11 Let me talk a little bit with you concerning your
12 health situation. Obviously, it's clear that I think
13 you're willing to do what you need to do to serve and
14 we all commend you for that and we do appreciate it.
15 My concern is, and the only way to do this is to
16 simply, none of us can read into your health
17 situation, anything, you're the one that has to tell
18 us. If you're selected as a juror, not only is this
19 jury selection process going to continue because once
20 we finally get enough people after this individual
21 process, then we'll bring everybody back in as a
22 group and we'll question everybody as a group. So,
23 you're going to be sitting in these chairs for hours
24 at a time at that point, 9:00 to 5:00 basically, try
25 to take a midmorning, midafternoon break, and then

1 you're if juror in this trial we're anticipating on
2 at least initially ending it by the end of this
3 month. This next process is taking longer than what
4 we were originally planning on, probably more than
5 likely we're going to go into the month of April.
6 How do you feel about that? That's a lot we ask and
7 you're the one that -- obviously, you're in need of
8 back surgery and you're going to be doing an awful
9 lot of sitting and they're not the most comfortable
10 chairs, not the chairs you probably would pick if you
11 had a choice of all chairs, how do you feel about
12 that?

13 JUROR NUMBER 126: Well, I've been putting
14 surgery off for almost ten years. In the past five
15 years I've had it almost 24/7, but I've dealt with it
16 with the medicines that I've gotten from my doctor
17 the pain medicines. So, it wouldn't be any different
18 now.

19 MR. BROWN: What type of medicine do you take?

20 JUROR NUMBER 126: Hydrocodone about every
21 four, five, six hours.

22 MR. BROWN: And obviously that is a narcotic,
23 does that affect you as far as your ability to
24 listen, to concentrate, to hear everything throughout
25 the day?

1 JUROR NUMBER 126: I'm involved in all kinds of
2 organizations, chairman of a lot of them, president
3 of a lot of them. So, based on that it has no affect
4 (unintelligible).

5 MR. BROWN: Okay.

6 JUROR NUMBER 126: Never has.

7 MR. BROWN: Okay.

8 JUROR NUMBER 126: And he hear that narcotics
9 makes dependent but I come to realize that when you
10 take them when you're supposed to take them that you
11 shouldn't have any problems. If you have problems
12 with it, then you're taking them too often. I take
13 them the way they're supposed to be taken, so I don't
14 have that problem.

15 MR. BROWN: Okay. Now, you also indicated, if
16 I heard you correctly, that you had some issue,
17 you're had trouble with your eyes lately?

18 JUROR NUMBER 126: Yeah, (unintelligible), I've
19 been taking some medicine for it.

20 MR. BROWN: Okay. Part of what -- if you're
21 selected as a juror, not only will witnesses testify
22 but there's going to be a number of exhibits,
23 photographs, perhaps documents with, you know,
24 smaller type things that you're going to have to look
25 at, look at, pay attention to, notice the details and

1 again, you know, you're the only one that can answer
2 this, I can't look at you and tell how your eyes are,
3 not a clue. So, the only way for us to know is to
4 ask. Is that going to cause you any problems, any
5 concerns, any issues?

6 JUROR NUMBER 126: No, actually the medicine
7 I'm talking if I take like I'm supposed to, it
8 probably would have got rid of it this time but I
9 leave it up to my wife to put it in my eyes three
10 times a day and sometimes she forgets and I forget
11 and puts it in there one or two times a day, but as
12 far as me having any problems with eyesight, I read a
13 lot so that can show you right there that's not a
14 problem.

15 MR. BROWN: Okay. Good. And again, you know,
16 the only way for me to know is to ask.

17 JUROR NUMBER 126: Without a doubt.

18 MR. BROWN: So, that's why we have to ask you
19 and see if we have a problem then. Okay, sir. Next
20 area that I want to cover is the death penalty itself
21 and the process that you have to go through to get to
22 the point where you make that recommendation. Now,
23 the Court went over it with everybody yesterday
24 morning but she did throw an awful lot of information
25 out to everybody in a condensed period of time. So,

1 I want to make sure you understand the process and
2 I'll have a few questions about it with you.
3 Obviously, as the Court's talked and she's told you,
4 the death penalty only applies if the jury comes back
5 with a verdict of first degree murder, you understand
6 that?

7 JUROR NUMBER 126: Yes.

8 MR. BROWN: If it's a verdict obviously not
9 guilty, then there's no sentencing at all. If it's a
10 verdict of something of a lesser charge such as
11 second degree murder, then the jury does not make any
12 sentencing recommendation, the death penalty is off
13 the table, the sentencing is entirely up to Her
14 Honor, you understand that?

15 JUROR NUMBER 126: Yes.

16 MR. BROWN: And then there are two ways for the
17 State to prove first degree murder. If you make it
18 to the next stage we'll cover more of this, at least
19 I will, at that point, but there's felony murder and
20 there's premeditated murder, they're both two ways to
21 prove first degree murder. We may prove one or the
22 other, we may end up proving both, but they both lead
23 to the same charge which is first degree murder and
24 under either theory the death penalty is on the table
25 and something to be considered. With that, as the

1 Court talked about, there is no automatic death
2 penalty but what's going to occur is the if jury
3 comes back with first degree murder as a verdict, we
4 would reconvene, we would hear additional testimony
5 and then Her Honor will give you additional
6 instructions what to do with that testimony. The
7 first step in her instructions is going to be to look
8 at what are called aggravating circumstances.
9 Aggravating circumstances, as she indicated
10 yesterday, are a statutory list and it's
11 circumstances that may increase the gravity of the
12 crime or the harm to the victim and it's those
13 circumstances that you can look to to justify the
14 imposition or the recommendation of the death
15 penalty. And it's limited -- your consideration has
16 to be limited to those aggravators to whether or not
17 the death penalty is justified. Okay. We have --
18 there's a burden of proof to those just like for the
19 guilt phase, the State of Florida has to prove those
20 aggravators to you beyond and to the exclusion of
21 every reasonable doubt. So, you look at that list of
22 aggravators, and it could be as few as one, I expect
23 it's going to be several, three, four, five or so,
24 and you look to see whether the State's proven at
25 least one. If you feel that the State of Florida

1 hasn't proven a single aggravator, then obviously you
2 would have found no aggravation and your
3 recommendation must be life. You understand that?

4 JUROR NUMBER 126: Yes, sir.

5 MR. BROWN: If you feel that the State has --
6 and you find that the State's proven at least one,
7 you find we've proven more than one, may have proven
8 them all, but as long as we've proven at least one,
9 then you ask yourself taking those aggravators that
10 the State of Florida has proven and you feel that
11 they justify the death penalty. If your answer is
12 no, then your recommendation has to be life. If you
13 feel that they do justify the death penalty, then you
14 move on to the second step in this process. That's
15 where you consider what's called mitigating
16 circumstances. And as the Court mentioned yesterday,
17 those are circumstances that come from the defendant,
18 his life, his background, his character, things of
19 that nature that deal with the defendant. There's a
20 burden of proof for those as well, it's a lower
21 burden. They have to be -- mitigation has to be
22 proven to the greater weight of the evidence. So,
23 you take the aggravators and you take the mitigators
24 that have been proven, both sides, and the Court's
25 going to tell you you go through a weighing process.

1 Now, I assume in your lifetime you've made key
2 and critical and important decisions, personal and
3 professional, somewhere along the way, correct?

4 JUROR NUMBER 126: Yes, sir.

5 MR. BROWN: And when you've made those
6 decisions, have you tried to look at and consider all
7 the factors involved?

8 JUROR NUMBER 126: Without a doubt.

9 MR. BROWN: And when you went through that
10 process, some factors you've looked and said these
11 are pretty darn important to this decision and you
12 give them great weight in making your decision,
13 right?

14 JUROR NUMBER 126: Yes, sir.

15 MR. BROWN: Other factors you look at and you
16 consider them but you say, you know, these just
17 aren't that important, I'm going to give these very
18 little weight in my decision, right?

19 JUROR NUMBER 126: Yes, sir.

20 MR. BROWN: That's the way most of us make
21 important decisions. The court's going to tell you
22 it's the same process here. You have to go through
23 and you weigh those aggravators versus those
24 mitigators and it's a weighing process. The Judge is
25 not going to tell you -- there's not going to be a

1 little cheat sheet, little guidance to say how much
2 weight you're supposed to give to each aggravator and
3 to each mitigator. Not going to tell you aggravator
4 one gets this much weight, mitigator one gets this
5 much weight, that's a decision that you as a juror
6 you have to make on your own and it's a personal
7 decision that you make. The juror sitting right next
8 to you may decide differently from you as to how much
9 weight. It's a process you have to go through and
10 you determine the weight. We're not going to ask you
11 as I expect either one of us, either side's going to
12 ask you today because it wouldn't be a fair question
13 how much weight you would give to certain things
14 because you don't know that until you hear all the
15 evidence and you weigh them against each other. The
16 only thing we want -- what we can ask of you today is
17 that everything that's been proven to you would you
18 consider it.

19 JUROR NUMBER 126: Without a doubt.

20 MR. BROWN: You may consider it and decide I'm
21 going to give it very little weight, medium weight,
22 or you may give it great weight, the key is consider
23 it all and you determine how much weight, right?

24 JUROR NUMBER 126: Yes, sir.

25 MR. BROWN: When you go through that process

1 the Court's going to tell you you weigh the two, the
2 aggravators and the mitigators, and you weigh them
3 against each other. If you find that the mitigators
4 outweigh the aggravators, then your sentence has to
5 be a life sentence. If you find after weighing them
6 that the mitigation does not outweigh the
7 aggravators, then you're in a position where legally
8 you can recommend to the Court a sentence of death.
9 Okay?

10 JUROR NUMBER 126: Yes, sir.

11 MR. BROWN: Now, the Judge, she's not going
12 tell you if the State proves A, B, C and D that you
13 are now required to recommend a sentence of death.
14 Okay. She's not going it tell you that. In fact,
15 what she's going to tell you is you are never
16 required to do that. What you're required to do is
17 go through that weighing process. Okay. And then
18 with that process you weigh them, if you find that
19 the aggravators after you weigh them still come out
20 on top and you feel at that point after you've
21 weighed everything that the death penalty is
22 justified, that's when you can recommend a death
23 sentence. Any questions about the process?

24 JUROR NUMBER 126: No.

25 MR. BROWN: You feel comfortable with going

1 through that process step by step like I've explained
2 it to you?

3 JUROR NUMBER 126: Yes, sir.

4 MR. BROWN: With that process, if the State
5 proves to you aggravating circumstances, you weigh
6 them and you feel that they're not outweighed by the
7 mitigation and that they justify the penalty of
8 death, can you recommend the death penalty?

9 JUROR NUMBER 126: Yes, sir, I can.

10 MR. BROWN: Do you come into court today with
11 any notions of, you know, I could recommend death in
12 this circumstance or maybe these couple of
13 circumstances but that would be about it. Some
14 people may say a mass murderer, serial killer, I
15 could recommend death for that type of situation but
16 that's it, anything below that I can't recommend the
17 death penalty. Do you find yourself in that camp at
18 all?

19 JUROR NUMBER 126: No doubt at all, I don't
20 come into court without any suggestions or decisions.

21 MR. BROWN: So, you understand as we've talked,
22 the Court is going to give you that statutory list of
23 what our aggravating circumstances that may apply to
24 this case and you agree you're going to look at that
25 list and you're going to consider that list, right?

1 JUROR NUMBER 126: Yes, sir.

2 MR. BROWN: The key is trying to make sure is
3 that somebody doesn't come in and say I'll look at
4 these couple of factors but I don't care what else
5 you have, it's these two and these two alone, that is
6 from both sides, the thing that we ask is that you
7 consider what the Court tells you and follow her
8 instructions and consider everything she tells you.

9 Do you have anything in your background, your
10 philosophical beliefs, religious beliefs, moral
11 beliefs, work history, family history, whatever it
12 may be, that causes you any extra concern, angst,
13 hesitation about being put in the position to make a
14 recommendation of life or death or having to make
15 that decision at all?

16 JUROR NUMBER 126: No, sir.

17 MR. BROWN: You feel comfortable in your
18 ability to do it?

19 JUROR NUMBER 126: Without a doubt.

20 MR. BROWN: Last topic I want to cover and I
21 cover this with each person so it's not just that I
22 think it may apply to you, but if (unintelligible) in
23 the jury room, no one ever brings it up, you may
24 never think about it, but as I talked about when I
25 first came up here, if the verdict is for a lesser

1 charge such as second degree murder, then the death
2 penalty is off the table and you wouldn't be asked to
3 come back, sit in a second time and have to make that
4 sentencing recommendation to the Court. So, the
5 concern and what I simply just want to address is
6 that knowing in the back in your mind, well, that's
7 kind of a shortcut so I don't have to be put in that
8 position, I'll just return a verdict of second. You
9 can assure me that that would not be part of your
10 consideration and deliberations?

11 JUROR NUMBER 126: Yes, sir.

12 MR. BROWN: You would agree that justice is --
13 justice in this case or any case would be a verdict
14 that the evidence proves, right?

15 JUROR NUMBER 126: Without a doubt.

16 MR. BROWN: And if the evidence proves to you
17 first degree murder, can you return a verdict of
18 first degree murder?

19 JUROR NUMBER 126: Yes, sir.

20 MR. BROWN: Thank you. Your Honor, I have no
21 further questions. Thank you.

22 THE COURT: Okay. Questions by the Defense.

23 MR. MOORE: Sir, it sounds like you are as
24 active as you can be in your community and I'd say a
25 lot more active than the average citizen, you're on a

1 number of committees. Did you not say that?

2 JUROR NUMBER 126: Yes, sir.

3 MR. MOORE: And I suspect that you look at your
4 neighborhood and your community as a network and
5 you're very much plugged into it?

6 JUROR NUMBER 126: Yes, sir.

7 MR. MOORE: And you're aware of what's going on
8 in your neighborhood not just from a national level
9 but deeper on a local level what the events are that
10 are affecting the neighborhood that you live?

11 JUROR NUMBER 126: Yes, sir.

12 MR. MOORE: Okay. And so this case involves a
13 shooting death of a white female deputy sheriff by a
14 young African American male and I would, I would
15 imagine that that would be a source of discussion in
16 your community, I would think, and unfortunately
17 there are a lot of shooting deaths and they're all
18 tragic, they're all senseless shootings, but some
19 stand out because of the circumstances and I just
20 listed some of the circumstances that might cause
21 this to be more of an attention getter, and so would
22 you say that this is a case which has been the focus
23 of conversations with you that you have been involved
24 in or have overheard in your community.

25 JUROR NUMBER 126: No, sir.

1 MR. MOORE: Sir?

2 JUROR NUMBER 126: Not in the (unintelligible),
3 it just isn't. Just something we don't deal with,
4 this particular case or anything, we're trying to
5 make things better (unintelligible) don't deal with
6 deaths (unintelligible).

7 MR. MOORE: So, the source of information that
8 you have been exposed to has -- would it be accurate
9 for me to say that it has been through the media,
10 television, newspapers, radio perhaps? Is that a
11 yes?

12 JUROR NUMBER 126: Yes.

13 MR. MOORE: From any other source?

14 JUROR NUMBER 126: Any other source?

15 MR. MOORE: From any other sources than what I
16 just mentioned?

17 JUROR NUMBER 126: No, I don't think so.

18 MR. MOORE: Did you -- have you seen a picture
19 of Mr. Bradley on the news?

20 JUROR NUMBER 126: Yes.

21 MR. MOORE: Did you recognize him when you came
22 in?

23 JUROR NUMBER 126: I haven't recognized him
24 when I saw him on the news and I've not recognized
25 him since.

1 MR. MOORE: All right. But when the Judge read
2 the facts of the case and the charging document to
3 you, I would assume you made a connection with the
4 news reports that you had heard, this case with those
5 reports?

6 JUROR NUMBER 126: I don't follow what you're
7 saying. I know about the case, you know, from the
8 newspaper and TV and the radio so I (unintelligible).

9 MR. MOORE: All right. When you -- is there
10 any particular source of news that you rely on more
11 than others? Let's say TV, let's just focus on TV.
12 Is there a TV station that you find yourself watching
13 or listening to in particular?

14 JUROR NUMBER 126: I watch ESPN and the Sports
15 Center and I watch Channel 2, 6 and 7, 13 for the
16 weather. Yes, (unintelligible) listen to the news
17 and listen to what's going on.

18 THE COURT: 2, 6 and 7?

19 JUROR NUMBER 126: I don't have any specific
20 particular station.

21 MR. MOORE: For your local news 2, 6 and 7?

22 JUROR NUMBER 126: 2, 6 and 7 and 13.

23 MR. MOORE: All right. So, when you watch
24 these news reports let's say from those channels that
25 give you the local news, you don't accept everything

1 that you hear as the gospel truth, would that be
2 correct?

3 JUROR NUMBER 126: Let me expound on that. I
4 try and tell some of my friends not to do that
5 because if they did they would be in a world of hurt,
6 they would not be getting things accurate.

7 MR. MOORE: But the other side of that is if it
8 were a source of news that you felt was unreliable or
9 not credible, you wouldn't pay attention to it or you
10 wouldn't listen to it at all.

11 JUROR NUMBER 126: Oh, I listen to everything,
12 that's the only way I can know what's going on
13 because (unintelligible).

14 MR. MOORE: All right. So, the issues that --
15 let's use national election as an example. When you
16 followed the presidential election leading to
17 President Obama being elected, when it was announced
18 that he was president I would imagine you accepted
19 that as the gospel truth? I mean, how could they get
20 that wrong, at least you accepted that as being what
21 happened.

22 JUROR NUMBER 126: Yes.

23 MR. MOORE: There are other types of news
24 stories that you hear where let's say you hear about
25 a police officer being shot to death, there are

1 aspects of that you don't question. I mean, how are
2 they going to get that wrong. If you hear that you
3 think that's probably what happened.

4 JUROR NUMBER 126: Right.

5 MR. MOORE: Right? Now, when you heard the
6 news report of Deputy Pill being shot by Brandon
7 Bradley, the part where Brandon Bradley was arrested
8 and charged with it, to what degree did you feel that
9 that was truthful or accurate, the part where Mr.
10 Bradley was accused?

11 JUROR NUMBER 126: I don't know if I put any
12 degree on it, I just accepted it and that was it, you
13 know, it has nothing to do with me. So, to a degree
14 that I would put that in, it's just a news report
15 that I listened to and I heard.

16 MR. MOORE: And so, did you -- as we sit here
17 now, do you have an opinion based upon what you've
18 heard from any source of the guilt -- as to the guilt
19 of Mr. Bradley?

20 JUROR NUMBER 126: None whatsoever.

21 MR. MOORE: Can you presume that he is
22 innocent? If that's an instruction that the Judge
23 gives you which is the law, is there any doubt in
24 your mind, any question about your ability to follow
25 that instruction?

1 JUROR NUMBER 126: Say that again.

2 MR. MOORE: Sure. The Judge has instructed,
3 you and she'll instruct you in more detail later in
4 the trial if you're selected, that Mr. Bradley is
5 presumed to be innocent and that if you reach a
6 verdict in this case it has to be based upon the
7 evidence that you hear just in this courtroom,
8 evidence, testimony, the evidence that's presented in
9 this courtroom and the law that's presented in this
10 courtroom, there's nothing else, is there any doubt
11 in your mind about your ability to limit your verdict
12 strictly to what you've heard in this courtroom and
13 to rule out whatever you've heard outside of the
14 courtroom?

15 JUROR NUMBER 126: I've heard what the --
16 definitely what I hear in this courtroom and nothing
17 else.

18 MR. MOORE: Okay. And so you indicated that
19 you don't really have a view about the death penalty
20 but you're not against it, you're for it?

21 JUROR NUMBER 126: Not against it or for it.

22 MR. MOORE: Sir?

23 JUROR NUMBER 126: Not against it or for it.

24 MR. MOORE: All right. But in saying that
25 you're not against it, that's sort of a way of saying

1 that you are for it even though it's with
2 qualifications. In other words, you're open to
3 following the law but some people, for example, in
4 contrast say I'm against it, there's no way I would
5 ever consider it, you're not one of those, and can
6 you think of reasons why you're not one of those?
7 Just your thinking in general. Not as it relates to
8 this case but if you were talking with friends about
9 the death penalty, the subject comes up, not this
10 case particularly but you how he feel about it and
11 you were asked to express your view, I'm neither for
12 it or against it, then somebody might say, your
13 friend, well, why aren't you against it. Because,
14 you know, your friend might say I'm against it, how
15 come you're not and what would be your response?

16 JUROR NUMBER 126: I have no reason to be
17 against it or for it.

18 MR. MOORE: Okay. Fair enough. Anything about
19 the fact that the victim in this case is a police
20 officer that sets it apart from other murders in your
21 mind?

22 MR. BROWN: Judge, I'm going to object at this
23 point and ask to approach.

24 THE COURT: Yes, you may.

25 (Thereupon, a benchside conference was had out

1 of the hearing of Juror Number 126 as follows:)

2 MR. BROWN: I'm going to object to the form of
3 the question since that's specifically an aggravator.

4 MR. MOORE: It's a fact in this case
5 specifically and there's no way to get around that.
6 What I'm getting at --

7 THE COURT: How did you phrase the question?

8 MR. MOORE: I said is there anything about this
9 case, the fact that the victim is a police officer
10 that sets it apart from other murders and if he were
11 to say, which he could, would surprise me but it's
12 not impossible, yes, I think this is a case that
13 deserves the death penalty. That's something I would
14 need to know and the only way I'm going to find out
15 is if I ask that question.

16 THE COURT: I'm going to overrule the objection
17 as to way it's posed at this time.

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

20 MR. MOORE: Let me repeat that. Is there
21 anything about the fact that the victim is a police
22 officer in this case and if it's determined that
23 Deputy Pill was the victim of a first degree murder
24 and she's a police officer, is there anything about
25 fact that would set it apart in your mind from other

1 types of murders?

2 JUROR NUMBER 126: None whatsoever, a person is
3 a person regardless of who they are. I don't have
4 any distinction.

5 MR. MOORE: Okay. In speaking hypothetically,
6 let's assume, and I'm not saying we're going to get
7 there but we have to talk about this in case we do.
8 Okay. Assume the jury finds Mr. Bradley guilty of
9 first degree murder. All right. And then assume
10 that the -- in your mind after the State presents its
11 aggravating circumstances that you find one or more,
12 several, lots of them let's say hypothetically, and
13 assume that you're -- you don't find any mitigating
14 circumstances, what -- at this point what's your
15 understanding of what your options are as a juror at
16 that point? What can you do at that point and is
17 there anything that you're required to do at that
18 point where you found lots of aggravating
19 circumstances, no mitigating circumstances, what can
20 you do at that point?

21 JUROR NUMBER 126: I don't follow the question.

22 MR. MOORE: Okay. If you were asked to vote at
23 that point, what would you do?

24 JUROR NUMBER 126: What would I do for what
25 now?

1 MR. MOORE: What would your choices be? What
2 would your options be? Now, let me remind you, it's
3 death or life without parole. So, in that
4 circumstance where let's say hypothetically you found
5 lots of aggravating circumstances, maybe no
6 mitigating circumstances, what would your voting
7 options be at that point? Could you vote for only
8 death? Are you required to vote for death or could
9 you vote for also life without parole at that point?

10 JUROR NUMBER 126: I couldn't sit here right
11 now and tell what my --

12 MR. MOORE: No, sir. I'm sorry, I'm not asking
13 the question very well. It's my fault.

14 JUROR NUMBER 126: No, it's not your fault, I'm
15 just letting you know -- no matter how you ask it,
16 I'm just letting you know I don't think I could sit
17 here right now and tell you how I'm going to vote.

18 MR. MOORE: I'm not asking you to do that. So,
19 let me try it again. Let me see if I can ask it a
20 better way. All right? What I'm asking is what --
21 without saying what your vote would be, what do you
22 think your choices are at that point?

23 JUROR NUMBER 126: At what point? I'm
24 confused.

25 MR. MOORE: Okay. I'm trying -- I don't mean

1 to confuse you, sir, I know this is confusing to you.
2 You're in the jury room and all the evidence has been
3 presented, you're back there deliberating and you're
4 trying to figure out how you're going to vote. Now,
5 in your mind the State has presented lots of
6 aggravating circumstances, you don't know what they
7 are and that's part of the confusion, but they have
8 convinced you beyond a reasonable doubt there are
9 lots of aggravating circumstances and the Defense has
10 not convinced you that there are any mitigating
11 circumstances. Now, at that point, then what do you
12 think your choices are? I mean, you've got to make a
13 choice, you've got to vote one way -- you've got to
14 vote, that's what you're being asked to do, what do
15 you think your voting choices or voting options are
16 at that point?

17 JUROR NUMBER 126: I think I should understand
18 what you're saying.

19 MR. MOORE: Okay.

20 JUROR NUMBER 126: The prosecutor has presented
21 their case, they have all these mitigating
22 circumstances.

23 MR. MOORE: They are -- their argument is for
24 aggravating circumstances.

25 JUROR NUMBER 126: And you have not presented

1 yours and you haven't presented your mitigating
2 circumstances.

3 MR. MOORE: Let's just say hypothetically.

4 JUROR NUMBER 126: Yeah, I would have to go for
5 the death penalty.

6 MR. MOORE: Okay. So, do you understand that
7 you're not required to vote for the death penalty?
8 That's the point that I'm wanting to make sure. You
9 do not have to vote for death under those
10 circumstances. You never have to vote for death.
11 They can prove all the aggravating circumstances on
12 the books and we could, you know, just not present
13 any mitigating circumstances and life without parole
14 is still on the table, you could still vote for life.
15 That's the point I'm making here.

16 JUROR NUMBER 126: Okay. That's a possibility
17 then, right.

18 MR. MOORE: I just need to know you understand
19 that you're never required, never required to vote
20 for death. You could -- regardless of circumstances,
21 you could always vote for life without parole.

22 JUROR NUMBER 126: I understand where you're
23 coming from (unintelligible).

24 MR. MOORE: All right. So, do you accept that?

25 JUROR NUMBER 126: Sure. Sure. It might be my

1 decision, I don't know, sir.

2 MR. MOORE: I'm not asking for your vote.

3 JUROR NUMBER 126: I know you're not asking,
4 I'm just saying it might be my decision but I don't
5 know sitting right here what that would be.

6 MR. MOORE: We understand.

7 JUROR NUMBER 126: It could be one or the
8 other.

9 MR. MOORE: But that's the point, it could be
10 one or the other.

11 JUROR NUMBER 126: Right.

12 MR. MOORE: You're not locked into either or.

13 JUROR NUMBER 126: Right.

14 MR. MOORE: All right. So, let me ask about
15 specific types of mitigating circumstances and see if
16 you would be open to consider them. I'm not asking
17 you to tell me yes, that's mitigating in my mind or
18 this is how I'm going to vote, I'm just asking you if
19 you're presented evidence, let's say, of mental
20 illness, would those circumstances be circumstances
21 you would be willing at least to consider as
22 potentially mitigating?

23 JUROR NUMBER 126: Yes.

24 MR. MOORE: Have you known people who have
25 struggled with mental illness?

1 JUROR NUMBER 126: Yes.

2 MR. MOORE: Do you believe that mental illness
3 is a choice?

4 JUROR NUMBER 126: A choice?

5 MR. MOORE: Yes. Or not?

6 JUROR NUMBER 126: It's not a choice.

7 MR. MOORE: All right. Then let me ask about
8 if you heard from qualified experts evidence of brain
9 damage or brain injury, are those circumstances that
10 you would consider as potentially mitigating
11 circumstances?

12 JUROR NUMBER 126: Yes.

13 MR. MOORE: Let me ask about drug use and drug
14 addiction. Do you know people who have been addicted
15 to drugs and struggle with drug addiction?

16 JUROR NUMBER 126: Yes.

17 MR. MOORE: Do you believe drug addiction is a
18 choice?

19 JUROR NUMBER 126: A choice?

20 MR. MOORE: A choice. Not drug use.

21 JUROR NUMBER 126: Addiction is not a choice
22 but using is a choice, but addiction is not a choice.
23 That derives from the use of it. The use of it is a
24 choice but addiction derives from it, it's not a
25 choice.

1 MR. MOORE: If you were presented with evidence
2 of drug addiction, would you potentially consider
3 that as a mitigating circumstance?

4 JUROR NUMBER 126: Yes.

5 MR. MOORE: If you were presented with evidence
6 of physical and emotional abuse during childhood, are
7 those circumstances that you would consider as
8 potentially mitigating?

9 JUROR NUMBER 126: Yes.

10 MR. MOORE: Now, when Judge Reinman instructed
11 you earlier about the death penalty process, penalty
12 phase process, the way she described it, and she's
13 just reading the law, is the jury is required to give
14 great weight, excuse me, the Judge is required to
15 give great weight to the jury's recommendation, do
16 you remember hearing that? You need to say out loud.

17 JUROR NUMBER 126: Yes, sir.

18 MR. MOORE: Now, what that means is the
19 Judge -- it's impossible for the Judge to impose a
20 sentence without relying upon your recommendation.
21 You understand that?

22 JUROR NUMBER 126: Say that again.

23 MR. MOORE: It's -- yeah. The Judge has to
24 give great weight to the jury's recommendation for
25 life or death.

1 JUROR NUMBER 126: Yes, sir.

2 MR. MOORE: She just can't brush that aside and
3 say that's nice but this is what I want to do.
4 That's not, that's not something the Judge can do
5 legally. The judge is not going can't do that
6 because the Judge can't do that and so the Judge has
7 to take into consideration, give great weight to the
8 jury's recommendation. Okay. And it's -- the
9 comparison that I will make is an airline pilot
10 highly experienced, highly qualified who flies from
11 Miami to Rome, Italy, and has made the trip before
12 but -- and is technically capable of doing that but
13 can't do it without a copilot, without a global
14 positioning, without GPS system, without maps,
15 without radar, I mean, all of those things are
16 necessary, and that's how important the jury's
17 recommendation is to the Court's sentence.

18 JUROR NUMBER 126: Yes, sir.

19 MR. MOORE: I'm just putting things in
20 perspective for you.

21 JUROR NUMBER 126: Sure.

22 MR. MOORE: So, you understand what it means
23 when the law is read to you that the Judge has to
24 give great weight to the jury's recommendation?

25 JUROR NUMBER 126: Yes, sir.

1 MR. MOORE: And then at the guilt/innocence
2 part of the trial where you are presented with the
3 crime, the crimes that are charged, the jury's
4 verdict must be unanimous. That is, all members of
5 the jury have to vote either guilty or all have to
6 vote for not guilty to get the verdict. Okay. And
7 then if there is a finding of guilty of first degree
8 murder, go to the penalty phase and it's a different
9 voting arrangement. Each juror's entitled to his or
10 her own vote and there does not have to be unanimity.
11 You don't have to agree with the others. You have
12 the right to disagree with the other and stick to
13 whatever your vote is. Do you understand the
14 difference between the guilt phase and penalty face?

15 JUROR NUMBER 126: Yes, sir.

16 MR. MOORE: And do you understand in casting
17 your individual vote in the penalty phase you have
18 the right to have your opinion respected and not have
19 others --

20 JUROR NUMBER 126: Influence me.

21 MR. MOORE: Well, influence is one thing, but
22 intimidate or try to browbeat you into agreeing with
23 the others because they think you're wrong. You have
24 the right to be free from that, you understand?

25 JUROR NUMBER 126: Yes, sir.

1 MR. MOORE: And the other side of that is you
2 have a responsibility to extend that courtesy to the
3 other members of the jury. That's how they vote,
4 accept that, because they have the right to their own
5 vote.

6 JUROR NUMBER 126: Yes, sir.

7 MR. MOORE: All right. Do you belong -- sorry.

8 JUROR NUMBER 126: Yes, sir.

9 MR. MOORE: Do you belong to a church?

10 JUROR NUMBER 126: Yes.

11 MR. MOORE: Does your church have a position on
12 the death penalty?

13 JUROR NUMBER 126: I don't think so. I haven't
14 discussed it.

15 MR. MOORE: All right. And when we're talking
16 about life without parole, what does life without
17 parole mean to you? What -- how do you picture that?
18 In other words, do you feel that it's forever, a
19 person might get out some day or what's your view of
20 life without parole?

21 JUROR NUMBER 126: I've always felt that life
22 without parole means that you stay in jail for life
23 and you don't get no parole but now in some of the
24 things that I've seen and read that people are
25 getting out or have a life without parole, they have

1 an opportunity to get so (unintelligible).

2 MR. MOORE: I haven't read those things. If I
3 were to tell you life without parole means that
4 you -- the person sentenced to life without parole
5 never gets out of prison again alive, would you
6 accept that?

7 JUROR NUMBER 126: Without a doubt, yes. If
8 they get life without parole, that's what they should
9 get.

10 MR. MOORE: Well, that's what they do get,
11 that's the point here.

12 JUROR NUMBER 126: (Unintelligible) because
13 I've been questioning that that wasn't the case,
14 after six years or forty years or thirty years they
15 do have a chance to get out of jail. I've always
16 thought otherwise, but for some reason I seen or
17 heard that they were getting out prior to that.

18 MR. MOORE: Well, I mean, so I'm telling you
19 that's what the law is.

20 JUROR NUMBER 126: I'm glad to hear it. I
21 always thought it was that but.

22 MR. MOORE: It is that. So, you accept that?

23 JUROR NUMBER 126: Yes.

24 MR. MOORE: Okay. Would you consider life
25 without parole as an opportunity -- a person to

1 sentenced to life without parole as an opportunity
2 for redemption?

3 MR. BROWN: Judge, I'm going to object.

4 JUROR NUMBER 126: I don't know --

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

7 (Thereupon, a benchside conference was had out
8 of the hearing of Juror Number 126 as follows:)

9 THE COURT: Life without parole is a what?

10 MR. MOORE: Opportunity for redemption.

11 MR. BROWN: I object to that because it does
12 not go at all to any qualification for the juror,
13 that has no bearing in this, that's not a factor for
14 aggravation or mitigation.

15 THE COURT: I'm not even sure I know what that
16 means.

17 MR. MOORE: Well, he already answered the
18 question so it's kind of academic at this point but.
19 If he's being asked to choose between two sentences,
20 then why can't we not get into what the sentences
21 mean? Because he's being asked to impose one of
22 them, be a part of imposing one or the other. So,
23 why can't we ask him what it means to him to be
24 sentenced to life without parole. We know that it
25 means that the person won't get out.

1 THE COURT: You can ask that question. The
2 redemption part, I'm going to sustain as to the
3 redemption.

4 MR. MOORE: Okay. Now which?

5 THE COURT: You can ask him what it means to
6 him and I think he answered that.

7 MR. MOORE: He already he answered the
8 question.

9 THE COURT: Okay.

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

12 MR. MOORE: No further questions.

13 THE COURT: Okay. Juror Number 126, you are
14 still being considered as a potential juror in this
15 case. What I'm going to ask you to do is to report
16 downstairs to the jury assembly room. They're going
17 to give you a phone number. They're going to tell
18 you when to call -- they're going to tell -- I mean,
19 I'm going to tell you call that phone number between
20 1:00 and 5:00 on Monday and they're going to give you
21 further information about when to report back. It
22 will not be Monday. Most likely it won't be Tuesday
23 but they'll give you updated information. So, call
24 between Monday between 1:00 and 5:00.

25 During this recess you must continue to abide

1 by your rules governing your service as a juror. And
2 I'm not sure I told you this but you can tell people
3 where you are, I'm at the Brevard County courthouse
4 in Viera. You can tell them what hours you're
5 expected to be here. What you can't tell them is the
6 eighty and the what, like I'm here on the Bradley
7 case involving, you know, Deputy Pill, you can't give
8 them that type of information. You can't tell them
9 what happens here in the courtroom. You can't give
10 them the details or information about this case.
11 Now, once this case -- once you're released as a
12 juror or this case is concluded and you're released
13 as a juror, you can tell them whatever you would like
14 to tell them but you have to wait until that time.
15 And it's up to you what you feel you would want to
16 share with people. Okay. Any questions or concerns?

17 JUROR NUMBER 126: No, ma'am.

18 THE COURT: Okay. So, I'll have you go
19 downstairs, get that phone number and come back when
20 they tell you to come back.

21 JUROR NUMBER 126: Yes, ma'am.

22 THE COURT: Okay. Thank you, sir.

23 (Thereupon, Juror Number 126 exited the
24 courtroom.)

25 THE COURT: Okay. We can bring in 127.

1 Mr. Pirolo, if you need to leave, feel free to leave.

2 MR. PIROLO: I'll be okay.

3 THE COURT: Mr. Lanning can leave.

4 MR. LANNING: Do you want me gone?

5 THE COURT: No, but you can. I think you do
6 questioning, what is it, a day and a half each person
7 and then you switch. Mr. Moore can't stand it, he's
8 got to ask some questions.

9 MR. MOORE: This is my last chance, Judge.

10 THE COURT: I know, that's what I was thinking.

11 (Thereupon, Juror Number 127 was escorted into
12 the courtroom by the court deputy and the proceedings were
13 had as follows:

14 THE COURT: Juror Number 127, come on in.

15 JUROR NUMBER 127: I'm the finale I guess.

16 THE COURT: You're the finale for today.

17 JUROR NUMBER 127: Good.

18 THE COURT: We don't have anyone else here so I
19 can't make them do anymore. Okay. Juror Number 127,
20 the first thing is I want to thank you for being
21 here. Thank you for your patience. This process I
22 know has been long for you, it's been long for us.

23 JUROR NUMBER 127: Sure.

24 THE COURT: I try to estimate time so that you
25 don't have to be here as long and wait. I haven't

1 been very good at it during this process. I mean, to
2 be honest with you. So, you've had to wait longer
3 than I would have liked but I assure you that we're
4 all working hard in here and we're all trying to get
5 through the process as long as -- as fast as we can
6 but it's a necessary process. So, some things we can
7 go faster on, some things we just can't. So, I thank
8 you for being patience with us.

9 JUROR NUMBER 127: Oh certainly.

10 THE COURT: The other day that we were here I
11 talked about some rules that I imposed at that time.
12 Those rules kind of started at that time. I'm going
13 to talk to you about any prior knowledge you have
14 about the case, but since I imposed those rules, have
15 you read or been exposed to reading newspaper
16 headlines and/or articles relating to this trial or
17 its participants?

18 JUROR NUMBER 127: No, I have not.

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

21 JUROR NUMBER 127: No, I have not.

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

25 JUROR NUMBER 127: No, I haven't.

1 THE COURT: And have you discussed this case
2 with anyone, including the potential jurors, or
3 allowed anyone to discuss it in your presence?

4 JUROR NUMBER 127: No.

5 THE COURT: Okay. Now I'm going to talk to you
6 about what you may have known before you came here.
7 So, do you know anything about this case either from
8 your own personal knowledge, rumor, by discussions
9 with anyone, or from the media, including radio,
10 television, Internet, electronic device, or
11 newspaper?

12 JUROR NUMBER 127: Yes, I do.

13 THE COURT: Okay. Now, tell me what
14 information you believe you know about the case. Be
15 aspect as you can. And remember in here, this is
16 your chance to talk to us, you won't have that chance
17 after we get done with jury selection.

18 JUROR NUMBER 127: Right.

19 THE COURT: There's no right or wrong answers,
20 we just want you to be frank, complete and honest,
21 but there's no right or wrong answers. So, tell me
22 what information you believe you know.

23 JUROR NUMBER 127: Well I saw it and --
24 Internet and I also saw it on the TV. From what I
25 understand -- I mean, what happened, is that what you

1 mean?

2 THE COURT: Yeah, what information that you
3 believe, that you believe that you know.

4 JUROR NUMBER 127: Okay there was a robbery and
5 I don't remember where exactly it was, I think it was
6 like someplace like Wal-Mart or something and the
7 radio came across, the radio to Barbara Pill that
8 such and such was headed in such a direction and
9 there had been a robbery, there was a female, a white
10 female, a black male involved, and she was coming and
11 something or other, a call or something was in the
12 area and saw his car that they were talking about on
13 the radio and she pulled him over and got behind him,
14 got out of the car and walked up, I believe this is
15 what, it's been so long now, and that she was shot.

16 THE COURT: Okay.

17 JUROR NUMBER 127: That's what I heard.

18 THE COURT: And you heard that at the time of
19 the event?

20 JUROR NUMBER 127: Yes. I also heard that the
21 white Caucasian female was the daughter of a police
22 chief or another officer or something like that and
23 that Barbara Pill had a son that was an officer, or
24 two sons maybe, one was West Melbourne or Melbourne
25 officer, and a son that was a deputy I believe.

1 THE COURT: Okay.

2 JUROR NUMBER 127: And that's pretty much what
3 I know.

4 THE COURT: And you heard that at the time of
5 the event?

6 JUROR NUMBER 127: Yes.

7 THE COURT: Well, I'm going to talk about after
8 that. What was the source that you heard that from?

9 JUROR NUMBER 127: Mostly TV, the news. I
10 watch Channel 13 and Channel 3, I believe it's Fox,
11 I'm not sure.

12 THE COURT: Okay. Now, since that time, have
13 you heard information about the case?

14 JUROR NUMBER 127: Yes, she had gone -- I
15 believe she's been sentenced, if I was hearing right,
16 and she got like twelve years. I'm not sure what the
17 sentence was. But I think she's already been tried
18 and sentenced and that she is -- I think that's about
19 it.

20 THE COURT: Okay.

21 JUROR NUMBER 127: I don't know if she's in
22 jail. She's probably still in jail.

23 THE COURT: What about being here today, did
24 you hear anything about jury selection or being here
25 today?

1 JUROR NUMBER 127: No.

2 THE COURT: Okay. And what are your news
3 habits?

4 JUROR NUMBER 127: Well, I get up in the
5 morning because I get up early between my husband and
6 my dog and I usually turn on the TV which comes up to
7 Channel 13 and I only watch a couple of minutes of
8 that like if Good Morning America isn't on yet and
9 switch to Good Morning America. Might catch the noon
10 news when I fix lunch or something, I may have the
11 news on Channel 6, and then at night we watch like
12 the 10:00 or 11:00 news, not all the time.

13 THE COURT: Okay.

14 JUROR NUMBER 127: That would be when I was
15 would be watching the news.

16 THE COURT: That's pretty much your regular
17 routine?

18 JUROR NUMBER 127: Right. And then the
19 Internet when we go to the computer. I don't do the
20 computer as much as my husband does. He highlights a
21 headline he likes. I don't read the newspaper on it.

22 THE COURT: Okay. Do you read the newspaper?

23 JUROR NUMBER 127: No.

24 THE COURT: Do you get the newspaper?

25 JUROR NUMBER 127: (Unintelligible) Palm Beach

1 because that's where I used to live.

2 THE COURT: Do you get the newspaper on a daily
3 basis?

4 JUROR NUMBER 127: No.

5 THE COURT: One of the things that we talk
6 about in here is that in order to be a juror in this
7 case you have to set aside what you may have learned
8 about this case before, serve with an open mind and
9 reach a verdict based only on the law, the evidence
10 presented in this trial and in this courtroom, do you
11 think you can do that?

12 JUROR NUMBER 127: Well, in doing that you have
13 to -- in other words, you're asking me to totally
14 block out?

15 THE COURT: I'm asking you to say -- because
16 I'll tell you what may happen. You may hear some
17 things -- information, I call it information because
18 I don't -- that's -- we don't know if it's fact, not
19 fact, it's not proven. So, I just call it
20 information. You have to set aside that information,
21 you've got to come in here and what may happen is you
22 may sit through this whole trial and you may never
23 hear anything about something that you heard by way
24 of the news.

25 JUROR NUMBER 127: Okay. Well, what about

1 feelings?

2 THE COURT: Well, that's my going to be my next
3 question. Have you formed a feeling with regard to
4 the guilt or the innocence of the defendant?

5 JUROR NUMBER 127: Actually, yes, because I
6 felt so very bad Barbara Pill being a mother and
7 being -- I'm [REDACTED] and her being, I don't know
8 how old she was but I mean she wasn't in her twenties
9 or thirties but maybe she was close to retirement, I
10 don't know, and I'm retired from [REDACTED]
11 [REDACTED] and I just have feelings about things like
12 that.

13 THE COURT: All right.

14 JUROR NUMBER 127: With the police and stuff.

15 THE COURT: So, let me ask you this question.
16 One of the things that I instruct you is that the
17 State has the burden of proof. The State has to
18 prove each element of each crime beyond and to the
19 exclusion of every reasonable doubt. And later on I
20 tell you what reasonable doubt means and things like
21 that.

22 JUROR NUMBER 127: Right.

23 THE COURT: So -- and the Defense, they do not
24 have to prove anything.

25 JUROR NUMBER 127: Right.

1 THE COURT: So, when you come in here you have
2 to presume -- you have to hold the State to their
3 burden of proof and you have to give the Defense the
4 presumption of innocence. The defendant as he
5 citizens here today since there's been no proof
6 before you is not guilty. In fact, the defendant is
7 considered innocent.

8 JUROR NUMBER 127: Okay.

9 THE COURT: Can you follow those principals and
10 look at the defendant and say that the defendant is
11 not guilty, is innocent, as your duty as a juror
12 would require or will you have some predisposed ideas
13 and emotions that would preclude you from doing that?
14 And there's no right or wrong answers.

15 JUROR NUMBER 127: I know, and I would be lying
16 if I said yes, absolutely, and I would be lying if I
17 said no, absolutely, because I would try my best, but
18 I couldn't guarantee that I could do away with what
19 for the past few months I have felt. And I'm not
20 talking about what I heard but what I feel about an
21 incident such as this. You know, some things are
22 just hard to deal with.

23 THE COURT: Okay. This case does involve the
24 death --

25 MR. MOORE: Judge, we stipulate.

1 THE COURT: Okay.

2 MR. BROWN: I think it's clear.

3 THE COURT: Okay. They told me that they -- at
4 this time I am going to excuse you as a potential
5 juror in this case. I do want to thank you for your
6 service. It's not anything personal, it's just that
7 based on that information, you know, it may be
8 probably best if you served on another case.

9 JUROR NUMBER 127: Okay.

10 THE COURT: So, I'm going to thank you for your
11 service. I'm going to ask you to go downstairs,
12 report to the jury assembly room and they're going to
13 just thank you, take your badge and send you on your
14 way.

15 JUROR NUMBER 127: Okay.

16 THE COURT: Okay. Thank you.

17 JUROR NUMBER 127: Thank you.

18 (Thereupon, Jury Number 127 exited the
19 courtroom.)

20 THE COURT: Okay. For the record, Juror Number
21 127 has been released for cause. Okay. We will
22 start at 8:30 on Monday morning, start with Juror
23 Number 129. I've called in Jurors Number 129 nine to
24 139 for the morning at 8:30 a.m. Any preliminary --
25 any matters I need to discuss by either party?

1 MR. BROWN: Nothing from the State, Your Honor.

2 MR. MOORE: No, Your Honor.

3 THE COURT: Okay. Court will be recess until
4 8:30 on Monday morning. Thank you.

5 (Thereupon, court was in recess for the day,
6 3/7/14. Thereafter, court was reconvened on 3/10/14 and
7 the proceedings were had as follows:)

8 THE COURT: Okay. Please be seated. Okay. We
9 can bring in Mr. Bradley.

10 (Thereupon, the defendant was escorted into the
11 courtroom by the court deputy.)

12 THE COURT: Okay. If my records are correct,
13 we're scheduled to interview seven jurors this
14 morning, 129 through 131. Any preliminary matters
15 that I need to address on behalf of the State?

16 MR. BROWN: No, Your Honor.

17 THE COURT: Preliminary matters on behalf of
18 the Defense?

19 MR. MOORE: Other than we'd like to, if we
20 could one, get a list of the venire persons who have
21 been selected to date with their addresses, if
22 there's a record kept of that. I have a list here
23 but I don't have that specific information. So, I
24 making a request that we get that. That is the whole
25 venire versus the thirty-five on (unintelligible).

1 THE COURT: Don't you have that in that little
2 sheet that they give you, each person?

3 MR. MOORE: No, we don't, for separate panels
4 at this point.

5 MR. LANNING: It does not have their date of
6 birth and it only has the town.

7 THE COURT: Response from the State.

8 MR. MCMASTER: Judge, the clerk forwarded the
9 juror information for the first five panels that the
10 Court had scheduled for the first week. We only got
11 to two of them. The panels that we did this past
12 week we did not receive any juror information on any
13 of the panel members other than the standard juror
14 questionnaire. I have checked our internal system
15 with just the names but it's hard to match up the
16 names without the date of birth.

17 THE COURT: I can do that but it won't --

18 MR. MOORE: We don't need it right this second.

19 THE COURT: Obviously, while I'm sitting here
20 it can't happen, so. Because I can't do anything
21 while I'm sitting here. So, I will see what I can do
22 with regard to that.

23 MR. MCMASTER: We have all the information from
24 the first two panels. The third one which we got to
25 that we were (unintelligible), the panel was

1 dismissed so we don't really need anything from that.

2 THE COURT: Well, I think what he's asking for
3 is just the thirty-five that's already going --
4 moving into the second.

5 MR. MCMASTER: Judge, we have all of that
6 already, I mean, the information about all of those
7 panel members including the ones that were -- got
8 past the initial screening, the only information we
9 don't have is for the panel members from this past
10 Thursday.

11 MR. MOORE: Can I show the Court what I have
12 here? I believe this is the list that we originally
13 got with names with the information on that we're
14 looking for if that would help.

15 THE COURT: You can show it to me.
16 Mr. McMaster, you're saying -- I don't think you
17 would have gotten -- the first panel was different
18 because they were handled different. After we went
19 through that first listing, I mean, I don't think
20 they were giving you --

21 MR. MOORE: We get that originally.

22 THE COURT: Well, that was because that was a
23 special panel. Now we've gone of gone through that
24 special panel, we're using the regular jurors that
25 we've just ordered for everyone and, you know, I

1 didn't can them -- with all due respect, I didn't ask
2 them to compile a special list of those, it just
3 never crossed my mind. I think this is what he's
4 looking for.

5 MR. MCMASTER: May I approach, Your Honor?

6 THE COURT: Yes. Because it has the date of
7 birth and the full address as opposed to just the
8 city and town.

9 MR. MCMASTER: I think that was the Thursday
10 panel, I don't think we ever actually used that one.

11 THE COURT: No, but he's just giving me an
12 example of what he's looking for.

13 MR. MCMASTER: We had a total of five of those,
14 Judge. We got one from Monday, Tuesday, Wednesday,
15 Thursday and Friday of the first week of jury
16 selection.

17 THE COURT: No, I know that, yes. You wouldn't
18 have gotten it for after that because the panels
19 after that, the panel that we used after that was
20 just a regular panel, it wasn't a special panel that
21 I ordered for this trial, because we've gone through
22 the regular panel.

23 MR. MCMASTER: That's what I'm saying, we only
24 need the information for the panel members that we
25 received last Thursday.

1 THE COURT: So, everything else you would have
2 already gotten. So, starting Thursday?

3 MR. MCMASTER: Thursday panel was our third
4 panel that we actually started to choose from. The
5 third one was supposed to be the Friday panel which
6 was called up and then we had the incident outside
7 the courthouse.

8 THE COURT: Can you tell me the number of what
9 juror it started with?

10 MR. MOORE: At the break we'll give a list of
11 the ones that we've picked and then perhaps we can --

12 THE COURT: I have a list of -- I mean, I have
13 the numbers, I haven't matched the numbers up with
14 the names.

15 MR. MCMASTER: If it's the numbers that we're
16 currently doing, 107 through the ones that we're
17 individually questioning now. The Court inquired of
18 the panel for the first time on Thursday morning
19 after the Court started trial again. It was on March
20 6th. We started individual questioning Thursday
21 afternoon, we did six of them, and then Friday we did
22 another five in the morning and six in the afternoon
23 and we're continuing with the seven, seven, seven
24 split that the Court has now through tomorrow
25 morning.

1 THE COURT: So, you're saying it starts with
2 107?

3 MR. MCMASTER: That's correct.

4 THE COURT: Mr. Moore, I think what
5 Mr. McMaster is saying is you've already gotten the
6 information through -- before the previous ones, you
7 just don't have them for 107 forward.

8 MR. MOORE: Well, we don't -- it would be nice
9 to have them all in one place.

10 THE COURT: I understand what you're saying but
11 that requires someone to do that work and that's
12 really not their job. So, I don't know if I'm going
13 to make them -- I'll get you the date of births and
14 I'll get you the addresses because I told you I would
15 do that but I'm not going to make them do a special
16 list. They don't even give me a special list, I have
17 to write it down on a little piece of paper here.

18 MR. MOORE: It would be helpful, it would be
19 helpful to both sides to do background checks.

20 THE COURT: What Mr. McMaster is saying is that
21 you've already gotten -- it's not compiled in a
22 pretty little list but you've already gotten the
23 information from 1 through 106, it's after 107.

24 MR. MOORE: Not their addresses.

25 THE COURT: You should have 106, the addresses

1 for 1 through 106, you just don't have it starting
2 with 107.

3 MR. LANNING: What I'm hearing is that during
4 that first week I think we only selected a panel from
5 one of our days list. I think at that point we got
6 out of whack and we started bringing in new panels.

7 THE COURT: No, we only brought in new panels
8 after the first -- well.

9 (Thereupon, a pause was taken in the
10 proceedings.)

11 THE COURT: It would have been the only panel
12 that was brought in Thursday. That's the only new
13 panel. Otherwise, we're using the panels that I
14 ordered and you got the information for that, but I
15 will get it starting for 107. And I'll get it for
16 each panel, each person who's been selected after
17 107, but I won't be able to do that until -- I won't
18 be -- I mean, that's going to take a few moments for
19 me to even give them the information. So, I'll have
20 to do that over lunchtime.

21 MR. MOORE: Thank you.

22 THE COURT: Okay. Anything else on behalf of
23 the Defense?

24 MR. MOORE: No.

25 THE COURT: Now, do we have them up?

1 THE COURT DEPUTY: 129 was not here so we
2 brought up the other ones.

3 THE COURT: Do we know anything about 129?

4 THE COURT DEPUTY: Not yet.

5 (Thereupon, a pause was taken in the
6 proceedings.)

7 THE COURT: They're telling me that 109 -- I
8 mean 129 is not here as of yet. They're trying to
9 contact -- I don't know if that's a him or a her.
10 They're trying to contact, looks like a him, and
11 we'll -- so, we'll start with I guess 131 and they're
12 telling me that 131 is up. Is that correct?

13 THE COURT DEPUTY: Yes, ma'am.

14 THE COURT: Are all of them up?

15 THE COURT DEPUTY: All of the ones, yes.

16 THE COURT: Are they kept over here?

17 THE COURT DEPUTY: Yes, ma'am.

18 THE COURT: Hold on just a minute. Mr. Moore's
19 not in his seat. Is he ready to go?

20 MR. BROWN: Judge, to remind the court, 132 and
21 133 had issues that they were going to check on.

22 THE COURT: 132 I thought we --

23 MR. MCMASTER: 132's already excused.

24 THE COURT: So, 133.

25 MR. MCMASTER: 132's been excused.

1 MR. BROWN: Oh, okay.

2 THE COURT: Are we ready to bring in 131? Is
3 State are ready? 129 --

4 MR. MOORE: We're ready.

5 THE COURT: Okay. Let's bring in 131. As soon
6 as we hear something about 129, someone will let me
7 know.

8 (Thereupon, Juror Number 131 was escorted into
9 the courtroom by the court deputy and the proceedings were
10 had as follows:)

11 THE COURT: Okay. Good morning, 131. Thank
12 you for being here. Thank you for the time that
13 you've been waiting. There's been some times that
14 you've been brought to the court, told to come and
15 then we sent you home. We're doing the best we can
16 to try to get through this process as fast as we can.
17 It's taking longer than we -- than I expected but I
18 assure you that we're working hard and that we're
19 trying to get through it as efficiently as possible.
20 The process in and of itself does take a long time.
21 When I spoke to you last I talked to you about some
22 rules that you need to abide by governing your
23 service as a juror. Now, those rules came into
24 effect at that time, doesn't come into effect prior
25 to that time. So, I'm going to talk to you about

1 since I implemented those rules. So, have you read
2 or been exposed to reading newspaper headlines and/or
3 articles relating to this trial or its participants?

4 JUROR NUMBER 131: No, I haven't.

5 THE COURT: And have you seen or heard
6 television, radio, or Internet comments about this
7 trial?

8 JUROR NUMBER 131: No.

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

12 JUROR NUMBER 131: No.

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

16 JUROR NUMBER 131: No.

17 THE COURT: Okay. Now I'm going to talk to you
18 about what you may have known about this case prior
19 to those rules coming into effect. So, do you know
20 anything about this case either from your own
21 personal knowledge, rumor, by discussion with anyone
22 else, or from the media, including radio, television,
23 Internet, electronic device, or newspapers?

24 JUROR NUMBER 131: Only maybe at the point in
25 time it happened probably last year.

1 THE COURT: I want to tell you that anything
2 you say in here there's no right or wrong answers,
3 all we ask you is to be -- give us the honest -- give
4 us as much information as you know as you can and be
5 frank with us about the information that you have.
6 So, tell me what you think -- what information you
7 think you know about the case. You said you heard
8 something at the time that it may have happened.

9 JUROR NUMBER 131: Only the fact that an
10 officer was killed in the line of fire, line of duty.

11 THE COURT: Do you know anything, anything else
12 about the details?

13 JUROR NUMBER 131: No, not really.

14 THE COURT: When you say not really, you need
15 to try to think and try to tell me what you think you
16 know.

17 JUROR NUMBER 131: Just knowing that an event
18 occurred probably about a year or so ago, that was
19 about it, as reported on the media.

20 THE COURT: What about since that time, what
21 have you heard about the case?

22 JUROR NUMBER 131: About the (unintelligible).

23 THE COURT: Pardon me?

24 JUROR NUMBER 131: About the (unintelligible).

25 THE COURT: Did you hear that there was jury

1 selection about the case?

2 JUROR NUMBER 131: Yeah, on that, yes, the
3 obvious, yes.

4 THE COURT: Okay. When you say the obvious, we
5 don't know what you know so you have to help us out
6 and tell us. So, what do you think you -- just that
7 there was jury selection, anything else, any details?

8 JUROR NUMBER 131: No.

9 THE COURT: What's your news watching habits or
10 news reading habits?

11 JUROR NUMBER 131: News watching typically is
12 probably national news, WESH 2 basically for local
13 news, Internet reading, Wall Street Journal, USA
14 Today, (unintelligible) typically for the
15 (unintelligible), that's how I basically get the
16 news.

17 THE COURT: So, on a daily basis like some
18 people say I get up in the morning, I turn on the TV,
19 I turn on the news, I kind of watch it, I kind of
20 don't, other people say, hey, between 5:00 and 6:00
21 every day I sit down and watch the news and, you
22 know, they tell us whether it's local or whether it's
23 national. So, do you have any habits like that that
24 you follow?

25 (CONTINUED TO VOLUME VI)