

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,

-vs-

BRANDON BRADLEY,

Defendant.

**ORIGINAL**

TRANSCRIPT OF DIGITAL  
STATUS CONFERENCE RECORDING

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2013 SEP 30 P 3:08  
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The transcript of the hearing  
taken in the above-styled cause at Moore Justice Center,  
2825 Judge Fran Jamieson Way, Viera, Florida, 32940, on  
the 22nd of October, 2013, before the Honorable  
Morgan Laur Reinman, commencing at 8:35 a.m.

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A P P E A R A N C E S

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\* \* \* \* \*

## P R O C E E D I N G S

1  
2 THE COURT: Please be seated. Okay, first  
3 thing this morning I'm going to address is the  
4 State versus Bradley, Brandon Bradley. We're here  
5 for a status conference this morning. One of the  
6 issues I wanted to talk about first was we need to  
7 talk about the number of jurors to order and how to  
8 do the jury selection process. The clerks have  
9 asked -- I mean, I've notified them that the weeks  
10 that this case is going to trial, the week that  
11 we'll be picking a jury.

12 And so they want to have a meeting with me to  
13 discuss it further, and I wanted some input from  
14 the attorneys about the number of jurors that they  
15 thought we should -- would be appropriate, whether  
16 we order them all the first day, whether we stagger  
17 them when we order them. Normally, what is it,  
18 20 -- I can't even think. How many fit in the  
19 backs? 21 fit in the box comfortably.

20 I haven't really -- I would prefer not to  
21 switch courtrooms if we don't have to, that may be  
22 an option though. So far it seems like we've --  
23 the courtroom has accommodated everyone that's  
24 wanted to be present during certain hearings. I  
25 would think during the trial phrase -- phase that

1 might be more, but I don't know how much more so.

2 MR. MOORE: Well, the last time we were here  
3 I said I would have the death penalty motions filed  
4 by October 1, and I didn't -- but included, and  
5 they'll be filed by the end of this week. But of  
6 course at this point, nobody will believe anything  
7 I say anymore. One of the motions is a motion for  
8 an individual sequestered voir dire, so we're  
9 asking for that.

10 THE COURT: Okay.

11 MR. MOORE: And so as to the how of it, the  
12 number, I would say 100 would not be too many  
13 because we have a lot, as the Court knows, a lot of  
14 media coverage and have, regularly, for the last  
15 year and a half.

16 THE COURT: Well, do you think we should  
17 order, like, Monday, 21, have them all sit in the  
18 box? Tuesday, 21, Thursday, 21, or order a  
19 hundred? I think -- I can't remember how many fit  
20 in the back. I had this written down before. We  
21 can get 21 to fit in there. You can do five, five,  
22 six, and six.

23 If you get any more in there, they're  
24 uncomfortable. And it depends on the size of  
25 people as to how many you can fit comfortably.

1 Sometimes I've had some very large people that  
2 don't quite fit, and they're really close to each  
3 other. So that's -- that's 42. If we put -- if we  
4 put -- no, that's 43. So we can put more on this  
5 side as well, but then, logistically, it gets a  
6 little difficult. I don't have problems  
7 questioning them, but I'm wondering how you all.

8 MR. MOORE: Well, we need to call up a  
9 roomful of people the first day because we have to  
10 figure out who's going to need the individuals  
11 sequestered because it will just be as to  
12 death penalty and media coverage. And so we --  
13 you know, I've tried cases where headline news  
14 talks about my client in a very negative way the  
15 day of trial and not three people in the entire  
16 venire had even heard of this guy and none of them  
17 have read the article. That's what they said.

18 So I don't expect we're going to get that, I  
19 think we're going to get a lot of people who know  
20 about this case and are impacted by it. But I  
21 think we ought to have a full courtroom and a full  
22 jury box and figure out who we need to do the  
23 individuals sequestered on. And then let everybody  
24 else go for maybe a day or so, and then just focus  
25 on the people who raise -- respond that they read

1 about it or that they, you know -- we need to talk  
2 to about the death penalty. Well, we're going to  
3 do that anyway for all of them, but the media  
4 coverage is -- you know, that's dependent on who  
5 responds. So I think the more people we get in the  
6 first day, the better.

7 THE COURT: What -- if I do that, where would  
8 the families sit? I mean, will they --

9 MR. MOORE: You know, perhaps if the Court  
10 can reserve maybe the back row for the people who  
11 want to be here and sit in. Maybe -- I don't know,  
12 State would know better than I about how many  
13 people are going to be here on behalf of the State.  
14 And once they maybe come up with a number, then  
15 perhaps we can -- the Court can figure out how many  
16 rows need to be reserved for family. I think  
17 during the trial, I'm just expecting a large  
18 turnout of law enforcement which would be expected.  
19 And I think they will be packing the courtroom, I  
20 would expect. I don't know, I'd just be surprised  
21 if they don't.

22 THE COURT: Well, we had the one hearing and  
23 law enforcement was here. I did see Sheriff Ivey  
24 here and other people, and we seemed to have enough  
25 room to accommodate. Normally, I will know. The

1 court deputies will let me know if there's problems  
2 and everyone not having enough seating in the  
3 courtroom, and I didn't see that as an issue.

4 Mr. McMaster, was that an issue that you knew  
5 of?

6 MR. MCMASTER: No. Not that I'm aware of. I  
7 did not receive any complaints from anybody about  
8 not being able to find a spot in the courtroom. I  
9 think a hundred jurors was a reasonable estimate  
10 by --

11 THE COURT: I can't fit a hundred in here.

12 MR. MCMASTER: I would suggest we do it in  
13 two days. 50 on one day, and 50 on the next.

14 THE COURT: I can fit 65 in here pretty  
15 comfortably without having everyone on top of each  
16 other. If I knock out the back row in each row,  
17 that's minus ten -- I mean, that's minus 12. If I  
18 knock out the back row there and the back row  
19 there.

20 MR. MOORE: Both sides?

21 THE COURT: Well, I probably would only need  
22 one side.

23 MR. MOORE: I would think.

24 THE COURT: Because the media won't  
25 be present during jury selection.

1 MR. MCMASTER: I wouldn't bet on that, Judge.

2 THE COURT: Well, if the media is present,  
3 I'm going to have to talk to them about -- I think  
4 they know the rules, but I'll have to talk to them  
5 about that. Well, if the media is present, they  
6 pretty much take up one back row.

7 MR. MCMASTER: Yes, ma'am.

8 THE COURT: So that will knock out 12.

9 MALE SPEAKER: (Unintelligible.)

10 THE COURT: No. They can have one back row.

11 MALE SPEAKER: (Unintelligible.)

12 THE COURT: They can, but I've let them -- as  
13 long as they don't take up more than one row, they  
14 can figure out what they want to do. That's their  
15 issue, not mine.

16 MALE SPEAKER: And does it matter which side?

17 THE COURT: It doesn't matter which side.  
18 They always pick this side, I think it's a better  
19 view.

20 MALE SPEAKER: Right.

21 THE COURT: But if the family members want to  
22 sit on this side, then the media will have to move  
23 to that side. So that will knock out 12, so that's  
24 53. So I could do 53 one day, and 53 the next day.  
25 And then we can give them a break and deal with the



1 media issue and deal with the death penalty issue.

2 MR. MOORE: Sounds reasonable to me.

3 THE COURT: Okay. Logistically,  
4 Mr. McMaster, because you've worked in this  
5 courtroom, do you think we can we stay in this  
6 courtroom? Do you think that's going to be an  
7 issue?

8 MR. MCMASTER: I would hope so, Judge.

9 THE COURT: Okay.

10 MR. MOORE: A bigger courtroom might be  
11 better, but the other -- I guess the only bigger  
12 one I know is Delta which has horrible acoustics.

13 THE COURT: Yeah. It would be Delta. That  
14 would be -- that's the big -- everything else is  
15 the same.

16 MR. MOORE: It's hard to hear in there.

17 THE COURT: It is hard to hear in there?

18 MR. MOORE: Yes, ma'am, it is.  
19 Bad acoustics. What we might do is, if during jury  
20 selection is a problem, get a microphone and pass  
21 it around. It's a little cumbersome, but we've  
22 done it and it works. It helps.

23 THE COURT: You're talking about if we move  
24 to Delta? I can hear them fine in here. I've  
25 never had an issue.

1 MR. MOORE: No, yeah, this is not a problem,  
2 but there it is if we have to move to a bigger  
3 courtroom. I mean, we don't know. I'm just saying  
4 as a standby, we ought to have a microphone in the  
5 wings.

6 MALE SPEAKER: I think that Judge Roberts has  
7 two drop-down microphones in the jury box.

8 MR. MOORE: Sure. Or just, you know, a  
9 cordless one that gets passed around.

10 THE COURT: Yeah. It's not a problem in  
11 here, but sometimes it's a problem back there.

12 FEMALE SPEAKER: (Unintelligible) There's a  
13 microphone in the evidence locker room there.

14 MR. MOORE: Sure. Just a suggestion.

15 THE COURT: Okay. Well, what I'll do is I'll  
16 order -- we'll order 53 the first day of trial, and  
17 I'll order 53 the second day. And so far, I'm  
18 going to stay in this courtroom, but that may  
19 change. Okay, and then we need to talk about the  
20 hearing dates. I gave you all some dates, and you  
21 all didn't appear to be happy with those dates and  
22 didn't -- but your -- the dates -- you know, with  
23 all do respect, it wasn't -- I was thinking we were  
24 going to try the case in July of next year, not  
25 January. My schedule was already made by the time

1           you guys told me that you wanted to do this.

2           MR. MCMASTER: Didn't say "you guys," Judge,  
3           this was a request by the defense.

4           THE COURT: I know, but I'm just saying. So  
5           I'm accommodating everyone the best I can, and I'm  
6           bending over backwards, I feel, to accommodate  
7           them. I have some other dates, but they were  
8           actually vacation days, which I'm happy to give  
9           back. But I don't have a lot of options here, so  
10          we got to really work with what I have or we can't  
11          do this because I can't not do certain hearings.

12          So the other thing is, is during the trial I  
13          have -- it's my son's spring break, and I have --  
14          was going to take two days off Monday and Tuesday  
15          for something that we have planned. And, you know,  
16          I normally take the whole week off, and he and I go  
17          do something. But I'm still taking Monday and  
18          Tuesday off, and I can tell you when those are. I  
19          thought about it, and I'm still taking Monday and  
20          Tuesday off.

21          And that's in February, February 17th and  
22          February 18th. So those two days, that's pretty  
23          late in the trial stage. Probably everyone will  
24          want a break no matter what by then, I would think.  
25          But February -- 17th of February and 18th, I'm

1 scheduled to be out, and I am going to be out those  
2 days.

3 MR. MOORE: As long as we're done by April 1  
4 because that's when I'm out.

5 THE COURT: No, I know. And so I kind of  
6 wrote down what we were talking about.

7 Mr. McMaster, did you have something on that?

8 MR. MCMASTER: Well, maybe we should talk a  
9 little bit about where we're at with the motions  
10 with the defense. They, so far, have not filed  
11 any.

12 THE COURT: Okay.

13 MR. MOORE: Here's probably the biggy, it  
14 would be the motion to suppress.

15 THE COURT: Right.

16 MR. MOORE: And that will involve expert  
17 testimony. One of whom of the experts will be  
18 seeing Mr. Brandon, which is what needs to be done  
19 for that opinion to be finalized, seeing him this  
20 week. The other expert will be seeing him the  
21 first or second week of November. And then we'll  
22 have opinions and written reports, which I will  
23 immediately provide to the State. But I can't file  
24 the motion until I get their opinions. And so,  
25 you know, that is kind of running us kind of close

1 to the edge.

2 But with Ms. Kirchner and Mr. Bross, I  
3 understand that they had experts and they provided  
4 reports. And the State didn't feel like it needed  
5 to take depositions or get their own experts, if I  
6 got that right. I'm not saying that that will be  
7 the response to these experts, but that's a  
8 possible. And so, I mean, I'm going as fast as I  
9 can go, which is as fast as the experts are going.

10 And as soon as I get feedback from them in  
11 written form -- which I will urge them to do as  
12 quickly as possible -- I'll give them to  
13 Mr. McMaster, and they'll figure out what their  
14 response is. So I think probably if we can -- and  
15 they're both available in December, as I recall.  
16 If we can perhaps schedule a hearing -- a hearing  
17 date in December, a day and a half.

18 THE COURT: That's problematic because --

19 MR. MOORE: Or January, I think we had some  
20 time in January. I'm just saying, the sooner we  
21 get it out of the way, the better. But whatever  
22 the Court has available, we'll take it.

23 THE COURT: Let me tell you the schedule that  
24 I proposed, and then let me tell you the other  
25 dates that may be available. The schedule that I

1 proposed was: Non-death penalty motions, you said  
2 you needed a half day. Well, I can give you  
3 December the 3rd at 3:00 p.m. That was what I  
4 proposed.

5 Then the motion to suppress, you said you  
6 needed a day and a half. What I had carved out was  
7 November the 21st at 1:30 and then -- for a half  
8 day, and November the 22nd for all day. And then  
9 the death penalty motions, January the 16th at 3:00  
10 and January the 21st at 3:00. Now, that was the  
11 time that I had carved out.

12 If those dates don't work, the other dates I  
13 can give you -- now, these are actually my vacation  
14 days. I'm willing to come in and work, but they're  
15 not really nice, pretty days because they're  
16 December 23rd, December 24th, December 26th,  
17 December 27th, December 30th. You may like these  
18 dates better, January 2nd and January 3rd.

19 MR. MOORE: You know, I'm fine with all of  
20 that. It's going to depend on what the State needs  
21 to do and whether they think they have enough time  
22 to do it. So any of those days are acceptable to  
23 the defense.

24 THE COURT: I mean, can you do the non-death  
25 penalty motions before you do the motion to

1 suppress?

2 MR. MOORE: Yeah, sure.

3 MR. MCMASTER: I don't know what I'm supposed  
4 to be responding to.

5 MR. MOORE: We can. I mean, it would be like  
6 a motion in limine, a motion for change of venue,  
7 which, traditionally, Courts don't hear until the  
8 jury selection process starts. But I have to, by  
9 rule, I have to file it before the trial starts.  
10 So there won't be anything to hear. I think the  
11 Court will just say, Well, it would be best for me  
12 to see how we do during jury selection. So that  
13 will be on the list, and the motion in limine which  
14 will evolve. I mean, a lot of that comes just  
15 before trial anyway.

16 THE COURT: Do you want me to, instead of  
17 starting the trial on Monday, do we want to start  
18 the trial on Tuesday and do Monday some of those  
19 motions?

20 MR. MOORE: It's not a bad idea half a day  
21 anyway because --

22 THE COURT: Well, the Monday -- well, we  
23 could do it -- I don't want to bring the juror --  
24 if I'm going to bring the jury in, I want to bring  
25 them in at 9:00 a.m.

1 Mr. McMaster?

2 MR. MCMASTER: With respect to the dates the  
3 Court was proposing, the December ones are  
4 definitely not good for me. I've got  
5 use-it-or-lose-it vacation time that I planned on  
6 taking.

7 THE COURT: Okay.

8 MR. MCMASTER: January, I expect I'll  
9 be available if necessary.

10 THE COURT: I was supposed to be out  
11 January 2nd and January 3rd.

12 MR. MCMASTER: I try to arrange my vacation  
13 time around the Court's schedule.

14 THE COURT: Well, I was wondering were you  
15 going to be out those days?

16 MR. MCMASTER: Yes, ma'am. I had planned on  
17 being out.

18 THE COURT: If I said be in January 2nd and  
19 3rd, can we do that?

20 MR. MCMASTER: I'll be here if we need to  
21 here, Judge. However, I should give the Court some  
22 facts. As I understand it, Mr. Moore is planning  
23 on filing a motion to suppress similar to the one  
24 Ms. Kirchner filed -- or Mr. Bross filed on  
25 Ms. Kirchner's behalf.



1 MR. MOORE: Well, I don't want to be  
2 connected to that motion in any way, but there will  
3 be an issue of voluntariness of waiver of Miranda  
4 and voluntariness of the statement because of the  
5 suggestion of a controlled substance.

6 MR. MCMASTER: Just so the Court's aware for  
7 scheduling purposes, I expect we will have to  
8 listen to all of the recordings that we have of  
9 Mr. Bradley just as we did with Ms. Kirchner. I  
10 have a total of six DVDs. One of them is -- the  
11 first one is an hour and 54 minutes, the next one  
12 is two hours 45 minutes, the next one is about an  
13 hour, the next one is six hours, the next one is  
14 three hours and 16 minutes, and the last one is  
15 16 minutes.

16 MR. MOORE: I believe, as we expressed at the  
17 last hearing, that what the Court can look at and  
18 that would be sufficient with the three to  
19 four hours, at the most. And we can guide the  
20 Court as to where those are so that the Court  
21 doesn't have to spend time watching Mr. Bradley  
22 passed out on the floor of the interrogation room.

23 I mean, that's -- that's part of it. That's  
24 a big part of it. The Court doesn't need to look  
25 at that. Maybe a portion of it, but not much of

1 it. But the critical parts are two to three hours,  
2 maybe four, of Mr. Bradley give -- giving  
3 statements and being questioned.

4 Do you agree with that, Mr. --

5 MR. MCMASTER: Well, the actual interview of  
6 him, Judge, lasts from 7:32 in the evening to 8:46.  
7 The rest of it, he's basically in an interview room  
8 sleeping.

9 MR. MOORE: Right. The Court doesn't need to  
10 see all that, not for hour after hour.

11 MR. MCMASTER: I mean, there are some  
12 statements that he makes during the other portions,  
13 but --

14 THE COURT: I mean, I'll watch whatever you  
15 all think is appropriate for me to watch.

16 MR. MOORE: We can agree, Mr. McMaster and I,  
17 I think we can come to an agreement as to what the  
18 Court can watch.

19 THE COURT: And get it down to, like, three  
20 or four hours?

21 MR. MOORE: Yes, ma'am, I think so.

22 THE COURT: If we did the non-death penalty  
23 motions the day before trial, is that -- is that --  
24 will that work or not work?

25 MR. MCMASTER: Sure.

1 MR. MOORE: That would probably be the best  
2 time to do it because often things come up at the  
3 last minute which you don't think of until the last  
4 minute just because of the nature of the  
5 preparation. So that will be, I think, more  
6 practical.

7 THE COURT: You know what, I need to see when  
8 the trial date starts. Was it January?

9 MR. MCMASTER: January 28th, I believe.

10 MR. MOORE: 27th.

11 THE COURT: 27th?

12 MR. MCMASTER: 27th.

13 THE COURT: So January, okay. If we do  
14 non-death penalty -- I'm sorry, I'm just writing  
15 this down while I'm talking. I can talk faster  
16 than I can write. If we do non-death penalty  
17 motions on January 27th, when can you have them  
18 filed by? I think it would be appropriate to give  
19 you a deadline to file them.

20 MR. MOORE: Which motions, the non-death  
21 penalty motions?

22 THE COURT: Non-death penalty motions.

23 MR. MOORE: Other than the motion to  
24 suppress?

25 THE COURT: Other than the motion to

1 suppress.

2 MR. MOORE: You're talking about the 26th  
3 then.

4 THE COURT: 27th?

5 MR. MOORE: 27th and you're talking about  
6 doing motions on that day, right?

7 THE COURT: Motions on that day, starting the  
8 trial on the 28th.

9 MR. MOORE: How about non-death penalty  
10 motions -- I'll file what I can. Like I said, the  
11 motion in limine evolves. I can't attest  
12 everything I'll put in it, but I -- I've got some  
13 things now which can be filed by January 1 by -- or  
14 early January, first week in January. I think we  
15 can file them by then. And there may be some  
16 additional ones that come up just before, like the  
17 week before the 27th.

18 THE COURT: You know, you should know what --  
19 I mean, this isn't a case --

20 MR. MOORE: I know that. Yes, Your Honor, I  
21 do, I know, like I said. But my experience has  
22 been in every case that I've ever tried that we'll  
23 think of things that we didn't think of before just  
24 because you're going over things for the hundredth  
25 time and you've suddenly you think, well, what

1 about that? So that's what I'm saying. That sort  
2 of thing may trickle in at the last minute.

3 THE COURT: If I say by January 10th, is that  
4 enough time for the State?

5 MR. MCMASTER: Probably not, Judge. I mean,  
6 first of all, I don't have a clue what they intend  
7 to file. I don't have a clue how we're supposed to  
8 respond. I don't have a clue what witnesses I'm  
9 going to need to arrange to be present for a  
10 hearing. I mean, it's October 22nd now, and he's  
11 not talking about filing anything until  
12 January 10th, and he wants to start trial on  
13 January 27th.

14 We are doing our best to accommodate  
15 Mr. Moore and his schedule. But if this case has  
16 to be tried without Mr. Moore, it has to be tried  
17 without Mr. Moore. If they need time to file these  
18 motions, that's fine. They can have as long as  
19 they like, but we are not going to be pressed into  
20 a trial starting January 27th when they're not even  
21 prepared to file their non-death penalty motions  
22 until mid-January.

23 MR. MOORE: We can -- I'll do my level best  
24 to file them before the end of the year.

25 THE COURT: Well, I'm going to give you a

1 deadline. This isn't do-my-best, I'm going to give  
2 you a deadline. Actually, I'm going to give you --  
3 I think three weeks for the State. I'm going to  
4 give you until January 6th by 5:00 p.m., that gives  
5 the State three weeks. Okay, now let's talk about  
6 death penalty --

7 MR. MCMASTER: Just so the record is clear,  
8 they have three months to file their motions, and  
9 we've got three weeks to respond.

10 MR. MOORE: We'll do it before that, we'll do  
11 it before that.

12 THE COURT: I haven't heard anything that's  
13 too difficult with regard to those, so if  
14 something -- I mean, obviously, if something comes  
15 up, I'll address it then. But I'm more concerned  
16 about the motion to suppress, getting it done and  
17 filed. What about the -- okay, death penalty  
18 motions. The date that I had carved out for  
19 that --

20 MR. MCMASTER: You said January 16th and  
21 January 21st, I believe, at 3 o'clock.

22 THE COURT: I mean, I'll set aside those two  
23 times. I mean, is that enough time? That's  
24 like --

25 MR. MOORE: That's four hours.

1 THE COURT: That's four hours. Is that --

2 MR. MOORE: That's enough.

3 THE COURT: That would be enough? And you  
4 can just have those times and you can pick which  
5 ones you want to schedule for which days.

6 MR. MOORE: Fair enough.

7 THE COURT: Okay. So let me put those in.  
8 Death penalty motions, January 16th. Just so you  
9 know, I have early resolution before that. That's  
10 a hard day for me. January 21st, 2014, at  
11 3:00 p.m. Now, I want a date to file those by.

12 MR. MOORE: Well, I'm nearly done, so I  
13 think, let's say, Monday of next week. How about  
14 that?

15 THE COURT: I mean, are you sure because  
16 that's --

17 MR. MOORE: Yeah. I have this week, I can do  
18 it. Like I said --

19 THE COURT: You want me to try -- I want to  
20 try to hear those closer to the trial and not hear  
21 them before the trial -- I mean, too far before the  
22 trial.

23 MR. MOORE: Right. I mean, I can get them  
24 filed this week. And if the Court wants to -- I'll  
25 get them filed this week, how about that? That's

1 what I'll do, and the State will have two months to  
2 respond.

3 THE COURT: Okay. I'm going to say filed by  
4 November the 8th. That's next -- like a week,  
5 ten days away.

6 MR. MOORE: Great.

7 THE COURT: By November the 8th by 5:00 p.m.  
8 Okay, then the motion to suppress, the date that I  
9 have carved out for that was November the 21st and  
10 November the 22nd. It looks like that's not going  
11 to work. Is that --

12 MR. MOORE: I would say that's correct.  
13 We'll have filed what we need to file, but then the  
14 State has got to have time to respond. And I don't  
15 think it's realistic that they would be ready by  
16 those dates.

17 THE COURT: Well, then the other dates that  
18 will probably work --

19 MR. MOORE: Could we -- don't mean to tie up  
20 the Court's schedule, but could we leave those  
21 dates on because --

22 THE COURT: I mean, I could. They're trial  
23 dates, but if you want January 2nd and 3rd, I need  
24 to give them to you now.

25 MR. MOORE: Well, we'll take them now then.



1 THE COURT: I mean, with all do respect, he's  
2 got a vacation. That was my vacation. I'm either  
3 going to plan to be gone or I'm going to plan to be  
4 here so.

5 MR. MOORE: We'll take those January dates.

6 THE COURT: I mean, I think that would just  
7 be more appropriate. I don't think --

8 MR. MOORE: It's fine.

9 THE COURT: So let's do -- I'm going to give  
10 you the full two days.

11 MR. MOORE: Great.

12 THE COURT: Let's do January the 2nd, 2014.  
13 I'm going to put two days, that way we'll make sure  
14 we get them done. Because you know you have to  
15 give me time to rule on them too. I mean, don't  
16 expect that I'm going to rule right from the bench.  
17 January the 3rd, 2014, and you'll have two days and  
18 you'll have all day.

19 Now, when can we have that motion filed by?

20 MR. MOORE: Mid-November. I'll try to do it  
21 sooner, but I need a second opinion which will -- I  
22 won't get until the first week of November.

23 THE COURT: Okay. What if I give you until  
24 November the 22nd because then that gives  
25 Mr. McMaster six weeks.

1 MR. MOORE: I think that's realistic.

2 THE COURT: November the 22nd by 5:00 p.m.  
3 See, I usually give you longer than you say so  
4 there's less excuse for changing it. That's  
5 usually my motto.

6 MR. MOORE: You're taking all of the fun out  
7 of this.

8 THE COURT: Pardon me?

9 MR. MOORE: You're taking all of the fun out  
10 of this.

11 THE COURT: I know, I know.

12 MR. MOORE: I need to come up with creative  
13 excuses.

14 THE COURT: No. But I'm hoping -- I mean,  
15 you all are -- my experience with working with both  
16 the State and the defense in this matter, is that  
17 you both are professional, you both work --  
18 you know, there's professionals in between the  
19 attorneys. So I expect if something comes up,  
20 we'll be able to appropriately address it and get  
21 it resolved.

22 So anything else we need to address? I  
23 wasn't going to set another status conference  
24 unless you feel it's necessary.

25 MR. MOORE: Mr. Bradley should be here for

1 the motion to suppress. He doesn't need to be here  
2 for any of the other hearings because evidence will  
3 be taken. Mr. Pirolo suggested, Your Honor, that  
4 we ask the Court to get a list of the venire a week  
5 before trial so that we can do whatever we can do  
6 with that, background checks.

7 THE COURT: Okay. Out of all of the hearings  
8 that we discussed, the death penalty hearings, the  
9 non-death penalty hearings, the only one you want  
10 him here is the motion to suppress?

11 MR. MOORE: Yes, ma'am.

12 THE COURT: Do you want him here the day  
13 before the trial starts, the one where we're going  
14 to do the non-death penalty, January 27th?

15 MR. MOORE: Yeah. That will be fine, but we  
16 don't need him here in court for those.

17 THE COURT: You want him here in  
18 Brevard County?

19 MR. MOORE: Yes, ma'am. At the  
20 Brevard County Jail, have him brought over so we  
21 can go up and see him immediately before the trial  
22 the day before.

23 THE COURT: Okay. I mean, I'm good about the  
24 hearing dates, I'm not good about some arbitrary  
25 date so I'll --

1 MALE SPEAKER: (Unintelligible.)

2 THE COURT: No. That will be -- just have  
3 him here for the 27th. The day before trial is the  
4 27th. We're going to do motions, but the trial is  
5 going to start on the 28th.

6 MR. MOORE: How about on the 26th because --

7 THE COURT: Just tell us what day you want  
8 him here, and we'll get him here.

9 MR. MOORE: The 26th, January the 26th.

10 THE COURT: Okay. January the 26th he needs  
11 to get here. And then he needs to be here for the  
12 motions to suppress which is January 2nd and  
13 January 3rd.

14 MALE SPEAKER: But not on the 16th and the  
15 21st?

16 THE COURT: Right. Not on the 16th and the  
17 21st.

18 MR. MOORE: And he needs to be here the 2nd  
19 and 3rd for that suppression hearing.

20 THE COURT: Yes. Okay, and then I heard we  
21 want the list.

22 MR. MOORE: Of venire persons the week -- at  
23 least a week before trial.

24 THE COURT: I'm going to say get it to you  
25 by January. January 20th is a court holiday, I

1 don't know if the clerks are here or not, okay.

2 MR. MCMASTER: How about the 17th, Judge?

3 MR. MOORE: Yeah. What's the earliest we can  
4 get that?

5 THE COURT: You want it on the 17th, that  
6 will be okay.

7 MR. MCMASTER: That's fine.

8 MR. MOORE: Sure. The earlier the better.

9 THE COURT: Okay. Anything else?

10 MR. MOORE: Not from the defense.

11 THE COURT: Anything, Mr. McMaster?

12 MR. MCMASTER: No, ma'am.

13 THE COURT: Okay. Thank you very much  
14 everyone. Have a good day.

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C E R T I F I C A T E

STATE OF FLORIDA       )  
  )  
COUNTY OF BREVARD     )

I, JESSICA CRUZ-SEGARRA, Court Reporter and Notary Public, transcribed to the best of my ability the audio recording of the foregoing proceedings held.

Dated this 26th of September, 2014.

*Jessica Cruz-Segarra*  
JESSICA CRUZ-SEGARRA, Notary Public  
State of Florida, My Commission:  
FF35359, Expires: July 11, 2017