

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

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SCOTT ELLIS

VOLUME VII OF XI

TRANSCRIPT OF DIGITAL RECORDED JURY TRIAL

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

RYAN REPORTING
REGISTERED PROFESSIONAL REPORTERS

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A P P E A R A N C E S

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THOMAS BROWN, ESQ.,
and
JAMES MCMASTER, ESQ.,
Assistant State Attorneys
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2725 Judge Fran Jamieson Way
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Appearing for
Plaintiff

J. RANDALL MOORE, ESQ.,
MICHAEL PIROLO, ESQ.,
and
MARK LANNING, ESQ.,
Assistant Public Defender
Public Defender's Office
2725 Judge Fran Jamieson Way
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Viera, Florida 32940

Appearing for
Defendant

Brandon Lee Bradley, Defendant, present

* * * * *

1 THE COURT: So, what we ask you to do in order
2 to be a juror in any criminal case is to -- as you
3 sit there today you have to come in with an open
4 mind, a clean slate, so to speak, and look at the
5 defendant and give him the presumption of innocence
6 that you know the law requires in order to be a fair
7 and impartial juror and hold the State to their
8 burden of proof as the law requires. Because of the
9 experience with your -- I mean, because your father
10 was in law enforcement, do you think you would be
11 able to do that?

12 JUROR NUMBER 152: I think it would, you know,
13 personally I would lend greater weight to whatever
14 the police officers stated in the form of the trial.

15 THE COURT: Okay. Because that's another
16 instruction I'm going to give you is how to weigh the
17 credibility of witnesses and one of the things that
18 you do have to do is when a police officer comes in
19 here you can't give them extra credit just because
20 they're a police officer. Now, you have to weigh
21 their credibility as a witness just the same as you
22 would weigh the credibility of any witness. After
23 you hear their testimony, you can give whatever
24 weight to any witness that you wish applying the
25 rules that I tell you to apply, that I instruct you

1 to apply, but you can't give a law enforcement
2 officer extra credit just because of the profession
3 that they're in. So, you think it would be difficult
4 for you to do that?

5 JUROR NUMBER 152: When you say difficult,
6 again, it's just it would be hard for me to -- if it
7 came down to one person's word over a police
8 officer's, I would tend to take the police officer's
9 word first. I mean, I'm just trying to be honest.

10 THE COURT: No, there's no right or wrong
11 answers, that's what we ask you to do. The other
12 concern I have based on your father being in law
13 enforcement is we do expect in this case that there's
14 going to be some photographs of Deputy Pill after the
15 shooting and that also perhaps a video. With all due
16 respect, some people may consider the photographs and
17 consider the video to be, you know, somewhat, you
18 know, may be alarming to some people having to view
19 that. Do you think that that would cause some
20 concern for you?

21 JUROR NUMBER 152: No.

22 THE COURT: Okay. Does the -- response from
23 the State and the Defense?

24 MR. MOORE: May we approach?

25 MR. BROWN: Stipulate.

1 MR. MOORE: Stipulate.

2 THE COURT: Okay. Juror Number 152, I'm going
3 to go ahead and release you from being considered as
4 a juror in this case. I do thank you for being
5 patient with us with regard to the process. If I
6 could have gotten to you sooner, I would have done
7 that. I have to go in the order that the numbers
8 provide, but I do appreciate you being patient with
9 us and I am going to release. If you'll go
10 downstairs and talk to the -- I need you to go
11 downstairs, report to the jury assembly room and
12 they'll give you some brief information and send you
13 on your way.

14 JUROR NUMBER 152: Thank you very much, Judge.

15 THE COURT: Okay. Thank you.

16 (Thereupon, Juror Number 152 exited the
17 courtroom.)

18 THE COURT: I was going to say, graphic was the
19 word I couldn't remember this morning. Okay. Just
20 for the record, Juror Number 152 is released for
21 cause. Okay. We'll bring in Juror Number 155.

22 (Thereupon, Juror Number 155 was escorted into
23 the courtroom by the court deputy and the proceedings were
24 had as follows:)

25 THE COURT: Okay. Good morning Juror Number

1 155. The first thing I want to do is thank you for
2 being here. Thank you for being patient with us
3 regarding this process. It is a long process. It's
4 a long process for you, I assure you it's a long
5 process for us. It's a necessary process in some
6 respects and, you know, the timing of it is difficult
7 to estimate. So, I appreciate you being patient with
8 us in that respect. When I talked to you last
9 Thursday I talked to you about some rules that we put
10 in place, the rules governing your service as a
11 juror. I'm going to ask you some questions regarding
12 since those rules have been in place. Have you read
13 or been exposed to reading newspaper headlines and/or
14 articles relating to this trial or items
15 participants?

16 JUROR NUMBER 155: No.

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

19 JUROR NUMBER 155: No.

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

23 JUROR NUMBER 155: No.

24 THE COURT: Have you discussed this case among
25 yourselves or with anyone else or allowed -- or

1 discussed it with other juror members or with anyone
2 else or discussed -- allowed anyone to discuss it in
3 your presence?

4 JUROR NUMBER 155: No.

5 THE COURT: Okay. With regard to the questions
6 that I ask you and the questions that the attorneys
7 may ask you, there's no right or wrong answers, we
8 just ask you to be honor, complete and frank with
9 your responses. Sometimes people say Judge, can I
10 say that? I assure you if it's on your mind, you can
11 say that.

12 The next thing I'm going to talk to you about
13 your knowledge about the case prior to coming to
14 court. Do you know anything about this case either
15 from your own personal knowledge, rumor, by
16 discussions with anyone else, or from the media,
17 including radio, television, Internet, electronic
18 devices, or newspaper?

19 JUROR NUMBER 155: No nothing.

20 THE COURT: Okay. What are your general news
21 habits?

22 JUROR NUMBER 155: I watch news but I watch
23 usually political news.

24 THE COURT: Okay.

25 JUROR NUMBER 155: I don't really watch a lot

1 of local news.

2 THE COURT: So, prior to coming here you did
3 not hear anything about this case?

4 JUROR NUMBER 155: No, didn't know anything
5 about it.

6 THE COURT: Do you know anything about it now?
7 I mean other than what I told you?

8 JUROR NUMBER 155: Other than what you
9 announced had to us on Thursday.

10 THE COURT: Okay. Okay. I'm going to switch
11 subjects on you and I ask this in a very general way
12 just to solicit a response from you. What are your
13 views about the death penalty.

14 JUROR NUMBER 155: I'm against the death
15 penalty.

16 THE COURT: Okay. Let me tell you how the
17 process works and then I'll follow up with some
18 additional questions. The first part of the trial is
19 called -- what we call the guilt phase. In the guilt
20 phase if the jury returns a verdict of guilty on
21 Count I, and Count I is the first agree murder
22 couldn't and it only pertains to Count I. So, if
23 there's a guilty verdict on Count I, then and only
24 then do we proceed to a second phase of the trial.
25 The second phase is what we call the penalty phase.

1 In the penalty face the jury will hear evidence of
2 aggravating circumstances and mitigating
3 circumstances and I will give you instructions on how
4 you weigh those, but I will instruct you that you are
5 to return a recommendation to the Court of a possible
6 penalty and the penalties for you to consider are
7 death and life in prison without the possibility of
8 parole. Are you opposed to the death penalty such
9 that you could not consider it as a penalty under any
10 circumstances?

11 JUROR NUMBER 155: I don't believe I could.

12 THE COURT: Okay. When you say I don't believe
13 I could, some people talk and say terms like I don't
14 believe, I don't think, and we recognize that that's
15 a form of speech that people use. You'd be surprised
16 how often people say that. So, we don't know if that
17 means Judge -- that's an unequivocal yes or no or if
18 that means if you tell me, Judge, if you instruct me
19 and tell me that that's my duty as a juror, then I
20 will, you know, I will be able to consider that, but
21 if you say Judge, based on my beliefs and my
22 background, I can't consider the death penalty under
23 any circumstances. So, tell me where you would fall
24 with that. Tell me your thoughts.

25 JUROR NUMBER 155: I believe my idea about it,

1 not thought about it in great deal, I could not see
2 myself doing that under almost any -- I can't imagine
3 circumstances, and I realize the gravity of these
4 charges or the gravity of most any imaginable charge,
5 but both for political and moral reasons I cannot see
6 myself being part of the death penalty.

7 THE COURT: So, you're saying that -- when you
8 say I cannot see myself being part of the death
9 penalty, tell me what you mean by that.

10 JUROR NUMBER 155: I wouldn't want to see
11 myself being brought up with some emotional idea of
12 doing something and reacting on that emotion. I
13 don't want to react on emotion. I don't think I
14 would, but. I just don't believe I could.

15 THE COURT: Okay. You know this case based on
16 what you heard last Thursday involves the death of a
17 police officer.

18 JUROR NUMBER 155: Yes, ma'am.

19 THE COURT: And the first -- Count I is
20 premeditated first degree murder. So, if the State
21 proved that there was a death of a police officer
22 caused by the defendant and it was premeditated,
23 would you -- if I instructed you -- now, no one in
24 here is going to tell you you have to do this or you
25 have to do that, that is up to you, what we ask you

1 to do is to consider things. If I told you in part
2 of your -- in part of your deliberations that you
3 would have to consider the death penalty and you
4 know, let's say, those are the circumstances that
5 there was a death and that it was a police officer
6 and it was premeditated, would you be able to
7 consider the death penalty in that case?

8 JUROR NUMBER 152: I don't -- no.

9 THE COURT: Okay. You said I don't and then
10 you said no.

11 JUROR NUMBER 155: I'm trying to be as honest
12 as I possibly can.

13 THE COURT: You know, this is being recorded
14 and just so you know it's going to come out as an I
15 don't know. So, that's why I do that.

16 JUROR NUMBER 155: Charges of (unintelligible)
17 very terrible charges and (unintelligible)
18 punishment, but I think I do draw the line, I do draw
19 the line at capital punishment.

20 THE COURT: Okay. Does the State wish to
21 inquire?

22 MR. BROWN: Judge, we stipulate.

23 MR. MOORE: Just a minute.

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

1 MR. MOORE: Yes, we stipulate.

2 THE COURT: Okay. Okay. Juror Number 155, I
3 am going to release you from being considered as a
4 juror in this case. Once again, no right or wrong
5 answers, just thank you for being honest, thank you
6 for being frank with us. You are released from Judge
7 Reinman's courtroom. What I'm going to ask you to do
8 is to go downstairs, talk to the jury assembly room,
9 they'll give you some brief information and send you
10 on you way. Okay. Thank you very much.

11 JUROR NUMBER 155: Thank you, Your Honor.

12 (Thereupon, Juror Number 155 exited the
13 courtroom.)

14 THE COURT: Okay. Juror number 155, just for
15 the record, was released for cause. If we can bring
16 in Juror Number 156.

17 MR. MOORE: Judge?

18 THE COURT: Yes.

19 MR. MOORE: I just want to make a
20 recommendation that when you're giving the
21 introductory comments to the jurors, that when you
22 tell them that there's no right or wrong answer and
23 you just want them to be frank and candid, that you
24 also add that if your answer is you don't know
25 whether you can do or not do, follow the law, that

1 that's an option to.

2 THE COURT: Okay.

3 (Thereupon, the proceedings were previously
4 transcribed.)

5 THE COURT: Okay. We can bring in Juror Number
6 157.

7 (Thereupon, Juror Number 157 was escorted into
8 the courtroom by the court deputy and the proceedings were
9 had as follows:)

10 THE COURT: Good morning Juror Number 157.

11 JUROR NUMBER 157: Good morning.

12 THE COURT: The first thing I want to do is
13 thank you for being here. Thank you for being
14 patient with us with regard to this process. When I
15 talked to you last Thursday we talked about some
16 rules that govern your service as a juror. Those
17 rules came into effect at the time that I announced
18 them. So, I'm going to talk to you about what's
19 happened since that time. Have you read or been
20 exposed to reading newspaper headlines and/or
21 articles relating to this trial or its participants?

22 JUROR NUMBER 157: No. Can I tell what I told
23 the officer since last Thursday?

24 THE COURT: Yes.

25 JUROR NUMBER 157: So, I am familiar with this

1 case, I've researched it a couple of times
2 (unintelligible) maybe a few weeks ago a conversation
3 I overheard. So, I've read about it a few times and
4 looked for it on the Internet also.

5 THE COURT: Okay. I'm going to talk to you
6 about what you know about the case prior to that
7 date. We're going to have a detailed discussion
8 about that so I'll do that in just a few moments.
9 Since you came to court though, have you been exposed
10 to reading newspaper headlines and/or articles
11 relating to this trial or its participants?

12 JUROR NUMBER 157: No.

13 THE COURT: Have you -- since you've come to
14 court, have you seen or heard television, radio, or
15 Internet comments about this case?

16 JUROR NUMBER 157: I've heard one other on the
17 radio just say they're selecting jurors.

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

21 JUROR NUMBER 157: No, not since then.

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

25 JUROR NUMBER 157: No.

1 THE COURT: Okay. Now we're going to talk
2 about prior to Thursday. You started telling me.
3 Tell me what information you believe you know about
4 this case from any source and how you gained that
5 information.

6 JUROR NUMBER 157: Well, just regular news on
7 the headlines and I just read what happened. The
8 most recent time that I looked up it was a
9 conversation I overheard, I was at dinner and someone
10 sitting at the other table was talking about the case
11 and mentioned that the female got -- she was getting
12 a plea deal and then the other person said -- I'm
13 thinking the female is white. So, when I went home I
14 looked it up because I wanted to see if that was
15 true.

16 THE COURT: So, you looked it up. Did you look
17 up a newspaper article about the case?

18 JUROR NUMBER 157: Yeah, it was on the
19 Internet.

20 THE COURT: Did you see the newspaper article
21 about the female that was in Florida Today?

22 JUROR NUMBER 152: I'm not sure, I can't
23 remember if it was Florida Today but I was just on
24 the Internet and did a search and I found the first
25 think that I could.

1 THE COURT: Okay. So, give me -- there's --
2 just so you know, there's no right or wrong answers
3 in here.

4 JUROR NUMBER 157: Sure.

5 THE COURT: We just you to be frank, honest and
6 complete. We're going to ask you questions that
7 mostly ask for yes or no answers but if the answer's
8 I don't know, it's okay to answer I don't know as
9 well.

10 JUROR NUMBER 157: Okay.

11 THE COURT: Tell me -- try to be specific about
12 what the information is that you know. Like, there
13 was a deputy that got shot. Try we be -- don't know
14 how much you know so tell us how much you know.

15 JUROR NUMBER 157: Right, it was a traffic stop
16 and a deputy that got shot by the person that was in
17 the car.

18 THE COURT: Do you know anything that led up to
19 that?

20 JUROR NUMBER 157: I think one of the reports
21 mentioned there was a robbery before it.

22 THE COURT: Okay. Anything else?

23 JUROR NUMBER 157: No, I think that's as far as
24 that goes.

25 THE COURT: Okay. And then you read about the

1 codefendant?

2 JUROR NUMBER 157: Yes.

3 THE COURT: Did you -- and how -- you gained
4 that information from mostly the Internet, looking up
5 stuff on the Internet?

6 JUROR NUMBER 157: Right, yes. Again, the last
7 time I looked it up was just a conversation I
8 overheard where somebody mention about the
9 (unintelligible) the person was getting plea deal.

10 THE COURT: Okay.

11 JUROR NUMBER 157: So, I just looked it up
12 because I was, you know.

13 THE COURT: And you looked it up because you
14 were curious about that?

15 JUROR NUMBER 157: Yeah, just because I heard
16 the person say, you know -- apparently the person who
17 said it didn't know but she was just saying I bet
18 she's white. So, I just looked it up to see if she
19 was white.

20 THE COURT: Okay. Did that cause you some
21 concern?

22 JUROR NUMBER 157: Concern about what?

23 THE COURT: I don't know, I'm just asking.

24 JUROR NUMBER 157: No, not really, it's just
25 the system, it's how it works.

1 THE COURT: You're saying it's the system and
2 that's how it works. I mean, were you concerned that
3 she got a plea deal and she was white?

4 JUROR NUMBER 157: No, I'm not concerned about
5 her being white or anything.

6 THE COURT: Okay. What we ask you to do -- I
7 mean, have you formed any fixed opinions about the
8 guilt or the innocence of the defendant, Mr. Bradley?

9 JUROR NUMBER 157: Yeah, my mind's pretty made
10 up.

11 THE COURT: Tell me what your mind is made up
12 for.

13 JUROR NUMBER 157: Just -- I guess what do you
14 mean.

15 THE COURT: I don't want to put words in your
16 mouth so I'm kind of asking you these open ended
17 questions so I don't put words in your mouth. When
18 you say my mind is pretty made up, what does that
19 mean?

20 JUROR NUMBER 157: So, I mean, I guess I don't
21 get it. So, you want me to tell you if I think he's
22 guilty or not guilty?

23 THE COURT: Yeah, that's what I said. I'm
24 asking you that question. Do you think that at this
25 time? And you're allowed to say. It's a valid

1 question. So, you can answer that.

2 JUROR NUMBER 157: No, I don't.

3 THE COURT: Okay. I mean, if you said that you
4 think the defendant is guilty, that's not a wrong
5 answer. If you said I don't know, that's not a wrong
6 answer either.

7 JUROR NUMBER 157: Yeah.

8 THE COURT: Okay. Let me talk to you about two
9 different things. First thing is you appear to have
10 some information about the case. People -- a lot of
11 people that have come in here do have information
12 about the case, that's not unusual. What we ask you
13 to do if you are chosen as a juror in this case is to
14 set aside anything that you may have learned, serve
15 with an open mind and reach a verdict based only on
16 the law and the evidence presented in this trial in
17 this courtroom. Can you do that?

18 JUROR NUMBER 157: That would be nearly
19 impossible.

20 THE COURT: That will be hard for you to do?

21 JUROR NUMBER 157: Yes.

22 THE COURT: Because what may happen is you may
23 know information outside of this courtroom, you may
24 never hear that information in this courtroom. It
25 may never come up as evidence in the case. It may

1 never -- and you can only consider what comes in here
2 as evidence. So, when you get to the jury
3 deliberation room you may say, hey, I never -- I
4 remember hearing this information, you know,
5 somewhere else or outside the courtroom but I never
6 heard it in the courtroom. So, what you have to do
7 is set that aside for purposes of your deliberation
8 not consider that.

9 JUROR NUMBER 157: Well, I just don't -- I
10 don't think I can do it, it's just not in my nature.
11 Once I have it stuff in my mind, it's in my mind, I
12 can't -- there's no way. I mean, to be honest, I
13 mean, especially sitting here through the jury, I
14 probably -- it probably doesn't matter what any of
15 you guys say, it's just that's just how I am. I'm
16 probably going to be thinking about work and that's
17 what's going to be on my mind.

18 THE COURT: What do you mean you'll be thinking
19 about work?

20 JUROR NUMBER 157: Yeah, because my attention
21 span is pretty short and then at work I'm always
22 here, I'm thinking, you know, I'm a computer
23 engineer, all I do at work is solve complex math and
24 physics problems. If I come in here and I have to
25 sit around and listen to case, then my mind is going

1 to drift because for one, I know I'm going to be late
2 for my work, I'm going to be missing my deadlines and
3 it's going to be my fault. So, I'm going to be gone.
4 I'm thinking about the last problem that I was
5 working on like how come I can't get that to work.
6 So, I won't be paying attention and whatever I have
7 in my mind already, that's what's going to be in my
8 mind.

9 THE COURT: Okay. I appreciate it. That's
10 what we want you to tell us.

11 The other thing that we ask you to do when you
12 come in here is that the State has the burden of
13 proof. They have to prove the defendant is guilty of
14 each element of each count, for each count, and
15 remember there's four counties from what I told you
16 on Thursday, and they have to prove that beyond and
17 to the exclusion of every reasonable doubt. The
18 State has the burden of proof. The State knows they
19 have the burden of proof, they know that that's their
20 job. The defendant at this time does not have to
21 prove anything. I mean, the defendant in a criminal
22 case does not have to prove anything, it's the
23 State's burden. The defendant at this time is
24 presumed to be not guilty, is presumed to be
25 innocent. Are you able to give the defendant the --

1 are you able to look at the defendant and determine
2 the defendant to be not guilty, to presume that the
3 defendant is innocent for purposes of these
4 proceedings?

5 JUROR NUMBER 157: Being based on what, what I
6 would hear in court?

7 THE COURT: And based only the issue of guilt
8 or innocence, guilty or not guilty on the evidence
9 that you hear in this courtroom.

10 JUROR NUMBER 157: To be honest, I will just do
11 whatever just to get it over with.

12 THE COURT: Okay.

13 MR. MOORE: I didn't understand that. Sorry, I
14 couldn't hear.

15 JUROR NUMBER 157: So, I'm saying if I, if I'm
16 chosen to be on the jury, I mean, I'm just going to
17 go with what everybody is going with.

18 MR. MOORE: With what?

19 THE COURT: Going with. Said I'll just do what
20 I need to do to get it over with. Are you that
21 concerned about the work and getting through the
22 process and getting out of here? I mean, is that
23 important to you?

24 JUROR NUMBER 157: It's important but I'm just
25 saying right now I just don't think, I don't think I

1 can be unbiased to this case at this moment. So,
2 it's not -- to me it's not any good for anybody, it's
3 only bad for me. The only thing that's coming out of
4 this if I'm here is a bad thing for me but it won't
5 be any good for anybody else.

6 THE COURT: Okay. A bad thing for you why?

7 JUROR NUMBER 157: Because I'll be missing work
8 for weeks. I'm actually (unintelligible) right now,
9 I really need a vacation but I have taken a vacation
10 because I can't right now because I have a
11 (unintelligible) for NASA in May. So, that's another
12 thing where I'm going to be like really mad that I
13 put off my vacation even though I'm very
14 (unintelligible) because I have schedules to meet and
15 I could have put it off. Just to know that I'm going
16 to actually miss those deadlines and it's not because
17 of taking vacation, it's because I'm somewhere else.
18 So, all of that will just add up to the whole me
19 knowing what I know as far as the case.

20 MR. MOORE: Stipulate.

21 MR. BROWN: Agreed.

22 THE COURT: All right. Juror Number 157, I am
23 going to release you from your service as a juror.
24 Once again, I want to thank you for participating in
25 the process. What I need you to do is report to the

1 jury assembly room downstairs. They're going to take
2 your badge, just thank you, you'll be there briefly
3 and then they'll send you on your way. Okay?

4 JUROR NUMBER 157: Okay.

5 THE COURT: Okay. Thank you.

6 (Thereupon, Juror Number 157 exited the
7 courtroom.)

8 THE COURT: Okay. For the record, Juror Number
9 157 was released for cause. I do remember about 158
10 talking about the third shift. So, I'll ask him
11 about that. If we could bring in Number 158.

12 (Thereupon, Juror Number 158 was escorted into
13 the courtroom by the court deputy and the proceedings were
14 had as follows:)

15 THE COURT: Okay. Juror Number 158, first I
16 want to thank you for being here. Thank you for your
17 patience with us.

18 JUROR NUMBER 158: You're welcome.

19 THE COURT: When we talked last Thursday I
20 talked to you about some rules that came into place
21 about knowledge of this case. Those rules started
22 when I announced them in court on Thursday. So,
23 since Thursday I'm going to ask you some questions.
24 Have you read or been exposed to reading newspaper
25 headlines and/or articles relating to this trial or

1 its participants?

2 JUROR NUMBER 158: No.

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

5 JUROR NUMBER 158: No.

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

9 JUROR NUMBER 158: No.

10 THE COURT: And have you discussed this case
11 with the other jury members or with anyone else or
12 allowed anyone to discuss it in your presence?

13 JUROR NUMBER 158: No.

14 THE COURT: Okay. Now I'm going to talk to you
15 about what you heard before about the case.

16 JUROR NUMBER 158: Okay.

17 THE COURT: And just so you know, in responding
18 to any of the questions this morning, there's no
19 right or wrong answers. Most of the questions are
20 going to ask for a yes or no response. If the answer
21 is I don't know, you're allowed to answer I don't
22 know as well. We just ask you to be frank, complete
23 and honest with us. Sometimes people are afraid to
24 say things, this is your opportunity to talk to us.
25 It's important that we have the information about

1 you. So, just tell us what you need to -- tell us
2 what we need to know. So, do you know anything about
3 this case either from your own personal knowledge,
4 rumor, by discussions with anyone else, or from the
5 media, including radio, television, Internet
6 comments, electronic device, or newspaper?

7 JUROR NUMBER 158: Yes, I mean, I have heard
8 stuff probably more on the television than anything.

9 THE COURT: From news reports on the
10 television?

11 JUROR NUMBER 158: Yes.

12 THE COURT: Okay. Tell me specifically what
13 information you think you know about the case. Most
14 people know there was a shooting and a deputy was
15 killed.

16 JUROR NUMBER 158: Right.

17 THE COURT: So, take it from there. What else
18 do you know?

19 JUROR NUMBER 158: Yeah. That's really about
20 it. I know that there was some property stolen from
21 a motel and that's what caused the chase.

22 THE COURT: Okay. So, you know that there's an
23 alleged robbery and then a chase and then a shooting?

24 JUROR NUMBER 158: Right.

25 THE COURT: Anything else?

1 JUROR NUMBER 158: Not really, nothing comes to
2 mind.

3 THE COURT: Have you heard anything since then?

4 JUROR NUMBER 158: Since that day?

5 THE COURT: Yeah, since that time.

6 JUROR NUMBER 158: Other than what's been
7 reported on the TV.

8 THE COURT: Okay. Well, there's been stuff
9 reported on the TV. So, do you know --

10 JUROR NUMBER 158: Any specifics.

11 THE COURT: I mean, did you know there was jury
12 selection?

13 JUROR NUMBER 158: Yes.

14 THE COURT: Do you know -- have you seen
15 pictures of Mr. Bradley on TV?

16 JUROR NUMBER 158: Yes, I have.

17 THE COURT: Do you know anything about whether
18 there was anyone else in the car or not in the car?

19 JUROR NUMBER 158: Yeah, yeah, I do know about
20 that.

21 THE COURT: Okay. What do you know about that?

22 JUROR NUMBER 158: I know that there was a girl
23 in the car also that I guess wasn't involved in the
24 shooting, the actual shooting.

25 THE COURT: Okay. What do you know about the

1 girl in the car?

2 JUROR NUMBER 158: Just saying it was a
3 girlfriend, that's really about all I know about her.

4 THE COURT: Okay. Do you know anything about
5 her coming to court or about her case?

6 JUROR NUMBER 158: I think I did hear that I
7 guess she had already been to court and got
8 sentenced, I did hear that, and that she's supposed
9 to testify, yeah.

10 THE COURT: Okay.

11 JUROR NUMBER 158: That's about the extent of
12 it.

13 THE COURT: Okay. Do you -- what we ask you to
14 do if you're going to be a juror in this case is to
15 set aside anything that you may have learned about
16 this case. You know, sometimes those reports are
17 accurate, sometimes they're not, sometimes they're
18 complete, sometimes they're not. So, what we ask you
19 to do is set aside anything that you might have
20 learned about this case, serve with an open mind and
21 reach a verdict in this case based only on the law
22 and the evidence presented in this trial in this
23 courtroom. Can you do that?

24 JUROR NUMBER 158: Yeah, I believe so.

25 THE COURT: Okay. Let me give you a scenario.

1 Let's say the case has gone back for deliberation,
2 you're going to go back in the jury deliberation room
3 and you're going to deliberate whether the defendant
4 is guilty or not guilty on the four charges and you
5 go back there and you say, hey, I remember hearing
6 this information, well, now that I think about it,
7 that never came up in this trial, nobody ever
8 presented evidence about that information that I
9 heard previously, are you going to be able to set
10 that aside and not consider that, not talk about it,
11 not consider that, that's not part of this case? Are
12 you going to be able to do that?

13 JUROR NUMBER 158: Yes.

14 THE COURT: Okay. Okay. Because only you know
15 what you're capable of doing. So, that's why we ask
16 that. Okay, have you formed any fixed opinions about
17 the guilt or the innocence of the defendant? Some
18 people watch TV and go, yeah, that happened, okay,
19 not even think about it, other people say no, I have
20 really strong opinions, this is what I think.

21 JUROR NUMBER 158: Yeah, I mean, basically from
22 what I've seen on the TV, I mean, I fell like I've
23 formed an opinion on it.

24 THE COURT: Okay. And what's that opinion?

25 JUROR NUMBER 158: I have to say guilt.

1 THE COURT: Okay. That the defendant is
2 guilty?

3 JUROR NUMBER 158: Yes.

4 THE COURT: Okay. So let's talk about what you
5 would have to -- what your duty would be as a juror
6 in that case. The State has the burden of proof.
7 The State has to prove each element of each count,
8 and if you remember from Thursday there's four
9 counts, they have to prove each element of each count
10 beyond and to the exclusion of every reasonable
11 doubt. It's the State's burden, that's all how
12 criminal trials work. At this time because the State
13 has presented no testimony or no evidence, the
14 defendant is not guilty. In fact, you have to assume
15 that the defendant at this time is innocent. Can you
16 do that? Can you in your mind say, okay, I know what
17 I heard, I know what I may have formed but I know
18 what my duty is as a juror, I'm not going to consider
19 that, I'm going to be open minded, I'm going to have
20 a clean slate, I'm going to wait for the State to
21 prove their case before I make a determination of
22 whether Mr. Bradley is guilty or not guilty, can you
23 do that?

24 JUROR NUMBER 158: Yeah, I don't know. I mean,
25 based off what I heard on the news, I guess no, I

1 guess I formed the opinion, but I'm happy to hear
2 what the State has to say.

3 THE COURT: Well, I hear what you're saying.
4 You'd have to be able to -- I mean, being open to
5 what the State has to say which would be your job as
6 a juror. So, I appreciate that, but you also have to
7 say I'm going to -- I'm going to put my opinion
8 aside, that may have been my opinion before based on
9 what I may have heard, but I'm going to start with
10 kind of a -- I'm going to start with a clean slate,
11 make the State -- I'm going to do my job as a juror,
12 make the State prove its burden and presume that the
13 defendant is innocent.

14 MR. MOORE: Your Honor?

15 THE COURT: Yes.

16 MR. MOORE: We stipulate.

17 THE COURT: Is that a stipulation?

18 MR. BROWN: Yes.

19 THE COURT: Okay. All right. Then Juror
20 Number 158, we are going to release you based on the
21 prior information that you have about the case and
22 what your answers here this morning. Don't take that
23 as any negative reflection on you, it's just part of
24 the process. So, you are released from Judge
25 Reinman's courtroom. I do want to thank you for

1 being here. Thank you for being patient with us.
2 And if you report downstairs, tell them you've been
3 released, then they'll give you some brief
4 information and send you on your way. And maybe you
5 can get some sleep before you have to report to your
6 work tonight.

7 JUROR NUMBER 158: Yeah. Yeah.

8 THE COURT: All right. Thank you, sir.

9 JUROR NUMBER 158: Thank you.

10 (Thereupon, Juror Number 158 exited the
11 courtroom.)

12 MR. LANNING: Judge, can we have take a break?

13 THE COURT: Let's go ahead and take a fifteen
14 minute break and then we'll start at 10:15 with Juror
15 159. Okay. Thank you.

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

18 THE COURT: Okay. We can bring in Mr. Bradley.

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

21 THE COURT: Okay. Anything we need to discuss
22 before I bring in Juror 159?

23 MR. BROWN: No, Your Honor.

24 MR. MOORE: No, Your Honor.

25 THE COURT: Okay. We'll bring in Juror 159.

1 (Thereupon, Juror Number 159 was escorted into
2 the courtroom by the court deputy and the proceedings were
3 had as follows:)

4 THE COURT: Okay. Juror Number 159, thank you
5 for being here. Thank you for your patience with
6 regard to this process. When we spoke last Thursday
7 I talked about some rules that were implemented as of
8 that time. So, I'm going to ask you since that time
9 have you read or been exposed to reading newspaper
10 headlines and/or articles relating to this trial or
11 its participants?

12 JUROR NUMBER 159: No.

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

15 JUROR NUMBER 159: No.

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

19 JUROR NUMBER 159: No.

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

23 JUROR NUMBER 159: No.

24 THE COURT: Okay. I'm going to ask you some
25 questions this morning. There's no right or wrong

1 answers with regard to the questions, we just ask you
2 to be complete, honest and frank. Most of the
3 questions will solicit a response of yes or no, if
4 you don't -- we'd like a yes or no answer but if the
5 answer is not yes or no and the answer is I don't
6 know, it's okay to say I don't know either.

7 Sometimes people also say to me Judge, can I say
8 this? You can say whatever you want to say in here.
9 That's -- we're just trying to get information about
10 you so that we can choose a jury in this case that
11 will be fair and impartial.

12 I'm going to ask you about what you know about
13 this case prior to Thursday. Do you know anything
14 about this case either from your own personal
15 knowledge, rumor, by discussions with anyone else, or
16 from the media, including radio, television,
17 Internet, electronic device, or newspapers?

18 JUROR NUMBER 159: Yes.

19 THE COURT: Okay. Tell me what you know and
20 how you gained that information.

21 JUROR NUMBER 159: Very little actually.

22 THE COURT: Okay.

23 JUROR NUMBER 159: I was -- the only thing I
24 really know is I was on the phone with my mother
25 probably a week before last Thursday, actually the

1 Friday when there was an incident on the steps out
2 here.

3 THE COURT: Okay.

4 JUROR NUMBER 159: And she -- said she told me
5 about what happened on the steps and (unintelligible)
6 and I said, well, I have to report for jury duty on
7 Thursday and she was, you know, kind of upset.

8 THE COURT: Because you're her baby.

9 JUROR NUMBER 159: Yeah.

10 THE COURT: Mothers get like that.

11 JUROR NUMBER 159: She said, well, I don't
12 know -- she said I hope it's not the Pill case and I
13 had honestly no idea what she was talking about and I
14 thought it was doing drugs or something like that,
15 so.

16 THE COURT: Because it says the Pill case, it
17 was -- right. Okay.

18 JUROR NUMBER 159: And so then she corrected me
19 and sort of game me the background.

20 THE COURT: So, what did you -- tell me the
21 best you can recall what your mom told you about the
22 Pill case?

23 JUROR NUMBER 159: She said someone had shot a
24 cop and he was going to trial, that was it. And
25 actually most of the information I got from the case

1 is when you went over it on Thursday with us about
2 these charges and stuff.

3 THE COURT: Okay. So, you had never heard
4 anything in the newspaper or on TV prior to that?

5 JUROR NUMBER 159: Yeah, no, I hadn't, I'm
6 pretty -- I don't watch the news.

7 THE COURT: Okay. And then did the incident
8 that occurred at the courthouse last Friday, do you
9 have any concerns about that today?

10 JUROR NUMBER 159: No.

11 THE COURT: Okay. And do you have any concerns
12 about that this is in fact the Pill case and about
13 serving as a juror in this case?

14 JUROR NUMBER 159: No.

15 THE COURT: What we ask you to do is can you
16 set aside anything that you might have learned about
17 the case, serve with an open mind and reach a verdict
18 based only on the law and the evidence presented in
19 this trial in this courtroom? So, can you do that?

20 JUROR NUMBER 159: Yes.

21 THE COURT: Okay. I'm going to switch gears on
22 you here and I ask this question in a general way
23 just to get your response anyway you want to respond
24 to it. What are your views about the death penalty?

25 JUROR NUMBER 159: I thought about it for a

1 while after you had talked about it last Thursday, I
2 really don't know, I don't really have -- I mean an
3 eye for an eye sounds like a good plan in theory but
4 (unintelligible).

5 MR. MOORE: What was that last part?

6 THE COURT: Good plan in theory but he said.

7 JUROR NUMBER 159: Yeah, I think it just
8 depends on the case and what happened.

9 THE COURT: Prior to last Thursday, have you
10 ever really thought about the death penalty?

11 JUROR NUMBER 159: No. I mean, not -- no, not
12 anything death or anything. I never really had a
13 conversation about it.

14 THE COURT: I mean, I know it's not a
15 conversation that you have normally at the dinner
16 table, so. I mean, prior to that had you formed any
17 fixed opinions about whether you were for or against
18 the death penalty?

19 JUROR NUMBER 159: Nothing fixed, no.

20 THE COURT: Okay. Had you -- I think you said
21 had you had any discussions about it at all with
22 anyone?

23 JUROR NUMBER 159: Well, I'm sure I have, I
24 can't recall anything right now but, yeah, I mean,
25 no, I haven't, but I mean the answer is probably no

1 but I'm sure I've had conversations, I just don't
2 know what they were and when.

3 THE COURT: Okay. I'm going to talk to you a
4 little bit about the process briefly. This is an
5 overview, brief overview, and I talked to you about
6 it too on the Thursday and then the State and the
7 Defense will get more detailed about it, but what
8 happens is we have the first phase of the trial which
9 is the guilt phase. In the guilt phase if the jury
10 returns a verdict of guilty on Count I, Count I is
11 the first degree murder charge, if there is a guilty
12 verdict on Count I, then and only then, because it
13 doesn't pertain to the other three charges, then we
14 move on to what is called a penalty phase. In the
15 penalty phase you'll hear evidence of aggravating,
16 most likely hear evidence of aggravating and
17 mitigating circumstances. I talked to you a little
18 bit on Thursday about the weighing process of
19 aggravating and mitigating circumstances. The
20 attorneys will talk to you more about that today. At
21 the end I ask you to make a recommendation to the
22 Court, to me, of a penalty for the guilty verdict on
23 Count I and the penalties that you are to consider
24 are death or life in prison without the possibility
25 of parole. Could you follow my instructions and

1 consider both those penalties?

2 JUROR NUMBER 159: Um-hmm.

3 THE COURT: You have to answer yes or no.

4 JUROR NUMBER 159: Yes.

5 THE COURT: Are you open minded to consider
6 both those penalties?

7 JUROR NUMBER 159: Yes.

8 THE COURT: Do you have any reservations about
9 that?

10 JUROR NUMBER 159: No.

11 THE COURT: Do you have any opinion that death
12 is the only appropriate penalty for murder in the
13 first degree?

14 JUROR NUMBER 159: No.

15 THE COURT: Okay. All right. Questions by the
16 State.

17 MR. BROWN: Yes, Your Honor, thank you.

18 THE COURT: Thank you, sir.

19 MR. BROWN: Juror Number 159, good morning.
20 Are you at the moment, are you working, going to
21 school or anything?

22 JUROR NUMBER 159: Officially unemployed but I
23 do -- I have -- I clean houses and try to fix stuff.

24 MR. BROWN: On your questionnaire it just said
25 NA and I'm like.

1 JUROR NUMBER 159: Oh, yeah, officially
2 unemployed but I work.

3 MR. BROWN: I want to talk to you a little bit
4 about the process of death penalty and go through it
5 in some detail so you understand the process you have
6 to go through and I'll ask you a few questions about
7 it. Some of what I'm going to cover the Judge gave
8 you to on Thursday but I know she did give you all a
9 lot of information in a compressed period of time,
10 so. As the Court's told you, to get to that point
11 the jury would have to come back with a verdict of
12 guilty of first degree murder. The State can prove
13 first degree murder one of two ways, either through
14 premeditation or through what's called felony murder,
15 and those terms will be explained to you if you're
16 selected later on in the process, but either way, we
17 may prove one, the other or both, either way it gets
18 to a first degree murder conviction which puts the
19 death penalty on the table. The jury comes back with
20 a lesser charge such as second degree murder, the
21 death penalty is off, the sentencing is entirely up
22 to the Court, and obviously if it's not guilty there
23 is no sentence involved. So, with that, if the jury
24 returns that verdict of first degree murder, he would
25 be convicted. The jury would hear additional

1 evidence and the Judge would give you her final set
2 of instructions. In that instructions or in those
3 instructions the first thing she's going to talk
4 about and direct you to are what are called
5 aggravating circumstances. And as she told you last
6 Thursday, those are a statutory list of circumstances
7 that may increase the gravity of the crime or the
8 harm to the victim. And she will give you that list,
9 I expect it to be more than one, three, four, five,
10 six. She's going to give you that list and she's
11 going to tell you that the State of Florida has to
12 prove them beyond any reasonable doubt. And so the
13 first thing you would do is look at that list and ask
14 yourself did the State of Florida prove any of these.
15 Obviously, if the State of Florida proved none and
16 you find no aggravation then, your recommendation has
17 to be life. If you find that the State of Florida
18 has proven at least one, and you may find that we've
19 proven more than one, you may find that we've proven
20 them all, but we have to prove at least one, you look
21 at the ones we've proven and ask yourself do these
22 aggravating circumstances justify the death penalty.
23 And again, if you find that they do not justify the
24 death penalty, then your recommendation would be
25 life. If you find they do justify the death penalty,

1 you move on to the second step in the process.
2 That's where you look at mitigating circumstances.
3 If you recall, the Court told you mitigating
4 circumstances come from the defendant. They're based
5 on his life, experiences, character, things of that
6 nature. And those have a burden of proof as well.
7 It's a lower burden, it's to the greater weight of
8 the evidence but still a burden of proof and
9 obviously if something is presented and you don't
10 feel it's proven, you disregard it. So, you have to
11 take those aggravating circumstances that are proven,
12 the mitigating circumstances that are proven and the
13 Court's going to tell you you're going to go through
14 a weighing process.

15 Now, have you had to make in your lifetime some
16 important decisions?

17 JUROR NUMBER 159: Yes.

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

20 JUROR NUMBER 159: Yeah.

21 MR. BROWN: Try to consider everything that's
22 involved?

23 JUROR NUMBER 159: Yeah.

24 MR. BROWN: When you did that, some things you
25 looked and considered you said this is pretty darn

1 important and you gave it great weight in your
2 thinking, right?

3 JUROR NUMBER 159: Right.

4 MR. BROWN: Other things you looked at and
5 considered and you said in relationship to everything
6 else in this decision, these things I don't consider
7 that important and you gave those very little weight,
8 right?

9 JUROR NUMBER 159: Yes.

10 MR. BROWN: Same process she's going to tell
11 you you go through in making this decision. You have
12 to weigh the aggravators versus the mitigators and
13 you go through that weighing process. She's not
14 going to tell you what how much weight to give to
15 each aggravator or how much weight to give to each
16 mitigator. It's not X amount for this, Y amount for
17 that, it's a decision you as a juror have to make.
18 We may in our argument to you suggest how much
19 weight, but ultimately you're the one who decides how
20 much weight to give. There's no magic formula she's
21 going to give you for that. The only thing when
22 we're asking you questions, myself and the Defense,
23 is we can't -- it wouldn't be fair for us to ask you
24 how much weight you think you would give to something
25 because you don't know, you haven't heard everything,

1 you can't compare it, all that we can ask is that you
2 consider. If it's been proven, you consider it. You
3 consider something and decide to give that very
4 little weight or you're going to give it great weight
5 or somewhere in between. So, that's the issue.

6 So, you go through this weighing process and if
7 you go through that weighing process and you
8 determine that the mitigation outweighs the
9 aggravation, then you have to recommend a sentence of
10 life. However, if you find that the mitigation does
11 not outweigh the aggravating circumstances, then
12 you're in a position where you could legally
13 recommend to the Court the death penalty.

14 Now, the Court's not going to tell you if the
15 State proves A, B, C and D that you must return a
16 recommendation of death. In fact, what she's going
17 to tell you is you are never required or obligated to
18 do that. What she's going to require is that you go
19 through that weighing process, weighing the
20 aggravators and weighing the mitigators, and if you
21 go through that weighing process and you find that
22 the mitigation does not outweigh the aggravation and
23 after doing that weighing process you feel that the
24 death penalty is justified, that's when you return a
25 sentence of death or a recommendation. Do you

1 understand the process?

2 JUROR NUMBER 159: Um-hmm.

3 MR. BROWN: Any questions about it?

4 JUROR NUMBER 159: No.

5 MR. BROWN: Do you feel comfortable in your
6 ability to do that?

7 JUROR NUMBER 159: Um-hmm.

8 MR. BROWN: And do you feel comfortable that if
9 the State of Florida proves to you the aggravators
10 and you went through the weighing process and you
11 find that they are not outweighed by the mitigators
12 and they justify the death penalty, can you recommend
13 a sentence of death?

14 JUROR NUMBER 159: Comfortable is not the right
15 word but I can do that, yes.

16 MR. BROWN: And I didn't mean to say
17 comfortable, can you do that?

18 JUROR NUMBER 159: Yes.

19 MR. BROWN: Anything about moral beliefs,
20 religious beliefs, philosophical beliefs that causes
21 you any undue anxiety, angst, inability to make that
22 decision?

23 JUROR NUMBER 159: No.

24 MR. BROWN: And that's what I mean. If I used
25 the term comfortable just not the decision is

1 comfortable but that you're able to do that.

2 JUROR NUMBER 159: Yes.

3 MR. BROWN: That there's nothing in your
4 background, beliefs that you say I just can't do
5 this?

6 JUROR NUMBER 159: No.

7 MR. BROWN: Okay. The next question I do want
8 to cover is we talked about it, the jury comes back
9 with a verdict of less than first degree murder, then
10 you don't go through that second phase in the
11 proceedings and what I want to address is just a
12 concern that some way knowing if I just come back
13 with a lesser such as second degree murder, I avoid
14 putting myself in that situation and the concern is
15 that would somehow affect your deliberation or your
16 verdict. Do you think that it would?

17 JUROR NUMBER 159: No.

18 MR. BROWN: You would agree that justice would
19 be return a verdict that the evidence proves?

20 JUROR NUMBER 159: Yes.

21 MR. BROWN: And if the evidence proves to you
22 first degree murder, can you return that verdict?

23 JUROR NUMBER 159: Yes.

24 MR. BROWN: Thank you. Nothing further, Your
25 Honor.

1 THE COURT: Okay. Questions by the Defense.

2 MR. MOORE: If the evidence proves something
3 less than a first degree murder or not guilty, could
4 you return that verdict?

5 JUROR NUMBER 159: Yes. Whatever the evidence
6 proves, yes.

7 MR. MOORE: (Unintelligible) when I ask it from
8 my point of view. When you were on the phone with
9 your mom, I take it that was during the standoff a
10 week ago Friday?

11 JUROR NUMBER 159: It was after Friday
12 afternoon.

13 MR. MOORE: And that's when the subject of the
14 Pill case came up?

15 JUROR NUMBER 159: Yeah.

16 MR. MOORE: And she shared what she thought she
17 knew about the case?

18 JUROR NUMBER 159: Yes.

19 MR. MOORE: And did she -- I got the impression
20 that she somehow didn't want or was not thrilled you
21 might be sitting on this jury?

22 JUROR NUMBER 159: I think that was more due to
23 (unintelligible) than many times served on the jury
24 and it would be decisions being made, you know,
25 (unintelligible) report a couple days as opposed to

1 maybe a month or two.

2 MR. MOORE: So, it's proven to be quite a bit
3 more than a couple of days.

4 JUROR NUMBER 159: Right.

5 MR. MOORE: This case for obvious reasons, we
6 have a lot of ground to cover.

7 JUROR NUMBER 159: Right.

8 MR. MOORE: Did your mom share with you her
9 opinion about the Pill case?

10 JUROR NUMBER 159: No.

11 MR. MOORE: Did she say weigh in on guilty or
12 innocence or the fact that a police officer was shot
13 and how she felt by that?

14 JUROR NUMBER 159: No, and quite frankly I
15 wasn't really interested. I want the facts at the
16 time.

17 MR. MOORE: Have you heard anybody else discuss
18 it? You know, you reflect on it a little bit, first
19 time you ever heard about this case is through your
20 mom?

21 JUROR NUMBER 159: Yeah, that was it.

22 MR. MOORE: All right. Death penalty, you say
23 you haven't really formed an opinion before you got
24 involved in this process and you've not given it
25 quite a bit of thought since, as much as you can.

1 JUROR NUMBER 159: Yeah.

2 MR. MOORE: But if you -- so, what you're
3 saying is you -- an eye for eye but it depends on the
4 circumstances?

5 JUROR NUMBER 159: Of course.

6 MR. MOORE: And, so if we had to put you in a
7 column and we only have two choices, one is for the
8 death penalty and one is -- although with
9 qualifications and one is against the death penalty,
10 I would put you in the for column, you think that's
11 fair? You're not against it?

12 JUROR NUMBER 159: Yeah. Yeah.

13 MR. MOORE: All right. So, if we put you --
14 okay. Now, let me ask this. If you like at a
15 continuum with ten being strongly, the strongest
16 support for it and zero being either no support,
17 where would you give yourself a number on that
18 continuum? Where do you think you would fall?

19 JUROR NUMBER 159: I guess you'd just put me in
20 the middle at five, it just depends on --

21 MR. MOORE: You know what, I'm not asking you
22 to say what are you going to vote in this case.

23 JUROR NUMBER 159: No, no, I know, but it's a
24 life, you know, it's units hard to...

25 MR. MOORE: You know, great point, I'm glad you

1 picked up on that because sometimes when we're
2 talking about this it seems like an abstract
3 discussion but it isn't because it involves the life
4 of that human being right there, twenty-four years
5 old, and the fact that you could be in the process
6 which is going to lead you to make a sentence to
7 execute that person. So, don't want to lose sight of
8 that.

9 Okay. For discussion purposes, you are in the
10 for column with qualifications, can you think of
11 reasons why you would be for, generally speaking, the
12 death penalty as opposed to a life sentence?

13 JUROR NUMBER 159: No. No.

14 MR. MOORE: Can you think of cases that --
15 where -- and you know what kind of cases I'm talking
16 about, you hear about it from time to time, Boston
17 Marathon, the 9/11 highjacking, Jeffrey Dahmer, child
18 murder or torture?

19 JUROR NUMBER 159: Yes.

20 MR. MOORE: Where your response is without
21 knowing anything more than what the charges are that
22 that ought to be punishable by death.

23 JUROR NUMBER 159: I think so. I mean, it's --
24 sometimes it's so far off the scales, it's not even a
25 decision.

1 MR. MOORE: So, assuming there is some sort of
2 subjective scale, where would the death of a police
3 officer be on that for you, killed in the line of
4 duty?

5 JUROR NUMBER 159: From one to ten again or?

6 MR. MOORE: Well, what I'm getting at is, you
7 know, you talk about off the scale cases where, you
8 know, you might be closed to even considering
9 mitigation.

10 JUROR NUMBER 159: Yeah.

11 MR. MOORE: Is that fair?

12 JUROR NUMBER 159: Yeah.

13 MR. MOORE: Okay. Would the death of a police
14 officer in the line of duty be one of those cases for
15 you?

16 JUROR NUMBER 159: It depends on the situation.
17 That's a hard question to answer.

18 MR. MOORE: It sure is.

19 JUROR NUMBER 159: I would say no, with shades
20 of gray but that's a tough decision.

21 MR. MOORE: All right. And having heard Judge
22 Reinman describe the process of the penalty phase to
23 you and Mr. Brown discussed aspects of it and given
24 that you have no exposure to it before today, I want
25 to make sure that you have a, as you learn here by

1 leaps and bounds, a clear understanding of how it
2 works. Let's say, and this is hypothetical. This
3 is -- I'm not asking you at any points to tell me,
4 you know -- when you're asked can you vote for death,
5 we're not asking you will you or can you vote for
6 life, it's not a will you, what are you going to do,
7 you know, at some point you have to make that
8 decision can you go in that direction, that means can
9 you go in the other direction too. That's the way
10 that is.

11 If hypothetically the jury returns a verdict of
12 guilty of first degree murder and you -- the State
13 going forward into the sentencing phase of trial
14 where the issue is now the fate of Mr. Bradley, life
15 without parole or death, the State to your
16 satisfaction, hypothetically speaking here, has
17 proven one or more or maybe several aggravating
18 circumstances, you don't what they are, you will be
19 told, but just for discussion purposes you get to
20 that point. Then they've proven several, let's say,
21 aggravating circumstances, whatever they are, what do
22 you believe your options are? What choices do you
23 have at that points? What can you do?

24 JUROR NUMBER 159: As a juror?

25 MR. MOORE: Yes.

1 JUROR NUMBER 159: As far as sentencing?

2 MR. MOORE: Yeah.

3 JUROR NUMBER 159: It would be -- as she just
4 explained, it would be death or life.

5 MR. MOORE: Okay. And so when Mr. Brown said
6 at that point of finding aggravating circumstances
7 and then finding mitigating circumstances, if the
8 aggravating outweigh the mitigating, you're legally
9 justified in returning a vote for death, that's not
10 the same as you must.

11 JUROR NUMBER 159: Justified is not obligated.

12 MR. MOORE: Thank you. Exactly right. And so
13 my point is while -- let's say you find there are no
14 aggravating circumstances, death's off the table.

15 JUROR NUMBER 159: Um-hmm.

16 MR. MOORE: If you find aggravating
17 circumstances but the mitigating circumstances
18 outweigh the aggravating, death is off the table and
19 you must vote for life without parole. But on the
20 other hand, life without parole is never off the
21 table ever. You could find all the aggravating
22 circumstances the State proves up a list and no
23 mitigating circumstances and life without parole is
24 still an option. You accept that? I'm not saying --
25 I'm not saying --

1 JUROR NUMBER 159: Yeah.

2 MR. MOORE: -- what are you going to do, I'm
3 just saying you understand that life is never off the
4 table?

5 JUROR NUMBER 159: Okay.

6 MR. MOORE: Do you question that? You seem to
7 be uncomfortable with it.

8 JUROR NUMBER 159: No, I don't question it.

9 MR. MOORE: All right. You understand that
10 life without parole means that a person sentenced to
11 life without parole will die in prison?

12 JUROR NUMBER 159: Yes.

13 MR. MOORE: You question that?

14 JUROR NUMBER 159: No.

15 MR. MOORE: When the Judge was describing to
16 you the process, she indicated that she would have --
17 she's required to give great weight to the jury's
18 recommendation, do you remember that?

19 JUROR NUMBER 159: Yeah.

20 MR. MOORE: What -- what do you perceive to be
21 the relative roles of jury in making this
22 recommendation and the Judge in imposing a sentence?
23 She gives great weight to your recommendation, how do
24 you -- what does that mean to you at this point?

25 JUROR NUMBER 159: What great weight, it means

1 as a jury we would make -- it's a recommendation but
2 it's a rule, she's going to make her decision based
3 on everything in the case including, also including
4 what the jury says.

5 MR. MOORE: It's important that you understand
6 how essential the jury's recommendation is to her
7 sentence. She cannot impose a sentence without your
8 recommendation. And it's not like you could -- the
9 jury's going to make a recommendation and she's going
10 to say, yeah, that's nice, I'll just do what I want,
11 that's not her role. She has to give great weight
12 which (unintelligible). Here's a comparison that I
13 make. A flight, international flight pilot who can
14 fly, you know, he's qualified to fly a commercial jet
15 and has and does regularly fly from New York to Paris
16 and can do it, but the pilot can't do that without
17 certain things like a copilot, like maps, like a GPS,
18 global positioning system, like being able to see
19 out, see visual cues looking out from the cockpit,
20 all of that. You know, pilot, can't make that flight
21 without those ingredients, and similarly the Court
22 cannot impose a sentence without your recommendation.
23 That's how essential your recommendation is to the
24 Court's decision on the sentence. You accept that?

25 JUROR NUMBER 159: Yes.

1 MR. MOORE: In the guilt/innocence phase where
2 you're asked to reach a verdict of guilty or
3 innocence or not guilty as to the criminal charges,
4 in particular first degree murder, the jury must
5 return a unanimous verdict. All of the jurors must
6 agree guilty or not guilty. And you will be offered
7 lesser offenses that you have to choose from but
8 whatever you choose, whatever verdict you return, it's
9 going to be unanimous. Everybody's got to agree.
10 You accept that?

11 JUROR NUMBER 159: Yes.

12 MR. MOORE: Then if you -- if a verdict of
13 guilty of first degree murder is reached in the
14 penalty phase, the recommendation is different, it
15 doesn't have to be unanimous. Each juror is entitled
16 to his or her own vote. So, there does not have to
17 be unanimity at that sentencing phase, right? And so
18 that what that means is you have the right to decide
19 for yourself what you think is an appropriate
20 sentence and you have the right to have that --
21 whatever you choose respected by the other members of
22 the jury and not be intimidated or not be browbeaten
23 and agree with other people because you don't have to
24 agree with other people, right? And similarly, you
25 must respect the individual recommendations of the

1 other members of jury. You are not required to
2 justify your position, or you can state what your
3 reasons for it, but you have the right to your own
4 individual vote. You accept that?

5 JUROR NUMBER 159: I expect that. I don't
6 understand quite how the Judge would take great
7 weight if we all said split 6 to 6.

8 MR. MOORE: That would be a life
9 recommendation.

10 JUROR NUMBER 159: Okay.

11 MR. MOORE: So, if it's a majority, if it's
12 seven or more for death, that's a death
13 recommendation, she'd have to give great weight to
14 that.

15 JUROR NUMBER 159: Now I get it.

16 MR. MOORE: If I could have a minute.

17 THE COURT: Yes, you may.

18 (Thereupon, a pause was taken in the
19 proceedings.)

20 MR. MOORE: Thank you.

21 THE COURT: Okay. Juror 159, you are still
22 being considered as a potential juror in this case.
23 We're going to release you for today. I'm going to
24 ask you to go downstairs. They're going to give you
25 a phone number. You're going to call back on

1 Thursday between 9:00 and 11:00. You may have to
2 report Thursday afternoon, you may have to report
3 back on Friday, it maybe later, but we're shooting
4 for Thursday afternoon or Friday. That's my best
5 guess at this time and it is a guess at this point.

6 During the recess you must continue to abide by
7 your service -- I mean, the rules governing your
8 service as a juror. Do not talk about this case with
9 anyone. Do not look, you know, read anything about
10 the case, research anything about the case. Now, let
11 me tell you what you can do. You can tell your
12 mother, because you have to tell your mother things,
13 don't forget that, no matter how old you are. You
14 can tell your mother not -- or anyone else that
15 you're here, that you're being considered for jury
16 service or if you get on to the jury that you're in
17 jury service, you can't tell them what the case is
18 and you can't tell them what the charges are or
19 anything that happens in the courtroom. Now, you can
20 tell them when this is over I can tell you everything
21 but I'm not telling you anything now. When it is
22 over it's up to you as to what you want to disclose
23 about your service. You're free not to talk about,
24 you're free to talk about it, but during the time
25 that you're under the rules governing your service as

1 a juror you're not to specifically discuss this case.
2 Okay. Any questions or concerns?

3 JUROR NUMBER 159: No.

4 THE COURT: Okay. If I could have you go
5 downstairs and get that phone number, I'd appreciate
6 it. Thank you, sir.

7 (Thereupon, Juror Number 159 exited the
8 courtroom.)

9 THE COURT: Okay. It looks like we've
10 addressed all the jurors that are in that one panel.
11 I do have forty-one at this time. Does everyone have
12 forty-one going to the second phase?

13 MR. BROWN: Yes, Your Honor.

14 THE COURT: Okay. I assume you want me to get
15 more, is that correct?

16 MR. BROWN: Yes.

17 THE COURT: The State and Defense?

18 MR. MOORE: Yes.

19 THE COURT: Okay. I do have a panel of
20 fifty-three that are ready for this afternoon. I
21 don't have the listing for you yet but I should have
22 that this afternoon. We'll do the fifty-three. With
23 all due respect, if I get fifty, I'm shooting for
24 fifty to fifty-three. We'll do the hardship ones
25 today, we'll see how far we get, we'll have a

1 discussion about how far we want to go from there
2 today, then probably break them up in groups of ten,
3 but as soon as I get somewhere in the neighborhood
4 of -- I mean, if I could go to fifty-three, I will.
5 If I get fifty, I'm pretty comfortable with fifty or
6 fifty-one. So, we'll take it from there. We'll see
7 where we are. I mean, if I have three more jurors to
8 interview and we're at fifty, I'd probably do that to
9 complete the day. If it's 6:00 o'clock and I've got
10 fifty, we can start something else the next day, I'd
11 probably do that to. So, I'm just going to see how
12 we go with that. Any questions or concerns, anything
13 we need to discuss?

14 MR. BROWN: Nothing from the State.

15 MR. MOORE: No.

16 THE COURT: Okay. So, we'll be in recess until
17 1:15. We'll start with a new panel at 1:15. Okay.
18 Thank you.

19 (Thereupon, a lunch recess was taken in the
20 proceedings.)

21 THE COURT: Please be seated. Okay. We can
22 bring in Mr. Bradley.

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

25 THE COURT: Okay. I have the listing that you

1 requested. I think the State only wants one copy, is
2 that correct, or do they want two?

3 MR. MCMASTER: One copy is fine, Judge.

4 THE COURT: I'll give you guys these copies and
5 you can hand them out. Deputy Blankenship, I think
6 the State only wants one.

7 THE COURT DEPUTY: One or two?

8 MR. BROWN: If you have two, we'll take two.

9 THE COURT: I copied two for them. Defense is
10 the problem ones, but I think I have four for them.
11 I think I have four for them. Next time I'll make
12 them five.

13 MR. MCGINNES: I think for is enough on the
14 individual sheets, five would be nice.

15 THE COURT: Okay.

16 MR. MCGINNES: Thank you.

17 MR. MOORE: So, we're starting with 160?

18 THE COURT: Should be starting with 160, yes.

19 MR. BROWN: I was going to suggest to the Court
20 you might want to alter the end time to the panel.

21 THE COURT: The end time?

22 MR. BROWN: The end time for the trial.

23 THE COURT: I was going to say go through at
24 least the first week of April. You think?

25 MR. BROWN: You think so?

1 MR. MCMASTER: I think so.

2 MR. BROWN: It should end by then, it may go a
3 little bit longer.

4 THE COURT: Yeah, I kind of figured that, that
5 it would go through. I'll write that date down. The
6 first week of April is April the 4th. I kind of
7 heard they were up.

8 THE COURT DEPUTY: Not yet, we have one
9 elevator.

10 THE COURT: There's a lot of people outside my
11 courtroom.

12 MR. BROWN: There was another jury panel
13 because they did not have numbers on them.

14 THE COURT: Oh, okay. Well, we need to bring
15 them up. I heard they had them come back at 12:45.
16 So, there should be no reason why they're not up here
17 and ready to go. We can bring them up. We should
18 have 160 through 212. Now, they gave you the sheets
19 with the numbers on them, is that what numbers you
20 have?

21 MR. BROWN: Yes. Well, we don't have the
22 sheets yet.

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

25 THE COURT: And that's 160 through 212?

1 THE CLERK: Yes.

2 THE COURT: Okay.

3 THE COURT DEPUTY: They're coming in.

4 THE COURT: Okay. I think we're ready.

5 (Thereupon, the proceedings were previously
6 transcribed.)

7 THE COURT: I'm going to ask you other
8 questions, but at this time I'm just asking about
9 hardship. I'm going to talk about any medical
10 conditions that you may have in just a few moments.
11 We'll talk about other issues as well. We're going
12 to ask you a lot of questions but the first question
13 I'm going to talk about is this hardship about the
14 length of the trial. Now, I do go row by row, we go
15 by numbers. So, anyone in the first row, does the
16 schedule as I have presented it to your present a
17 hardship to you? Anyone if the first row and you do
18 if you'll rise your hands. Okay. Number 162, yes,
19 sir.

20 JUROR NUMBER 162: Your Honor, I'm sorry.

21 THE COURT: That's okay.

22 JUROR NUMBER 162: I've been having problems
23 with work. I've been job to job unfortunately, but
24 where I'm at I've been staying steady. I recently
25 had to relocate so the reason why I found out I had a

1 summons was just sending an e-mail considering that I
2 was exempt before. I'm living with a friend trying
3 to get back on my feet, and I also have law
4 enforcement in my family that does play a conflict.

5 THE COURT: Okay. I heard that you have
6 relocated, where did you relocate to?

7 JUROR NUMBER 162: I'm in Melbourne, I'm still
8 in Brevard County, I'm just staying with a friend
9 until I can get back on my feet which my rent is
10 minimal considering that I've gathered substantial
11 amount of debt over time, unable to pay it, and I've
12 been getting help from friends and family. It's just
13 been really rough on me.

14 THE COURT: So, what I heard is that you
15 have -- finally have a job that is good job.

16 JUROR NUMBER 162: Yes, it's been steady and so
17 far it's secure.

18 THE COURT: Are you concerned that if you're
19 here for that length of time that you'll lose your
20 job?

21 JUROR NUMBER 162: Yes.

22 THE COURT: Can I ask you can what you do?

23 JUROR NUMBER 162: I'm an automotive service
24 technician for [REDACTED]

25 THE COURT: And how long have you been with

1 them? How long have you had this job?

2 JUROR NUMBER 162: I've with them for about
3 probably about eight months, six to eight months,
4 around there.

5 THE COURT: And you think that they won't hold
6 your job for you while you're here?

7 JUROR NUMBER 162: Maybe for a short time but
8 not for a long time, but it won't -- they're not -- I
9 have no idea -- I believe they will not pay me when I
10 spoke to my service manager considering it was just
11 one of those situations where I told them I have jury
12 duty, am I going to get paid and he mentioned that he
13 doesn't know for sure. I personally don't know for
14 sure if I'm going to get paid or not so.

15 THE COURT: Would that be something that you
16 could check out to see if you were going to get --

17 JUROR NUMBER 162: Absolutely.

18 THE COURT: Okay. We're going to talk to you
19 about the law enforcement issue at a later time
20 rather than talk about that individually with you.

21 JUROR NUMBER 162: Yes, ma'am.

22 THE COURT: But if you were to get paid while
23 you were here, some employers do pay and it's
24 normally bigger companies that do that. So, maybe
25 Tire Kingdom will pay. They do pay you thirty

1 dollars a day to be here but I'm sure you probably
2 make more than thirty dollars a day.

3 JUROR NUMBER 162: Yes.

4 THE COURT: Is it -- when we break, is it
5 possible for you to follow up on that?

6 JUROR NUMBER 162: Yes.

7 THE COURT: Okay. If you'll do that for me,
8 follow up on that and see if you'll get paid, because
9 like I said some employers do pay. It's usually the
10 bigger companies or an established company like Tire
11 Kingdom. So, maybe they would pay you for that. And
12 then I'll talk to you about that other issue
13 individually if we need to. Okay? Okay. I saw
14 another hand. 164, yes, sir.

15 JUROR NUMBER 164: I'm scheduled to have my arm
16 looked at tomorrow. I don't know if they're going to
17 take the stitches out tomorrow or they're going to
18 leave them in for a little bit.

19 THE COURT: Okay. And what time tomorrow?

20 JUROR NUMBER 164: 3:30.

21 THE COURT: If I told you you could probably be
22 there at 3:30, does that alleviate your concern.

23 JUROR NUMBER 164: It's in Orlando.

24 THE COURT: You can be there. We're going
25 to -- I'm going to separate you all out once I get

1 through some certain issues and some of you are going
2 to come back at a different time so you won't all be
3 here and most likely I'll either address you this
4 afternoon or I'll address you in the morning because
5 you're on the front row so we're going to get to you
6 sooner. Is that the only concern you have?

7 JUROR NUMBER 164: That's it.

8 THE COURT: So, doctor's appointment tomorrow
9 at 3:30 in Orlando. Sometimes I can't accommodate
10 that but I can probably accommodate that in this
11 case. Okay. Anyone else in the first row? (No
12 response). Second row, anyone in the second row?
13 Okay. 167, yes, ma'am.

14 JUROR NUMBER 167: My issue is sitting.
15 Actually, I have a doctor's note.

16 THE COURT: Okay.

17 JUROR NUMBER 167: I told him not to write me
18 off totally put just I asked if I could be put on
19 short, anything short because I can't sit long
20 periods. I've been in an accident and my neck is
21 really bad, I can't sit long periods.

22 There's also a second issue. I had a death in
23 the family and I have a plane ticket to go to Buffalo
24 in like a week and a half because I asked them to put
25 it off that long thinking that if I was put on a jury

1 this week I would be done by then.

2 THE COURT: And you say go to Buffalo, is that
3 for the funeral?

4 JUROR NUMBER 167: For the funeral.

5 THE COURT: And you say a week and a half, can
6 you be more specific?

7 JUROR NUMBER 167: Thursday, whatever Thursday
8 is from -- I think it's the 20th.

9 THE COURT: That's the 20th. Week from
10 Thursday is the 20th.

11 JUROR NUMBER 167: Yes.

12 THE COURT: So, you need to be in Buffalo, New
13 York on March 20th?

14 JUROR NUMBER 167: Yes. Yes, ma'am.

15 THE COURT: For a funeral.

16 JUROR NUMBER 167: Yes, ma'am.

17 THE COURT: Is it a family funeral?

18 JUROR NUMBER 167: Yes, sir. Yes, ma'am.

19 THE COURT: That's okay, people say that all
20 the time. That's okay, I don't get offended. I
21 think it's habit. And I don't mean to be personal
22 but everything has to be put on the record. So, the
23 death of the family, what family member is it?

24 JUROR NUMBER 167: It was my cousin.

25 THE COURT: And you did -- you do have

1 prearranged arrangements to go?

2 JUROR NUMBER 167: I have a plane ticket
3 already.

4 THE COURT: So that you can attend the funeral?

5 JUROR NUMBER 167: Um-hmm.

6 THE COURT: Okay. Okay. I think 168, did you
7 have your hand up?

8 JUROR NUMBER 168: Yes. I actually have two
9 issues.

10 THE COURT: Okay.

11 JUROR NUMBER 168: I was recently laid off and
12 currently collecting unemployment and I need to be
13 available to job search and interview, if needed.
14 The other issue is my husband was in an accident and
15 is currently wheelchair bound and I'm his caregiver
16 for ten hours out of the day. I also have a note
17 from that script saying that he needs that care.

18 THE COURT: Some of these notes, why didn't you
19 guys bring those in earlier and the judge that takes
20 care of the panel could have addressed some of those
21 things.

22 JUROR NUMBER 168: We were told we had to speak
23 to you.

24 THE COURT: I'm saying prior to today, if you
25 would have sent that in prior to day, you get your

1 jury notice.

2 JUROR NUMBER 168: Well, I did go on line to
3 ask for an extension but it was too late at that
4 point.

5 THE COURT: Because a lot of those -- with all
6 due respect, I've been a jury panel judge and I
7 address all those during lunchtime. I mean, you
8 probably would have been excused prior to day if you
9 would have gotten that in sooner. But you say -- so,
10 you have a note from your, it's your husband who's
11 wheel bound?

12 JUROR NUMBER 168: Right.

13 THE COURT: From his physician?

14 JUROR NUMBER 168: Yes, saying he's currently
15 able to work as well as the script for his home care.

16 THE COURT: That he's currently what, not able
17 to work?

18 JUROR NUMBER 168: That he's unable to work.

19 THE COURT: Oh, I heard able to work. So, you
20 were saying unable. And so you're providing care for
21 him while he's out of work?

22 JUROR NUMBER 168: Yes, ma'am.

23 THE COURT: How long is he supposed to be out
24 of work?

25 JUROR NUMBER 168: It's currently unknown, he

1 was hurt in January.

2 THE COURT: And it's ongoing at this time?

3 JUROR NUMBER 168: Yes.

4 THE COURT: Okay. Okay. Other hands? 169,
5 yes, sir.

6 JUROR NUMBER 169: I have a son, he's three
7 years old, he has a HH (unintelligible) which is a
8 tumor in the brain and my wife works during the day
9 and I work at night. So, I take care of him and take
10 him to the hospital during the day to Orlando to
11 Nemour's Hospital in Orlando.

12 THE COURT: How often do you do that?

13 JUROR NUMBER 169: Once every two weeks.

14 THE COURT: So, you're the primary caretaker
15 for your three year old son during the day?

16 JUROR NUMBER 169: Yes.

17 THE COURT: And she's the primary caretaker for
18 the three year old son at night while you work?

19 JUROR NUMBER 169: Yes.

20 THE COURT: Is there anyone else who could
21 perform that service for you while you're on jury
22 duty?

23 JUROR NUMBER 169: I could call around and ask.

24 THE COURT: Well, do you have any relatives?
25 Does anyone help you now with that in the area?

1 JUROR NUMBER 169: My inlaws are in Spain right
2 now for the next month and a half.

3 THE COURT: You say how often does your, I
4 think you said son, yes, how often does your son go
5 to the hospital?

6 JUROR NUMBER 169: Once every two weeks.

7 THE COURT: And you're the person who takes
8 him?

9 JUROR NUMBER 169: Yes.

10 THE COURT: Okay. Anyone else? Okay. 172.

11 JUROR NUMBER 172: I have some minor surgery
12 scheduled for the 25th.

13 THE COURT: I heard minor surgery.

14 JUROR NUMBER 172: Yes.

15 THE COURT: The 25th is your lucky day because
16 we're going to be off that day, but does that --
17 we're going to be off the 24th and the 25th. I heard
18 minor surgery, I don't want to embarrass you so I'm
19 not going to ask you what that is, but is it
20 something that you could either reschedule or would
21 you be ready to go on the 25th?

22 JUROR NUMBER 172: I can either reschedule it.
23 They told me I should be able to be around in two and
24 a half hours of it.

25 THE COURT: Okay. Because we're going to be

1 off the 24th and the 25th. So, we'll be off the day
2 before so you can be all nervous about the surgery
3 but then we'll be off the day of the surgery but then
4 we'll be back the 26th. Okay. Okay. Thank you.
5 All right. Any -- I think 173, yes, sir.

6 JUROR NUMBER 173: Yes, ma'am, I'm the sole
7 income earner for a family of four and my employer
8 does not pay (unintelligible).


9 THE COURT: Okay. I heard part of that so you
10 have to talk up a little. Sole income earner
11 for family of four.

12 JUROR NUMBER 173: For a family of four and my
13 employer does not pay for compensation for jury duty.

14 THE COURT: Okay. And you already checked that
15 and you know the answer to that?

16 JUROR NUMBER 173: Yes, ma'am.

17 THE COURT: Okay. Where do you work?

18 JUROR NUMBER 173: I work for a place called
19 

20 THE COURT: What's the corporation?

21 JUROR NUMBER 173: 

22 THE COURT: Okay. Okay. And the family of
23 four includes who?

24 JUROR NUMBER 173: Includes my wife and two
25 daughters.

1 THE COURT: And they're your daughters?

2 JUROR NUMBER 173: Yes, ma'am.

3 THE COURT: Okay. And so how would this -- if
4 you were to be here through the first week in April,
5 how would that affect your finances?

6 JUROR NUMBER 173: That would -- I'd have to go
7 bankrupt.

8 THE COURT: So, it would be a financial
9 hardship?

10 JUROR NUMBER 173: Yes, ma'am.

11 THE COURT: And I think you said you're the
12 only working right now?

13 JUROR NUMBER 173: Yes, ma'am.

14 THE COURT: Okay. Okay. The third row, anyone
15 in the third row? 175, yes, sir.

16 JUROR NUMBER 175: Your Honor, not really a
17 hardship at all, just serious complications at work.
18 I'm an electrical engineer and we do contract work
19 and I'm pretty well booked for travel all the way
20 through the end of May. These are customer
21 commitments that our company has contracts with
22 (unintelligible).

23 THE COURT: Okay. Is it something that they
24 could get someone else to do?

25 JUROR NUMBER 175: We have a pretty lean

1 department and --

2 THE COURT: Who do you work for?

3 JUROR NUMBER 175: It's a company called [REDACTED]
4 [REDACTED] based out of Huntsville, Alabama, we're in the
5 telecommunications industry.

6 THE COURT: Is there any way you could call
7 them and tell them that you're being considered and
8 see what their response for that is?

9 JUROR NUMBER 175: I could discuss it with my
10 boss.

11 THE COURT: And see if he -- I'm curious as to
12 what his -- I mean, they might not like it but they
13 might -- I mean, I'm curious as to what their
14 response may be.

15 JUROR NUMBER 175: (Unintelligible) there's one
16 thing because we have customer commitments and
17 there's penalties for missing dates for this contract
18 work.

19 THE COURT: Okay. If you could kind of discuss
20 it with them and respond to me after you discuss it
21 with them because I know before you came here you
22 probably didn't have any idea we were talking about a
23 case of this length.

24 JUROR NUMBER 175: It said one day, right.

25 THE COURT: Right. I mean, it says one day but

1 in fairness if you read it real close it says
2 starting that day so. But I understand that you
3 probably -- like I said, most cases we take two,
4 three days, or maybe a week. I mean, this isn't -- I
5 wouldn't expect you to think it would take that
6 lengths. So, if you can check, I'd appreciate that.

7 JUROR NUMBER 175: And how would I get back to
8 you?

9 THE COURT: We're going to call you back up and
10 you can -- when we call you you can discuss that with
11 us. I put a note that we're going to get back with
12 you with regard to that. Okay. Anyone else? Okay.
13 178.

14 JUROR NUMBER 178: I am one of five qualified
15 people for watching an anhydrous ammonia
16 refrigeration storage facility at [REDACTED] it
17 would -- I don't get paid by my employer. What would
18 have to happen is someone -- I would have to change
19 shifts from 8:00 to 4:00 to 4:00 -- or until after I
20 get out until midnight with someone else. They would
21 have to come on to my shift. I don't believe it
22 would be an insurmountable problem but it would not
23 only affect me but it would affect someone else.

24 THE COURT: Okay. I'm a little bit concerned
25 because you said you would have to change shifts.

1 So, you would leave here -- be here from say 9:00 to
2 5:00, leave here and go to work.

3 JUROR NUMBER 178: Yes, ma'am, there's no one
4 that's qualified to take my place in the job because
5 it's working ninety anhydrous ammonium.

6 THE COURT: And then so then you would work
7 from say 6:00 to when?

8 JUROR NUMBER 178: From whenever I can get out
9 until midnight and then I would come back -- if I was
10 selected to jury in the morning.

11 THE COURT: Okay. And that's something that
12 you would have to do?

13 JUROR NUMBER 178: Yes, ma'am, there's only
14 five qualified people that has to maintain a
15 twenty-four hour a day seven day a week situation.

16 THE COURT: Okay. What happens if you said
17 hey, I'm on jury don't, I can't do that, someone's
18 going to have to fill in for me, would they be able
19 to fill it in?

20 JUROR NUMBER 178: I don't believe that will be
21 insurmountable the fact they would do that because --

22 THE COURT: Because I would hate for you -- I
23 would hate for you to work when you left here until
24 midnight and then not get enough sleep. Sometimes
25 things are exciting in the courtroom, somethings

1 they're not that exciting and we might not keep you
2 awake. We get an expert witness who's real
3 technical --

4 JUROR NUMBER 178: The juror next to maybe.
5 No, I'm just telling you what the situation is.

6 THE COURT: What I'm going to do is I'm going
7 to ask you to check, tell them that it's a case
8 involving this length of time and we're going to get
9 back with you about whether -- what would happen if
10 you did get picked.

11 JUROR NUMBER 178: I will do that.

12 THE COURT: Okay. I appreciate that.

13 JUROR NUMBER 178: I believe, actually, one of
14 my fellow employees had a summons for jury duty this
15 week also and in is familiar with this situation, my
16 boss.

17 THE COURT: On this case or a different case?
18 Because there are other jurors.

19 JUROR NUMBER 178: That I realize there are
20 other juries, I believe it's this case.

21 THE COURT: It might be this case.
22 Statistically the number of juries that we've
23 requested would make it maybe this case.

24 JUROR NUMBER 178: I will check and see and ask
25 them. I'm sure as a company (unintelligible) and

1 being, you know, in good standing.

2 THE COURT: Okay. Okay. I appreciate that.

3 JUROR NUMBER 178: I'll check.

4 THE COURT: Okay. I appreciate that. Okay.
5 179, did you have your hand up?

6 JUROR NUMBER 179: Yes.

7 THE COURT: Yes, sir.

8 JUROR NUMBER 179: Two things. I am a patient
9 at the Space Coast Cancer Center and this week I have
10 to schedule an x-ray and a CT scan and I'm going to
11 have a doctor's appointment next week to find out
12 whether I'm still in remission or not. I'm pretty
13 much a nervous wreck about that, understandably. And
14 also, this month my wife turns forty and I have a
15 surprise trip for her in April if this would run past
16 the 4th, and also she's going on a trip with a few of
17 her friends and I'll be responsible for the children
18 alone for those five days.

19 THE COURT: Okay. I suspect you're going to be
20 here today and then I'm going to have you come back
21 at a different time most likely. So, you're going to
22 have some time this week if you need to schedule
23 those appointments just so you know. The trial where
24 you're going to be here day to day isn't going to
25 start for you if you were chosen until probably next

1 week. The surprise trip for your wife, when is that
2 going to start?

3 JUROR NUMBER 179: I believe it's April 22nd
4 and it is nonrefundable and it has been paid for.

5 THE COURT: Hopefully we're we better be done
6 by April 22nd.

7 JUROR NUMBER 179: It's going to be have very
8 bad on my marriage.

9 THE COURT: Oh, no, I understand that. Okay.
10 I heard April 22nd.

11 JUROR NUMBER 179: And she's going away April
12 11th.

13 THE COURT: And you're responsible for taking
14 care of the kids?

15 JUROR NUMBER 179: Yes.

16 THE COURT: Okay. I'll be back with 176 in
17 just a second. How many kids do you have?

18 JUROR NUMBER 179: Two.

19 THE COURT: And what's their ages?

20 JUROR NUMBER 179: Eleven and seven.

21 THE COURT: Okay. All right. 176, I think you
22 had your hand up. Yes, ma'am.

23 JUROR NUMBER 176: Yes, April 17th if you still
24 have to be here, I won't be able to attend because I
25 have to go to Melbourne courthouse. We're going to

1 have a case. I have filed a case to get my
2 reimbursement from a martial art instructor.

3 THE COURT: So, it's a civil case?

4 JUROR NUMBER 176: Yes.

5 THE COURT: On April 17th?

6 JUROR NUMBER 176: Yes.

7 THE COURT: Okay. With all due respect just so
8 you all know, I expect to go through possibly the
9 first week. The second week goes through April 11th.
10 I don't have any reason to believe it's going be to
11 go past April the 11th, but April the 4th, strong
12 possibility. We're supposed to have the case done at
13 the end of March but we're behind schedule mainly in
14 the jury selection process. So, we've extended it to
15 April 4th but we should, I would think, by April
16 11th. So, you said April the 17th, that brings us
17 into the next week. Okay. All right. Anyone else
18 on this side? Did I miss anyone? (No response).
19 Okay. I'm going to start on the left hand side. I
20 go row by row. So, we'll start in the first row.
21 Anyone in the first row that this schedule in and of
22 itself presents a hardship? 181, yes, ma'am.

23 JUROR NUMBER 181: Yes. I work for a small
24 family health (unintelligible) and I am the sole
25 sales person. So, a five week duration out of the

1 office would present extreme financial hardship to
2 the company.

3 THE COURT: Okay. You work for? I didn't --

4 JUROR NUMBER 181: It's a small company, it's a
5 small corporation.

6 THE COURT: You have to tell me what it sells
7 and what the name is.

8 JUROR NUMBER 181: It's a software development
9 company, most of the people I work with are engineers
10 and I'm the only salesperson in for the US and it's
11 called [REDACTED] So, five
12 week duration would be...

13 THE COURT: There's no one else that can cover
14 that or that can do that for you?

15 JUROR NUMBER 181: Partially but not entirely
16 because I do more than one task. So, the one person
17 that possibly could cover me is planning a business
18 trip I believe. I have to check back with that but I
19 didn't expect -- I expected this just be one week and
20 not possibly the five weeks.

21 THE COURT: No, I understand that. Is there
22 any way that you could check and then we can get back
23 with you on that?

24 JUROR NUMBER 181: Yes.

25 THE COURT: Okay. We'll do that. Okay. 182,

1 yes, ma'am.

2 JUROR NUMBER 182: I'm self-employed, I'm the
3 only member of the family earning income. So, no
4 chance of any income for five years, and I'd probably
5 lose a lot of clients.

6 THE COURT: Okay. Self-employed, sole income
7 earner for the family. Tell me what your family
8 consist of.

9 JUROR NUMBER 182: It's just two of us, just my
10 husband and I.

11 THE COURT: Does any other income come into the
12 household?

13 JUROR NUMBER 182: He's laid off. I'm not sure
14 what you mean.

15 THE COURT: So, maybe is there unemployment?

16 JUROR NUMBER 182: He's chose not to go for
17 unemployment.

18 THE COURT: And you're elf-employed. What do
19 you do?

20 JUROR NUMBER 182: Train horses and give people
21 riding lessons.

22 THE COURT: If you weren't able to do that for
23 the next five weeks say, how is that going to affect
24 your finances? Some people say I don't like it, I
25 don't want to do it but I can endure it, other people

1 say I can't financially.

2 JUROR NUMBER 182: It will be very difficult
3 financially and I would assume some of my clients
4 would have to find other resources for what I do that
5 length of time.

6 THE COURT: So, you're afraid that you'll lose
7 some clients?

8 JUROR NUMBER 182: Yes.

9 THE COURT: Okay. Anyone else in that first
10 row? (No response). Okay. Let's do the second row.
11 Okay. 186.

12 JUROR NUMBER 186: Self-employed lawn service,
13 no money coming in no work, nobody can take my place,
14 I'm by myself.

15 THE COURT: Okay. You're self-employed lawn
16 service, is that full time? Is that what you do as
17 full time work?

18 JUROR NUMBER 186: Yes.

19 THE COURT: I'm just asking because some people
20 tell me they do that part time after.

21 JUROR NUMBER 186: No, (unintelligible), Inc.

22 THE COURT: Okay. If you -- are you the sole
23 source of income for your family?

24 JUROR NUMBER 186: Pretty much.

25 THE COURT: What does that mean?

1 JUROR NUMBER 186: Well, I'm about eighty-five
2 percent of it.

3 THE COURT: Okay.

4 JUROR NUMBER 186: And I have a daughter living
5 at home still going to school.

6 THE COURT: An adult daughter living at home
7 that's a full time student?

8 JUROR NUMBER 186: She's a full time student,
9 not adult.

10 THE COURT: How old is she?

11 JUROR NUMBER 186: Twenty.

12 THE COURT: She's an adult.

13 JUROR NUMBER 186: Really?

14 THE COURT: I mean, I totally agree with you.

15 JUROR NUMBER 186: Well, I kind of gage it as
16 if they're old enough to drink then they're adult,
17 she's not old enough to drink.

18 THE COURT: Okay.

19 JUROR NUMBER 186: But old enough to go to
20 work.

21 THE COURT: Yeah, that's true. Old enough to
22 vote. So, she lives with you and she's a full time
23 student so you're supporting her.

24 JUROR NUMBER 186: I support her and -- well,
25 my wife works but she's part time and basically the

1 money that she pulls in covers the insurance.

2 THE COURT: Okay. If you couldn't work for the
3 next five weeks, how would that affect your family
4 finances?

5 JUROR NUMBER 186: I'd be about five thousand
6 dollars in the hole.

7 THE COURT: Pardon me?

8 JUROR NUMBER 186: I'd be about five thousand
9 dollars in the hole.

10 THE COURT: And do you have any ability to
11 compensate for that or not compensate for that? I'm
12 trying to -- I can't put words in your mouth. So,
13 I'm trying to figure out if it's a financial hardship
14 or not.

15 JUROR NUMBER 186: It's a financial hardship
16 because I have mortgages and taxes and insurance and
17 business licenses and everything that has to get paid
18 for and, you know, it's got to come in every month
19 when I work.

20 THE COURT: Okay. Some people say, like I
21 said, I don't like it, I don't want to do it but I
22 can -- I have savings and I can --

23 JUROR NUMBER 186: I would do it for a couple
24 of days but not for more than a week. One week would
25 hurt me.

1 THE COURT: Okay. All right. Anyone else in
2 that second row? (No response). Okay. I didn't see
3 any hands. How about the third row? Okay. 191,
4 yes, ma'am.

5 JUROR NUMBER 191: My job is doesn't pay me, I
6 live paycheck to paycheck so it would be a financial
7 hardship, and also my daughter has spring break and I
8 don't have anybody else to watch her.

9 THE COURT: Okay. I know spring break is the
10 week that we have the first two days off. So, it
11 would only be three of the two days and I know that
12 can still be a problem.

13 JUROR NUMBER 191: I don't have anybody to
14 watch her.

15 THE COURT: No one could help you out for the
16 three days?

17 JUROR NUMBER 191: Everybody has to work,
18 nobody can get it off.

19 THE COURT: What I heard -- tell me what you do
20 for a living?

21 JUROR NUMBER 191: I am in education at [REDACTED]

22 [REDACTED]

23 THE COURT: Okay. And so if you didn't work
24 you wouldn't get paid, is that correct?

25 JUROR NUMBER 191: Correct.

1 THE COURT: And you say -- so, if you didn't
2 get paid, that would be a financial hardship for you?

3 JUROR NUMBER 191: Yes.

4 THE COURT: Pardon me?

5 JUROR NUMBER 191: Correct.

6 THE COURT: You wouldn't be able to pay your
7 bills?

8 JUROR NUMBER 191: Correct.

9 THE COURT: Okay. I think I saw another hand.
10 194, do I have your number right?

11 JUROR NUMBER 194: Yes.

12 THE COURT: Okay. Yes, sir.

13 JUROR NUMBER 194: One day wouldn't be bad but
14 if I'm tied for all that time, I'm going through a
15 financial hardship right now. I've been out of work
16 for two most and just started working. I'm behind in
17 my bills, if I don't pay my mortgage they could
18 foreclose on my house and then I'd be in real
19 trouble.

20 THE COURT: So, you said you just got a new
21 job?

22 JUROR NUMBER 194: Yes, I'm supposed to start
23 this week but I had to go to this court so here I am,
24 but I was figuring maybe one or two days wouldn't be
25 bad but if I'm tied up all that time they could be

1 foreclose on my house and then I'd be in real
2 problems.

3 THE COURT: Okay. What job are you starting
4 this week?

5 JUROR NUMBER 194: I'm going to be selling cars
6 at [REDACTED]

7 THE COURT: Okay. And when were you scheduled
8 to start?

9 JUROR NUMBER 194: Well, I worked two days last
10 week but I had to go for a drug test and then I was
11 supposed to start maybe in a couple of days, maybe
12 Thursday.

13 THE COURT: Okay. Is that going to be full
14 time employment?

15 JUROR NUMBER 194: Yes.

16 THE COURT: And I think what you said is that
17 you're -- if you don't work you're not to get paid
18 and you need the money to pay your mortgage because
19 you're already behind?

20 JUROR NUMBER 194: That's correct, I'm already
21 behind.

22 THE COURT: Okay. Anyone else in that last
23 row? (No response). Okay. Did I miss anyone on the
24 left hand side? Okay. You're a little harder for me
25 to see. Okay. I'll go to the right hand side.

1 Anyone in the first row? Okay. 197.

2 JUROR NUMBER 197: I'm the sole wage earner for
3 myself and my eighty year old husband and I work for
4 an office that only has three people in it and one
5 out for five weeks would be a hardship for them and
6 for me financially. They do pay me for the first
7 week of jury duty but not after that. I would be
8 looking at pulling money out of my retirement.

9 THE COURT: Okay. Does your husband, does he
10 have any money coming in?

11 JUROR NUMBER 197: Yes, he does he is retired
12 military.

13 THE COURT: Okay. And how do you feel about no
14 money coming in and having to pull money out from
15 your retirement?

16 JUROR NUMBER 197: Well, I'm going to be
17 sixty-one at the end of this month so I'm getting
18 fairly close to when I would likes to retire but I'm
19 not -- would it be possible, yes, would it create a
20 hardship, probably, I would need that money to
21 support our bills.

22 THE COURT: Okay. All right. Anyone else in
23 that first row? Okay. 1 -- I mean 201, yes, ma'am.

24 JUROR NUMBER 201: I lead a small team that
25 provides computer and network security for a federal

1 government agency. Currently my team is down about
2 forty percent so we're pulling 24/7 duty with about
3 five people right now. We've been held to no
4 vacation time.

5 THE COURT: This would be a vacation.

6 JUROR NUMBER 201: It might be if it wasn't for
7 my customer that I have, I have no means of being
8 able to ensure the security because I don't have
9 another alternate between having to maintain a
10 certain security clearance level, I'm still -- I've
11 been looking for four weeks now for my alternate and
12 I haven't been able to find one.

13 THE COURT: When you say looking for an
14 alternate, I assume another employee?

15 JUROR NUMBER 201: Yes, ma'am, I am down three
16 people right now, my alternate just left a couple of
17 weeks ago. We always have a back up but
18 unfortunately at this point I don't have one.

19 THE COURT: And what company do you work for?
20 You said federal agency. So, who is that?

21 JUROR NUMBER 201: I work for [REDACTED]
22 [REDACTED] that's (unintelligible) the US State
23 Department.

24 THE COURT: Okay. I have working 24/7. How
25 many hours a week are you working?

1 JUROR NUMBER 201: I'm putting in approximately
2 fifty-five to sixty hours a week but I am on call
3 24/7.

4 THE COURT: Okay. Did I get everyone in the
5 first row? (No response). Second row. 202.

6 JUROR NUMBER 202: I work for [REDACTED] I'm a
7 single mom, only income in the house. I also have an
8 eighty-eight year old mother and a sister dying of
9 cancer and I am their sole transportation, their sole
10 caregivers, it would make a huge -- [REDACTED] only pays
11 partial, it would be like a third of what I make in a
12 day if I don't get to work.

13 THE COURT: Okay. Single mom. How many kids?

14 JUROR NUMBER 202: Two kids living at home.

15 THE COURT: And how old are they?

16 JUROR NUMBER 202: Eighteen and fifteen.

17 THE COURT: Do you get any type of other income
18 coming into the household like child support?

19 JUROR NUMBER 202: Child support.

20 THE COURT: With the child support and the
21 money that you get, does that pay your bills or would
22 you need to make the higher rate?

23 JUROR NUMBER 202: I would have to make the
24 higher rate.

25 THE COURT: Pardon me?

1 JUROR NUMBER 202: I would have to make the
2 higher rate.

3 THE COURT: And if you can't, is that a
4 financial hardship?

5 JUROR NUMBER 202: Yes, ma'am.

6 THE COURT: Okay. I heard that you're
7 eighty-eight year old mother and you're her sole
8 transportation?

9 JUROR NUMBER 202: Her and my sister who is at
10 stage four ovarian cancer in a wheelchair.

11 THE COURT: Okay. Anyone else in that second
12 row? (No response). No hands. Okay. How about the
13 third row? Is it, help me with the number, 210?

14 JUROR NUMBER 210: Yes.

15 THE COURT: Yes, sir.

16 JUROR NUMBER 210: I recently received my
17 summons as I just moved, I got it last week Thursday,
18 I haven't had a chance to find out yet if I'll be
19 paid by my job. I'm the sole income in my home.
20 It's just me and my wife but she's pregnant due in
21 July. And right now we're currently working on a
22 very large project at work fifty to fifty-five hours
23 a week, forty-five to fifty-five hours a week. So,
24 I'm not sure how that would go over at work either.

25 THE COURT: Okay. So, where are you working?

1 JUROR NUMBER 210: [REDACTED] based
2 out of Canaveral. It's in Virginia, Richmond. No,
3 Restin, Virginia, sorry.

4 THE COURT: Okay. So, you would need to check
5 with them to see how this would affect your
6 employment?

7 JUROR NUMBER 210: I don't think it would
8 affect my employment, I don't know if I'll get paid
9 or not because I haven't had a chance to check but it
10 would differently hinder the project.

11 THE COURT: So, you say hinder the project,
12 tell me what you're working on.

13 JUROR NUMBER 210: We're building on a new
14 product, a new patient portal for our clients that
15 should be done in the next -- supposed to be done by
16 the end of June or May, I don't remember, and we're
17 kind of (unintelligible).

18 THE COURT: Okay. If you were to get -- if
19 your employer did pay for you to be here, do you
20 think you could be here?

21 JUROR NUMBER 210: If my employer paid me it
22 wouldn't be a hardship on me, I could be here.

23 THE COURT: Okay. You're worried about it
24 being a hardship on them?

25 JUROR NUMBER 210: Yes.

1 THE COURT: Okay. Is it possible you could
2 check on that and check all that and give them a
3 heads up about what's happening?

4 JUROR NUMBER 210: Yes.

5 THE COURT: Okay. I'll give you a chance to do
6 that and then we'll ask you again about that. Okay.
7 Anyone else in the -- on the back row? (No
8 response). Okay. Did I get everybody on the right?
9 Okay. Did somebody have a hand over here, did I miss
10 anyone? (No response). Okay.

11 Okay. Do any of you have a medical or physical
12 condition that might affect your ability to serve? I
13 did talk -- we have no sense of humor in here just so
14 you know. We've been here for weeks, we have no
15 sense of humor. You can going ask my court deputies
16 if I have a sense of humor this week, they'll tell
17 you no. Okay. Number 162, yes, sir.

18 JUROR NUMBER 162: I was diagnosed with
19 attention deficit disorder in 1996 and then
20 re-diagnosed in 2002, 2003 with attention deficit
21 hyperactive disorder, basically a dull version of
22 ADD.

23 THE COURT: Do you take medication for that?

24 JUROR NUMBER 176: No, at the time I never
25 really had insurance so. Medication is expensive,

1 doctor visits are expensive, pretty much I was just
2 coping with it all the time but that's the reason why
3 I've lost jobs and never -- I'm not a threat to
4 anybody or anything, I just would lose focus or end
5 up making too many mistakes.

6 THE COURT: Are you worried if you were to sit
7 in a trial of this length about having -- losing
8 focus?

9 JUROR NUMBER 176: For five weeks, yeah, and I
10 get to antsy and I get to jittery being in one spot
11 at one time. That's why I turn a wrench for a living
12 because I can go back and forth and work on different
13 things and I can sit, I can lay down and do stuff,
14 I'm versatile in what I do.

15 THE COURT: Okay. Let me tell you first of
16 all, there's -- and I'm going to tell you this in a
17 minute. There's going to be a lot less people. This
18 is a lot of people in the courtroom. There's going
19 to be a lot less people and you would be sitting in
20 the chairs behind. So, those are a little bit more
21 comfortable. Those are pretty comfortable, those are
22 real comfortable. We do take breaks every -- I never
23 have you go more than two hours. So, we take breaks
24 about every I would say hour and a half, between an
25 hour and a half and two hours a fifteen minute break,

1 do you think that would accommodate that concern?

2 JUROR NUMBER 176: It depends on the situation.
3 A lot of times it doesn't because when I'm at work if
4 I feel like I need to smoke, which I smoke like a
5 chimney, I just throw a cigarette in my mouth and I
6 smoke when I'm working on someone's car. If I need
7 to sit down I'll grab my little stool and sit down
8 and take a break whenever I feel like it, then I go
9 back to doing what I'm doing. And then once the
10 smoke clears I get everything all settled up then,
11 I'm out for the day. And then when I go home, same
12 thing, I experience the same thing. I'll lay down,
13 I'll get restless, I'm not tired, then I'm up wee
14 hours of the night and trying to go back to sleep and
15 pacing around.

16 THE COURT: Okay. Sometimes smoking is an
17 issue in that we don't take enough breaks for certain
18 people who smoke.

19 JUROR NUMBER 176: Yeah.

20 THE COURT: I do take breaks and I let you go
21 outside so that you can smoke in case we -- I usually
22 ask if there's a smoker on the jury. I don't ask you
23 all, I ask my court deputies, they tell me so that I
24 can accommodate -- I know that we need to take a
25 break so you can go -- and let you go downstairs, but

1 do you think it may be an issue for you to sit that
2 long for even the hour, hour and a half to two hours?

3 JUROR NUMBER 176: Yeah, sometimes -- even at
4 work sometimes I'm like that.

5 THE COURT: Okay. Okay. Anyone else? Okay.
6 Yes, ma'am.

7 UNIDENTIFIED JUROR: I can't sit for long.

8 THE COURT: No, we talked about your -- about
9 the accident and the sitting.

10 UNIDENTIFIED JUROR: Right. And the other
11 issue is I take medication because of it. So, I'm a
12 little -- I take prescription pain pills. So, that
13 might be an issue. I just thought I'd let you know.

14 THE COURT: Okay. To tell you the truth, I
15 think I probably addressed that funeral situation,
16 yeah, that's probably going to have you released but.
17 Okay. Anyone else, medical or physical? Okay.
18 Anyone on the left? I see no hands. Oh, I see a
19 hand in the back. Let me get your number. 192, do I
20 have the right number? Yes, ma'am.

21 JUROR NUMBER 192: I have mild cerebral palsy.

22 MR. MOORE: I'm not.

23 THE COURT: Mild cerebral palsy?

24 JUROR NUMBER 192: Um-hmm.

25 THE COURT: How does that affect you?

1 JUROR NUMBER 192: It affects my learning and
2 my muscles.

3 THE COURT: I heard the muscles but I didn't
4 hear the first part.

5 JUROR NUMBER 192: Learning.

6 THE COURT: Your learning?

7 JUROR NUMBER 192: Learning disability.

8 THE COURT: Okay. Do you think that this --
9 serving as a juror in this case would be difficult
10 for you to do?

11 JUROR NUMBER 192: No, but I've broken my leg
12 like twice and it's hard for me to like walk
13 sometimes.

14 THE COURT: Okay. If we can -- as long as
15 you're not in pain, we can accommodate the hardship
16 to walk. I mean, we'd be patience with you and make
17 sure we got you seated and things of that nature. Do
18 you have any concerns about your ability to serve?

19 JUROR NUMBER 192: No.

20 THE COURT: Okay. Do you have any concerns
21 about the ability to comprehend everything that's
22 happening in the courthouse, in the courtroom?

23 JUROR NUMBER 192: No, not really.

24 THE COURT: Okay. Tell me what the not really
25 means. Have you understood everything I've talked

1 about so far?

2 JUROR NUMBER 192: Yes, right now.

3 THE COURT: Okay. What about do you have any
4 issues in comprehending -- obviously, we're not
5 experts but I'm talking about maybe medical terms and
6 things of that nature?

7 JUROR NUMBER 192: No.

8 THE COURT: Okay. Okay. And how far did you
9 go in school?

10 JUROR NUMBER 192: I graduated.

11 THE COURT: Graduated from high school?

12 JUROR NUMBER 192: Yes.

13 THE COURT: Have you taken any college classes?

14 JUROR NUMBER 192: No not yet.

15 THE COURT: Okay. Okay. All right. Thank you
16 for bringing that to my attention. Okay. Anyone
17 else on the left? How about -- oh, 193, yes, sir.

18 JUROR NUMBER 193: Yeah. I'm college graduate
19 and then I went in the Army. Now, I'm just bringing
20 this to your attention.

21 THE COURT: Okay.

22 JUROR NUMBER 193: Okay. Because I've served
23 jury duty twice in Washington State and I brought
24 this to their attention too and I just -- I don't
25 mind serving but I just think I should bring this to

1 your attention that I've had brain surgery and I've
2 had it twice and I brought this up but. And then I
3 came by here to show it to the jury people but they
4 said it was too late and I just want to bring -- I
5 don't mind serving, I actually enjoyed it but.

6 THE COURT: Does your -- you appear to have
7 something in your hand, I don't know what that is.

8 JUROR NUMBER 193: Yeah, this is just the thing
9 that says my -- couple of my doctors said I shouldn't
10 do it and they said it was too late but that's fine
11 with me whether I do it because I have a short term
12 memory.

13 THE COURT: Okay. Maybe I should see what your
14 doctors say about your ability to serve.

15 JUROR NUMBER 193: Okay.

16 THE COURT: So, if we could get a copy of that.

17 JUROR NUMBER 193: Because I don't mind. The
18 only reason -- could I say something still?

19 THE COURT: You can.

20 JUROR NUMBER 193: I brought this up in
21 Washington State because all I told them -- I served
22 two times and all I said was if I was a defense
23 attorney and I lost, I would file an appeal on this
24 guy having brain surgery.

25 THE COURT: Well, that's a wonderful thing to

1 say in the beginning of my trial.

2 JUROR NUMBER 193: But they didn't. But yeah,
3 that never happened and all I want to do is make that
4 point made.

5 THE COURT: Okay. This letter, it's recent,
6 it's dated February 26th, 2014. Now, it says that
7 you have problems -- that you -- has problems with
8 your memory.

9 JUROR NUMBER 193: Yeah, short term.

10 THE COURT: Well, this would involve short term
11 memory especially in a trial of five week, you might
12 hear something in the beginning that you'd have to,
13 you know, kind of remember.

14 JUROR NUMBER 193: I take a lot of notes when
15 I'm.

16 THE COURT: Okay. We do -- you can take notes.

17 JUROR NUMBER 193: Yeah, I take a lot of notes.

18 THE COURT: So, if you were given something to
19 write with and you could take notes, I do allow the
20 jurors to take notes during the case, would that help
21 you with the memory loss?

22 JUROR NUMBER 193: Yeah, because the first time
23 I was -- I served court four times and then the
24 second one I served court five times because where I
25 did it you were there for the whole week.

1 THE COURT: It also said that you had back
2 surgery and have maybe some pain associated with
3 that.

4 JUROR NUMBER 193: Yeah, I just had one 6/17 to
5 7/1 in Holmes Medical Center last year.

6 THE COURT: Okay. You would -- you know, those
7 chairs are a lot less comfortable than these chairs
8 but still, you know, back issues, to tell you the
9 truth, if you sit here a long time, back issues can
10 come up.

11 JUROR NUMBER 193: Right.

12 THE COURT: And it says that you're talking
13 some pain medication.

14 JUROR NUMBER 193: Prosac, yeah.

15 THE COURT: Okay. Now, do you think that's an
16 issue with the back and the pain pills?

17 JUROR NUMBER 193: No, I think I'm fine.

18 THE COURT: What about the pain medication?

19 JUROR NUMBER 193: That's what I thought you
20 asked.

21 THE COURT: Does it make you sleepy? Does it
22 make you -- I mean, is that going to be an issue at
23 the trial?

24 JUROR NUMBER 193: No, I take five hour energy
25 pills too. I do, I do, I take five hour energy to

1 compensate.

2 THE COURT: Okay. So, you're telling me that
3 you think you can do it?

4 JUROR NUMBER 193: Oh, no doubt.

5 THE COURT: Okay.

6 JUROR NUMBER 193: But I was going to present
7 that.

8 THE COURT: Okay. I'll note that --

9 JUROR NUMBER 193: And they told me hey, you're
10 too late and I said okay, I just make it noted that I
11 brought this in.

12 THE COURT: I'm going to let the attorneys read
13 it when they come up to the bench too. So, I'm going
14 to keep it for a few moments.

15 JUROR NUMBER 193: All right. I just wanted to
16 make that noted.

17 THE COURT: Okay. Don't say the A word, the A
18 word, appeal word.

19 JUROR NUMBER 193: Oh, sorry, sorry.

20 THE COURT: That's a dirty word in here. No,
21 it's not really, I'm only, I'm only joking with you.

22 JUROR NUMBER 193: Okay.

23 THE COURT: Okay. Anyone else on the left
24 side? (No response). Anyone else on the right side?
25 Okay. I see 206.

1 JUROR NUMBER 206: Yes.

2 THE COURT: Yes, ma'am.

3 JUROR NUMBER 206: I have had open heart
4 surgery and I do have hypertension.

5 THE COURT: Okay. Do you -- how long ago did
6 you have the open heart surgery?

7 JUROR NUMBER 206: Three years ago.

8 THE COURT: Are you having any effects from
9 that at this time?

10 JUROR NUMBER 206: Not -- no, not really.

11 THE COURT: Okay. And then the second thing
12 you said was?

13 JUROR NUMBER 206: Hypertension.

14 THE COURT: And how does that affect you?

15 JUROR NUMBER 206: Well, I shouldn't get too
16 upset.

17 THE COURT: You shouldn't get too upset. Okay.
18 Sometimes being on a jury can be stressful. This
19 case does involve the death of somebody. It does
20 involve possible penalties of the death penalty and
21 I'm going to talk to everyone about that in a few
22 moments. Do you think that would be something that
23 you would be able -- capable of being here and being
24 juror for or do you think that would affect your
25 stress level?

1 JUROR NUMBER 206: Yes it would.

2 THE COURT: Okay. You're concerned that it
3 would affect your hypertension?

4 JUROR NUMBER 206: Yes.

5 THE COURT: Are you currently under the care of
6 a doctor?

7 JUROR NUMBER 206: Yes.

8 THE COURT: Anyone else on the right side? (No
9 response). Did I miss any hands? Did I miss any
10 hands at all? Okay. At this time I'm going to have
11 a bench conference and speak with the attorneys.

12 (Thereupon, a benchside conference was had out
13 of the hearing of the prospective jury panel as follows:)

14 MR. PIROLO: Pretty lively group.

15 THE COURT: Pretty lively group. Okay. We
16 usually start with the State. You want me to move
17 these things so you can put your stuff up here? I'm
18 making room for Mr. Moore.

19 MR. BROWN: Judge, the first one that I have is
20 162.

21 THE COURT: 162.

22 MR. BROWN: He believes he's going to lose his
23 job.

24 MR. MOORE: No objection.

25 THE COURT: I think the ADHD and the smoking

1 might be a more of a problem. So, Number 162 we'll
2 release for cause.

3 MR. BROWN: Next one I think 164 but we can
4 check with him. He seemed to be okay.

5 THE COURT: He said okay except he had a
6 doctor's appointment at 3:30. I think we can work
7 around that.

8 MR. BROWN: 167.

9 THE COURT: 167. Any objection to 167?

10 MR. MOORE: No.

11 THE COURT: So, 167 will be released for cause.

12 MR. BROWN: 168.

13 MR. MOORE: No objection.

14 THE COURT: 168 will be released for cause.

15 MR. BROWN: 169.

16 MR. MOORE: No objection.

17 THE COURT: 169 will be released for cause.

18 MR. BROWN: 172 said she thought she would be
19 okay. 173.

20 MR. MOORE: No objection.

21 THE COURT: 173?

22 MR. BROWN: 173?

23 MR. MOORE: No objection.

24 MR. BROWN: Or 172?

25 MR. MOORE: No, 173.

1 THE COURT: Okay. 173 will be released for
2 cause.

3 MR. BROWN: 175, said he would have to check
4 but I'm not optimistic.

5 THE COURT: 175 check for cause.

6 MR. MOORE: 178 is going to check.

7 MR. BROWN: Right. He's got travel already
8 booked so we can wait until he checks but I'm not
9 optimistic.

10 THE COURT: Okay.

11 MR. MOORE: 179, we probably had -- the one
12 thing that jumped out at me that really --

13 THE COURT: What are you saying? Which one are
14 you on?

15 MR. MOORE: 179. I skipped ahead. Well, 178
16 said he'd check.

17 THE COURT: Okay. I have 175 checking.

18 MR. BROWN: My concern with 178 is he indicated
19 right off the bat he would get no pay. He was going
20 to check on swapping shifts but even if he could swap
21 shifts he's still working until midnight.

22 THE COURT: Then he said they might cover for
23 him. I thought I got him to say they may cover him.
24 I didn't want him to work all night. So, we'll check
25 back with him.

1 MR. MOORE: 179, what got my -- any concern is
2 he's upset about a potential for cancer.

3 THE COURT: He has additional cancer
4 appointments I thought this week and next week.

5 MR. PIROLO: Next week he finds out if it's in
6 remission or not.

7 THE COURT: It's up to you all.

8 MR. BROWN: I'm good, strike him.

9 MR. MOORE: Let him go.

10 THE COURT: 179 we'll strike for cause.

11 MR. BROWN: 181 said she will check. 182.

12 THE COURT: Trains horses, riding lessons,
13 difficult financial.

14 MR. MOORE: We can strike her.

15 THE COURT: 172 will be struck for cause. I'm
16 sorry, 182 will be struck for cause. I'm sorry.

17 MR. BROWN: 186, lawn service.

18 MR. MOORE: No objection, strike him.

19 THE COURT: 186 will be struck for cause.

20 MR. BROWN: 191, no pay, additional hardship.

21 MR. MOORE: No objection.

22 THE COURT: 191 will be struck for cause.

23 MR. BROWN: 192, the concern is she said she
24 has a learning disability and obviously there's going
25 to be a lot of medical testimony.

1 MR. MOORE: No, she's okay.

2 MR. BROWN: We're good with her at this point?

3 MR. MOORE: Yeah, at this point.

4 THE COURT: Okay. We'll get back with her. If
5 you want to question, we can question.

6 MR. BROWN: 193.

7 THE COURT: This is the letter.

8 MR. LANNING: Well, we can question him, he can
9 take notes.

10 MR. BROWN: He has short term memory.

11 THE COURT: I don't know, I was concerned.

12 MR. BROWN: He's admitted to short term memory
13 loss.

14 MR. LANNING: He takes notes.

15 THE COURT: If they want to question him, I'll
16 give them an opportunity to question him. I'll give
17 them the opportunity to question him and you can
18 question him as well and then you can readdress it.

19 MR. BROWN: Okay.

20 THE COURT: Okay.

21 MR. MOORE: 194.

22 THE COURT: No objection to 194?

23 MR. MOORE: Right.

24 THE COURT: State agrees?

25 MR. BROWN: Yes.

1 THE COURT: Okay. Then I'm on the next page.

2 MR. BROWN: 197.

3 THE COURT: Any objection to 197?

4 MR. MOORE: No objection.

5 THE COURT: 197 will be struck for cause.

6 MR. BROWN: 201.

7 THE COURT: Any objection to 201?

8 MR. MOORE: No objection.

9 THE COURT: Okay. 201 will be struck for
10 cause.

11 MR. BROWN: 202.

12 MR. MOORE: No objection.

13 THE COURT: 202 will be struck for cause.

14 MR. BROWN: 206.

15 THE COURT: 206? You want to ask her or do you
16 want her struck for cause?

17 MR. MOORE: Let's question her.

18 THE COURT: Okay. I'll leave her in and you
19 can question her. Okay.

20 MR. MOORE: 210. He's going to check.

21 THE COURT: 210, does everyone agree?

22 MR. PIROLO: No, he's going to check.

23 THE COURT: Oh, he's going to check right.

24 Okay. Are we good? Anyone else? Did I miss anyone?

25 Those were the primarily people I had. Okay?

1 MR. PIROLO: Yes.

2 THE COURT: Okay. I'll give you a chance to
3 sit down and I'm going to take off the thing.

4 THE COURT DEPUTY: Judge, there's several
5 people that need to use the restroom and I don't know
6 if now would be a good time for a break or not.

7 THE COURT: We've only been here an hour. They
8 said they need to use the restroom?

9 THE COURT DEPUTY: There's like three people.

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

13 THE COURT: During this break, you must not --
14 you don't know what the case is about but you don't
15 discuss this case with anyone, don't talk about your
16 jury service and when you come back I'm going to give
17 you more information about the case. So, court
18 will -- yes, ma'am.

19 UNIDENTIFIED JUROR: Can we call like our
20 employers to find out if we do get paid?

21 THE COURT: If you need to make those phone
22 calls. I'm not sure I'm going to get to you today
23 but you could do that. I don't think I'm going to
24 get to you today, you're probably go to have to come
25 back another day. Yes, sir?

1 UNIDENTIFIED JUROR: What if we know we have a
2 conflict?

3 THE COURT: I asked about that. If it's a
4 hardship --

5 UNIDENTIFIED JUROR: Not a hardship, a conflict
6 with the case.

7 THE COURT: I'm going to talk to you
8 individually about that. I don't want to discuss
9 those issues in front of other jurors. So, there's a
10 method to why I haven't you that question yet but I
11 will ask you that question but we're going to do that
12 outside the presence of the jurors. Yes, sir, 170.

13 JUROR NUMBER 170: I have a class schedule, I
14 go to college at Eastern Florida on Wednesdays and
15 Monday.

16 THE COURT: Did you hear me when I said school,
17 full time student?

18 JUROR NUMBER 170: Well, I didn't -- I thought
19 it was going to last one day so I didn't say nothing.

20 THE COURT: In my little thing I said full time
21 student. Okay. Tell me about you being a full time
22 student.

23 JUROR NUMBER 170: I work (unintelligible) in
24 the morning.

25 THE COURT: Okay. I can't hardly hear you so

1 you got to help me a little bit.

2 JUROR NUMBER 170: I go 8:00 o'clock in the
3 morning to 9:20 in the morning (unintelligible).

4 THE COURT: Okay. Monday through Wednesday?

5 JUROR NUMBER 170: Mondays and Wednesday.

6 THE COURT: Monday and Wednesday you have
7 school. Where do you go to school?

8 JUROR NUMBER 170: Eastern Florida State
9 College.

10 THE COURT: Okay. And what are the hours that
11 you go to school?

12 JUROR NUMBER 170: 8:00 (unintelligible).

13 THE COURT: Okay. You say something and you
14 trial off. So, you need to speak up the whole time.

15 JUROR NUMBER 170: Okay.

16 THE COURT: Tell me again. See, they need to
17 hear you over there. See that guy in the very corner
18 with the glasses on, he needs to be able to here you.
19 So you got -- there's microphones right there but
20 you're talking so soft and here's -- I have a little
21 thing that amplifies what you're saying and I can't
22 even hear you on this.

23 JUROR NUMBER 170: Sorry. I go at 9:25 to
24 10:40.

25 THE COURT: Okay. And Monday and Wednesday?

1 JUROR NUMBER 170: Yes.

2 THE COURT: So, you're taking -- that's not
3 full time but you're taking a class, right?

4 JUROR NUMBER 170: Yes.

5 THE COURT: What type of class are you taking?

6 JUROR NUMBER 170: Web design.

7 THE COURT: Pardon me?

8 JUROR NUMBER 170: Web design.

9 THE COURT: And you've -- how long have you
10 been enrolled in that class?

11 JUROR NUMBER 170: Four weeks.

12 THE COURT: Okay. Did you start your
13 enrollment in January?

14 JUROR NUMBER 170: No, actually it's around
15 nine weeks.

16 THE COURT: That you've been enrolled in the
17 class?

18 JUROR NUMBER 170: Yes.

19 THE COURT: Okay. What's going to happen if
20 you can't be in that class for the next five weeks?

21 JUROR NUMBER 170: I'll miss (unintelligible)
22 the classroom stuff.

23 THE COURT: Okay. You need to talk up.

24 JUROR NUMBER 170: There might be some
25 classroom thing where we have to do something on the

1 computer.

2 THE COURT: Okay. I'm assuming this that is a
3 class that you need to go to each day, is that
4 correct?

5 JUROR NUMBER 170: Yes.

6 THE COURT: Okay. My understanding of what the
7 classes at what I call BCC because I just can't
8 remember the new name is that if you miss more than
9 three days they drop you from the class.

10 JUROR NUMBER 170: Yes.

11 THE COURT: Is that true or not true?

12 JUROR NUMBER 170: Yeah, that's true.

13 THE COURT: And do you want to be dropped from
14 the class?

15 JUROR NUMBER 170: No.

16 THE COURT: Okay.

17 MR. MOORE: What was the answer?

18 THE COURT: He said -- I heard the answer but
19 I'll make him answer it again. Do you want to be
20 dropped from the class?

21 JUROR NUMBER 170: No.

22 THE COURT: So, do you want to serve on this
23 jury?

24 JUROR NUMBER 170: Not really.

25 THE COURT: No for that reason?

1 JUROR NUMBER 170: I don't mind serving but I
2 don't (unintelligible).

3 THE COURT: You don't mind serving but. You're
4 making everyone 2miss there bathroom break so you
5 need to talk up.

6 JUROR NUMBER 170: I don't want to miss my
7 class.

8 MR. MOORE: No objection.

9 THE COURT: Okay. Agreement from the State?

10 MR. BROWN: Yes.

11 THE COURT: Okay. Number 170, I'll excuse you
12 for cause as well. So, you can go. Okay. You need
13 to report downstairs to the jury assembly room.
14 They'll take your badge and they'll give you some
15 brief information and send you on your way. Okay?

16 JUROR NUMBER 170: Thank you.

17 THE COURT: Anyone else needs to speak up at
18 this time about those things. 176.

19 JUROR NUMBER 176: Well, I just got a text
20 about ten minutes ago. My mother will not be able
21 get my children off the bus.

22 THE COURT: Today?

23 JUROR NUMBER 176: (Unintelligible), she just
24 texted me and said she won't be able to do it.

25 THE COURT: Is there anyone else that can do

1 that for you?

2 JUROR NUMBER 176: No.

3 THE COURT: And what -- what age children are
4 we talking about?

5 JUROR NUMBER 176: Six, seven and eight.

6 THE COURT: And they're -- and that's your
7 children and she provides those cares for you?

8 JUROR NUMBER 176: Yes, she get them off the
9 bus as I was going to go for this trial here, she's
10 not going to be able to do it now. So, I have to be
11 there to pick them up.

12 THE COURT: I'm assuming you said get them off
13 the bus and take them to the house. Who cares for --
14 who was making arrangements to care for them while
15 you were going to be here once they got home from --

16 JUROR NUMBER 176: My mother, now she's not
17 going to be able to.

18 THE COURT: Okay. And you said that you asked
19 her if she could do that while you were here and she
20 said no?

21 JUROR NUMBER 176: Yes. She said -- first of
22 all she said she was going to do it, now she said
23 she's not going to be able to.

24 THE COURT: Okay. Okay. I'm going to go ahead
25 and let everyone take the break and then we can talk

1 about that in a few moments. Okay. We'll take a
2 break until 3:00 o'clock, be back here at 3:00
3 o'clock. Thank you. You can leave your stuff here
4 if you wish.

5 (Thereupon, the prospective jury panel exited
6 the courtroom and the proceedings were had as follows:)

7 THE COURT: Okay. We'll be in recess until
8 3:00 o'clock as well. So, court will be in recess
9 until 3:00 p.m.

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

12 THE COURT: Okay. We can bring in Mr. Bradley.

13 (Thereupon, the defendant was escorted into the
14 courtroom by the court deputy.)

15 THE COURT: Okay. I want to talk about...
16 Okay. Okay. Do we want to talk about Juror Number
17 176?

18 MR. MOORE: I think we should ask her if she
19 could find someone, if she could check to see if
20 somebody could take her mother's role in picking up
21 the kids from the bus.

22 THE COURT: I think I did ask her that and she
23 said no.

24 MR. MOORE: Well, I mean.

25 THE COURT: I'm happy to ask her to try to

1 check on that and we can -- report back to us. Okay.
2 And then you'll have an opportunity to question her.
3 Okay. Anything else we need to address before we
4 bring the jurors back in the courtroom?

5 MR. BROWN: I guess the only other thing, I
6 just (unintelligible) may have been calling to check,
7 I don't know if you want to check on them.

8 THE COURT: You know what, I was really going
9 to just -- I was going to -- I was going to try to
10 get through what I needed to get through and then I
11 was going to call them back. I mean, talk to them
12 about when we call them back in a little group
13 because it's been my experience sometimes if they
14 have a little bit more time, it either becomes worse
15 or it becomes less so, and kind of resolves itself or
16 it doesn't resolve itself. So, I think I'll do that
17 at that time if that's okay. I really want to try to
18 get through what I need to get through so I don't
19 have to bring them all back. So, let's bring them
20 in.

21 (Thereupon the proceedings were previously
22 transcribed.)

23 THE COURT: Now, at this time I need to have a
24 bench conference with the attorneys.

25 (Thereupon, a benchside conference was had out

1 of the hearing of the prospective jury panel as follows:)

2 THE COURT: Okay. Is there anyone that we want
3 to discuss that can be released for cause at this
4 time?

5 MR. BROWN: The first one that I had marked
6 down was --

7 MR. MOORE: 163?

8 MR. BROWN: 163.

9 MR. MOORE: And I would agree.

10 THE COURT: We agree on 163?

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: Okay. 163 will be released for
13 cause.

14 MR. MOORE: 166 I would agree, knows Steve
15 (unintelligible) trust's him more than anyone else.

16 MR. BROWN: That's the teacher.

17 THE COURT: Do we agree on 163? I mean, 166?

18 MR. BROWN: Yes.

19 THE COURT: Okay. 166 will be released for
20 cause.

21 MR. MOORE: 180 who has taken the Pill boys,
22 one of them out, and the dad out.

23 MR. BROWN: Stipulate.

24 THE COURT: 180 will be released for cause.

25 MR. BROWN: I would point out, I don't know if

1 everybody can see it, but the questioned the lady who
2 has the children, 176, you asked her about checking
3 and finding out if there's anybody else, she was
4 shaking her head no pretty strong.

5 MR. LANNING: She hasn't had time yet but.

6 MR. BROWN: But I think the question was will
7 you check to see if there was anybody else and she
8 was shaking her head no pretty good.

9 THE COURT: Well, if they want to question her
10 further, I'll give them that opportunity. I'll I
11 always give them that opportunity. She did say
12 before that she didn't think there was anyone else
13 but I understand if they want to have an opportunity
14 to question her.

15 MR. MOORE: Well, if we do her first in the
16 morning and that way --

17 THE COURT: I don't think she'll even make it
18 to the next one, she'll probably come the next day in
19 the afternoon, but we'll discuss that in just a
20 moment. Okay. Who else can we agree to?

21 MR. MOORE: 181.

22 THE COURT: 181?

23 MR. MOORE: Give Mark Clayton, give him extra
24 credit, and the whole police department.

25 THE COURT: I don't know who will be a witness

1 in this case of not.

2 MR. PIROLO: She said she'd give credibility to
3 the Melbourne Police Department just because she
4 knows Officer Clayborn.

5 THE COURT: Well, actually, first she said that
6 and then I questioned her and she said no, only to
7 Clayborn.

8 MR. MCMASTER: She said she was checking about
9 work, she's got a scheduling problem and was
10 concerned (unintelligible).

11 THE COURT: Yeah, that was one of the things.
12 Does the State agree with 181 at this time or no?
13 You all agree to 181?

14 MR. BROWN: Yes, Your Honor.

15 THE COURT: Okay. 181 will be struck for
16 cause. Okay. Anyone else?

17 MR. MOORE: 198 -- not 198, 199, very, very
18 partial toward (unintelligible) who's a police
19 officer witness, very, very close friends, childhood.
20 199.

21 MR. BROWN: Plus she's a teacher so I think
22 that's okay.

23 THE COURT: So, 199?

24 MR. BROWN: Yes.

25 THE COURT: 199 will be struck for cause.

1 MR. MOORE: 200. I've got 200.

2 THE COURT: What about 200?

3 MR. MOORE: Who's child was in Tae Kwon Do for
4 three years and --

5 MR. PIROLO: Ferguson.

6 THE COURT: Officer Ferguson.

7 MR. MOORE: -- it would be hard, she would
8 trust Officer Ferguson. 200.

9 THE COURT: Are we okay with 200?

10 MR. MCMASTER: Yes.

11 THE COURT: Okay. 200 will be struck for
12 cause.

13 MR. MOORE: I've got a question mark on 203.
14 On his information sheet he lists his residence as
15 Sebastian.

16 THE COURT: Who?

17 MR. MOORE: 203, which means he doesn't live in
18 Brevard County or even in this circuit. So, I didn't
19 bring my research stuff, I don't think he's qualified
20 as a juror. I'm wondering how he even got a summons
21 if he lives in Sebastian. So, that raises a red
22 flag.

23 MR. MCMASTER: I think there is an area of
24 Brevard County that extends down into the Sebastian
25 area.

1 MR. MOORE: Well, we need you need to check.

2 THE COURT: Okay.

3 MR. BROWN: Ask him where he lives.

4 THE COURT: Okay. And anyone else?

5 MR. MOORE: 212.

6 THE COURT: Okay. 212, are we okay with 212?

7 MR. BROWN: Yes.

8 THE COURT: Okay. 212 will be struck for
9 cause. Okay. Is there anyone else?

10 MR. MOORE: Not at this time.

11 THE COURT: Those are the ones that I wrote
12 down. So, I'm going to count how many are left.

13 MR. MCMASTER: I have thirty-two.

14 THE COURT: I have thirty-two.

15 MR. BROWN: I would suggest eight perfect
16 section.

17 THE COURT: I can do eight people per section,
18 that will bring us into Friday morning. We can have
19 everyone come back --

20 MR. BROWN: Today's Tuesday.

21 MR. PIROLO: Today's Tuesday. We'll be done by
22 Thursday.

23 MR. BROWN: Probably done by Thursday, have
24 everybody come back Friday.

25 THE COURT: That's what I -- I said that will

1 take us into Friday morning.

2 MR. BROWN: I thought you meant taking this
3 group into Friday.

4 THE COURT: No, that will take us to bring
5 everyone -- that will take us into Friday morning and
6 we can just tell everyone to come back Friday
7 morning, that will get to be the whole panel. By
8 then we should have enough one way or another. One
9 way or another. Okay.

10 MR. MOORE: Hopefully.

11 MR. LANNING: Well, there's always something
12 that can happen.

13 THE COURT: Yeah, there always is. Okay. Do
14 you want to question any today or not?

15 MR. BROWN: I think by the time you release --
16 read off who you're going to release, they get all
17 out of here, you take everybody else another fifteen,
18 twenty minutes, and I think eight a day we'll day
19 we'll finish, I mean eight a block we'll finish, so.

20 MR. LANNING: The one lady with the child care
21 issue, you want to just give her five minutes to --

22 THE COURT: The 176?

23 MR. MOORE: Or just bring her back.

24 THE COURT: I mean, there was some people that
25 we had that were going to check, most of those we

1 have. You know, the people -- we only have a couple
2 more that were going to check, that was 175, 176, oh,
3 178, and 210.

4 MR. MOORE: We can agree with 176 hardship.

5 THE COURT: You'll agree to 176?

6 MR. BROWN: Okay.

7 THE COURT: Okay. 176 will be a hardship.

8 MR. BROWN: I have 173, 178 and 210 the
9 remaining ones who are going to check. I have no
10 problem if we ask them if they have checked.

11 THE COURT: 175. I'll do that. 178 and then
12 it's 210?

13 MR. PIROLO: Yes.

14 MR. BROWN: Yes.

15 THE COURT: Those are the three. Okay. I'm
16 going to release everyone and I'm going to check with
17 them and then we'll recess for the day.

18 MR. BROWN: I mean, I don't think it's an issue
19 if you want to check with them before you release
20 everybody because that may lessen the mass exodus.

21 THE COURT: I'm just trying to get the
22 courtroom quiet.

23 MR. BROWN: It's up to you, Judge.

24 THE COURT: Okay. I can check with them. No
25 matter what, I'm going to have -- that may -- I'll

1 have the next -- I was going to tell them when they
2 had to come back. I need to figure that out for a
3 moment.

4 MR. BROWN: Right, before you release
5 everybody.

6 THE COURT: Okay. I can do that. Okay. We'll
7 see. I'll do that first.

8 (Thereupon, the proceedings were previously
9 transcribed. Thereupon, court was in recess for the day
10 3/11/14. Thereafter, court was reconvened on 3/12/14 and
11 the proceedings were had as follows:)

12 THE COURT: Please be seated. We can bring out
13 Mr. Bradley. Okay. What's the status of the jury
14 being brought up?

15 THE COURT DEPUTY: Waiting on one.

16 THE COURT: Okay. I received a letter from
17 Juror 128. I didn't make any copies of it. I'll go
18 ahead and give this to the State and the Defense to
19 review.

20 (Thereupon, a pause was taken in the
21 proceedings.)

22 THE COURT: Okay. Has the State had an
23 opportunity to review the letter?

24 MR. BROWN: Yes, Your Honor.

25 THE COURT: Has the Defense had an opportunity

1 to review the letter?

2 MR. MOORE: We did.

3 THE COURT: Okay. Juror Number 128, he was
4 instructed to call Thursday, tomorrow the 13th,
5 between 9:00 a.m. and 11:00 a.m. I do expect they'll
6 report back I'm hoping Friday morning. What -- does
7 the State or the Defense wish to be heard?

8 MR. BROWN: Judge, I have -- I think certainly
9 that's good reason.

10 MR. MOORE: We agree.

11 MR. BROWN: Nothing that (unintelligible), so.

12 THE COURT: Okay. So, then Juror Number 128
13 will be struck for cause. Madame clerk, if you'll
14 send an e-mail to the jury clerks downstairs.

15 THE CLERK: Yes, ma'am.

16 THE COURT: Okay. Is there any preliminary
17 matters that we need to discuss on behalf of the
18 State?

19 MR. BROWN: No, Your Honor.

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

22 MR. MOORE: No, Your Honor.

23 THE COURT: Okay. Then we'll wait until we
24 have the jurors on their way up.

25 THE COURT DEPUTY: They're on their way up.

1 THE COURT: Okay. Then we'll start with them.

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

4 MR. MOORE: What's the first number?

5 THE COURT: 160.

6 (Thereupon, Juror Number 160 was escorted into
7 the courtroom by the court deputy and the proceedings were
8 had as follows:)

9 THE COURT: Okay. Good morning Juror Number
10 160.

11 JUROR NUMBER 160: Good morning.

12 THE COURT: The first thing I want to do is
13 thank you for being here, we appreciate you coming to
14 serve. I appreciate you being patient with us with
15 regard to this process. Yesterday when I talked to
16 you I talked about some rules that came into place.
17 Those rules started as of yesterday when you came to
18 court. I'm just going to ask you about those. Have
19 you read or been exposed to reading newspaper
20 headlines and/or article relating to this trial or
21 its participants?

22 JUROR NUMBER 160: No.

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

25 JUROR NUMBER 160: No.

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

4 JUROR NUMBER 160: No.

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

8 JUROR NUMBER 160: No.

9 THE COURT: We're going to ask you some
10 questions this morning. There's no right or wrong
11 answers. What we ask you to do is just be honest,
12 complete and frank with your answers. Most of the
13 questions you will be asked will -- I'll say some of
14 the questions you will be asked will solicit a
15 response of yes or no. If the answer is -- we would
16 like an answer of yes or no so we may pry to try to
17 get that, but if the answer is I don't know, that's
18 an appropriate response as well just so you know.
19 Okay. The first thing I'm going to talk about is
20 what prior knowledge you may have had about this
21 case. Do you know anything about this case either
22 from your own personal knowledge, rumor, by
23 discussions with anyone else, or from the media,
24 including radio, television, Internet, electronic
25 device, or newspapers?

1 JUROR NUMBER 160: Yes, I seen it on the local
2 news.

3 THE COURT: Okay. Did you see it on the local
4 news at the time that the event occurred?

5 JUROR NUMBER 160: Yes, and just recently.

6 THE COURT: Okay. Tell me what information,
7 and be specific as you can recall, that you believe
8 you know about the case.

9 JUROR NUMBER 160: I heard that they were
10 having a hard time picking the jury.

11 THE COURT: Okay. You know there was a death
12 of a police officer?

13 JUROR NUMBER 160: Yes.

14 THE COURT: Okay. What other information?

15 JUROR NUMBER 160: That's basically it.

16 THE COURT: Okay. Do you know anything that
17 occurred prior to the death of the police officer?

18 JUROR NUMBER 160: No.

19 THE COURT: Do you know anything about a
20 pursuit?

21 JUROR NUMBER 160: I mean, just what was
22 covered on the news when it happened.

23 THE COURT: Okay. We in here may know more
24 than you, may know less than you, we need to know
25 what you need to know and we can't figure that out

1 unless you tell us. So, try to be more specific
2 about what you know. We can't assume you know
3 anything.

4 JUROR NUMBER 160: Yeah, a couple of years ago
5 when it happened, I mean, you know, I can't recall
6 exactly as far as.

7 THE COURT: Okay.

8 JUROR NUMBER 160: Because it's been, you know,
9 a while ago.

10 THE COURT: I don't want to put words in your
11 mouth so that's why I'm saying tell me what you know.

12 JUROR NUMBER 160: Right, I understand that.

13 THE COURT: I started out with there was a
14 shooting of a law enforcement officer. What other
15 specifics do you know?

16 JUROR NUMBER 160: I recall something about
17 there was a chase I guess.

18 THE COURT: Okay. Anything else?

19 JUROR NUMBER 160: There was, you know, the
20 defendant and I guess a woman.

21 THE COURT: Okay. That's the type of
22 information we want to know that you know. Anything
23 else?

24 JUROR NUMBER 160: No.

25 THE COURT: Okay. Did you see a picture of

1 Mr. Bradley, the defendant, on the news?

2 JUROR NUMBER 160: Yes.

3 THE COURT: Okay. What about since the event
4 occurred, you said you knew that they were --
5 information about picking a jury?

6 JUROR NUMBER 160: Right, they covered it, you
7 know, and showed his picture and the Court up here.

8 THE COURT: Okay. Anything else?

9 JUROR NUMBER 160: No.

10 THE COURT: Did you learn anything about the
11 woman?

12 JUROR NUMBER 160: No.

13 THE COURT: Okay. And how would you have
14 gained this information?

15 JUROR NUMBER 160: It was on like Channel 6
16 news.

17 THE COURT: Okay. Is that the channel that you
18 normally watch?

19 JUROR NUMBER 160: For a local news. I watch
20 Fox news for national news.

21 THE COURT: Okay. What -- tell me about what
22 your news watching habits are. Some people say I
23 watch it every day from 5:00 to 6:00, some people say
24 it's on the TV but I do other things. So, tell me
25 what you normally do about watching local news.

1 JUROR NUMBER 160: It's not every single night,
2 I mean, it's probably four times a week.

3 THE COURT: Okay. And what do you do?

4 JUROR NUMBER 160: Sit down and watch it.

5 THE COURT: Okay. From like the --

6 JUROR NUMBER 160: Like 5:00 -- usually we
7 catch it at 5:00, 5:30 but then sometimes I'm
8 watching Fox news at 5:00 o'clock so.

9 THE COURT: So, let's say an average of four
10 times a week you watch -- is it thirty minutes of the
11 local news?

12 JUROR NUMBER 160: Usually they have the
13 weather, not all of it, not for thirty minutes.

14 THE COURT: Okay. What we ask you to do if you
15 are selected as a juror in this case is to set aside
16 anything that you may have learned about the case,
17 serve with an open mind and reach a verdict based
18 only on the law and the evidence presented in this
19 trial in this courtroom, do you think you would be
20 able to do that?

21 JUROR NUMBER 160: Yes.

22 THE COURT: Okay. Have you formed any fixed
23 opinions about the guilt or the innocence of
24 Mr. Bradley?

25 JUROR NUMBER 160: No, I don't know that much

1 about case.

2 THE COURT: Okay. So, if I told you that the
3 State has the burden of proof and the State has to
4 prove each element of each count, and you learned
5 yesterday that there's four counts, has to prove it
6 beyond and to the exclusion of every reasonable doubt
7 and at this time the defendant is presumed to be not
8 guilty. In fact, the defendant is presumed to be
9 innocent. Are you able to give the defendant the
10 presumption of innocence and make the State prove the
11 case which they're required by law to do?

12 JUROR NUMBER 160: Yes.

13 THE COURT: Okay. I'm going to kind of switch
14 gears on you here, switch subjects on you, and I ask
15 this in a pretty open ended question just to see what
16 your response will be. What are your views about the
17 death penalty?

18 JUROR NUMBER 160: I'm for it.

19 THE COURT: Okay. I'm going to give you a
20 brief overview about the process, I talk about it
21 yesterday. The attorneys will be more detailed about
22 it. In the first phase of the trial which we call
23 the guilt phase, if the jury returns a guilty verdict
24 on Count I and Count I is first agree murder, in that
25 events and only that event because this only applies

1 to Count I, if there's a guilt verdict on Count I,
2 then we move to a second phase of the trial called
3 the penalty phase. In the penalty phase I will
4 instruct you that as a juror it is your duty to make
5 a recommendation to the Court of a penalty of either
6 death or life in prison without the possibility of
7 parole. So, you told me that you're for the death
8 penalty, are you of the opinion that death is the
9 only appropriate penalty for murder in the first
10 degree or would you be open to consider life in
11 prison without the possibility of parole as a
12 possible penalty under certain circumstances?

13 JUROR NUMBER 160: I would probably be open to
14 it under certain circumstances.

15 THE COURT: Okay. If I instruct you in this
16 case that you are to consider both death and life in
17 prison without the possibility of parole, would you
18 be able to do that?

19 JUROR NUMBER 160: Yes.

20 THE COURT: Okay. Let me tell you that no one
21 is going to tell you that you have to -- no one is
22 going to ask you this morning what your vote would
23 be, death or life, what we want you -- what we're
24 concerned about is are you open to consider things.
25 At the end the ultimate decision is yours. You will

1 receive some instructions on how to help you reach
2 that decision with regard to aggravating
3 circumstances and mitigating circumstances and how
4 you weigh those. Those are to provide guidance to
5 you in reaching a verdict, in reaching a
6 recommendation to the Court with regard to the life
7 in prison without the possibility of parole or death,
8 but no one is going to tell you -- no one is going to
9 ask you this morning what your vote would be. What
10 we're talking about is kind of hypotheticals and if
11 you can -- if you're open minded enough to consider
12 things in reaching that decision. Okay?

13 JUROR NUMBER 160: Okay.

14 THE COURT: Okay. Then questions by the State.

15 MR. BROWN: Yes, Your Honor. Juror Number 160,
16 good morning.

17 JUROR NUMBER 160: Good morning.

18 MR. BROWN: Let me talk to you a little bit
19 about the death penalty process, and I know the Court
20 read this to you yesterday afternoon but she did give
21 you a lot of information in a condensed period of
22 time. So, I want to make sure you understand the
23 process. In order for the jury to get there they
24 need to come back with a verdict of guilty of first
25 degree murder. Obviously, if you come back with a

1 lesser charge such as second degree murder, the
2 sentencing is entirely up to the Court, the death
3 penalty is off the table and as a juror your job at
4 that point would be done. You understand?

5 JUROR NUMBER 160: Yes.

6 MR. BROWN: And if you come back with first
7 degree murder, there's two ways the State could prove
8 it, either A through premeditated murder or B what's
9 known as felony murder. Ultimately both of those
10 terms and requirements will be given to you at a
11 later date if you're selected, but either one leads
12 to a conviction of first degree murder and they both
13 put the death penalty on the table, they're one of
14 two theories we can use. We may prove both, we may
15 prove one or may prove the other. Do you understand
16 that regardless of which theory is used, the death
17 penalty is not automatic. You have to go through the
18 process and what would happen is we would reconvene,
19 additional evidence would be presented and Her Honor
20 would give you an additional set of instructions. In
21 those instructions the first thing she's going to
22 instruct you on or the first aspect she's going to
23 tell you to look at are what's known as aggravating
24 circumstances. And she told you yesterday, it's a
25 statutory list of circumstances which may increase

1 the gravity of the crime or the harm to the victim,
2 and it's to those circumstances and to those alone
3 that you can look to to justify the imposition of a
4 recommendation of the death penalty. It's going to
5 be a list, I expect it to be more than one, it may be
6 three, it may be four, it may be five, it may be six,
7 but it's to those factors and those alone that you
8 can look to to justify and recommend the death
9 penalty.

10 Now, those have to be proven beyond any
11 reasonable doubt, same standard of proof as in the
12 guilt phase. So, if you look at those and you
13 believe the State failed to prove any of those
14 aggravating circumstances, then your recommendation
15 has to be life because there would have been no
16 aggravation proven. If you feel the State's proven
17 at least one, and you may find that we've proven more
18 than one, may have proven them all, you look at those
19 aggravating circumstances that have been proven and
20 ask yourself do these justify the death penalty.
21 Again, if your answer is no, then you have to return
22 a verdict of life. If your answer is yes that they
23 justify the death penalty, you can on to the next
24 step.

25 The next step is look at what's called

1 mitigating circumstances and as the Court told you
2 yesterday, those come from the life of the defendant,
3 background, character, things that have happened to
4 him, and there's a burden of proof for those, it's a
5 lower standard, it's to the greater weight of the
6 evidence. So, you look, you look at them, all that's
7 been proven and the Court's going to tell you you
8 weigh those.

9 Have you made in your lifetime be it personal,
10 professional some key, critical important decisions?

11 JUROR NUMBER 160: Yes.

12 MR. BROWN: And when you've made those
13 decisions, have you tried to look at all the factors
14 involved?

15 JUROR NUMBER 160: Yes.

16 MR. BROWN: And when you did that, some factors
17 you looked at and said these are pretty darn
18 important to the decision, right?

19 JUROR NUMBER 160: Yes.

20 MR. BROWN: And you would give those great
21 weight.

22 JUROR NUMBER 160: Yes.

23 MR. BROWN: Other factors you looked at you
24 considered them. You looked at them and considered
25 them and said, you know, these really aren't that

1 important to me making this decision, I'm going to
2 give these very little weight, right?

3 JUROR NUMBER 160: Yes.

4 MR. BROWN: But you consider those?

5 JUROR NUMBER 160: Right.

6 MR. BROWN: Same process she's going to tell
7 you you go through here. You consider everything
8 that's been presented. You may look at something and
9 say I'm very little weight, you may look at something
10 else and say I'm going to give that great weight, or
11 somewhere in between. The Court's not going to give
12 you and tell you that aggravator number one gets X
13 amount of weight or mitigator number one gets X
14 amount of weight, it's a choice and a decision up to
15 you entirely.

16 Now, I'm not going to ask you, and I don't
17 except the Defense will, how much weight you would
18 give to something because at this point you don't
19 know. You haven't heard that evidence, you haven't
20 heard the other evidence and you really don't know
21 until you hear everything and you go through that
22 weighing process, but the key is you can consider it.
23 And you may consider it and give it little weight but
24 the key is can you consider the aggravators presented
25 and all the mitigators presented? It may be

1 something that when you're asked about can you
2 consider this you may be thinking I would consider
3 it, I may not give it very much weight but the key is
4 just are you open to consider it. Fair enough?

5 JUROR NUMBER 160: Um-hmm.

6 MR. BROWN: And the Court's going to tell you
7 you go through that weighing process with the
8 aggravators and the mitigators and if you find the
9 mitigation outweighs the aggravation, then your
10 recommendation has to be for life. If you find the
11 mitigation does not outweigh the aggravation, then
12 you're in a position where you're legally justified
13 to recommend a sentence of death to the Court. Now,
14 what she's not going to tell you is that if the State
15 proves A, B, C and D that you must return a
16 recommendation of death. Okay. In fact, what she's
17 going to tell you is that you're never required to
18 return a recommendation of death.

19 JUROR NUMBER 160: Okay.

20 MR. BROWN: What she's going -- what is
21 required is you go through that weighing process and
22 after you weigh -- find the aggravators justify the
23 death penalty and you do that against the mitigation
24 and if you find the mitigation does not outweigh the
25 aggravation, at that point if you still feel that the

1 aggravators justify the death penalty, then you can
2 recommend it. Any questions of the process?

3 JUROR NUMBER 160: No.

4 MR. BROWN: Okay. Are you open to considering
5 the aggravators that the Court gives you?

6 JUROR NUMBER 160: Yes.

7 MR. BROWN: And would you be open to consider
8 whatever is presented and proven as possible
9 mitigation?

10 JUROR NUMBER 160: Yes.

11 MR. BROWN: Okay. And you understand how much
12 weight you give it, that's a personal decision you
13 have to make as a juror?

14 JUROR NUMBER 160: Yes.

15 MR. BROWN: Do you feel comfortable or
16 confident in your ability to go through this process?

17 JUROR NUMBER 160: Yes.

18 MR. BROWN: Any questions or concerns?

19 JUROR NUMBER 160: No.

20 MR. BROWN: Thank you, Your Honor, I have no
21 further questions. Thank you.

22 THE COURT: Okay. Thank you. Questions by the
23 Defense.

24 MR. MOORE: Yes. Good morning.

25 JUROR NUMBER 160: Good morning.

1 MR. MOORE: Let's see. The channel or the
2 source of the news local news that you apparently
3 prefer is Channel 6?

4 JUROR NUMBER 160: Um-hmm, and some Channel 13.

5 MR. MOORE: Do you find that the news reporting
6 there is at least to a degree reliable?

7 JUROR NUMBER 160: Yes, I mean, as reliable as
8 the media can be at times.

9 MR. MOORE: Right. You're (unintelligible)
10 when you get to that old stage of life you don't take
11 everything face value.

12 JUROR NUMBER 160: Right.

13 MR. MOORE: But you have to learn to rely on
14 some things to at least a degree of reliability, of
15 credibility, is that a fair statement?

16 JUROR NUMBER 160: Yes.

17 MR. MOORE: So, in watching the news, are there
18 things when let's say you watch the news coverage of
19 that situation, of this situation where if they
20 report certain facts or what they represent as facts
21 you say that's probably right, like the fact that a
22 deputy sheriff was shot and killed, do you think they
23 got that right?

24 JUROR NUMBER 160: Yes.

25 MR. MOORE: And that two people were arrested?

1 JUROR NUMBER 160: Yes.

2 MR. MOORE: Think they got that right?

3 JUROR NUMBER 160: Yes.

4 MR. MOORE: And one of the two people was a --
5 was Mr. Bradley?

6 JUROR NUMBER 160: Yes.

7 MR. MOORE: Do you think they got that right?

8 JUROR NUMBER 160: Yes.

9 MR. MOORE: Do you remember -- well, let me
10 ask. Do you remember the timeframe between the
11 shooting and the arrest? Was it days, months or was
12 it right away?

13 JUROR NUMBER 160: Right way.

14 MR. MOORE: What do you remember about the
15 pursuit?

16 JUROR NUMBER 160: Just that -- I just remember
17 hearing there was a pursuit, as far as whether it was
18 hours, days, I don't know.

19 MR. MOORE: Did you see pictures of Mr. Bradley
20 at the -- during the earlier reporting of this
21 incident?

22 JUROR NUMBER 160: No.

23 MR. MOORE: All right. So, if you -- if in
24 your thinking that they got it right that a deputy
25 sheriff was shot, two people were arrested,

1 Mr. Bradley was one of them, do you think that they
2 got those other facts right but the fact of
3 Mr. Bradley being one of the two people -- do you
4 recall whether he was the shooter, alleged?

5 JUROR NUMBER 160: Yes, I believe I did hear
6 that.

7 MR. MOORE: Okay. Now, at that point in your
8 mind do you feel like that's like the other facts are
9 probably right or is there some reason why you would
10 question that when you don't question the other
11 facts?

12 JUROR NUMBER 160: I don't understand what
13 you're getting at.

14 MR. MOORE: Yes, ma'am. If there are facts
15 that you have heard.

16 JUROR NUMBER 160: Right.

17 MR. MOORE: (Unintelligible). Things that you
18 have heard --

19 JUROR NUMBER 160: Reports.

20 MR. MOORE: -- reported that allegedly happened
21 and, you know, to some degree -- you give them some
22 degree of reliability like the shooting of the
23 deputy, she deceased, chase, Mr. Bradley was
24 arrested, he's the alleged shooter, do you give
25 credibility to those facts and one fact that I'm

1 asking you what your feeling is about that is that
2 Mr. Bradley was the shooter and whether you think
3 that fact is as reliable as the other facts a deputy
4 sheriff shot, deceased or it's somehow let's reliable
5 than the other facts?

6 JUROR NUMBER 160: I would say it's reliable.

7 MR. MOORE: And so when -- if we ask what your
8 opinion is at this point based upon what you know
9 with respect to his guilty -- you know what, we don't
10 expect any particular answer. I'm not saying this is
11 the answer I want to hear.

12 JUROR NUMBER 160: Right.

13 MR. MOORE: I just -- the answer I want to hear
14 is what you really believe.

15 JUROR NUMBER 160: Right.

16 MR. MOORE: And then we go from there. So, on
17 that question of what you think is probably reliable,
18 Mr. Bradley was the shooter in this case, what is
19 your opinion with respect to his guilt?

20 JUROR NUMBER 160: I don't know. I haven't
21 seen evidence, I don't know.

22 MR. MOORE: Okay. Do you see my concern here,
23 that is, that some of the facts you accept -- again,
24 please don't take it personally, I'm not arguing or
25 anything like that, criticizing you, just trying to

1 get at what your thinking is.

2 JUROR NUMBER 160: Okay.

3 MR. MOORE: So, if you think that a number of
4 these facts of the incident that were reported are
5 probably accurate, maybe probably true, how -- where
6 do you put that with Mr. Bradley being the shooter on
7 that scale, is that as reliable as the other facts of
8 a deputy being shot to death, that he probably is the
9 shooter?

10 JUROR NUMBER 160: I just said he was arrested
11 for it.

12 MR. MOORE: But he was reported to being the
13 shooter base upon what you saw?

14 JUROR NUMBER 160: Right.

15 MR. MOORE: So, knowing that that's what you
16 heard and that's your perception of it, no right or
17 wrong there, but how would that affect your
18 deliberations in this case? Would you go into the
19 case presuming Mr. Bradley is the shooter? Remember
20 what the Court said, you can say yes, I would or no,
21 I wouldn't or I don't know. So, just putting that to
22 you, what's your thinking?

23 JUROR NUMBER 160: I would say by, you know,
24 him being arrested, yeah.

25 MR. MOORE: Yeah?

1 JUROR NUMBER 160: That he's been charged with
2 this crime.

3 MR. MOORE: Okay. And so would it be
4 difficult, if not impossible, for you to follow the
5 instruction that he is presumed innocent?

6 JUROR NUMBER 160: No.

7 MR. MOORE: So, you're saying you would be able
8 to set aside your presumption that he's guilty?

9 JUROR NUMBER 160: I don't know.

10 MR. MOORE: Well, that's what I'm getting at.
11 So, would it be fair to say that you presume that
12 he's guilty?

13 JUROR NUMBER 160: I just -- like I said, I
14 know he was arrested for the crime and
15 (unintelligible).

16 MR. MOORE: Okay. Well, if you say that, you
17 know, probably he's the shooter, can -- I believe I
18 heard you say that. So, then would it be fair to say
19 that you presume that he is guilty?

20 JUROR NUMBER 160: No, because the law states
21 even though you've been arrested, you still have to
22 (unintelligible).

23 MR. MOORE: Can you do that? Can you presume
24 that he's innocent even though at this point it
25 sounds like you presume that he's guilty? And if you

1 don't know, you don't know.

2 JUROR NUMBER 160: I don't know.

3 MR. MOORE: If the Court instructed you that
4 you had to put all that aside, all that you heard,
5 all that you thought about this case, are you saying
6 that you don't know whether you can follow that
7 instruction?

8 JUROR NUMBER 160: I believe I probably can.

9 MR. MOORE: A hundred percent? You absolutely
10 sure, do you have any doubts about that? You know,
11 you might be a really excellent juror on another case
12 that you don't know anything about.

13 JUROR NUMBER 160: Right.

14 MR. MOORE: Maybe not so much in this case. No
15 reflection on you.

16 JUROR NUMBER 160: No.

17 MR. MOORE: What do you think? Do you think
18 you have doubts about your ability to put aside what
19 you know or what you think?

20 JUROR NUMBER 160: Yes.

21 MR. MOORE: On the issue of the death penalty,
22 you indicated that you're for it and I presume that
23 you have thought about it.

24 JUROR NUMBER 160: Yes.

25 MR. MOORE: And arrived at that opinion before

1 you ever got involved in this process.

2 JUROR NUMBER 160: Yes.

3 MR. MOORE: How did you, how did you arrive at
4 that opinion?

5 JUROR NUMBER 160: I believe that if you
6 willfully take a life you should have to pay with
7 yours.

8 MR. MOORE: Okay. Well, this case the charge
9 is first degree premeditated murder. There are two
10 ways that the penalty phase can be arrived at. One
11 is felony murder, you know, first degree premeditated
12 murder, that would fall into the category that you're
13 talking about. So, do you believe that a first
14 degree premeditated murder of a police officer should
15 result in Mr. Bradley being sentenced to death?

16 JUROR NUMBER 160: I don't understand what
17 you're.

18 MR. MOORE: Okay.

19 JUROR NUMBER 160: I mean --

20 MR. MOORE: I'm just responding.

21 JUROR NUMBER 160: Yeah, I'm just going -- I
22 mean, it is the law in Florida that if you're, you
23 know, accused of a first degree murder, then the
24 penalty can be death.

25 MR. MOORE: Can be but not necessarily should

1 be on.

2 JUROR NUMBER 160: Right.

3 MR. MOORE: On a scale, let's do a scale, a
4 number scale -- let me put it this way. On a scale
5 from zero to ten, ten is the strongest support you
6 have for the death penalty, zero is no support or
7 you're against it which you're not, where would you
8 put yourself? What number would you give yourself?

9 JUROR NUMBER 160: As far as being for the
10 death penalty?

11 MR. MOORE: Well, you are for it.

12 JUROR NUMBER 160: Right.

13 MR. MOORE: And if the scale as I described to
14 you is at one end zero that means you're against it
15 or you're not for it, that's not you, or at the other
16 end is a ten and that's very strong support, what
17 number would you give yourself?

18 JUROR NUMBER 160: As far as -- I don't -- I
19 still don't understanding what you're asking.

20 MR. MOORE: Okay. Some people say, well, I
21 don't know, I'm right in the middle, I would say I'm
22 a five, or some people who are really strong for it
23 say I'm a ten.

24 JUROR NUMBER 160: I would say eight.

25 MR. MOORE: Eight?

1 JUROR NUMBER 160: Um-hmm.

2 MR. MOORE: Can you think of reasons why you
3 would be for the death penalty? Now, let me qualify
4 that. I'm not asking what you would vote in this
5 case, I'm just saying let's say before you even heard
6 about this case and let's say you're just talking
7 causally about the death penalty, nothing casual
8 about that, but it's not related to this case and
9 you're with friends or whatever and you're talking
10 about who's for it and who's against it and you say
11 I'm for it and somebody says, well, why are you for
12 it and so why would you -- what would your answer be?

13 JUROR NUMBER 160: Why I'm for it?

14 MR. MOORE: Yes, ma'am.

15 JUROR NUMBER 160: If it's a mass murderer,
16 goes out and kills a bunch of people.

17 MR. MOORE: Okay. That's a little bit
18 different from what I'm asking in that particular
19 case if you would be for it, I'm just saying do you
20 think -- let's just say reasons why Florida should
21 have the death penalty. Can you think of reasons? I
22 know you're not in the legislature or anything like
23 that, but can you think of reasons why you have
24 arrived at the opinion that you're for the death
25 penalty as opposed to a life sentence?

1 JUROR NUMBER 160: I think it's a good
2 deterrent.

3 MR. MOORE: All right. Are there types of
4 first degree murder where you would not be willing or
5 open to considering mitigating circumstances? You
6 mentioned a mass murder, would that be one -- would
7 that be a case for you where you could not consider
8 mitigating circumstances?

9 JUROR NUMBER 160: I don't know.

10 MR. MOORE: Do you know what I mean by
11 mitigating circumstances? We have -- you know, this
12 is all new to you, I recognize that, you're trying to
13 understand. Aggravating circumstances go to increase
14 the severity of the crime or harm to the victim and
15 they suggest perhaps that maybe a sentence of death
16 would be more appropriate. Mitigating circumstances
17 are those which mitigate or lessen the sentence
18 imposed and suggest that a life without parole
19 sentence would be more appropriate. That's what I
20 mean by mitigating circumstances. So, is a mass
21 murder situation one where they present all the
22 mitigating circumstances in the world and you would
23 not be able to consider that?

24 JUROR NUMBER 160: You mean like the person's
25 background and stuff?

1 MR. MOORE: Yes, ma'am, that's what I mean.
2 Anything -- mitigating is anything related to the
3 defendant and his background and circumstances of the
4 case, may be things that the lawyers may think of
5 mitigating, you know, whatever mitigates the crime or
6 the sentence. Now, my question is do you think that
7 let's say a mass murder is a situation where you
8 wouldn't consider -- would not be open to consider
9 any mitigating circumstances?

10 JUROR NUMBER 160: No.

11 MR. MOORE: How about the torture murder of a
12 child, you would not be able to consider mitigation?

13 JUROR NUMBER 160: (Unintelligible).

14 MR. MOORE: How about a first degree murder of a
15 police officer?

16 JUROR NUMBER 160: (Unintelligible).

17 MR. MOORE: So, you would not be open to
18 considering mitigating circumstances if the murder or
19 the victim was a police officer?

20 JUROR NUMBER 160: Right.

21 MR. MOORE: If the Court instructed you as a
22 member of jury that you had to engage in this
23 weighing process, would you -- are you saying that
24 that would be difficult, if not impossible, for you
25 to follow that instruction?

1 JUROR NUMBER 160: I would probably give more
2 weight to the other instead of the mitigating.

3 MR. MOORE: Would you -- as I heard you say,
4 I'm not trying to trick you.

5 JUROR NUMBER 160: Oh, I know.

6 MR. MOORE: Put words in your mouth or
7 anything. It sounded like you said that in certain
8 types of homicides and one of those is one involving
9 a police officer that you would not consider, not be
10 open to consider mitigating circumstances, is that
11 what your mind set would be going into the penalty
12 phase of the case where you're asked to decide
13 Mr. Bradley's fate?

14 JUROR NUMBER 160: I don't know.

15 MR. MOORE: You don't. Okay. Well, let me ask
16 this. As to these possible types of mitigating
17 circumstances, would you be open -- would you -- I'm
18 not asking you to tell me yeah, that's, you know, I
19 will definitely consider that. I mean, what I'm
20 asking is if you would be open to considering these
21 types of mitigating circumstances. You don't have to
22 tell me what you what you would do with them other
23 than would you consider them or would you be closed
24 to consider them. One, if you heard expert witnesses
25 testify, mental health witnesses, that Mr. Bradley

1 suffered from mental illness, is that something that
2 you would be open to considering as a potential
3 mitigating circumstance?

4 JUROR NUMBER 160: Yes.

5 MR. MOORE: Let me ask about drug use and drug
6 addiction. Do you believe that drug addiction is a
7 choice?

8 JUROR NUMBER 160: Yes.

9 MR. MOORE: Have you ever known anybody who's
10 addicted to drugs?

11 JUROR NUMBER 160: Yes.

12 MR. MOORE: You recognize that some people
13 struggle with drug addiction?

14 JUROR NUMBER 160: Yes.

15 MR. MOORE: And some people have a greater
16 struggle than others?

17 JUROR NUMBER 160: Yes.

18 MR. MOORE: Do you believe that anybody who's
19 addicted to drugs can overcome drug addiction?

20 JUROR NUMBER 160: Yes, I believe they can.

21 MR. MOORE: Do you believe it's just as easy
22 for everybody to quit?

23 JUROR NUMBER 160: No.

24 MR. MOORE: If you were presented with evidence
25 of drug abuse and drug addiction, is that something

1 that you would or would not be open to considering as
2 a mitigating circumstance?

3 JUROR NUMBER 160: Yes, I could consider it.

4 MR. MOORE: If you heard evidence from
5 qualified experts of brain injury or brain damage, is
6 that something that you would be open to considering
7 as a mitigating circumstance?

8 JUROR NUMBER 160: Yes.

9 MR. MOORE: If you heard testimony evidence
10 presented of childhood abuse, both physical and
11 verbal, is that something that you would be able to
12 consider as a mitigating circumstance?

13 JUROR NUMBER 160: Yes.

14 MR. MOORE: Now, if the jury, hypothetically,
15 we're talking hypothetical. All right? One thing
16 that isn't a hypothetical is that if you're selected
17 as a juror you will be a part of the process that
18 could result in Mr. Bradley, not some hypothetical
19 person, that human being right there, twenty-four
20 years old, sentence to death and being executed. So,
21 we're not talking hypothetical because of that, but
22 let's say the jury reaches a verdict, hypothetically,
23 of first degree -- guilty of first degree murder
24 which is the -- which is a requirement for you to get
25 to the penalty phase because, remember, if you didn't

1 find guilty of first degree murder, the death is off
2 the table. You get to that point and you find one
3 aggravating circumstance beyond a reasonable doubt or
4 maybe five or six, at that point what -- based on
5 what you've heard, what is your understanding of what
6 your options are? I'm not asking you to predict what
7 you'll do, but what do you think your choices would
8 be as a juror, that is, what vote or votes could you
9 give at that point?

10 JUROR NUMBER 160: Between the aggravating and
11 mitigating?

12 MR. MOORE: No, we're going, we're going --
13 we're at the point where you're now in the penalty
14 phase and you in your mind feel the State has proven
15 maybe, hypothetically, several, five or six
16 aggravating circumstances, you don't know what they
17 are, that's -- you don't know what it is, and then at
18 that point what -- do you think there's anything that
19 you're required to do?

20 JUROR NUMBER 160: I thought the Judge said you
21 have to weigh, you know.

22 MR. MOORE: All right. The point I want to
23 make sure --

24 JUROR NUMBER 160: I don't understand what you
25 mean.

1 MR. MOORE: I know. The point I want to make
2 sure you understand is even at that point you're
3 not -- that life without parole is still on the
4 table, you're not required to vote for death penalty.
5 You're told that that was legally justified to vote
6 for death, that doesn't mean you have to vote for
7 death. I mean, you can vote for -- you can't vote
8 for death at that point, you've got to go to the next
9 step which is the mitigating circumstances. So,
10 death is still on the table but you can't vote for
11 death at that point but you could vote for life.

12 JUROR NUMBER 160: Right.

13 MR. MOORE: It's never off the table, life
14 without parole.

15 JUROR NUMBER 160: Right.

16 MR. MOORE: So, then let's say hypothetically
17 you find multiple aggravating circumstances, you
18 can't vote for death, you can vote for life, you
19 can't vote for death. Then you go to the next step.
20 Well, you can look at it as step, it's a guide,
21 right. And let's say you find, hypothetically, no
22 mitigating circumstances or you find that the
23 aggravating circumstances outweigh the mitigating
24 circumstances, what do you believe that you would do
25 at that point? Do you understand --

1 JUROR NUMBER 160: I don't -- I don't know what
2 I would.

3 MR. MOORE: I'm not asking you to tell me what
4 you would do. Do you understand that even if you
5 found --

6 JUROR NUMBER 160: It's a choice that I will be
7 making on the evidence. I guess that's what you're
8 asking, I don't know.

9 MR. MOORE: Yeah. What I'm asking, what I'm
10 making sure you understand is even if you found
11 numerous aggravating circumstances and no mitigating
12 circumstances, life without parole is still on the
13 table.

14 JUROR NUMBER 160: Right.

15 MR. MOORE: It's always there, you're never
16 required to vote for death and at any point you can
17 always vote for life without parole. Do you
18 understand? Could you say yes? We're recording
19 here.

20 JUROR NUMBER 160: Yes.

21 MR. MOORE: When you're told that the
22 sentencing option is life without parole, what does
23 that mean to you? What do you think life without
24 parole means?

25 JUROR NUMBER 160: That they will be spending

1 the rest of there life behind bars and not be able to
2 get parole.

3 MR. MOORE: Ever?

4 JUROR NUMBER 160: Ever.

5 MR. MOORE: Never released alive?

6 JUROR NUMBER 160: They'll die in prison.

7 MR. MOORE: You don't question that?

8 JUROR NUMBER 160: No.

9 MR. MOORE: That's the law, I want to make sure
10 you understand.

11 JUROR NUMBER 160: Right.

12 MR. MOORE: When the Court says that she will
13 give great weight to the jury's recommendation, what
14 I'd like for you to do the best you can and tell me
15 what you think that means. In other words, how
16 important do you think the jury's sentencing
17 recommendation is to the Court in arriving at the
18 sentence?

19 JUROR NUMBER 160: How important?

20 MR. MOORE: Yes, ma'am.

21 JUROR NUMBER 160: Very important.

22 MR. MOORE: I mean, it's essential. She can't
23 impose the sentence without the input from the jury.

24 JUROR NUMBER 160: Right.

25 MR. MOORE: It's impossible. Some people might

1 think well, I'm not going to worry about, I'm not
2 going to take it very seriously because the Judge
3 will do the right thing and so my vote doesn't really
4 matter. That's not true. Do you see how important
5 the jury's recommendation is to a sentence?

6 JUROR NUMBER 160: Correct.

7 MR. MOORE: And then at the guilt/innocence
8 part of trial where you're presented with the
9 charges, first degree murder and other charges, the
10 verdict has to be unanimous, all of the jurors have
11 to agree guilty or not guilty.

12 JUROR NUMBER 160: Right.

13 MR. MOORE: At the penalty phase, which means,
14 hypothetically, the jury has arrived at a verdict of
15 guilty of first degree murder, the verdict -- the
16 jury's recommendation, sentencing recommendation does
17 not have to be unanimous. You understand?

18 JUROR NUMBER 160: Yes.

19 MR. MOORE: Each juror is entitled to his or
20 her own vote.

21 JUROR NUMBER 160: Right.

22 MR. MOORE: The vote could be twelve nothing,
23 it could be nothing to twelve, it could be nine to
24 three, it could be six to six, which would be a life
25 recommendation. Do you understand that? Do you

1 accept that?

2 JUROR NUMBER 160: Yes.

3 MR. MOORE: What that means is you're entitled
4 to your own vote and you don't have to justify it,
5 you don't have to defend it, you can stick to that
6 vote and you're not required to change your vote to
7 agree with other jurors. You're not required to
8 change your vote even in the guilt innocence phase,
9 you're not required to do anything except to consider
10 the evidence and arrive at what you think is a
11 correct verdict. And at the penalty phase you have
12 the right not to be intimidated or browbeaten into
13 change your vote at the penalty, the sentencing
14 phase. You understand?

15 JUROR NUMBER 160: Yes.

16 MR. MOORE: The other side of that is you have
17 the responsibility to respect the individual votes of
18 the other jurors and you cannot try to browbeat them
19 or intimidate them into agreeing with you if they
20 disagree with you. They have a right to disagree
21 with you. The jury has a right to disagree at the
22 penalty phase. You understand?

23 JUROR NUMBER 160: Yes.

24 MR. MOORE: Okay. All right. You said earlier
25 that you willfully take a life you should willfully

1 forfeit yours, did I get that right?

2 JUROR NUMBER 160: Say that again.

3 MR. MOORE: That -- I believe I heard you say
4 earlier if you take a life you should willfully
5 forefit yours?

6 JUROR NUMBER 160: I believe that, yeah, I
7 mean, yeah, that's why I believe in the death
8 penalty.

9 MR. MOORE: Do you think that if you willfully
10 take a life that life without parole would never be
11 an appropriate sentence?

12 JUROR NUMBER 160: I guess it would depend on
13 the circumstances.

14 MR. MOORE: Thank you. May we approach?

15 THE COURT: Yes, you may.

16 (Thereupon, a benchside conference was had out
17 of the hearing of Juror Number 160 as follows:)

18 MR. MOORE: I would move to strike this witness
19 for cause. She's indicated that she has an opinion
20 that Mr. Bradley is guilty and she thinks she has
21 doubts about whether she could follow the Court's
22 instruction of putting those opinions aside.

23 On the death penalty she says there are certain
24 types of homicides where she could not, would not
25 consider mitigating circumstances. She listed

1 several. I offered some but she agreed a mass
2 murder, death of a child, murder involving a police
3 officer victim, where she would not be open to
4 considering mitigating circumstances and so move to
5 strike for cause.

6 THE COURT: Response from the State.

7 MR. BROWN: Judge, first with respect to the
8 death penalty aspect, she said she would probably
9 give more weight to one than the others which is what
10 she's supposed to do. She answered all their
11 questions concerning would you be open to consider
12 mitigators and aggravators and she said she would
13 consider everything. She was always absolute on
14 that, she would consider it. All she indicated was
15 she'd probably give more weight to one than the
16 other. I mean, we asked her specifically on the law
17 enforcement which is certainly an appropriate answer.

18 As far as the other aspect, she consistently
19 said to Defense counsel and to the Court's questions
20 she hasn't seen any evidence, she has no opinion as
21 to guilt. She said him being -- she actually
22 verbally give an answer but she explained the answer,
23 she said him being arrested, he's been charged with a
24 crime. She constantly said she had no opinion as to
25 guilt. He was able to get out of her in the question

1 when he said does she have doubts in her ability to
2 set aside what she knows, she said yes but she's
3 consistently said that what she knows is he's been
4 arrested and charged. When actually asked can you
5 set it aside she said yes, she said yes to the
6 Court's questions and I think that's
7 (unintelligible). She said she would follow the
8 Court's instructions.

9 THE COURT: I don't have concerns about the
10 other argument but I do have concerns that she kind
11 of was inconsistent in her ability to set aside what
12 she knew previously and consider the defendant not
13 guilty. However, she -- I mean, her answers were
14 somewhat consistent -- I mean, they were consistent,
15 mostly consistent and then she gave kind of an
16 inconsistent response when she said she had doubts
17 about that.

18 MR. MOORE: So, she's ambiguous at best. Her
19 statements, her positions, her responses are
20 inconsistent and not reconcilable. She can't hold
21 both positions and since, I mean, at best her
22 position is ambiguous but when she was answered my
23 question she was clear to my question, which was not
24 a confusing question, can you follow the Court's
25 instructions to set aside your opinions and she's --

1 and do you have doubts about your ability, she said
2 yes, I do have doubts. I mean, that's -- and that is
3 cause in itself.

4 MR. BROWN: Except when she was asked about
5 explaining what she meant she said he's been arrested
6 and charged with crime. Well that's aggravating
7 because you're charged with a crime. So, there's
8 nothing wrong with not having any doubts about that
9 because that's -- sure, you've already told her he's
10 been charged with a crime.

11 MR. MOORE: The doubts that we're asking about
12 is her ability to set aside her opinion of his guilt
13 based upon what she's heard and he has doubts that
14 she can do.

15 MR. BROWN: And she's consistently said she has
16 no opinions as to guilt.

17 THE COURT: She has said that. That's what --
18 I mean.

19 MR. MOORE: That's not what she told me.

20 MR. BROWN: I'd ask the Court to inquire of her
21 specifically on the (unintelligible).

22 THE COURT: I am going to inquire of her if she
23 can set that aside. I mean, she does -- she --

24 MR. MOORE: Here's another problem, Your Honor.
25 It depends on who's asking the question as to the

1 answer that she gives.

2 THE COURT: It does depend and that makes it
3 difficult.

4 MR. MOORE: She will very likely think as
5 jurors do in this situation that she's supposed to
6 give an answer that -- and expected to give an answer
7 that she can set that aside which is what she said
8 when she talked to you, not what she said when she
9 talked to me. And I didn't ask a tricky question of
10 her, nobody objected to it.

11 THE COURT: These questions, with all due
12 respect, are difficult.

13 MR. MOORE: Sure they are.

14 THE COURT: They're confusing to them. They
15 don't understand all the terminology and it's a
16 difficult process for them and we're so familiar with
17 the terminology that we take it for granted that they
18 understand. They do not understand it.

19 MR. MOORE: But the ones who survive the
20 challenges are the ones who are consistent in their
21 answers, yes, I can set that aside, no, I don't have
22 an opinion about guilt and if I did have one I could
23 set it. She doesn't fall in that category. I mean,
24 she's given answers to my what I think are pretty
25 clear questions regardless of her understanding which

1 indicates that she's going to have a problem putting
2 aside, she's got doubts about her ability to put
3 aside her opinions based upon what she's heard, which
4 is a police officer was killed, Mr. Bradley is the
5 shooter and that he's probably guilty. That's what
6 she said. Those are her words. I mean, that's not
7 going to -- if she changes now and agrees with this
8 Court, it's going to be because she's acquiescing to
9 an authority figure. That's what she's doing and the
10 courts recognize that as a problem and when they say
11 that it depends on who's asking the question. She's
12 not rehabilitated just because the Court can get her
13 now to go back to a different position. I mean, she
14 still said these things, you can't take it back. She
15 can't take it back.

16 MR. BROWN: She told Defense counsel
17 specifically I haven't seen the evidence, I don't
18 have an opinion as to guilt.

19 MR. MOORE: That's not what she said.

20 MR. BROWN: That is what she said.

21 THE COURT: That is what she said but then she
22 said to you that she had doubts that she could set
23 that aside.

24 MR. PIROLO: And she also said that she
25 presumed him to be the shooter.

1 MR. MOORE: She said that.

2 MR. PIROLO: Before she even got to having the
3 doubts.

4 THE COURT: I don't hold that against her,
5 that's what the press said.

6 MR. MOORE: I know but she believes that. She
7 shouldn't believe that, she should be able to set it
8 aside. She said she has doubts and (unintelligible).

9 THE COURT: They do believe that. I mean,
10 based on what they heard.

11 MR. MOORE: And they're gone.

12 THE COURT: That doesn't mean they can't set it
13 aside. No, I think they could set it aside even
14 though they believed that before they came in here,
15 that he was the shooter. They don't understand the
16 process. If they get to -- the question is whether
17 she could participate in the process or not. You
18 know, because of her response to Mr. Moore, I am
19 going to strike her for cause because -- I mean, I do
20 have some concerns that she'll answer my questions
21 correctly and I don't -- and she did say that she had
22 doubts that she could set that aside to Mr. Moore.
23 But I will tell you that this process is -- you all
24 make a lot of assumptions that these people
25 understand the questions that you're asking. I don't

1 think they do and I don't think a person of normal
2 intelligence would understand these questions, with
3 all due respect. They're difficult. They're
4 difficult for them. They've never heard these
5 terminologies, it's the first time. You expect that
6 they've heard in some big group and then the second
7 time you think they're going to -- you expect that
8 they're going to know the answers to that and, you
9 know, they haven't seen it. Some people are very
10 visual, they need to see it in writing, they need
11 study it, they need to look at it. They're not going
12 to get these concepts by one oral pronouncement of
13 them. I mean, I believe that. So, you know, we need
14 to be more patient with them as to what they
15 understand.

16 MR. MOORE: I've got all the patience in the
17 world, that's why I take as much time as I do. I
18 want to make sure that we get the best understanding
19 out of these people, you know, the best answer we can
20 get out of them and I'm fine with that.

21 THE COURT: For them to regurgitate the rules
22 that -- I mean, for them to regurgitate the
23 instructions after only hearing them one time I think
24 is -- it would be difficult for most people to do.
25 All right.

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

3 THE COURT: Okay. Number 160, at this time I
4 am going to release you from being considered as a
5 juror in this case. Thank you for being part of the
6 process. Please don't take that as any negative
7 reflection on you. This is a difficult case, this is
8 a difficult process, but at this time you have been
9 released. I just need you to report downstairs,
10 report to the jury assembly room and they'll give you
11 brief instructions and send you on your way. Okay.
12 Thank you.

13 (Thereupon, Juror Number 160 exited the
14 courtroom.)

15 THE COURT: Okay. Juror Number 160, for the
16 record, has been released for cause. We can bring in
17 juror Number 161.

18 (Thereupon, Juror Number 161 was escorted into
19 the courtroom by the court deputy and the proceedings were
20 had as follows:)

21 THE COURT: Okay. Good morning Juror Number
22 161.

23 JUROR NUMBER 161: Good morning.

24 THE COURT: Thank you for being part of this
25 process. Thank you for being patient with us. When

1 I talked to you yesterday I talked about some rules
2 that I implemented. Those rules came into effect at
3 that time. So, I'm going to ask you as of that time.
4 Have you read or been exposed to reading newspaper
5 headlines and/or articles relating to this trial or
6 its participants?

7 JUROR NUMBER 161: No, ma'am.

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

10 JUROR NUMBER 161: No, ma'am.

11 THE COURT: Have you conducted or been exposed
12 to any research regarding any matters concerning this
13 case?

14 JUROR NUMBER 161: No, ma'am.

15 THE COURT: And have you discussed this case
16 with other jury members or anyone else or allowed
17 anyone to discuss it in your presence?

18 JUROR NUMBER 161: No, ma'am.

19 THE COURT: Okay. I'm going to ask you some
20 questions this morning. The State will have an
21 opportunity to ask you questions, the Defense will
22 have an opportunity to ask you questions. They're --
23 most -- I would say a large majority of the questions
24 are going to ask for a yes or no answer. We'd like a
25 yes or no answer so we may pursue that from you, but

1 I mean, sometimes the answer is I don't know and I
2 don't know is an answer as well just so you know.
3 Okay. What we ask you to do, there are no right or
4 wrong answers, we just ask you to be honest, complete
5 and frank and try to tell us what information you
6 have. So, the first question I'm going to ask you is
7 do you know anything about this case either from your
8 own personal knowledge, rumor, by discussions with
9 anyone else, or from the media, including radio,
10 television, Internet, electronic device, or
11 newspapers?

12 JUROR NUMBER 161: Yes.

13 THE COURT: Okay. Tell me what information you
14 believe you know.

15 JUROR NUMBER 161: I mean, I read the paper.

16 THE COURT: Okay. Do you read the paper on a
17 regular basis?

18 JUROR NUMBER 161: Usually on line, yes, ma'am.

19 THE COURT: On line?

20 JUROR NUMBER 161: Yes, ma'am.

21 THE COURT: And what paper do you read?

22 JUROR NUMBER 161: Usually Florida Today or
23 WFTV.

24 THE COURT: Okay. So, can we assume if there
25 was an article in Today newspaper that you read it or

1 not necessarily?

2 JUROR NUMBER 161: I would say it's a safe
3 assumption I read it, yes.

4 THE COURT: Okay. There was apparently a two
5 page spread the Sunday before the trial started, did
6 you read that?

7 JUROR NUMBER 161: No.

8 THE COURT: Okay. Just checking. Just
9 checking. Tell me -- so, tell me what -- and that
10 would be your primary news source?

11 JUROR NUMBER 161: Yes, ma'am.

12 THE COURT: The paper on line?

13 JUROR NUMBER 161: Yes, ma'am.

14 THE COURT: Do you watch news on TV?

15 JUROR NUMBER 161: Not, really, I don't watch a
16 whole lot of television so.

17 THE COURT: Okay. So, tell me what information
18 you believe you know about the case. And be specific
19 if you can.

20 JUROR NUMBER 161: I mean, what I know is
21 apparently there was a theft of some items from a
22 motel.

23 THE COURT: Okay.

24 JUROR NUMBER 161: There was a pursuit, a stop,
25 you know, and then an officer was killed.

1 THE COURT: Okay. Did you see pictures of
2 Mr. Bradley in the paper?

3 JUROR NUMBER 161: Yes, I have.

4 THE COURT: Do you know anything about a
5 codefendant?

6 JUROR NUMBER 161: Other than seeing her
7 picture.

8 THE COURT: Okay. So, you know there was a
9 codefendant?

10 JUROR NUMBER 161: Yes, ma'am.

11 THE COURT: And you know it was a female?

12 JUROR NUMBER 161: Yes.

13 THE COURT: Do you know anything about her
14 case?

15 JUROR NUMBER 161: Yeah, I mean, I know that
16 she's supposed to be a witness in this case.

17 THE COURT: Okay.

18 JUROR NUMBER 161: I mean, I know that that she
19 accepted an agreement or whatever, a plea, I guess
20 that's the term.

21 THE COURT: Okay.

22 JUROR NUMBER 161: And got nineteen years. So,
23 yes, I'm familiar with that.

24 THE COURT: Okay. What we ask you to do if
25 you're going to be a juror in this case is to set

1 aside anything that you may have learned, serve with
2 an open mind and reach a verdict based only on the
3 law and the evidence presented in this trial in this
4 courtroom, can you do that?

5 JUROR NUMBER 161: I believe I can. I mean.

6 THE COURT: Okay. So, let me give you a
7 scenario. Let's say you heard all the evidence in
8 the case with regard to the four counts, you go back
9 for deliberation and you say, oh, I remember hearing
10 about this information but I never -- that evidence
11 about that was never brought into the courtroom, I
12 never heard anything about that either -- from any
13 source.

14 JUROR NUMBER 161: Right.

15 THE COURT: Could you set that information
16 aside and not consider it in your deliberation?

17 JUROR NUMBER 161: I believe I could.

18 THE COURT: Okay. It's a process, we have to
19 be true to the process and you got to say, you know,
20 those of us in the courtroom believe in this process
21 but, you know, not everyone can do that, not everyone
22 has the ability to do that, but if I instruct you
23 that that's your duty as a juror, you could do that?

24 JUROR NUMBER 161: I believe so, yes, ma'am.

25 THE COURT: You say I believe so. Some people

1 say I believe, I think as a matter of speech.

2 JUROR NUMBER 161: Yes, I do.

3 THE COURT: Yeah. Other people say it meaning
4 that they have doubts. So, can you do that?

5 JUROR NUMBER 161: Without saying I believe so.
6 Yes, I can.

7 THE COURT: Okay. Well, have you formed an
8 opinion as to the guilt or the innocence of the
9 defendant? Obviously, you saw some things.

10 JUROR NUMBER 161: No. I mean, obviously I saw
11 some things and yes, I have to some degree, yes.

12 THE COURT: Okay. In the case the State is
13 required to prove, you're going to hear more about
14 this later, the State is required to prove each
15 element of each count, there's four counts, beyond
16 and to the exclusion of every reasonable doubt. The
17 State knows that that's their burden. They recognize
18 that that's their burden. That's their burden in
19 every criminal case. It's not something new to this
20 case, that's what they do, that's their job. The
21 Defense is not required to prove anything. In fact,
22 at this stage because there's no evidence before the
23 court, the defendant is not guilty. The defendant is
24 presumed to be innocent. What you would have to do
25 is set aside any of those fixed ideas or opinions

1 that you have prior to coming here and make the State
2 prove their burden of proof, make them prove their
3 case and presume that the defendant is innocent, can
4 you can you do that?

5 JUROR NUMBER 161: It would be difficult I
6 believe.

7 THE COURT: Okay. All right. That's what we
8 need to know. I know that you knew Ryan and Jeremy I
9 think from?

10 JUROR NUMBER 161: The gym.

11 THE COURT: The gym. I couldn't remember if it
12 was -- I know someone else knew them from Taekwondo
13 or somebody form Taekwondo. So, you knew them from
14 the gym?

15 JUROR NUMBER 161: Yes, ma'am.

16 THE COURT: And I talked to you before that
17 they're going to be -- suspect they're going to be in
18 this courtroom. I do also believe that there's going
19 to be photographs of Deputy Pill after her death.
20 Those photographs could be described as, I forget the
21 word the other day.

22 MR. LANNING: Graphic.

23 THE COURT: Forget that word. I should write
24 that word down. They could be described as graphic.
25 Also, there's going to be a video and it could be

1 described as graphic as well. Knowing that that's
2 going to be part of this case and knowing that I
3 suspect Ryan Pill and Jeremy Pill will be sitting in
4 the audience, I mean, is this a case that you feel
5 that you could be a fair and impartial juror on?

6 JUROR NUMBER 161: I mean, with respect to Ryan
7 and Jeremy, I mean, I think I could. Like I said, it
8 was more or less an acquaintance at the same gym for
9 a couple of years.

10 THE COURT: I mean, I've been a member of a
11 gym, I know how you see people and you go hey, hey
12 but you never really have a conversation with them.

13 JUROR NUMBER 161: Right. I mean, I've
14 definitely had conversations with them in the past,
15 but I mean as far as do I have their number in my
16 phone, no, I mean, it was never like that no. Did I
17 ever hang out with them outside of the gym, no.

18 THE COURT: Okay. So, that's not the issue.

19 JUROR NUMBER 161: That's not the issue.

20 THE COURT: What do you think the issue may be?

21 JUROR NUMBER 161: Well, I mean, I've seen the
22 stories, I did see the story. I mean, who didn't if
23 you live in this area you saw the story. So,
24 obviously you read, you form an opinion. Do I think
25 I can probably put that aside? I'm fairly certain I

1 could. I'm from analytical when it comes to things.
2 I mean, black, white, you know, that's fine, you
3 know, but I don't know. That's my best answer.

4 THE COURT: Because the problem is that we can
5 only talk to you now, we can't talk to you later.

6 JUROR NUMBER 161: Right.

7 THE COURT: Can't say later did you do that.

8 JUROR NUMBER 161: Right.

9 THE COURT: And so that's why it's important
10 now. Now, as -- you know, it is somewhat of an
11 intellectual process to be able to do that. Some
12 people are more emotionally invested in the case than
13 others. Some people say no way I can do. Some
14 people say I'm not sure I can do that, and some
15 people say, yes, Judge I can do that. Tell me where
16 you would fall.

17 JUROR NUMBER 161: I'm somewhat between yes,
18 Judge, I can do that and, you know. I mean, there's
19 some small doubt but I mean I'm pretty certain I can
20 do that.

21 MR. LANNING: Judge, may we approach?

22 THE COURT: Yes, you can.

23 (Thereupon, a benchside conference was had out
24 of the hearing of Juror Number 161 as follows:)

25 MR. LANNING: Judge, the impression I get from

1 him --

2 THE COURT: Pardon me?

3 MR. LANNING: The impression I get from Mr --

4 THE COURT: 161.

5 MR. LANNING: Yeah, 161, is that he saw a lot
6 of news and he did form an opinion. I don't think --
7 I mean, with all due respect, I don't think that once
8 you form opinions over a course of months, which the
9 articles were and the news was, that -- everybody
10 wants to please the Court and when the Court says if
11 I instructed, it's not a bell that gets unring. I
12 mean, he's indicated by his posture, his answers to
13 the Court he's not confident in his ability to do
14 that.

15 MR. MOORE: And he said difficult to set it
16 aside. Those were his words. We didn't prompt him
17 on that. Difficult for me to put my opinion aside of
18 guilt.

19 MR. LANNING: You know, if the Court -- you
20 know, if you said if I instructed you that it snowed
21 yesterday, would you would you follow that
22 instruction and give -- and believe that? No,
23 intellectually I'm not, you know, if I really wanted
24 to impress the Court I'd say sure.

25 THE COURT: I mean, I do think it's an

1 intellectual process and some people can do it and
2 some people can't.

3 MR. BROWN: My response is that the case law is
4 clear. First of on the opinion, as long as they set
5 it aside. It's not the basis of forming an opinion.
6 I think the Court needs to finish the questioning.
7 He may not be qualified.

8 MR. PIROLO: He already said he
9 (unintelligible) his doubt. Best first it was
10 difficult and then at best when the Court tried to
11 rehabilitate him he has doubt.

12 MR. MOORE: That ain't going to away.

13 MR. BROWN: Doubt is not the standard.

14 MR. MOORE: Oh, it is, it's Lusk, Lusk. No, he
15 doesn't say that, it's the Court's determination.
16 Just because --

17 MR. BROWN: I believe that that's the standard.

18 MR. MOORE: Address the Court, do not talk to
19 me. Address the Court.

20 THE COURT: Okay. You all, we're not going to
21 have this. We're not going to have this. Mr. Brown,
22 I don't know if you finished.

23 MR. BROWN: Judge, the standard is reasonable
24 doubt. People can have doubts about everyday things,
25 it's clear the standard right now on the courts. So,

1 when the Court finishes it's questioning, he may or
2 may not be there, I don't know yet. I don't know.

3 THE COURT: I don't have any other questions to
4 ask him, I'm pretty much finished with my questions.

5 MR. MCMASTER: Ask him if you instructed him
6 that he has to set it aside.

7 MR. MOORE: Well, what he said is that would be
8 difficult to set aside and that wasn't in response to
9 a question other than can you, he said it would be
10 difficult. Another is I have a doubt, a small doubt
11 but I have a doubt. I'm somewhere between saying
12 yes, I can and I can't. So, it's I have a doubt,
13 that's what he said and that ain't going away.

14 MR. PIROLO: Judge, the record also has to
15 reflect, and I believe Mr. Lanning touched on it, is
16 his body language. He's struggling, his body
17 language, to tell the Court an answer. I mean, he's
18 got doubt, reasonable doubt within his own answer
19 when he's answering the Court. He's struggling to
20 answer the questions to the Court and I think his
21 first answer tends to be the most honest one, I have
22 difficulty setting it aside. I have difficulty
23 setting it aside.

24 MR. MOORE: Is the Court able to acknowledge
25 the Court's observing the same body language and the

1 gestures that we're observing?

2 THE COURT: I don't know if the word's
3 struggling, he's hesitant. I don't know if that's
4 thinking. He's an engineer. He's an engineer,
5 engineers are going to think before they speak. So,
6 I would say hesitant, I don't know struggling. I
7 don't know this person well if enough to know if
8 that's struggling or just being cautious. Engineers
9 by nature my experience are they're pretty cautious.

10 MR. MOORE: We're moving to strike for cause
11 for the reasons that we have listed.

12 THE COURT: I'm going to strike him for cause
13 based on his responses to the Court's questions.
14 Okay.

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

17 THE COURT: All right. Juror Number 161.

18 JUROR NUMBER 161: Yes, ma'am.

19 THE COURT: I am going to release you for being
20 considered as a juror in this case. I want to thank
21 you for being part of the process. Thank you for
22 being patient with us. What I'm going to ask you to
23 do is go downstairs and speak to the jury assembly
24 room. They're going to take your badge, just give
25 you some brief information and send you on your way.

1 JUROR NUMBER 161: Thank you.

2 THE COURT: Thank you, sir.

3 (Thereupon, Juror Number 161 exited the
4 courtroom.)

5 THE COURT: Okay. We can bring in Juror 165.
6 One 164.

7 (Thereupon, Juror Number 164 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
11 164.

12 JUROR NUMBER 164: Hello.

13 THE COURT: Okay. I got to get you out of here
14 so you can get to Orlando for your doctor's
15 appointment at 3:30. I'll make sure that happens.

16 JUROR NUMBER 164: All right.

17 THE COURT: Okay. One, thank you for being
18 here. Thank you for participating in this process.
19 Thank you for being patient with us. Yesterday when
20 I spoke with you there was some rules that I put in
21 place. Those rules came into effect at that time.
22 So, I'm going to ask you about those since that time.
23 Have you read or been exposed to reading newspaper
24 headlines and/or articles relating to this trial or
25 its participants?

1 JUROR NUMBER 164: No, I have not.

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

4 JUROR NUMBER 164: No.

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

8 JUROR NUMBER 164: No.

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

12 JUROR NUMBER 164: I have not.

13 THE COURT: Okay. Now I'm going to talk to you
14 about what you know about the case prior to that and
15 then I'm going to talk to you about the death penalty
16 and the lawyers may have an opportunity to speak with
17 you.

18 JUROR NUMBER 164: Right.

19 THE COURT: In answering these questions there
20 are no right or wrong answers. We ask you to be
21 honest, complete, frank. There's no -- some people
22 say Judge, can I say this? You can say whatever you
23 want. This is your opportunity to tell us what you
24 think we need to know. Also, most of the -- some of
25 the questions will solicit a response of yes or no.

1 It might be difficult for you to say yes or no. If
2 you can say yes or no, I mean, I don't know is a
3 response that's acceptable. Some of the questions,
4 you know, are going to be hard questions, you might
5 have to think about. Some people haven't thought
6 about these issues before, some people have. So, if
7 you to think, you can have that opportunity to think
8 as well. The first question I'm going to ask you is
9 do you know anything about this case either from your
10 personal knowledge, rumor, by discussions with anyone
11 else or from the media, including radio, television,
12 Internet, electronic device, or newspaper?

13 JUROR NUMBER 164: I think I saw something on
14 the news maybe six months ago or something, I'm not
15 sure.

16 THE COURT: Okay.

17 JUROR NUMBER 164: I don't know the whole
18 store, it might be another matter all together.

19 THE COURT: Okay. So, what information do you
20 think you know about the case?

21 JUROR NUMBER 164: Something about a chase and
22 a guy got out of the car and his girlfriend was in
23 the car and he got out of the car and started
24 shooting.

25 THE COURT: And you know there's a death of a

1 law enforcement officer?

2 JUROR NUMBER 164: Yes.

3 THE COURT: Okay. That information, where
4 would you have gotten that information?

5 JUROR NUMBER 164: From television.

6 THE COURT: Okay. Do you have daily news
7 habits, local news habits?

8 JUROR NUMBER 164: No, I prefer not to, it's
9 mostly the same stuff all the time.

10 THE COURT: Okay. So, how often say in a
11 week's time period would you see the local news?

12 JUROR NUMBER 164: I mainly just turn it on,
13 try to catch the weather and. I'm not really
14 interested in the news.

15 THE COURT: Okay. Fair enough.

16 JUROR NUMBER 164: World news, I don't really
17 care for.

18 THE COURT: So, if you were to watch news, it
19 would be world news?

20 JUROR NUMBER 164: Yes.

21 THE COURT: And do you gain that information
22 from television or from any sources?

23 JUROR NUMBER 164: Mainly television, sometimes
24 Internet.

25 THE COURT: Okay. Do you look at news on the

1 internet?

2 JUROR NUMBER 164: Selectively, yes.

3 THE COURT: If something interests you you
4 would maybe click on to that news program?

5 JUROR NUMBER 164: Exactly.

6 THE COURT: Have you clicked on to any news
7 articles regarding this case?

8 JUROR NUMBER 164: No, I have not.

9 THE COURT: Did you ever see Mr. Bradley, have
10 you seen him on TV?

11 JUROR NUMBER 164: No, I have not.

12 THE COURT: Okay. What we ask you to do to be
13 considered as a juror in this case is to set aside
14 anything that you may have learned about this case,
15 serve with an open mind and reach a verdict based
16 only on the law and evidence presented in this trial
17 in this courtroom, do you think you could do that?

18 JUROR NUMBER 164: Yes.

19 THE COURT: What happens if you're in
20 deliberation, the end of the first part of the trial,
21 there may be a second part, there may not, end of the
22 first part of trial and you say okay, I'm
23 deliberating this case and all of a sudden you say
24 oh, I remember I heard something about this but that
25 evidence never came into court, you never heard that

1 evidence in this courtroom, never came in as evidence
2 in the courtroom.

3 JUROR NUMBER 164: I understand.

4 THE COURT: Would you be able to not consider
5 that?

6 JUROR NUMBER 164: Yes.

7 THE COURT: Okay. Now, have you formed any
8 fixed opinions about the guilt or the innocence of
9 the defendant?

10 JUROR NUMBER 164: No, I have not.

11 THE COURT: Okay. So, at this time you just
12 listened to the news, never made -- and some people
13 some people are very emotional about this case, some
14 people are not. I mean, did it make an impression
15 with you?

16 JUROR NUMBER 164: Not really.

17 THE COURT: Okay. I mean, it was just
18 another --

19 JUROR NUMBER 164: It was just another thing
20 that happened in the world.

21 THE COURT: Okay. Fair enough too. All right.
22 I'm going to ask about your views about the death
23 penalty and I ask this very open ended just to get a
24 response. What are your views about the death
25 penalty?

1 JUROR NUMBER 164: I have no qualms about it,
2 it cost a lot of money to keep somebody in prison for
3 life. If they made the right choice and then I have
4 I have no problems about it.

5 THE COURT: So, you're -- if I had to say you
6 were for or against the death penalty, if I put you
7 in one category or the other, I would say you were
8 for it?

9 JUROR NUMBER 164: Yes.

10 THE COURT: In this case, and I'm going to give
11 you a brief overview, I talked more in depth about it
12 on Thursday, I assure you the attorneys are going to
13 talk more in depth about it, but in the first phase
14 of the trial, it's called the guilt phase, in the
15 guilt phase if the jury reaches a verdict of guilty
16 on Count I, and it only pertains to Count I and Count
17 I is the first agree murder charge, if there's a
18 guilty verdict on Count I, then we move into a second
19 phase. The second phase is what we call the penalty
20 phase. In the penalty phase you would be instructed
21 to -- as the jury, as a juror to make a
22 recommendation to the Court of a possible penalty and
23 you would be instructed to consider death or life in
24 prison without the possibility of parole. Now, no
25 one today is going to ask you in this case how you

1 would -- what your -- what -- I mean, how you would
2 vote at this time, what your recommendation would be
3 at this time. You know, they're not allowed to do
4 that. Nobody would ask you that. Obviously, you
5 haven't heard the evidence in this case, you haven't
6 heard anything about this case. So -- other than
7 what the charges are and those aren't evidence in the
8 case. So, no one is going to ask you that, but
9 they're going to ask you if you can consider both
10 possible penalties. So, I'm going to ask you this
11 question. Are you of the opinion that death is the
12 only appropriate penalty for murder in the first
13 degree?

14 JUROR NUMBER 164: I would have to weigh that
15 with my own judgment.

16 THE COURT: Okay. They're going to tell you,
17 or I'll tell you, that for the first part of the
18 trial you have to have a unanimous verdict. That's
19 one for all and all for one. That's what I always
20 say. In the second part of the phase, the penalty
21 phase, it's -- the Court will -- you make a
22 recommendation and that recommendation is
23 independent, it could come back -- there's twelve
24 jurors, it could come back, you know 5/5, 5/7, 12/0,
25 but your recommendation stands on its own, it doesn't

1 have to be a majority. And it is a recommendation
2 but the Court has to give your recommendation great
3 weight. I mean, it is an important recommendation to
4 the Court. So, you would discuss it with the other
5 jurors, and I'm going to talk to you about the
6 process. The process the process involves ago --
7 looking at aggravating circumstances, looking at
8 mitigating circumstances and it's a weighing process,
9 and you're going to hear more about that this
10 morning, but in that weighing process, that assists
11 you in making a recommendation but what we ask you is
12 if you would have the ability to consider both death
13 or life in prison without the possibility of parole.
14 I mean, some people say I can only consider one and
15 I'm not going to consider the other, I feel strongly
16 about this, other people say no, I can consider both.

17 JUROR NUMBER 164: I can consider both.

18 THE COURT: Okay. Do you have any reservations
19 about that?

20 JUROR NUMBER 164: No.

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

23 MR. BROWN: Yes, Your Honor. Juror Number 161,
24 morning.

25 JUROR NUMBER 164: No.

1 THE COURT: 164.

2 MR. BROWN: Or 164, I'm sorry.

3 JUROR NUMBER 164: Hello.

4 MR. BROWN: Hello. Concerning -- you indicated
5 yesterday you have a doctor's appointment this
6 afternoon.

7 JUROR NUMBER 164: Yes.

8 THE COURT: And you expect that to be the last
9 appointment or?

10 JUROR NUMBER 164: They should take the
11 stitches out and I'll be fine.

12 MR. BROWN: Okay. And do you have any residual
13 pain for that? Are you under any pain medication.

14 JUROR NUMBER 164: I have other issues with
15 pain but this one should be okay.

16 MR. BROWN: Okay. No other issues that would
17 cause you any concern or problems sitting as a juror
18 for obviously weeks at a time?

19 JUROR NUMBER 164: No.

20 MR. BROWN: Okay. Now, concerning the death
21 penalty, I want to go through it with you step by
22 step, the process that you have to go through and
23 consider to arriving and make a sentencing
24 recommendation to the Court. I know that Her Honor
25 covered this with you all in the group yesterday but

1 she did give you a good amount of information in a
2 condensed period of time. So, let me take it step by
3 step with you and sure you understand the process.

4 JUROR NUMBER 164: Okay.

5 MR. BROWN: Obviously, the jury would have to
6 come back with a guilty verdict of first degree
7 murder. If the jury comes back with a guilty verdict
8 of something lesser such as second degree murder, the
9 death penalty is off the table, the sentencing is
10 entirely up to Her Honor. If they come back not
11 guilty there is no sentencing at all. So, the jury
12 would have to come back to get to the process with a
13 verdict of first degree murder.

14 Now first degree murder can be proven in either
15 of two ways, what's known as premeditated murder or
16 felony murder and Her Honor will give you those
17 definitions at a later date if you're selected
18 exactly what's needed and what the elements are, but
19 either theory results in a first degree murder
20 conviction, and then regardless of which theory, you
21 understand that death is not automatic? Doesn't
22 matter the circumstances, there's no automatic death
23 penalty, you have to go through the process of
24 considering it. You understand that?

25 JUROR NUMBER 164: Yes.

1 MR. BROWN: Okay. Comfortable with that?

2 JUROR NUMBER 164: Yes.

3 MR. BROWN: Now, if the jury comes back first
4 degree murder, we would reconvene, the jury would
5 hear additional evidence and you'd get a final set of
6 instructions from Her Honor. Those instructions what
7 she's going to tell you is the first thing to look at
8 are what is known as aggravating circumstances.
9 Aggravating circumstances, it's a statutory list of
10 circumstances that may increase the gravity of the
11 crime or the harm to the victim and Her Honor will
12 give you that list. I expect it to be more than one,
13 maybe three, maybe four, maybe five, she will give
14 you that list and it's those circumstances that you
15 look to that -- those circumstances that you look to
16 and only those circumstances to justify the
17 imposition and the recommendation of a death penalty.

18 Now, she's going to tell you there's a burden
19 of proof that the State has for those and we have to
20 prove those to you beyond and to the exclusion of any
21 reasonable doubt. Same burden of proof as for guilt.
22 So, if you look at that and you find that the State
23 of Florida, that we have not proven any of those,
24 then your recommendation has to be life because you
25 have found that there is no aggravating

