

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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VOLUME VI 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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ROCKLEDGE, FLORIDA 32955

Case # 05-2012-CF-035337-AXXX-XX
Document Page # 480



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A P P E A R A N C E S

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and
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Appearing for
Defendant

Brandon Lee Bradley, Defendant, present

* * * * *

1 JUROR NUMBER 131: My habits would be from
2 watching the news, it starts out early in the morning
3 on Channel 2 WESH news.

4 THE COURT: Okay.

5 JUROR NUMBER 131: (Unintelligible) Sports
6 Center. At the same I review my I Pad going over the
7 Wall Street Journal. I mean, that's typically what I
8 do at multiple times, I'm not focused on one.

9 THE COURT: And typically it appears from what
10 you're saying it may be national as opposed to local?

11 JUROR NUMBER 131: Usually is. My wife is
12 probably better at reading Florida Today.

13 THE COURT: Okay. So, you do do -- that was my
14 next question. Do you get Florida Today?

15 JUROR NUMBER 131: Through the Internet, yes,
16 my wife primarily reads that, I don't.

17 THE COURT: Okay. Did you read anything --
18 there was -- there may have been something in the
19 paper before the trial started, did you read anything
20 about that in the Today newspaper?

21 JUROR NUMBER 131: I don't read the Florida
22 Today.

23 THE COURT: Okay. What we ask you to do in
24 order to serve as a juror in this case is to set
25 aside anything that you may have learned about this

1 case, serve with an open mind and reach a verdict
2 based only on the law and the evidence presented in
3 this trial in this courtroom, can you do that?

4 JUROR NUMBER 131: I believe I can, yes.

5 THE COURT: Do you have any reservations about
6 that?

7 JUROR NUMBER 131: No. I mean, I've been
8 involved in jury cases a long time ago which required
9 (unintelligible) diligence on the facts that's
10 presented during the case and ignoring anything
11 outside the courtroom with regards to conversations
12 and (unintelligible).

13 THE COURT: Because that's going to be my next
14 question. What happens if during the trial you get
15 to deliberation and you think in your mind, you know,
16 I remember hearing this outside the courtroom but I
17 never heard that inside, no one ever testified to
18 that, I never -- that information or those facts were
19 never testified to in court, would you be able to set
20 aside that other information that you may have heard
21 out here and not consider that in your deliberations
22 in here?

23 JUROR NUMBER 131: I'm very careful about
24 following the instructions that Your Honor gives in
25 these matters. As a matter of fact, just last

1 (unintelligible) because my wife, once again, she
2 read the Florida Today, she says something's
3 reported, I say that's nice, I don't want to know
4 about it, don't tell me about it.

5 THE COURT: Okay.

6 JUROR NUMBER 131: And that's true. So, I've
7 done that in the past and I've been on some fairly
8 significant cases in the past (unintelligible) and
9 required the same kind of discipline on information
10 sharing and.

11 THE COURT: Okay. Then I'm going to switch
12 subjects on you and I ask this in a pretty general
13 way. What are your views about the death penalty?

14 JUROR NUMBER 131: I think depending upon the
15 circumstances I'd have to evaluate each and every
16 case separately.

17 THE COURT: Okay. In this case Count I is
18 first degree murder, in the event the jury returns a
19 verdict of guilty to Count I, and it only applies to
20 Count I, then we proceed to a second phase. The
21 first part of the trial is what we call the guilt
22 phase, the second part of the trial, if we have a
23 second part is, what we call the penalty phase. So,
24 if there is a guilty verdict on Count I, murder in
25 the first degree, then we proceed to a penalty phase

1 and in that penalty phase, as a juror you would be
2 instructed to make a recommendation to the Court, to
3 me, of a penalty and you'll be instructed to consider
4 death as a possible penalty and also to consider life
5 in prison without the possibility of parole, can you
6 follow that instruction and consider both penalties?

7 JUROR NUMBER 131: I believe I can.

8 THE COURT: Okay. You know that this case
9 involves the death of a law enforcement officer. In
10 the event the State proved that there -- that the
11 defendant -- I mean, in the event the State proved
12 Count I and the jury came back with a guilty verdict
13 on Count I, are you of the opinion that the death
14 penalty is the only appropriate penalty for murder in
15 the first degree?

16 JUROR NUMBER 131: No, based upon what you just
17 indicated. Based upon what the Judge has indicated,
18 death is not the only recommendation.

19 THE COURT: Okay. So, you could follow that
20 instruction and consider both death and life in
21 prison without the possibility of parole? Could you
22 do that?

23 JUROR NUMBER 131: Yes.

24 THE COURT: Okay. What if they proved
25 premeditated murder in the first degree, would that

1 change how you felt about considering both penalties?

2 JUROR NUMBER 131: It might.

3 THE COURT: Okay. I mean, that would be
4 something -- I mean, no one in here is going to ask
5 you to tell us what you would do. You as a juror,
6 that's your decision, but we ask you to do is to
7 follow the Court's, to follow the Court's
8 instructions and consider both possible penalties.
9 Your ultimate decision is yours but you have to be
10 open minded enough to consider both. Do you think
11 even in that situation you could do that? I mean, if
12 you can't, we need to know that too.

13 JUROR NUMBER 131: I would think so. I mean...

14 THE COURT: Okay. I'm going to tell you when
15 you say think or maybe or possibly, everyone is going
16 to want more of a commitment than that. People do
17 talk in those -- that's a frame of speech, people
18 talk that way.

19 JUROR NUMBER 131: Right. I'll speculate most
20 fashions on a daily basis. So, when you're asking me
21 those questions, I have no firm opinion one way or
22 the other. I don't think in those terms on a daily
23 basis.

24 THE COURT: Okay. But this is difficult, this
25 process is difficult, and we know that jurors --

1 we're asking questions that jurors probably never
2 even thought of before. I mean, these type of things
3 for most people are not something -- it's not a daily
4 dinner conversation that people have. It may not --
5 some people have never even thought about it. So, we
6 understand that but, you know, we're going to ask you
7 to think about some of those things today, this
8 morning about how you feel about it. We're just
9 trying to find out you how you feel and if you can do
10 that.

11 JUROR NUMBER 131: Right.

12 THE COURT: Like I said, there's no right or
13 wrong answers, we just need you to think about them
14 and see if you can consider that and if you can't we
15 need to know and if you can we need to know. That's
16 all we ask you to do.

17 JUROR NUMBER 131: Right.

18 THE COURT: Okay. Questions by the State.

19 MR. BROWN: Yes, Your Honor. Juror Number 131,
20 good morning. Let me talk to you a little bit about
21 the process that as a juror if you're selected you
22 would go through to get into the position where you
23 have to make a recommendation. It starts with, as
24 the Court indicated, the jury would have to return a
25 verdict of guilty of first degree murder. Basically,

1 if the jury returns guilty of a lesser charge, then
2 the death penalty is off the table, sentencing is
3 entirely to the Court and your duty at that point
4 would end.

5 Now, there are two ways that the State can
6 prove first degree murder. One is through
7 premeditated murder, the other theory is felony
8 murder, both would result in a guilty verdict for
9 first degree murder, and at that point there is no
10 automatic death penalty. It's something that -- you
11 take first degree murder and then if there's a
12 conviction for that you go to the next step which is
13 what we call the penalty phase portion of the trial.
14 So, whether it's felony murder or premeditated
15 murder, you still go through the next step. And at
16 that point what would happen is additional evidence
17 would be presented, the Court would give you a new
18 set of jury instructions when you go back to
19 deliberate. Those jury instructions, the first step
20 she's going to tell you to do is to look at what are
21 known as aggravating circumstances and it's to the
22 aggravating circumstances that you legally can look
23 to to justify making a recommendation of a death
24 penalty, and it's those aggravating circumstances
25 that when she spoke to you, the entire panel, it's a

1 statutory list and it's circumstances that increase
2 the gravity of the crime or the harm to the victim.
3 So, you can tell they, for the most part, come from
4 the crime itself. So, it's to that list of
5 aggravating circumstances you look to to determine
6 whether or not the death penalty is justified.

7 Now, State of Florida would have to prove those
8 and it's the same burden as we would for guilt which
9 is beyond and to the exclusion of any reasonable
10 doubt. So, if you look at that list of aggravating
11 circumstances, the State has not proved a single one,
12 then you're recommendation has to be life because we
13 have not proved and there is no aggravation for this
14 case. If you feel that the State has proven at least
15 one, and there's going to be a list, I expect the
16 list to be three, four, five long or so, if we've
17 proven at least one, we've proved one, may have
18 proved more than one, may have proved the entire
19 list, you look at the ones that the State has proven
20 and ask yourself do these justify the death penalty
21 again. If you're answer is no, then your
22 recommendation is life. If your answer is yes, those
23 aggravating circumstances justify the death penalty
24 you move on to the next step in the process and
25 that's where you would then examine what are called

1 mitigating circumstances. Those circumstances are
2 related to the defendant, his life, character,
3 background, whatever it may be. There's a burden of
4 proof in the mitigating factors as well. It's a
5 lower burden it's to the greater weight of the
6 evidence. So, you would take the aggravating
7 circumstances that have been proven, the mitigating
8 circumstances that have been proven, disregard what's
9 not been proven, and then the Court's going to tell
10 you you go through a weighing process to arrive at
11 your decision.

12 Now, in your lifetime I presume you've made
13 some key and critical important decisions, right?

14 JUROR NUMBER 131: Yes.

15 MR. BROWN: And when you have had to make those
16 decisions you try to look at all the factors
17 involved?

18 JUROR NUMBER 131: Yes.

19 MR. BROWN: And when you looked at those
20 factors, some you looked at and said these are pretty
21 darn important to the decision, you gave them great
22 weight. On the other hand you looked at some
23 factors, you examined those, considered them and said
24 no, this really isn't that important, it's not --
25 doesn't mean much of anything, I give these very

1 little weight, right?

2 JUROR NUMBER 131: Yes.

3 MR. BROWN: And that's the way most of us make
4 decisions. Consider everything, determine the
5 weight. The Court's going to tell you it's the same
6 process here. You look at the aggravating
7 circumstances, you determine how much weight to give.
8 You look at the mitigating circumstances, you
9 determine how much weight you're going to give to
10 those in your decision. You have to consider
11 anything that's been presented to you and proved but
12 you determine how much weight you're going to give to
13 it. We're not going to ask you here today how much
14 weight you can give to this or that because there's
15 no way for you to know. Until you hear everything,
16 until you hear the proof, until you get to compare it
17 you don't know. So, the key is can you agree to
18 consider what's been proven and you determine the
19 weight? Can you do that?

20 JUROR NUMBER 131: Yes.

21 MR. BROWN: Now, the Judge is not going to tell
22 you how much weight to give anything. She's not
23 going to say aggravating circumstance number one, if
24 proven, give it X amount of weight. Mitigating
25 circumstance number one, give it this amount of

1 weight. It's entirely up to you as a juror as the
2 personal weight you decide to give it. The juror
3 right next to you may give more weight or less weight
4 for the same circumstance. You have to give it the
5 weight that you determine is appropriate when you go
6 through that weighing process. And when you do that
7 weighing, if you find that the mitigation outweighs
8 the aggravation, then your recommendation has to be
9 life. If you find that the aggravation outweighs the
10 mitigation, then you're in a position where you
11 legally are justified to recommend to the Court the
12 death penalty.

13 Now, Court's not going to tell you State has
14 proven A, B, C and D that you must return a
15 recommendation of death. In fact, what she's going
16 to tell you is you're never obligated or mandated to
17 return a recommendation of death. What you are
18 obligated to do is do that weighing process and see
19 whether or not the mitigation outweighs the
20 aggravation and if you feel after that weighing
21 process that the mitigation does not outweigh the
22 aggravation and that the death penalty is still
23 justified, that's when you can return a
24 recommendation of death. Okay. Understand the
25 process? Any questions about it?

1 JUROR NUMBER 131: No, sir.

2 MR. BROWN: Given that process, if you feel
3 that the aggravation, if you find that the
4 aggravation justifies the imposition of the death
5 penalty, it's not outweighed by the mitigation, can
6 you recommend a sentence of death?

7 JUROR NUMBER 131: I would have to consider the
8 circumstances, yes.

9 MR. BROWN: Okay. Well, at least
10 (unintelligible) not allowed to and wouldn't go into
11 the circumstances, but the question is if after
12 considering everything you feel that the aggravating
13 circumstances justify the death penalty and they're
14 not outweighed by the mitigation, can you recommend a
15 sentence of death?

16 JUROR NUMBER 131: It's possible yes.

17 MR. BROWN: Okay. Do you have any, based on
18 moral beliefs, religious beliefs, philosophical
19 beliefs, family history, any concern or hesitation or
20 issues about being put in that situation or having to
21 make a recommendation of the death penalty?

22 JUROR NUMBER 131: No.

23 MR. BROWN: So, you feel you would be able to
24 do that?

25 JUROR NUMBER 131: Yes.

1 MR. BROWN: Do you come in with any
2 preconceived notions of the death penalty would only
3 apply in one of a few circumstances such as some
4 people will say a mass murderer or something like
5 along those lines, do you feel it's limited just to
6 that?

7 JUROR NUMBER 131: No, I don't believe so.

8 MR. BROWN: Are you open to considering the
9 list that the Court will ultimately give to you that
10 will list what are the statutorily enumerated
11 aggravating circumstances? Are you open to
12 considering that list to justify the death penalty?

13 JUROR NUMBER 131: Yes.

14 MR. BROWN: Then the last topic I wish to cover
15 is as we talked about, if the jury comes back with a
16 lesser such as second degree murder, then from the
17 jury's standpoint your job is over, you wouldn't come
18 back that second time and consider what the
19 sentencing recommendation would be. So, the concern
20 that I have, and I ask each person that I've the
21 opportunity to speak to, is knowing that, well, if I
22 come back with a lesser charge I don't have to sit in
23 this chair again and make that sentencing
24 recommendation, would you let that fact affect your
25 deliberation or your verdict at all?

1 JUROR NUMBER 131: No.

2 MR. BROWN: You understand -- would you agree
3 that justice would be to return the verdict that the
4 evidence proves?

5 JUROR NUMBER 131: Correct.

6 MR. BROWN: And you shouldn't compromise down
7 simply because it would be easier or simpler or
8 shorter as a juror?

9 JUROR NUMBER 131: Correct.

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

12 THE COURT: Okay. Questions by the Defense.

13 MR. MOORE: Good morning. Would it be fair to
14 say that before you came into the courtroom and
15 engaged in this process that you had never asked
16 yourself what your position on the death penalty is?

17 JUROR NUMBER 131: I've never been in
18 circumstances such as this to ask myself that.

19 MR. MOORE: Well, it's little bit different
20 from the question I'm asking. You've never been
21 involved in the process -- let me ask you this. You
22 said you've been on a jury before.

23 JUROR NUMBER 131: I have.

24 MR. MOORE: Did it involve the death penalty?

25 JUROR NUMBER 131: No, but it was a criminal

1 case.

2 MR. MOORE: Was it a homicide in that case?

3 JUROR NUMBER 131: No.

4 MR. MOORE: So, just removing yourself from
5 this process, throughout the course of our lives we
6 think about things which are in the news, certainly
7 high profile, certain high profile cases are
8 involving the death penalty and it comes to us either
9 on other own or just reflecting or when we're talking
10 to other people we talk about these things, maybe
11 just in general talking about the death penalty, is
12 that something that you had given -- apart from the
13 legal process, just in the course of conversation or
14 reflection of your part, have you reflected on the
15 death penalty ever and asked yourself where do I
16 stand on this?

17 JUROR NUMBER 131: I said I reflect on the news
18 almost every day. Do I have a firm opinion one way
19 or the other, no.

20 MR. MOORE: I get that.

21 JUROR NUMBER 131: I think circumstances
22 dictate what the course of action would be.

23 MR. MOORE: Let's put it this way. Let's look
24 at it a like a continuum and we'll start with zero,
25 meaning -- zero to ten. Zero means you're against it

1 or have -- you're certainly not supporting, you don't
2 support the death penalty. Ten is you strongly
3 support the death penalty. Would you be able to put
4 yourself, give yourself a number on that continuum,
5 zero to ten?

6 JUROR NUMBER 131: I'd say (unintelligible).

7 MR. MOORE: Can you think -- so, then, if I
8 were to say that -- if I were to put together two
9 columns and put you in one of them, one column is
10 for, one's against, you're not against, you're not --
11 you're in it but still you have to go to for to the
12 death penalty column, do you agree with that? Even
13 though you're not a ten, you'd more likely to be in
14 the for column than the against column?

15 JUROR NUMBER 131: Depending on the
16 circumstances.

17 MR. MOORE: Of course. Look, I can see how
18 somebody in your shoes would be confused at this
19 point. the Court indicated that you have to, you
20 know, we'll be seeking commitments that you can do
21 certain things, but we're not asking you to predict
22 what you will do. And it may seem to you like, you
23 know, if the answer, you know, the options for
24 answers are yes, I can do it, no, I can't and we're
25 seeking a commitment, which are you, you may not

1 know. So, there's a third possible answer which is I
2 don't know and if that is your position, there's
3 nothing wrong with that and that's what we need to
4 know. If the best you can do is I don't know or I
5 have doubts about whether I can, we have to know
6 that. Okay. So, it's not like, well, yeah, you
7 know, I guess I can say I could but if in reality the
8 best you can do is say I don't know, we need to know
9 that. So, you do have that option.

10 All right. Another, another point that I think
11 might have been confusing to you is when we're -- you
12 heard the Court describe the penalty phase process,
13 which we don't get to unless there's a conviction for
14 first degree murder. All this is hypothetical. I'm
15 not, you know, take away for you it may be that,
16 well, all these people are talking about it, we're
17 going to get it but maybe we won't but we have to
18 talk about if we do get there. Okay. So, in
19 describing the process to you, Court read the law on
20 that, she'll read it to you again, and she read the
21 instructions on this, and then Mr. Brown went over,
22 he described the penalty process and he indicated
23 that if you find, if you find aggravating
24 circumstances you are, you know, you're not
25 required -- death is not automatic at that point. I

1 mean, that's how (unintelligible). I want to clarify
2 because that implies that may be at some point it is
3 automatic. Okay. It is never automatic, that's the
4 points I'm making. I need to know that you
5 understand that and accept that that even if you
6 find -- I mean, the only shoulds, the only
7 mandatories here are -- well, first there has to be,
8 you know, a penalty phase process, the only
9 mandatories are that you shall seek to find if the
10 State has proven aggravating circumstances beyond a
11 reasonable doubt, you must do that, and if -- and
12 then if you say yes, you can vote for death, you can
13 vote for life without parole. No mandatories other
14 than you shall seek to find if the State has proven
15 the aggravating circumstance or more beyond a
16 reasonable doubt. Then if you say yeah to that, then
17 you shall seek to find if the -- if mitigating
18 circumstances have been proven by the greater weight
19 of the evidence. Different burden of proof but
20 that's your next step. And then you still can go
21 death or you can go for life. Even if you find the
22 State has proven every aggravating circumstance on
23 its list, every one on there and no mitigation, no
24 mitigating circumstances have been proven or the
25 mitigating circumstances don't outweigh the

1 aggravating circumstances, even then you can vote for
2 life without parole. In other words, what I'm saying
3 is the only mandatories are look for aggravating
4 circumstances, see if the State's proven them and if
5 the mitigating circumstances outweigh the aggravating
6 circumstances, you shall vote for life at that point.
7 Those are the only mandatories, the only shalls in
8 this process. Do you understand?

9 JUROR NUMBER 131: Yes.

10 MR. MOORE: And to sum it up, life without
11 parole is always on the table, you can always vote
12 that no matter what the outcome of your weighing
13 process is.

14 JUROR NUMBER 131: Yes.

15 MR. MOORE: What -- talking about life without
16 parole, what is your concept of what that means?
17 What do you think the reality of life without parole
18 is?

19 JUROR NUMBER 131: Life without parole my
20 interpretation is the individual has access basically
21 to (unintelligible).

22 MR. MOORE: Well, it's the period of time and
23 so do you -- I will tell you this because this is the
24 law and this is the reality of life without parole,
25 it means that a person sentenced to life without

1 parole will die in prison, will never get out again,
2 never walk the earth as a free man or woman again,
3 never. You accept that?

4 JUROR NUMBER 131: I understand.

5 MR. MOORE: Okay. Do you question that in any
6 way?

7 JUROR NUMBER 131: No.

8 MR. MOORE: Some people may, they say, well,
9 you know, maybe he'll -- for good behavior he'll get
10 out or maybe he'll get probation or something. I
11 just want to make it clear to you to the point where
12 you don't question it in any way that a person
13 sentenced to life without parole never -- will die in
14 prison. You accept that?

15 JUROR NUMBER 131: I understand.

16 MR. MOORE: When the Court asked you about if
17 there were a conviction of first degree murder could
18 you engage in the weighing process in the penalty
19 phase, and then the Court further asked if it were
20 premeditated murder could you engage in that process
21 and you very thoughtful about that, you paused and
22 thought about it and you said it might affect the way
23 you evaluate. It was all new to you and I'm not
24 presuming that you have knowledge that you don't, but
25 that was your response and I'd like to know how you

1 think the conviction of premeditated murder might
2 affect the way you would evaluate an engage in this
3 weighing process?

4 JUROR NUMBER 131: I guess I weigh the severity
5 of the situation more harshly with regards to an
6 individual deliberately planned a course of action as
7 opposed to being some spur of the moment thing
8 situation. So, that's why I would weigh that
9 probably strong.

10 MR. MOORE: Okay. Let me ask about potential
11 mitigating circumstances that may be presented in
12 this case to see if evidence of these were presented
13 whether you are open to considering them as
14 mitigating. And again, when the Court says we need a
15 commitment and when -- the impact on you should not
16 be -- well, let me put it another way. When
17 Mr. Brown asked if you can return a vote for death,
18 that doesn't mean will you, it's not the same as
19 asking you to commit to that. We can't do that, you
20 don't know, you don't know enough about it at this
21 point. So, when we ask if you can do something, then
22 that implies that maybe you can't. We're not asking
23 you to commit to any particular finding or any
24 particular course of action, we're trying to find if
25 you're capable in making these decisions. Okay. So,

1 in keeping that in mind, the flip side is if you felt
2 that it's appropriate to return a vote for life
3 without parole, can you do that?

4 JUROR NUMBER 131: Yes.

5 MR. MOORE: And so as far as mitigating
6 circumstances are concerned, if you were presented
7 with testimony that -- by experts, expert witnesses,
8 mental health experts that Mr. Bradley suffered from
9 mental illness, is that a potentially mitigating
10 circumstance, a potentially tally mitigating
11 circumstance in your mind? Could you consider it as
12 a potential mitigating circumstance?

13 JUROR NUMBER 131: Yes.

14 MR. MOORE: If you were to hear testimony from
15 qualified experts that Mr. Bradley suffered from
16 brain damage, brain injury, would you be able to
17 consider that potentially as a mitigating
18 circumstance?

19 JUROR NUMBER 131: I would have to.

20 MR. MOORE: Drug abuse, drug use, drug abuse,
21 you see the difference between drug use and drug
22 abuse and drug addiction? You see the distinction?

23 JUROR NUMBER 131: Yes.

24 MR. MOORE: Do you believe that drug addiction
25 is a choice? Not -- you know, as distinguished from

1 drug use.

2 JUROR NUMBER 131: Depends on the situation.

3 MR. MOORE: Have you known people who struggled
4 with substance abuse, substance addiction, whether
5 it's alcohol or drugs, have you known people who have
6 dealt with that infliction?

7 JUROR NUMBER 131: Not really.

8 MR. MOORE: Have you heard of people who have
9 struggled with addiction?

10 JUROR NUMBER 131: Yes.

11 MR. MOORE: Do you feel that people so
12 afflicted can choose not to be afflicted? I mean,
13 they can choose a treatment or not, or do you think
14 it's just a simple matter for them just step away
15 from drug addiction?

16 JUROR NUMBER 131: I don't believe it's a
17 simple matter at all.

18 MR. MOORE: If you were presented with
19 testimony of drug addiction, drug abuse, would you be
20 able to -- would you be open to considering that as a
21 potential mitigating circumstance?

22 JUROR NUMBER 131: I would be, yes.

23 MR. MOORE: If you were presented with evidence
24 of childhood abuse, physical and emotional, is that
25 something that you could consider as a potentially

1 mitigating?

2 JUROR NUMBER 131: I would think so.

3 MR. MOORE: Let me explain the way a verdict is
4 arrived at in what we call the guilt phase and
5 compare that to your vote at the penalty phase. The
6 guilt phase where the jury is asked to deliberate and
7 return a verdict with respect to the charges, in
8 particular, first degree murder, the vote has to be
9 unanimous, either all for guilty or all for not
10 guilty, unanimous. The jury has to agree in order to
11 arrive at a verdict at the guilt phase, and if the
12 jury says guilty of first degree murder, then go to
13 the penalty phase and the vote does not have to be
14 unanimous to make a recommendation. So, each juror
15 at the penalty phase is entitled to his or her own
16 vote, it doesn't have to be unanimous, you don't have
17 to agree, okay, and you have the right to whatever
18 your recommendation is, whenever you vote is, your
19 individual vote and you don't have justify it, you
20 don't have to action explain it to anybody and you
21 have the right to have that respected. You
22 understand that?

23 JUROR NUMBER 131: Yes.

24 MR. MOORE: And the other side of that coin is
25 you have the obligation and responsibility to extend

1 that courtesy to the other members of the jury,
2 nobody gets intimidated or browbeaten to join the
3 rest because unanimity is not required.

4 JUROR NUMBER 131: Right.

5 MR. MOORE: You recall the Judge explaining
6 that the jury -- the recommendation as to sentence is
7 given great weight by the Court. Do you recall that?

8 JUROR NUMBER 131: Yes.

9 MR. MOORE: What is your perception of what
10 that means? Let me put it a different way. What's
11 your perception of the relative roles of the jury and
12 the Judge in arriving at a sentence?

13 JUROR NUMBER 131: I think it's important that
14 the appropriate consideration be given to all facts
15 presented in the case (unintelligible).

16 MR. MOORE: Some people might take that to mean
17 that the jury's recommendation is kind of diminimous,
18 it really doesn't make a difference because the Judge
19 is going to do the right thing or do whatever he or
20 she sees fit and give little consideration to the
21 jury's recommendation, which is not true. It's
22 essential, the Judge can impose a sentence, cannot
23 arrive at a sentence without the input from the jury.
24 You understand that?

25 JUROR NUMBER 131: Sure.

1 MR. MOORE: Just like an airline pilot can't
2 fly from the United State to France without a copilot
3 and GPS and maps, might have the technical ability to
4 fly an airplane but you're not going to get from
5 point A to point B without all that other input and
6 that's how important the jury's recommendation is to
7 the Judge's determination. You accept that?

8 JUROR NUMBER 131: I do.

9 MR. MOORE: Can I have a moment, please?

10 THE COURT: Yes, you may.

11 (Thereupon, a pause was taken in the
12 proceedings.)

13 MR. MOORE: If you found as a jury Mr. Bradley
14 guilty of premeditated murder, would you find it then
15 difficult to return a -- or to vote for life without
16 parole?

17 JUROR NUMBER 131: I'd have to understand the
18 circumstances (unintelligible).

19 MR. MOORE: Yes, sir, and that's good that you
20 understand the process, but what I'm responding to is
21 your response to the Judge's question about
22 premeditated murder, how that might affect your
23 evaluation. As we sit here and as you speculate to
24 the best of your ability with what you've been given
25 which is not a lot for you, do you feel a verdict of

1 first degree premeditated murder would make difficult
2 if not impossible for you to return a vote of life
3 without parole?

4 JUROR NUMBER 131: (Unintelligible) the
5 circumstances and I would evaluate it and weigh it.

6 MR. MOORE: Thank you sir.

7 THE COURT: Okay. Juror Number 131, you are
8 still being considered as a possible juror for this
9 panel. I'm going to release you for today. What
10 you're going to do is go downstairs to the jury
11 assembly room. They're going to give you a phone
12 number. They're going to have you call back this
13 afternoon between 1:00 and 5:00 and they're going to
14 give you further instructions about when you need to
15 be here. I can tell you that it won't be the rest of
16 today and most likely it won't be tomorrow. Okay.
17 But they're going to give you the information. We're
18 going to discuss that at lunchtime about when we want
19 what we call the second panel to come back to
20 discuss -- to -- for further -- to go through the
21 jury process further.

22 During this recess you must continue to abide
23 by your rules governing your service as a juror.
24 Don't talk to about this case with anyone. Don't --
25 avoid reading newspaper headlines and articles about

1 this case. Avoid seeing or hearing television,
2 radio, or Internet comments about the case. Do not
3 conduct any independent research yourself about any
4 of this case or any of the participants. Now, what I
5 can tell you is you are allowed to tell people where
6 you're going, Brevard County courthouse, when you're
7 supposed to be here, but what you can't tell them is
8 why you're here, you know, what the case is, what the
9 charges are, what happens in court. Now, at the end
10 of the process once you've been released as a juror,
11 you're allowed to tell anyone anything you choose to
12 do so. You can not tell them or you can tell them
13 but not until the end of this process. Okay. Do you
14 have any questions or concerns?

15 JUROR NUMBER 131: No Your Honor.

16 THE COURT: Okay. Okay. If you'll go
17 downstairs, we'll appreciate it very much. Thank you
18 for being here.

19 (Thereupon, Juror Number 131 exited the
20 courtroom.)

21 THE COURT: Okay. I know that 133 had the
22 issue with regard to the small start up business and
23 so I'll ask them if there's in issues with regard to
24 that. Anything we need -- any issues we need to
25 discuss before we bring in 133?

1 MR. MCMASTER: I take it we haven't heard from
2 129?

3 THE COURT DEPUTY: 129 is upstairs now.

4 THE COURT: 129 has to wait until the end now.
5 You're late, you have to go to the end because it
6 wouldn't be fair, you know, we're trying to get
7 through the process. I'm trying to be fair as I can
8 possibly be. So, bring in 133 but I'll do 129 at the
9 end. Lost a little slot, that first slot, might be
10 sorry about that. Got to reward people for good
11 behavior.

12 (Thereupon, Juror Number 133 was escorted into
13 the courtroom by the court deputy and the proceedings were
14 had as follows:)

15 THE COURT: Okay. Good Morning Juror Number
16 133. The first thing I want to do is thank you for
17 being here. Thank you for being patience with us.
18 This process has -- it's a long process, it's a long
19 process for you, I assure you it's a long process for
20 us. We are doing the best that we can to try to
21 complete this process as quickly as can. It is a
22 necessary process and it has taken some time. When
23 we spoke to you last you talked about that it might
24 be a hardship for you to be here and talked about
25 that you had a small, I believe it was a small start

1 up business and that you were concerned about not
2 getting paid if you were here.

3 JUROR NUMBER 133: Yes.

4 THE COURT: Can you give me some more
5 information about that and about whether you will be
6 able to serve on this jury for the period of time
7 that we're requesting?

8 JUROR NUMBER 133: I spoke with the owner and I
9 would not get paid.

10 THE COURT: Would not get paid?

11 JUROR NUMBER 133: Yeah, in his terms it would
12 be between crippling and catastrophic because I'm
13 doing all the sales and, you know, a small company,
14 do a lot of different things, I do a lot of the
15 design work and (unintelligible).

16 THE COURT: You know, I was going to say, tell
17 me what type of business it is again.

18 JUROR NUMBER 133: The name is [REDACTED]

19 [REDACTED]

20 THE COURT: [REDACTED] what?

21 JUROR NUMBER 133: [REDACTED] and we make
22 optics for high powered laser. The thin films is we
23 have to put the codings on the glass
24 (unintelligible), that kind of thing. So, the
25 business that I just got into after I got laid off

1 the and (unintelligible) business they have because
2 of my background. So, the owner does not know how to
3 design those kind of codings.

4 THE COURT: Is there anyone else at the
5 business that does know how to design those type of
6 codings?

7 JUROR NUMBER 133: He has some background but a
8 lot of the work involves interaction with the
9 customers, like selling the design, the optical
10 layout programs to get better transmission and go
11 back and forth many times a day. So, more or less
12 once a day and evening.

13 THE COURT: Say that again.

14 JUROR NUMBER 133: It would more be with
15 communication would be like an e-mail in the evening
16 and that kind of thing and we'd lose a lot of
17 productivity.

18 THE COURT: I think what I heard you say is
19 that you're the one that brought in the business?

20 JUROR NUMBER 133: No, the customer base they
21 had was really struggling and I came in and crossed
22 the businesses, trademark kind of thing, but losing a
23 lot of the sales would be.

24 THE COURT: Now, would it be -- how about you
25 financially, how would it affect you financially?

1 JUROR NUMBER 133: Significantly because I'm
2 making forty percent less than I was. I mean, it was
3 (unintelligible) because my wife does all the
4 financial stuff but.

5 THE COURT: Okay. And how -- and you're saying
6 that your employer characterized it as catastrophic?

7 JUROR NUMBER 133: Crippling.

8 THE COURT: Crippling.

9 JUROR NUMBER 133: Between the two.

10 THE COURT: Okay. One of the things we ask you
11 is if you're here we want you to give us your full
12 attention and be able to devote, you know -- I mean,
13 while you're here give us your -- the attention that
14 the case deserves, do you think that -- would you
15 have any issues with doing that if you were selected
16 as a juror?

17 JUROR NUMBER 133: I'd be concerned about that
18 plus my father-in-law just passed away a few months
19 ago and we moved my mother-in-law up to here from
20 Naples. We got her this weekend, we're supposed to
21 have a move in two weeks and other stuff going on.

22 THE COURT: So, you're saying you have some
23 other stuff going on, moving your mother up from here
24 Naples?

25 JUROR NUMBER 133: Mother-in-law, yes.

1 MR. MOORE: We would stipulate.

2 THE COURT: Okay.

3 MR. BROWN: Agreed.

4 THE COURT: Okay. I'm sorry we couldn't do
5 this sooner, we just -- you know, in some respects I
6 have to go by the numbers just to be as fair as
7 possible. So, I will excuse you from service on this
8 jury. If you can go downstairs, tell them you've
9 been released from Judge Reinman's courtroom, not to
10 report back and they'll give you -- they'll take your
11 number and give you further instructions. Okay.
12 Thank you, sir.

13 (Thereupon, Jury Number 133 exited the
14 courtroom.)

15 THE COURT: Okay. Just for the record, Juror
16 Number 133 is released for cause. Okay. We can
17 bring in Juror Number 135.

18 (Thereupon, Juror Number 135 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
22 135.

23 JUROR NUMBER 135: Good morning.

24 THE COURT: First I want to thank you for being
25 here. Thank you for being patient with us with

1 regard to this process. It has been a long process
2 for you, I assure you it's been a long process for us
3 as well. When we talked previously I initiated some
4 rules. Those rules became in effect at the time that
5 I announced them to you. So, I'm going to ask you
6 since those rules have been in effect, have you read
7 or been exposed to reading newspaper headlines and/or
8 articles relating to this trial or its participants?

9 JUROR NUMBER 135: I have, TV and then it being
10 on, and read a little bit in the newspaper.

11 THE COURT: Since I announced those rules or
12 prior to?

13 JUROR NUMBER 135: This is prior.

14 THE COURT: Okay. I'm going to talk about
15 prior in a minute, but since I announced the rules
16 have you been exposed to that?

17 JUROR NUMBER 135: Television being on I have
18 heard, excuse me, on television.

19 THE COURT: Okay. Kind of your job as a juror
20 is to try to avoid that. Did you make any effort to
21 avoid that?

22 JUROR NUMBER 135: Yeah, and my kitchen/family
23 room is one, it was on in the family room, I'm in the
24 kitchen it came on.

25 THE COURT: And so what did you hear?

1 JUROR NUMBER 135: Not much, just that they
2 were picking jurors.

3 THE COURT: Okay. Have you seen or heard --
4 well, you have heard -- have you heard anything else
5 or than what you've heard on television?

6 JUROR NUMBER 135: No.

7 THE COURT: Have you read anything about it
8 since then?

9 JUROR NUMBER 135: No, I have not.

10 THE COURT: Okay. Have you conducted any
11 research about the case?

12 JUROR NUMBER 135: I have not.

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

16 JUROR NUMBER 135: I have not.

17 THE COURT: Have you discussed it with any
18 other juror members?

19 JUROR NUMBER 135: No.

20 THE COURT: Okay. If you were chosen as a
21 juror in this case, do you think it would be
22 difficult for you to follow these rules?

23 JUROR NUMBER 135: No, not those rules.

24 THE COURT: Now I'm going to talk to you about
25 what you may have known about the case previously.

1 Okay. Tell me anything that you know about this case
2 either from your own personal knowledge, rumor, by
3 discussions with anyone else, or from the media,
4 including radio, television, Internet comments,
5 electronic device, or newspapers.

6 JUROR NUMBER 135: The initial two years ago
7 when it was all over the news and everything,
8 basically that's when I heard about it, never really
9 read the paper about it.

10 THE COURT: Okay.

11 JUROR NUMBER 135: Just, just the news on
12 television.

13 THE COURT: Okay. And so you said you heard
14 the news on television at the time that it occurred,
15 what about since then?

16 JUROR NUMBER 135: Not really.

17 THE COURT: Okay. Not really, I don't know
18 what that means.

19 JUROR NUMBER 135: No, not -- no, because I
20 don't think it's been on television. I have not
21 heard.

22 THE COURT: You didn't hear that there was --
23 well, you heard the jury selection the other day, you
24 didn't hear about jury selection prior to coming
25 here?

1 JUROR NUMBER 135: No, I did not.

2 THE COURT: Okay. What information -- and
3 first let me tell you this. There's no right or
4 wrong answers in here, we're just trying to get your
5 responses to these questions and we want you to be
6 honest and complete and frank. There's no right or
7 wrong answers. What information do you believe that
8 you know about the case?

9 JUROR NUMBER 135: I (unintelligible) the story
10 from the beginning.

11 THE COURT: Okay. Well, we want to know what
12 that is. So, tell us what you think you know.

13 JUROR NUMBER 135: The fact that they were at
14 the hotel, stole furniture.

15 THE COURT: Okay.

16 JUROR NUMBER 135: And then a high speed chase.

17 THE COURT: Okay.

18 JUROR NUMBER 135: And then I'm not clear as to
19 exactly how (unintelligible). I guess she stopped
20 him and (unintelligible).

21 MR. MOORE: I can't hear.

22 JUROR NUMBER 135: When she stopped the car, I
23 believe that's when the shooting happened.

24 THE COURT: Okay. Anything since then?
25 Anything else?

1 JUROR NUMBER 135: That I've heard?

2 THE COURT: Yes.

3 JUROR NUMBER 135: No.

4 THE COURT: Okay. Have you formed an opinion
5 with regard to the defendant's guilt or innocence?

6 JUROR NUMBER 135: Well, let me tell you, my
7 brother was law enforcement and I have to say if it
8 was my brother, you know, I wouldn't feel too good
9 about this.

10 THE COURT: So, your brother was in law
11 enforcement?

12 JUROR NUMBER 135: He was.

13 THE COURT: Okay. Is your brother still with
14 us?

15 JUROR NUMBER 135: He is not, he has passed
16 way.

17 THE COURT: Okay. So, what I would ask you is
18 do you think that you would be able to set aside
19 anything you know about this case and serve with an
20 open mind and reach a verdict based only on the law,
21 the evidence presented in this trial and in this
22 courtroom, do you think you could do that?

23 JUROR NUMBER 135: I really don't know if I
24 could to be truthful with you. I don't know if I
25 could.

1 THE COURT: Okay. And then the next question,
2 when you come into the courtroom you're going to
3 receive instructions that the State has the burden of
4 proof. They have to prove each element of each crime
5 beyond and to the exclusion of -- or each count
6 beyond and to the exclusion of every reasonable
7 doubt. So, as you -- at this time because there's
8 been no evidence presented, the defendant is presumed
9 to be not guilty. In fact, the defendant is presumed
10 to be innocent.

11 JUROR NUMBER 135: Right.

12 THE COURT: So, what you have to do as a juror
13 is set all that aside, come in here and say I'm going
14 to make the State -- the State has to meet its
15 burden, that's the State's job, the State knows
16 that's their job, I'm going to make them -- hold them
17 to that job and I'm going to make them meet their
18 burden to prove this case and I'm not going to
19 require the Defense to prove anything and I'm going
20 to look at that defendant today and presume the
21 defendant to be innocent. Can you do that? There's
22 no right or wrong answers, we're just trying to --

23 JUROR NUMBER 135: Yeah, you know, I guess I
24 would have to try my best.

25 THE COURT: You know we need more of a

1 commitment that than because try your best.

2 Mr. Brown with the State always gives this example.

3 You're in an airplane and coming through some rough

4 territory, the pilot's on the phone and they said

5 hey, can you land this plane, you don't want to hear

6 the pilot say I'm going to try my best, you want to

7 hear the pilot say hey, I can do this.

8 JUROR NUMBER 135: Um-hmm.

9 THE COURT: Let me tell you one other thing.

10 In this case we expect there to be photos of Deputy

11 Pill after the shooting and the photos can be -- may

12 be quite graphic. The other thing is there may be a

13 video that's going to be introduced of the shooting

14 which, with all due respect, may be quite graphic as

15 well. I'm telling you that to see if this is

16 something that you think you can do or you say,

17 Judge, this is just not the case I need to be on. I

18 mean, I understand --

19 JUROR NUMBER 135: Yeah, I don't know if I

20 could do it. Like I say, I keep thinking of my

21 brother being in that position, I don't know, I don't

22 think I could. I don't think I could.

23 MR. MOORE: Stipulate.

24 MR. BROWN: Agreed.

25 THE COURT: Okay. Juror Number 135, I do

1 appreciate you being here. Thank you for being
2 patient with us regarding the process. If I could
3 have gotten to you sooner and asked you these
4 questions, I would have done that, I just have to go
5 by the numbers. I am going to release you. You are
6 excused from your jury service. I do need you to
7 report downstairs to the jury assembly room. They're
8 just going to take your badge, give you some brief
9 instructions and send you on your way.

10 JUROR NUMBER 135: Okay.

11 THE COURT: Okay. Thank you very much.

12 JUROR NUMBER 135: Thank you.

13 (Thereupon, Juror Number 135 exited the
14 courtroom.)

15 THE COURT: Okay. For the record, Juror Number
16 135 is excused for cause. We can bring in Number
17 136.

18 (Thereupon, the proceedings were previously
19 transcribed.)

20 THE COURT: I think it would be appropriate for
21 us to take a ten minute break. So, we'll be in
22 recess for ten minutes.

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

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

1 (Thereupon, the defendant was escorted into the
2 courtroom by the court deputy.)

3 THE COURT: I don't see Mr. Lanning in the
4 courtroom, do you want me to wait for him?

5 MR. MOORE: We're okay. We can start.

6 THE COURT: Okay. Then we'll bring in Number
7 136.

8 (Thereupon, Juror number 38 was escorted into
9 the courtroom by the court deputy and the proceedings were
10 had as follows:)

11 THE COURT: Good morning Juror Number 138. The
12 first thing I want to do is thank you for being here.
13 Thank you for being patient with us with regard to
14 this process. When we recessed before I talked about
15 some rules that govern your service as a juror.
16 Those rules came into effect at this time I announced
17 them. So, I'm going to ask you about that first.
18 Since I implemented those rules, have you read or
19 been exposed to reading newspaper headlines and/or
20 articles relating this trial?

21 JUROR NUMBER 138: No.

22 THE COURT: Have you -- have you seen or heard
23 television, radio, or Internet comments about this
24 trial?

25 JUROR NUMBER 138: No.

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

4 JUROR NUMBER 138: No.

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

8 JUROR NUMBER 138: No.

9 THE COURT: Okay. Let me ask you about what
10 you may have known about this case prior to coming to
11 the courthouse. Did you know anything about this
12 case either from your own personal knowledge, rumor,
13 by discussion with anyone else, or from the media,
14 including radio, television, Internet, electronic
15 device, or newspapers.

16 JUROR NUMBER 138: Did I know of it?

17 THE COURT: Yes. Yes, sir.

18 JUROR NUMBER 138: Yes.

19 THE COURT: Okay. Tell me what information you
20 believe that you knew about the case. And just so
21 you know, in this -- there's no right or wrong
22 answers in here, we just ask you to be honest, frank
23 and complete with your answers and just tell us what
24 you think we need to know with regard to your ability
25 to serve on this jury.

1 JUROR NUMBER 138: What I've heard is whatever
2 was on the TV news.

3 THE COURT: Okay.

4 JUROR NUMBER 138: And I listen to a lot of
5 talk radio.

6 THE COURT: Okay. So, tell me what you -- be
7 specific with what information you've learned about
8 the case.

9 JUROR NUMBER 138: That the deputy was shot.

10 THE COURT: Do you know do -- you know anything
11 what led up to that event?

12 JUROR NUMBER 138: I recall something with
13 about furniture in a hotel I think.

14 THE COURT: Okay.

15 JUROR NUMBER 138: And there was a pursuit.

16 THE COURT: Okay.

17 JUROR NUMBER 138: And that's when the deputy
18 got shot.

19 THE COURT: Okay. And did you hear about that
20 at the time the event occurred?

21 JUROR NUMBER 138: Yeah, it was pretty much
22 plastered everywhere.

23 THE COURT: Okay. And that would have been by
24 radio and television?

25 JUROR NUMBER 138: Yes, ma'am.

1 THE COURT: And then what about since then?

2 JUROR NUMBER 138: Off and on little bits and
3 pieces in the news but then it kind of tapered down,
4 didn't hear much anymore about it.

5 THE COURT: Okay. And then anything recently?

6 JUROR NUMBER 138: No.

7 THE COURT: Not anything reading up to the
8 trial, that jury selection was going on or anything
9 like that?

10 JUROR NUMBER 138: No.

11 THE COURT: Okay. Have you formed a fixed
12 opinion with regard to the guilt or the innocence of
13 the defendant?

14 JUROR NUMBER 138: It was pretty bad, pretty
15 much unfixable. I really don't feel comfortable
16 making a decision of what this young fellow's done.
17 If it gets, of course, to the death penalty part, I
18 just -- I'm just not comfortable with this case.

19 THE COURT: Okay.

20 JUROR NUMBER 138: I don't want to be hard and
21 responsibility of deciding what happens to this young
22 guy.

23 THE COURT: Okay. Is that because you have
24 feelings about the death penalty or is that because
25 you have feelings about the fact scenario of this

1 case?

2 JUROR NUMBER 138: Both. I mean, pretty much
3 what was done was unfixable and what little I know of
4 it, like, you know, it's 24/7 seven news around the
5 clock and I'm just not comfortable with it.

6 THE COURT: Okay. Let me tell you what we ask
7 you to do. Can you set aside anything that you may
8 have learned about the case, serve with an open mind
9 and reach a verdict based only on the law and the
10 evidence presented in this trial in this courtroom?

11 JUROR NUMBER 138: Probably not.

12 THE COURT: Okay. When you say probably not,
13 what I tell me people is let's say you're picked as a
14 juror in this case and you go into the deliberation
15 room and you're about to deliberate the case, and I'm
16 talking about the guilt or the innocent of the four
17 counts, then you -- you remember in your mind that
18 something you that you had heard outside the
19 courtroom and you remember that you never heard it in
20 this courtroom, it never came in by way of evidence
21 or testimony or things, you know, never, it never was
22 presented in this courtroom and you say well, I know
23 that based on what I remember hearing this
24 information out there, can you set that information
25 aside and not consider it in your deliberations?

1 JUROR NUMBER 138: I would say no. Like I
2 said, I just don't -- I'm not comfortable with it. I
3 mean, this is -- I would not be -- I'm just not
4 comfortable with it because I don't want -- this is
5 pretty bad, I don't want the fact of knowing that I
6 had a part in deciding what happens to this young
7 man. I just...

8 THE COURT: Well, it sounds like what you're
9 saying is you don't you could be fair an impartial to
10 him based on what you've already heard?

11 JUROR NUMBER 138: Yeah, based on what, you
12 know, you said Thursday I believe when I first
13 started here, you're looking for life imprisonment or
14 could possibly go to the death penalty.

15 THE COURT: Yes, sir.

16 JUROR NUMBER 138: I just don't want any part
17 of that. I mean, if you had something like theft at
18 Wal-Mart where no one got killed, no one got hurt,
19 that would be a different story but this is above my
20 paygrade so to speak. I mean, you know what I mean.

21 THE COURT: So, you're saying I don't want to
22 do this type of case, Judge?

23 JUROR NUMBER 138: Pretty much, yes, ma'am,
24 because it's bad, it's deciding this young guy's fate
25 I guess or whatever and I don't think I could do that

1 and be comfortable with myself.

2 THE COURT: I hear that you're concerned. I
3 mean, if you're to know a lot of information about
4 the case, and also I hear that you're concerned about
5 having to make the decision between death or life
6 imprisonment without the possibility of parole.

7 JUROR NUMBER 138: Correct.

8 THE COURT: I mean, do we --

9 MR. MOORE: We can stipulate.

10 MR. BROWN: Agreed.

11 THE COURT: Okay. Then Juror Number 138, we're
12 going to go ahead and -- we listened to what you said
13 and we're going to go ahead and release you as a
14 juror in this case. I just want to tell you thank
15 you for the process. I wish I could have gotten to
16 you sooner and had this conversation with you sooner
17 but I have to go by the number.

18 JUROR NUMBER 138: Yes, ma'am.

19 THE COURT: So, I do appreciate you being here
20 and I appreciate you coming to serve. I'm going to
21 release you from my courtroom. You can go
22 downstairs, talk to the jury assembly person and
23 they'll give you brief information and send you on
24 your way.

25 JUROR NUMBER 138: Okay.

1 THE COURT: Okay. Thank you, sir.

2 JUROR NUMBER 138: Thank you, ma'am.

3 (Thereupon, Juror Number 138 exited the
4 courtroom.)

5 THE COURT: Okay. Just for the record, Juror
6 Number 138 was released for cause. Okay. We can
7 bring in juror Number 139.

8 (Thereupon, Juror Number 139 was escorted into
9 the courtroom by the deputy and the proceedings were had
10 as follows:)

11 THE COURT: Good morning. Juror Number -- can
12 I have you move over one seat only because the
13 microphone is right next to you if you sit in that
14 other seat, we can pick you up. Thank you, sir.
15 Make sure they're recording what you say. Okay.
16 Good morning Juror Number 139. First of all, thank
17 you for being here. Thank you for being patient with
18 us with regard to this process. We know it's been a
19 long process for you, it's a long process for us I
20 assure you. I'm going to talk to you about the rules
21 that I implemented the last time you were here.
22 Those rules became in effect -- came into effect at
23 that time. I'm not talking about prior to you coming
24 to the courthouse. So, since I implemented those
25 rules, have you read or been exposed to reading

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

3 JUROR NUMBER 139: No.

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

6 JUROR NUMBER 139: No.

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

10 JUROR NUMBER 139: No.

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

15 JUROR NUMBER 139: No.

16 THE COURT: Now, I'm going to talk to you about
17 what's occurred prior to you coming to the
18 courthouse. Do you know anything about this case
19 either from your own personal knowledge, rumor, or by
20 discussions with anyone else, or from the media,
21 including, radio, television, Internet, electronic
22 device, or newspapers?

23 JUROR NUMBER 139: Yes.

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

1 JUROR NUMBER 139: All of it in the media.

2 THE COURT: Okay. If you could be specific
3 about what you think you know.

4 JUROR NUMBER 139: Basically I watch one
5 channel through the household.

6 THE COURT: And what channel is that?

7 JUROR NUMBER 139: Channel 13.

8 THE COURT: Okay.

9 JUROR NUMBER 139: And I'm not an avid news
10 person, I sort of leave it on from one room to the
11 next.

12 THE COURT: Okay.

13 JUROR NUMBER 139: There's portions that I may
14 have missed. I do work a lot of hours so I don't
15 have the time to sit and really sit and analyze and
16 watch a lot of TV. Therefore, I've heard bits and
17 pieces about it. I don't know all the instances
18 involved. From what I do know was the unfortunate
19 incident that occurred and whatever way the news
20 media presented it.

21 THE COURT: Okay. I mean, I assume you know
22 there was a death of a police officer?

23 JUROR NUMBER 139: I do know that.

24 THE COURT: Okay. Do you know any specifics
25 about that?

1 JUROR NUMBER 139: No.

2 THE COURT: Okay. What about things that have
3 happened since the death of the police officer?

4 JUROR NUMBER 139: Specifically, no, not
5 really.

6 THE COURT: Okay. Did you know that there was
7 jury selection that was about to take place?

8 JUROR NUMBER 139: I had heard that.

9 THE COURT: Okay. Do you know anything about
10 anyone else involved with regard to the event?

11 JUROR NUMBER 139: I don't know anyone related
12 to it, no.

13 THE COURT: No, I mean with regard to a
14 codefendant. Do you know anything about a
15 codefendant?

16 JUROR NUMBER 139: No.

17 THE COURT: Okay. As a result of you -- as a
18 result of what you've been exposed to, have you
19 formed any fixed opinions about the case?

20 JUROR NUMBER 139: I can't say that I'm partial
21 one way or the other, no.

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

1 verdict based only on the law and the evidence
2 presented in this trial in this courtroom, would you
3 be able to do that?

4 JUROR NUMBER 139: I agree with that, yes.

5 THE COURT: Okay. What if you were in
6 deliberations on the charges deciding guilty or not
7 guilty on the four counts and you remember some
8 information that you heard out here but you never saw
9 it come before you by way of evidence in this case,
10 by way of exhibits or by way of testimony and you
11 recalled that, would you be able to set that aside
12 and not consider that in your deliberation?

13 JUROR NUMBER 139: I believe so.

14 THE COURT: Okay. I mean, we ask you as a
15 juror to commit that you can do that, can you do
16 that?

17 JUROR NUMBER 139: Yes I can.

18 THE COURT: Okay. Now, the next question I'm
19 going to ask you is kind of an open ended question, I
20 ask is it that way on purpose. What are your views
21 with regard to the death penalty?

22 JUROR NUMBER 139: They are mixed, I try to
23 keep an open mind on things until I know the facts.

24 THE COURT: Okay. So, I mean, if I were to put
25 words in your mouth, are you for it under certain

1 circumstances or not for it?

2 JUROR NUMBER 139: I would say for it under
3 certain circumstances.

4 THE COURT: Okay. I'm going to tell you
5 briefly about the process, the attorneys will get
6 more in depth with regard to that. The first part of
7 the trial is called the guilty phase. In the event
8 there is a guilty verdict on Count I, and it only
9 pertains to Count I, and Count I is murder of the
10 first degree, then -- only then would you proceed to
11 a second phase called the penalty phase and for
12 purposes of the penalty phase there's already a
13 guilty verdict on murder of the first degree. In the
14 penalty phase I will instruct you that you are to
15 consider -- you are to make a recommendation to the
16 Court as to the penalty and you are to consider death
17 and life in prison without the possibility of parole
18 as possible penalties, would you be able to consider
19 both penalties?

20 JUROR NUMBER 139: It's not one or the other
21 you're saying?

22 THE COURT: It is one or the other but in your
23 deliberation and thought process you have to be open
24 minded to consider both and you can come to whatever
25 conclusion you wish.

1 JUROR NUMBER 139: Yes.

2 THE COURT: And I'm going to give you
3 instructions on how to help you arrive there but the
4 ultimate decision is going to be yours as the juror
5 but you have to be open minded to consider both.

6 JUROR NUMBER 139: I believe I would be open
7 minded to consider both.

8 THE COURT: Okay. Are you of the opinion that
9 death is the only appropriate penalty for murder in
10 the first degree?

11 JUROR NUMBER 139: Never being placed in this
12 type of a situation, it's going to be very hard to
13 answer until I hear all the facts.

14 THE COURT: Okay. We know that people -- we're
15 asking people questions that they probably never
16 thought of before.

17 JUROR NUMBER 139: Exactly.

18 THE COURT: And we understand that. So, if it
19 takes you a moment to think about it, do that.

20 JUROR NUMBER 139: Sure.

21 THE COURT: There's no right or wrong answers
22 in here, we just ask you to be frank, honest and
23 complete, but there's no right or wrong answers. I
24 mean, this isn't a topic that most people discuss
25 over dinner at night. So, we understand that. The

1 other question I'm going to ask is are you of the
2 opinion that death is the only appropriate penalty
3 for premeditated murder in the first degree? I mean,
4 if the State proved premeditated and there was a
5 guilty verdict, I would still ask you to consider
6 both upon penalties, death and life in prison without
7 the possibility of parole, would you be able to
8 consider both?

9 JUROR NUMBER 139: I would be able to consider
10 both.

11 THE COURT: Okay. Okay. Questions by the
12 State.

13 MR. BROWN: Yes, Your Honor.

14 THE COURT: Thank you, sir.

15 MR. BROWN: Juror Number 139, good morning.

16 JUROR NUMBER 139: Good morning.

17 MR. BROWN: I'm going to cover some topics with
18 you concerning the death penalty, the process that a
19 juror goes through to have to make that
20 recommendation to the Court. Some of them I cover I
21 know the Court covered with you all last Thursday but
22 it has been several days and she gave you a lot of
23 information in a compressed period of time. So, I
24 want to go through the process with you and ask you
25 some questions about it. Okay?

1 JUROR NUMBER 139: Sure.

2 MR. BROWN: First thing is obviously she talked
3 about to even get to that stage the jury would have
4 to return a verdict of guilty of first degree murder.
5 If the jury comes back with a lesser such as second
6 degree murder, the death penalty is off the table,
7 the sentencing is entirely up to Her Honor and as a
8 juror your service, your duty would be complete at
9 that point. So, if the jury comes back guilty on
10 first degree murder, what happens is we would
11 reconvene and you would hear additional evidence and
12 given a new set of instructions. Okay. And there
13 are two ways that the State can prove first degree
14 murder, one is through what's known as premeditated
15 murder, the second is what's known as felony murder.
16 Either one leads to a conviction of first degree
17 murder and would put us into the step where the jury
18 would reconvene and make a sentencing recommendation.
19 We may prove it one way, the other or both. So, jury
20 comes back, you hear the additional evidence, the
21 Court gives you the set of instructions. The first
22 thing she's going to tell you to look at, examine,
23 are what's known as aggravating circumstances, and
24 she mentioned it's a statutory list. And I expect it
25 to be more than one, maybe three, maybe four, maybe

1 five, maybe six, but those are circumstances that
2 increase the gravity of the crime or the harm to the
3 victim and it's to those circumstances and those
4 alone that you can look to to justify a
5 recommendation of the death penalty. Kind of as you
6 think the name aggravating, it's related to the
7 crime, the gravity of it or the harm to the victim,
8 it's factors above and beyond just than what's needed
9 for first degree murder. She's going it tell you
10 that we have to prove those beyond and to the
11 exclusion of every reasonable doubt. It's the same
12 burden as you would for the guilt phase, same burden
13 for the aggravation. If you look at it and you find
14 that the State has not proven any, then your
15 recommendation has to be for life. If you look at it
16 and find that the State's proven at least one, may
17 have proven more than one, may have proven everything
18 on the list, take what we've proven and the question
19 would be do these aggravating circumstances justify
20 the imposition of the death penalty. If your answer
21 is no, then obviously you're back to a recommendation
22 of life. If your answer is yes, you move to the
23 second step of the analysis and that's what's where
24 the mitigating circumstances come into play.

25 As the Court told you, if you recall, those are

1 things concerning basically the defendant, his life,
2 background, character, things of that nature, and
3 what the Court's going to tell you is you have to go
4 through and weigh those.

5 JUROR NUMBER 139: Yes, I remember hearing
6 that.

7 MR. BROWN: Now, you made, I'm certain, in your
8 life be it personal and/or professional some key and
9 important decisions, fair to say?

10 JUROR NUMBER 139: Fair to say.

11 MR. BROWN: And when you've made those
12 decisions, did you try to look at all the factors
13 involved?

14 JUROR NUMBER 139: You would.

15 MR. BROWN: And some of those factors you
16 looked and found to be pretty darn important and you
17 gave them great weight in coming to your decision,
18 right?

19 JUROR NUMBER 139: Yes.

20 MR. BROWN: Other factors, other factors you
21 looked at you considered but you decided those have
22 very little importance you gave them very little
23 weight right, fair?

24 JUROR NUMBER 139: That's fair to say.

25 MR. BROWN: That's how most of us make key and

1 critical decisions. The Court's going to tell you
2 it's the same process here is that everything that's
3 been proven, you consider.

4 JUROR NUMBER 139: Okay.

5 MR. BROWN: You may decide to give it great
6 weight, you may decide to give it very little weight
7 and the key here is we can't ask you how much --
8 today how much weight you give to certain factors
9 because you would have no idea. You haven't heard
10 anything, you don't know what there is to know about
11 the case. So, you don't know how much you're to give
12 to an aggravator, how much weight you're going to
13 give to a mitigator, the key is if it's proven will
14 you agree to consider it?

15 JUROR NUMBER 139: Yes, I would consider it.

16 MR. BROWN: Okay.

17 JUROR NUMBER 139: And I agree with you.

18 MR. BROWN: Okay. So, the next step is she's
19 going to tell you to go through the weighing process
20 and the Judge is not going to tell you how much
21 weight to give to either an aggravators or a
22 mitigator. There's no magic formula here she's going
23 to say X amount of weight for aggravator one, Y
24 amount of weight for mitigator one, that's a decision
25 you as a juror you individually make. Okay?

1 JUROR NUMBER 139: Yes, sir.

2 MR. BROWN: And you go through and you weigh.
3 If the mitigation outweighs the aggravation, then
4 your recommendation has to be for life. If you find,
5 however, that the mitigation does not outweigh the
6 aggravation, the aggravating factors, then you're in
7 a position where you can legally recommend to the
8 Court the death penalty. The judge is not going to
9 tell you if the State proves A, B, C and D that you
10 must return a recommendation for death. In fact,
11 what she's going to tell you is you're never required
12 or obligated to make that recommendation. What you
13 are required, obligated to do, however, is go through
14 that weighing process. So, if you find the State's
15 proven the aggravating circumstances and that you
16 weigh them with the mitigation and the mitigating
17 circumstances do not outweigh the aggravators, at
18 that point after that weighing process if you feel
19 the death penalty is justified, that's when you can
20 make the recommendation of death. Any questions
21 about that process?

22 JUROR NUMBER 139: No, it's clear as mud. So
23 to speak, I don't understand all the terminology but
24 I do understand the process. Okay. You're throwing
25 words out there that I'm sure I'll get more familiar

1 with as time goes by and it's not like every day you
2 hear these terms you're in a situation but I
3 understand what you're saying.

4 MR. BROWN: That's what I'm trying to tell you.

5 JUROR NUMBER 139: You have to weigh out the
6 differences, the good and the bad, and what
7 constitutes those.

8 MR. BROWN: Right. That's why I'm trying to
9 take it step by step because I agree, this is not a
10 topic that you probably ever spent any time with.
11 So, we start throwing it out to you, so. We have to
12 cover it but I figure that's the best is to go step
13 by step, make sure you at least understand the
14 process. With that process, do you feel you can do
15 it?

16 JUROR NUMBER 139: I feel I could.

17 MR. BROWN: Confident in your abilities to do
18 that?

19 JUROR NUMBER 139: I'm confident in myself.

20 MR. BROWN: Okay. And going through that
21 process looking at the aggravators and mitigator and
22 weighing them, if you feel that the death penalty is
23 appropriate, can you return a recommendation of
24 death?

25 JUROR NUMBER 139: That's something I haven't

1 thought about, you know, you're asking me up front
2 if -- would you mind repeating that?

3 MR. BROWN: I'm not asking you will you. If
4 you go through this weighing process and you find
5 that the mitigation does not outweigh the aggravation
6 and you feel that the death penalty is justified and
7 appropriate, can you make a recommendation of death?

8 JUROR NUMBER 139: It's a possibility, yes.

9 MR. BROWN: Okay. Do you have any religious
10 beliefs, moral beliefs, philosophical beliefs, family
11 history, feelings, whatever it may be, that causes
12 you any concern, undue concern, undue heartache,
13 difficulties or problems with having to make that
14 decision?

15 JUROR NUMBER 139: No. I do have a strong
16 family background but no.

17 MR. BROWN: And obviously, you know, we ask
18 these questions, we need to have somebody that if
19 somebody is going to vote for death penalty in every
20 circumstance wouldn't be appropriate, likewise,
21 somebody who's going to vote for a life sentence in
22 every circumstances would not be an appropriate juror
23 and that's why I ask the question to you. I'm not
24 asking will you vote, how you would vote, just can
25 you return a recommendation of death if you feel it's

1 justified?

2 JUROR NUMBER 139: It's a possibility yes.

3 MR. BROWN: Okay. Now, do you come into court
4 today with any thought or an idea that well, I would
5 vote for death in perhaps one or two circumstances,
6 and most people tend to throw out and say a mass
7 murderer and nothing else.

8 JUROR NUMBER 139: I have no problem.

9 MR. BROWN: As I talked about, the Court's
10 going to give you that list of the aggravating
11 circumstances and that's what you're to look to to
12 determine whether or not the death penalty is
13 justified. Are you open to the list that she gives
14 you?

15 JUROR NUMBER 139: I would be.

16 MR. BROWN: Okay. And just to make certain
17 you're not coming in with an idea of well, I don't
18 care what's on that list, it's either this or that or
19 else it's going to be life. You don't feel that way?

20 JUROR NUMBER 139: Say that again, please.

21 MR. BROWN: You don't come in here with a
22 thought process that well, if one or two are not on
23 that list, then I don't care what else is there, I'm
24 looking for these one or two factors.

25 JUROR NUMBER 139: I haven't entered here with

1 that terminology, no.

2 MR. BROWN: The next topic I want to cover, and
3 I cover this with each person so it's not that I
4 think would you go down this road but I bring it up
5 to make certain and also if you see somebody else
6 doing it. As I mentioned to you when I first came up
7 here, the jury comes back with something less than
8 first agree murder such as second degree murder,
9 death penalty is off the table, you wouldn't come
10 back for that second portion of the trial, there
11 wouldn't be a second portion. So, in a way a juror
12 can sit back and say, you know, I don't want to be in
13 that situation, I don't want to have to make this
14 decision and vote for life or vote for death, so I'm
15 simply going to go down to second degree murder and
16 avoid being put in that situation regardless of what
17 the evidence is. Do you feel that would affect --
18 that type of thought process would affect your
19 deliberation at all?

20 JUROR NUMBER 139: It's unclear to me what the
21 options are and I don't know how I would -- I can't
22 say at the moment because I don't know what the
23 options are for the outcome. My understanding was it
24 was going to be based on one or the other.

25 MR. BROWN: Right. Well, what happens is the

1 first step the jury has to determine whether or not
2 the defendant is guilty and if he is guilty what is
3 he guilty of and the main charge is first degree
4 murder. Now, there will be lesser charges called
5 lesser included charges one of which would be second
6 degree murder and there may be others.

7 JUROR NUMBER 139: Again, I don't know what the
8 differences are.

9 MR. BROWN: Right.

10 JUROR NUMBER 139: In what first or second or
11 premeditated or those various charges.

12 MR. BROWN: And again, I'm not asking you to
13 say how would you vote, this or that, but the concern
14 that I have is that a juror would say regardless of
15 what the evidence proves, I'm going to go down to a
16 lesser charge simply to avoid having to come back and
17 make a decision on the recommendation on a life or a
18 death penalty. See what my concern there is?

19 JUROR NUMBER 139: Again, I don't know.

20 MR. BROWN: Do you think that might be a
21 thought process you would entertain?

22 JUROR NUMBER 139: You mean a lesser?

23 MR. BROWN: Yes, simply to avoid having to make
24 that decision.

25 JUROR NUMBER 139: I can't say at the moment, I

1 don't know what the situation and all of the
2 findings, all the findings are and the charges are
3 and just -- there are too many factors involved.
4 Anything is a possibility I would say.

5 MR. BROWN: Okay.

6 JUROR NUMBER 139: Honestly, I don't know.

7 MR. BROWN: Judge, I have no further questions.

8 THE COURT: Okay. Questions by the Defense.

9 MR. MOORE: Good morning.

10 JUROR NUMBER 139: Good morning, sir.

11 MR. MOORE: Clear as mud that covers the
12 ground, isn't that the rest of that expression?

13 JUROR NUMBER 139: It is, it's one I use at
14 work quite a bit.

15 MR. MOORE: Right. I thought I'd fill in the
16 blanks and tell you that's exactly what you're
17 thinking. It's like sort of drink -- here's another
18 favorite, it's like drinking out of a fire hydrant
19 sort of, the stuff going at you. But the -- just to
20 put things in context, I never know what you're
21 thinking, we don't, that's why we do this.

22 JUROR NUMBER 139: Right.

23 MR. MOORE: We're not talking in the abstract
24 about a hypothetical defendant out there who may or
25 may not get the death penalty, we're talking about

1 the process if you're chosen as a juror which could
2 lead to the sentencing of death and the execution of
3 that young man right there, twenty-four years old,
4 Brandon Bradley. We're not talking in the abstract,
5 we're talking about that human being. So, when we
6 talk about this, I don't know that I need to point
7 that out, but be mindful of that.

8 Can you think of types of first degree murder,
9 types of first degree murder where your thought would
10 be, you know, that ought to be punishable, you know,
11 that murder right there, that person should get the
12 death penalty, can you think of a short list of those
13 types?

14 JUROR NUMBER 139: You asked me things that I
15 I've heard and learned through my life?

16 MR. MOORE: Sure, you know, high profile,
17 usually the high profile are ones that are the worst
18 and like would be --

19 JUROR NUMBER 139: Proven?

20 MR. MOORE: Of course. We're talking about --
21 well, let's say you here on Channel 13 or whatever
22 your TV station is that a man -- a person has been
23 arrested for murder of a child or children or a
24 serial murderer, you know, those types or.

25 JUROR NUMBER 139: I really can't say honestly

1 without being involved in the process that I can
2 honestly say that person should have been put to
3 death, that person is guilty, I don't know all the
4 facts involved and without knowing that I can't
5 honestly say that I would make that decision.

6 MR. MOORE: And let me just back off here a
7 second and point out something which is not obvious
8 to somebody in your position and that is you may feel
9 like we're asking you to pigeon hole, you know, to
10 pick, you know, I'm in that category or I'm in that
11 category and I don't feel like I belong in either
12 category but I'm told I have to commit to something
13 and that's not the case because as adults, as grown
14 ups we like to think that we can take a position and
15 not seem unclear or fuzzy about it, but in here if
16 your answer is I can't say that, yes, I can't say no,
17 the best I can say is I don't know, then in here it's
18 extremely important if that's your answer if you tell
19 us that is your answer. You're not faulted because
20 you're not sure. The problem is you're not -- and
21 I'm not implying anything, the problem arises if
22 you're not sure what your position is on whether you
23 can do this or that and you don't tell us.

24 JUROR NUMBER 139: I think your original
25 question was historically could I have made that

1 decision and my answer was I can't say that I would
2 without being involved in the process.

3 MR. MOORE: What I want to make clear is nobody
4 is asking you to say what would you do right now, how
5 would you vote, life or death, guilty or innocent.
6 Of course, you can't say that and we can't ask you
7 that. So, that's not what we're asking. What we're
8 asking you is can you if you're asked, if you think
9 it's appropriate, can you vote for death, which
10 you've been asked, but that implies also the flip
11 side, can you also, if you think it's, appropriate
12 vote for life without parole and I think your answer
13 is --

14 JUROR NUMBER 139: Was yes, I could honestly
15 weigh it out and make a decision.

16 MR. MOORE: Right. Let me ask about the media,
17 what you've heard. You indicated that a deputy --
18 you knew a deputy had been killed. Do you recall the
19 manner of death, how the deputy was killed?

20 JUROR NUMBER 139: It was a shooting.

21 MR. MOORE: A shooting. Do you recall anything
22 about a hotel or furniture taken or a robbery or
23 anything like that?

24 JUROR NUMBER 139: Property.

25 MR. MOORE: Property stolen from a hotel, do

1 you recall any of those facts? Do you remember from
2 what you heard on TV?

3 JUROR NUMBER 139: Yes.

4 MR. MOORE: Did you see at any point a picture
5 of Mr. Bradley in connection with any of these?

6 JUROR NUMBER 139: No, only during the arrest.

7 MR. MOORE: What do you recall about that?

8 JUROR NUMBER 139: An apprehension and taking a
9 person away. I didn't see the person involved in
10 anything that led up to that.

11 MR. MOORE: When we -- when we decide on a
12 source of news we, I think, give to that source a
13 label of believability, credibility, reliability,
14 would that be true for you, you're not going to watch
15 a channel that you think is totally incredible, full
16 of garbage, you're going to choose one you think, you
17 know, they probably got some of this right, maybe
18 most of it right.

19 JUROR NUMBER 139: Well, I have to say that I
20 do feel that some of them are biased and they don't
21 present all the facts all the time correctly and I do
22 watch some of the political channels and I can tell
23 some of them are biased.

24 MR. MOORE: Okay. That's -- what I think I'm
25 getting at is a little bit different. It's not a

1 slant so much as it is accurate reporting of the
2 facts and, of course, as grown ups we learn to be
3 skeptical of what we hear and not accept anything at
4 face value. However, if you watch a news channel, I
5 think it might be safe to assume that you believe and
6 would agree that what you're hearing is reliable to a
7 degree?

8 JUROR NUMBER 139: To a degree.

9 MR. MOORE: Sure. And so, at this point having
10 heard what you heard and recalling what you think you
11 know about this case, do you have an opinion,
12 whatever your opinion is, as to the guilt of
13 Mr. Bradley? Do you remember what I said? I mean,
14 it could be yes, I do, no, I don't, I don't know.
15 I'm not trying to put words in your mouth, I'm just
16 trying to find out what your feelings are.

17 JUROR NUMBER 139: You're asking me if I have
18 formed an opinion?

19 MR. MOORE: Yes, I am.

20 JUROR NUMBER 139: I feel that there is a level
21 of guilt.

22 MR. MOORE: Let's put that on a scale. Let's
23 try to quantify this if it's quantifiable. Ten being
24 without a doubt, beyond a reasonable doubt, and zero
25 being not guilty, where would you put your feelings?

1 Could you put a number on the degree to which you
2 think there may be guilt?

3 JUROR NUMBER 139: Not knowing all the facts
4 involved, what led up to, it I know that the incident
5 did take place and we lost somebody and there's
6 parties involved, there is a burden of guilt and I
7 think that's what we're trying to determine is where
8 it lies and how severe it is.

9 MR. MOORE: Right. Well, as you go into this
10 process, do you feel that your feelings about the,
11 whatever the degree of guilt is of Mr. Bradley, is
12 that going to be like the elephant in the room, it's
13 there, you can't ignore it and it's there, right?
14 So, to what degree is that elephant going to fill up
15 your room? Is it going to be --

16 JUROR NUMBER 139: I'm not getting that
17 scenario.

18 MR. MOORE: All right. I'm asking if you
19 have -- I'm not criticizing you. I don't want you to
20 take it that way. We're just trying to get at what
21 your thought process is, what your thinking is at
22 this point.

23 JUROR NUMBER 139: Honestly how do I feel?

24 MR. MOORE: Well, that and to what degree would
25 it affect your deliberations in this case. Does the

1 State have a leg up at this point? Do you assume
2 that he's guilty and so the Defense will have to
3 prove he's innocents or? I don't know, I'm just
4 throwing some ideas out.

5 JUROR NUMBER 139: Well, we do know what
6 happened and what went down. So, it did definitely
7 happen.

8 MR. MOORE: Let me focus on that. You say we
9 know it happened, what happened? What is your
10 opinion of what happened?

11 JUROR NUMBER 139: The shooting death.

12 MR. MOORE: And what is your opinion of
13 Mr. Bradley's involvement in that?

14 JUROR NUMBER 139: He was a large part of it.

15 MR. MOORE: And so at this point you believe
16 Mr. Bradley is responsible for shooting the deputy?

17 JUROR NUMBER 139: Yes.

18 MR. MOORE: If the Court instructed you to
19 presume Mr. Bradley is innocent, would you be able to
20 follow that instruction or not, or maybe you don't
21 know?

22 JUROR NUMBER 139: I would -- I think that I
23 would have to say yes.

24 MR. MOORE: So, it would be difficult?

25 JUROR NUMBER 139: It would be difficult.

1 MR. MOORE: So, I'm going to suggest something,
2 you can agree or disagree. Would it be fair to say
3 that it would be difficult if not impossible for you
4 to follow that instruction, presuming Mr. Bradley is
5 innocent at this point?

6 JUROR NUMBER 139: Say that again, please.

7 MR. MOORE: Yes. Would you agree or disagree
8 with this.

9 JUROR NUMBER 139: Okay.

10 MR. MOORE: Would it be difficult, if not
11 impossible, for you to presume Mr. Bradley is
12 innocent? If the Court instructed that you must if
13 you sit on the jury presume that he's innocent, in
14 your heart of hearts would you say I don't think I
15 can do that?

16 JUROR NUMBER 139: I believe the law requires
17 you to.

18 MR. MOORE: But the point -- the question is
19 can you? There's no right or wrong answer, just
20 whatever it is you think.

21 JUROR NUMBER 139: I'm going to have to say no.

22 MR. MOORE: You could not follow that
23 instruction?

24 JUROR NUMBER 139: I could follow the
25 instruction of presumption.

1 MR. MOORE: What was the part that you had to
2 say no to? I understood that you -- when I asked
3 that you had -- it would be difficult, if not
4 impossible, for you to follow that instruction. Did
5 I get that right?

6 JUROR NUMBER 139: Knowing what I know.

7 MR. MOORE: So, is that correct, it would be
8 hard, if not impossible, for you to follow that
9 instruction, presumption of innocence?

10 JUROR NUMBER 139: Knowing what I know it would
11 be hard to follow that.

12 MR. MOORE: All right. Judge, may we approach?

13 (Thereupon, a benchside conference was had out
14 of the hearing of Juror Number 139 as follows:)

15 MR. MOORE: I -- you know, I could spend
16 another ten minutes but if I don't need to, I won't.

17 MR. BROWN: I stipulate.

18 THE COURT: Okay.

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

21 MR. MOORE: Thank you, sir.

22 THE COURT: Okay. Number 139, at this time we
23 are going to excuse you from being considered as a
24 juror in this case. Once again, I want to thank you
25 for your service. Thank you for being here. Thank

1 you for being patient with us with regard to the
2 process. I am going to release you. If you'll go
3 downstairs, talk to the jury clerk, the jury clerk
4 will just give you some brief information and you'll
5 be free to go about your business.

6 JUROR NUMBER 139: Okay.

7 THE COURT: Okay. Thank you, sir.

8 (Thereupon, Juror Number 139 exited the
9 courtroom.)

10 THE COURT: Okay. For the record, I'll release
11 Juror Number 139, that will be for cause. We can
12 bring in Juror Number 129.

13 (Thereupon, Juror Number 129 was escorted into
14 the courtroom by the court deputy and the proceedings were
15 had as follows:) 129

16 THE COURT: Good morning Juror Number 129. I
17 want to thank you for being here. Thank you for
18 being patient with the process. Tell me what
19 happened this morning.

20 JUROR NUIMBER 129: This morning I fall sleep
21 and I had been moving my parents up to Georgia and so
22 it was just a rough weekend with having to move all
23 their stuff and eighteen hours there and back and
24 this morning because the time changed this weekend,
25 last night I put my alarm on but I forgot to change

1 the clock.

2 THE COURT: So, you said you moved your
3 parents?

4 JUROR NUIMBER 129: Yeah.

5 THE COURT: Okay. So, you were up there and
6 going back and forth?

7 JUROR NUIMBER 129: Yeah.

8 THE COURT: Okay. Do you think it will be a
9 problem getting here? We thought maybe it had
10 something to do with the time change. Do you tink it
11 would a problem getting here and being here on time
12 timely?

13 JUROR NUIMBER 129: In the future I'll be here
14 on time.

15 THE COURT: Okay. Okay. When we talked last
16 week I implemented some rules that were in effect.
17 Those rules started at that time. So, I'm going to
18 ask you about since those rules came into effect,
19 have you read or been exposed to reading newspaper
20 headlines and/or articles relating to this trial or
21 its participants?

22 JUROR NUIMBER 129: No.

23 THE COURT: Have you seen or heard television,
24 radio, or Internet net comments about this trial?

25 JUROR NUIMBER 129: No.

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

4 JUROR NUIMBER 129: No.

5 THE COURT: And have you discussed this case
6 with the other jurors or allowed anyone to discuss it
7 in your presence or with anyone else or allowed
8 anyone to discuss it in your presence?

9 JUROR NUIMBER 129: No.

10 THE COURT: Okay. Now I'm going to talk to you
11 about what you may have learned about the case
12 previously.

13 JUROR NUIMBER 129: Okay.

14 THE COURT: Okay. Do you know anything about
15 this case either from your own personal knowledge,
16 rumor, by discussions with anyone, or from the media,
17 including radio, television, or Internet comments,
18 electronic device, or newspapers?

19 JUROR NUIMBER 129: I heard about it on the
20 news.

21 THE COURT: Okay. When would you have heard
22 about it?

23 JUROR NUIMBER 129: The day or the day after
24 that it happened.

25 THE COURT: Okay. Have you heard anything

1 since then?

2 JUROR NUIMBER 129: News media throughout that
3 week or month or whatever, since then, no, other than
4 the trial is coming up.

5 THE COURT: Okay. I want to tell you first
6 that there's no right or wrong answers in here, all
7 we ask you to do is be honest, complete, frank. Not
8 asking for a specific answer to any questions, just
9 want to know what your opinion is about that. Be
10 specific about what information you think you know
11 about the case.

12 JUROR NUIMBER 129: I just know it happened and
13 I mean I know --

14 THE COURT: You know there was a deputy that
15 got shot?

16 JUROR NUIMBER 129: Yes.

17 THE COURT: Okay. And what else?

18 JUROR NUIMBER 129: That there was a car chase
19 and then I think the car got in an accident and --
20 all I know is it's really big news. I'm pretty sure
21 at the time this happened I was (unintelligible) and
22 I remember, you know, flags half mast and everything.
23 So, there was talk amongst us in the fire academy as
24 well so. But other than that, I mean, just whatever
25 was on the news, I didn't learn any specifics.

1 THE COURT: So, when you say you watched what
2 was on the news on TV?

3 JUROR NUIMBER 129: Actually, probably more
4 radio because I don't really watch the news, but I
5 heard it on the radio as far as the news broadcast
6 across the raid. No, I do think I saw on TV they
7 were showing pictures of what had happened and what
8 had occurred and where the car was at the end of the
9 car chase or whatever.

10 THE COURT: Did you ever see a picture of
11 Mr. PR Bradley prior to coming to court?

12 JUROR NUIMBER 129: Yes.

13 THE COURT: Okay. And what about more recent,
14 anything more recent, about jury selection or things
15 of that nature?

16 JUROR NUIMBER 129: Just that the trial was
17 coming up but, no, I didn't.

18 THE COURT: Okay. One of the things that we
19 ask you to do if you're going to be a juror in this
20 case is to set aside what you may have learned about
21 the case, serve with an open mind and reach a verdict
22 based only on the law and the evidence presented in
23 this trial in this courtroom, do you think you can do
24 that?

25 JUROR NUIMBER 129: Yeah.

1 THE COURT: Now, do you think -- have you
2 formed any fixed opinion about the guilt or innocence
3 of the defendant?

4 JUROR NUIMBER 129: Yeah.

5 THE COURT: Okay. Based on what you have heard
6 previously?

7 JUROR NUIMBER 129: Yes.

8 THE COURT: Okay. In the courtroom what
9 happens is I give you instructions that tell you that
10 the State has the burden of proof. The State has to
11 prove each element of each count beyond and to the
12 exclusion of every reasonable doubt and the defendant
13 doesn't have to prove anything. It's the State's
14 burden of proof. So, when you start out like at this
15 time, you as a juror have to assume that the
16 defendant is not guilty. In fact, the defendant is
17 innocent because no evidence has come before you.

18 JUROR NUIMBER 129: Um-hmm.

19 THE COURT: And so you have to start with a
20 clean slate and say the defendant is not guilty, the
21 defendant is innocent, I'm going to wait and make the
22 State prove the case to me. Now, because you've seen
23 something else outside and you may have come to some
24 conclusions before you came here, can you set all
25 that aside and not presume that the defendant is not

1 guilty, not give -- give the defendant the
2 presumption of innocence? Can you do that?

3 JUROR NUIMBER 129: No.

4 THE COURT: Okay. You're saying that how you
5 feel in this case is strong enough that you're not
6 going to be able to do that?

7 JUROR NUIMBER 129: Yes.

8 THE COURT: What did you say that you do for a
9 living?

10 JUROR NUIMBER 129: I do cabinet and hardwood
11 floor refinishing.

12 THE COURT: But you were saying that you were
13 in the fire academy?

14 JUROR NUIMBER 129: Yes, I did go to the fire
15 academy and I also went through the UT program.

16 THE COURT: Okay. And you said you talked
17 about it there?

18 JUROR NUIMBER 129: Yeah, it was talked about
19 amongst my fellow classmates in the fire academy.

20 THE COURT: Okay. And so for purposes of being
21 a juror in this case, you would not be able to set
22 aside what you've learned from the outside and give
23 him the benefit of being innocent?

24 JUROR NUIMBER 129: No, I wouldn't be able to.

25 THE COURT: Okay.

1 MR. BROWN: No questions.

2 MR. MOORE: Stipulate.

3 THE COURT: Okay. Then Juror Number 129, what
4 I'm going to do is release you from service for this
5 case, consideration for this case. Thank you for
6 being here, we appreciate you being part of the
7 process. Wish I would have gotten to you sooner.
8 I'm going to have you released from my courtroom,
9 released from service. I do need you to go
10 downstairs, report to the jury assembly room and then
11 they'll give you some further brief instructions and
12 send you on your way.

13 JUROR NUIMBER 129: Okay.

14 THE COURT: Okay. Thank you, sir.

15 (Thereupon, Juror Number 129 exited the
16 courtroom.)

17 THE COURT: Okay. Just for the record, Juror
18 Number 129 is released for cause. Now, I haven't
19 called anyone else up. Go figure, you know, usually
20 we have too many and now I don't have enough. We did
21 get through seven this morning. I did call in
22 another seven for this afternoon. I was trying to be
23 a little more conservative so they didn't have to
24 wait so long. Perhaps I was too conservative. But
25 we're going to have 140 to 151. They're supposed to

1 report in this afternoon at 1:15. I do have the
2 other jurors calling back this afternoon between 1:00
3 and 5:00. Suggestions of what I should tell them?

4 MR. BROWN: Judge, the way I see it going is
5 fourteen left to do, in all likelihood we'll get to a
6 number somewhere in the low forties. So, I think
7 clearly we need Tuesday afternoon' panel and I would
8 expect, you know, we'll go through the general
9 hardship questioning of them Tuesday afternoon,
10 Wednesday and Thursday hopefully get through the
11 individual questioning and be ready to do group
12 questioning on Friday. So, I guess you can tell them
13 to call back Thursday would be my thinking and we'll
14 know whether we need them Friday or the following
15 Monday.

16 THE COURT: Mr. Moore?

17 MR. MOORE: That's fine.

18 THE COURT: Maybe I'll have them call back I
19 was thinking maybe even Thursday morning.

20 MR. BROWN: That's fine too.

21 THE COURT: We should know where we're headed I
22 would think by Wednesday, at the conclusion of court
23 by Wednesday.

24 MR. BROWN: Right, I said Thursday afternoon
25 only because you've always been telling everybody

1 1:00 to 5:00.

2 THE COURT: Yeah, I do do 1:00 to 5:00
3 normally.

4 MR. BROWN: I don't know if Thursday morning
5 works, that's fine too.

6 THE COURT: Okay. I'll have them call back
7 Thursday between 9:00 and noon. Okay. I will get
8 this list to the jury clerks, try to get you those
9 names, and at the conclusion of each day I'll give
10 her new names and get the list to you, a new list to
11 you each day. At this time I have one, two, three,
12 four, five, six, seven, eight, nine, ten, eleven,
13 twelve, which is 107 through 136. Anything else we
14 need to discuss before we break until 1:15?

15 MR. BROWN: No, Your Honor.

16 THE COURT: You want me to give you the
17 numbers?

18 MR. MCMASTER: If you would, Judge.

19 THE COURT: I have 107, 108, 113, 114, 116,
20 122, 124, 125, 126, 128, 131 and 136.

21 MR. MCMASTER: Missing 128.

22 THE COURT: That dang 128 because he went out
23 of order. Messed us up. That was 128 before.
24 Remember, he wanted to go first the other day? I
25 will give this list to the jury clerk, I'll try to

1 get that to you as soon as I can and at the end of
2 each day I'll give her a new list for the next day.
3 Okay. Any questions or concerns?

4 MR. LANNING: Judge, tomorrow evening I've got
5 an appointment at 6:30 that I'd like to keep.

6 THE COURT: Okay. I think we can do that. We
7 can accommodate that. 6:30 is late enough, we can
8 accommodate that. Okay. We'll be -- court will be
9 in recess until 1:15.

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

12 THE COURT: Please be seated. We can bring in
13 Mr. Bradley.

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

16 THE COURT: I do have that information that you
17 asked for earlier. So, I'll give two to the State
18 and then there's four for the Defense. If you want
19 more, you have to make them. I guess they just gave
20 me the list. So, the ones you specifically requested
21 are circled. On one of them they're highlighted but
22 all the rest they're circled.

23 Then I received a request for a juror to be
24 excused. Unfortunately, the numbers are a little
25 messed up. We think maybe -- I don't know how this

1 happens, but we think maybe Juror 154 and 155 are
2 actually mixed up with their numbers but it's 155,
3 your 155. No, actually we're talking about

4 [REDACTED] What do you have?

5 MR. MOORE: I have 154 [REDACTED]

6 THE COURT: Let me see this then.

7 MR. BROWN: This one?

8 THE COURT: Hold on. Okay. Who do you have as
9 155.

10 MR. MOORE: [REDACTED]

11 THE COURT: So, I guess it's 1 -- [REDACTED]

12 [REDACTED]
13 MR. BROWN: 154.

14 THE COURT: I do have a letter. I'm just going
15 to give you the letter and let you look at it and
16 pass it because I don't want the information to be
17 made a part of the public record.

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

20 THE COURT: Any objection if I released Number
21 154?

22 MR. BROWN: No, Your Honor.

23 MR. MOORE: No, Your Honor.

24 THE COURT: Okay. Juror Number 154 will be
25 released for cause. Okay. And then this afternoon

1 we have coming in Jurors 140 through 151 and then
2 Juror Number 147 asked to go first saying she wasn't
3 feeling well. Are the jurors up?

4 THE COURT DEPUTY: Yes, ma'am.

5 THE COURT: Any objection to taking 147 --

6 MR. MOORE: No objection.

7 THE COURT: -- first?

8 MR. BROWN: No, Your Honor.

9 THE COURT: Any matters that we need to discuss
10 on behalf of the State?

11 MR. BROWN: No.

12 THE COURT: Any matters that we need to discuss
13 on behalf of the Defense?

14 MR. MOORE: No.

15 THE COURT: Okay. We'll go ahead and bring in
16 Number 147. I was going to say, we just now
17 recovered from taking 128 out of order. It will take
18 us two days to recover from taking 147 out of order.

19 THE COURT DEPUTY: You kind of took 129 out of
20 order too.

21 THE COURT: I did that because I wasn't going
22 to let him go first with everyone else waiting when
23 he came in late.

24 (Thereupon, the proceedings were previously
25 transcribed.)

1 THE COURT: Now, Mr. Master, just to confirm,
2 this juror's information will be in that packet, is
3 that correct? It's not in that packet?

4 MR. MCMASTER: The information itself would be
5 in the packet, that's correct.

6 THE COURT: No, I took some of the pages out.
7 Maybe I should make sure.

8 MR. MCMASTER: I'll go through it and make sure
9 she's there.

10 THE COURT: If she's not, just let me know and
11 I'll get you the information. Okay. Are we ready --
12 we'll do 148 since apparently he was supposed to -- I
13 was supposed to get the information from. From now
14 on I'm going to have them check the numbers
15 downstairs before they come up. I hope that was
16 just -- I mean, I'm hoping that -- I'm concerned
17 about switching the numbers. Okay. If we could
18 bring in 148.

19 MR. MCMASTER: 147 is in the packet.

20 THE COURT: Okay. Thank you.

21 (Thereupon, Juror Number 148 was escorted into
22 the courtroom by the court deputy and the proceedings were
23 had as follows:)

24 THE COURT: Okay. Good morning Juror Number
25 148. The glasses you have on, are those prescription

1 glasses?

2 JUROR NUMBER 148: I (unintelligible), they're
3 prescription.

4 THE COURT: Okay. Do you need them in order to
5 have a conversation?

6 JUROR NUMBER 148: No, not really.

7 THE COURT: Okay. I just want to make sure we
8 can see you.

9 JUROR NUMBER 148: Okay.

10 THE COURT: I heard that you weren't feeling
11 well.

12 JUROR NUMBER 148: No, because I had an allergy
13 attack and I cannot take the medication because it
14 will knock me out.

15 THE COURT: Okay. Is that going to be a
16 problem for you?

17 JUROR NUMBER 148: Yes, ma'am, because I cannot
18 concentrate because, you know, when I have an allergy
19 attack I feel like a thousand needles in my eyelid
20 and my nose (unintelligible) and bothers me the most,
21 plus I got headaches.

22 THE COURT: And how frequently do you have
23 allergy attacks?

24 JUROR NUMBER 148: Well, I'm getting a shot,
25 I'm a patient with [REDACTED] So, I just got a shot

1 last Friday and he told me to stay in because
2 (unintelligible) in bloom right now. This happens to
3 me every year twice a year from this month until
4 November, you know, when the weather change. So, I
5 can't help it.

6 THE COURT: Okay. So, what I'm trying to
7 determine is whether this is an ongoing problem or
8 you think you'll be okay to be -- to serve a juror in
9 this case for the next couple weeks.

10 JUROR NUMBER 148: It's an ongoing problem, I
11 really have no control over it especially when
12 everything is in season right now in bloom.

13 THE COURT: Well, you'll be inside, I can tell
14 you that.

15 JUROR NUMBER 148: It makes no difference,
16 ma'am, when I have allergy attacks I have
17 (unintelligible) that I could be allergic in Florida
18 and I was allergic to fifty-eight, that's why I'm
19 getting the shot.

20 MR. MOORE: Your Honor, we would stipulate.

21 MR. BROWN: Yes.

22 THE COURT: Okay. Okay. Then Number 148, we
23 will release you from being considered as a juror in
24 this case.

25 JUROR NUMBER 148: Okay. Thank you.

1 THE COURT: Okay. If you'll go downstairs,
2 report to the jury assembly room, they'll give you
3 some information and then you can be on your way.

4 JUROR NUMBER 148: Okay.

5 THE COURT: Okay. Thank you.

6 (Thereupon, Jury Number 148 exited the
7 courtroom.)

8 THE COURT: Okay. For the record, Number 148
9 is released for cause. Okay. Now I'm going to start
10 back at the top. Let's bring in Number 140.

11 (Thereupon, Juror Number 140 was escorted into
12 the courtroom by the court deputy and the proceedings were
13 had as follows:)

14 THE COURT: Okay. Juror Number 140, the first
15 think I want to do is thank you for being here.
16 Thank you for being patience about the process. I
17 know it's a long process for you, I assure you it's a
18 long process for us. We are doing best we can to try
19 to get through it as quickly as possible but it is a
20 necessary process and it does at time take some time.
21 When I talked to you last Thursday we implemented --
22 I told you about some rules governing your service as
23 a juror, those rules came into effect at that time.
24 So, I'm going to ask you since that time have you
25 read or been exposed to reading newspaper headlines

1 and/or articles relating to this trial or its
2 participants?

3 JUROR NUMBER 140: Yes.

4 THE COURT: Since that time? Since those rules
5 have been in effect?

6 JUROR NUMBER 140: Oh, no. Sorry, no.

7 THE COURT: No, just since those rules and I'm
8 going to ask you if a few minutes what you know
9 before that.

10 JUROR NUMBER 140: Okay.

11 THE COURT: Since those rules have you been
12 exposed to reading newspaper headlines and/or
13 articles?

14 JUROR NUMBER 140: No.

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

18 JUROR NUMBER 140: No.

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

22 JUROR NUMBER 140: No.

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

1 JUROR NUMBER 140: No.

2 THE COURT: Now I'm going to talk to you about
3 what you may have known before. Did you know
4 anything about this case either from your own
5 personal knowledge, by rumor, by discussions with
6 anyone else or from the media, including radio,
7 television, Internet, electronic device, or
8 newspaper?

9 JUROR NUMBER 140: Yes.

10 THE COURT: Okay. Tell me what information you
11 believe you know about the case.

12 JUROR NUMBER 140: All I know is that -- what I
13 know about the case?

14 THE COURT: Just tell me what information you
15 think you gained. There was a deputy got shot,
16 that's an example.

17 JUROR NUMBER 140: That's what I do know. I
18 knew something was going on, I happened to be working
19 the day that it happened.

20 THE COURT: Okay.

21 JUROR NUMBER 140: It was on the corner -- I
22 was at a Walgreens, either Walgreens or CVS, on the
23 corner the corner of Wickham and I believe it was
24 Post and I heard police cars, lots of them, and
25 because there were so many and they closed off the

1 street, when I got home I wanted to know what was
2 going on and so I turned on the news and that's when
3 I found out what had happened.

4 THE COURT: Okay. And what did you learn from
5 the news?

6 JUROR NUMBER 140: That a female police officer
7 had been shot.

8 THE COURT: Okay. Anything else?

9 JUROR NUMBER 140: That it was during a traffic
10 stop and later on something to do with a robbery at a
11 motel.

12 THE COURT: Okay. And so you heard about that
13 from the news from television?

14 JUROR NUMBER 140: Correct.

15 THE COURT: On the date of the event?

16 JUROR NUMBER 140: Correct.

17 THE COURT: What about since then?

18 JUROR NUMBER 140: After that it was reading
19 the newspaper what was going on.

20 THE COURT: Okay. What are your general news
21 habits? Like some people sit down from a certain
22 time every day and watch the news, some people turn
23 it on and it's in the background, and some people
24 read the newspaper, some people don't, what's your
25 regular news habits?

1 JUROR NUMBER 140: I read the newspaper every
2 morning.

3 THE COURT: Okay. Is that the Today newspaper?

4 JUROR NUMBER 140: The Florida Today, yes.

5 THE COURT: And do you read it cover to cover?

6 JUROR NUMBER 140: Yes.

7 THE COURT: So, we can assume that if it was in
8 Florida Today newspaper that you've read it?

9 JUROR NUMBER 140: Right.

10 THE COURT: Did you read the two day spread
11 before the trial started a couple of weeks ago?

12 JUROR NUMBER 140: Yes.

13 THE COURT: Okay. Have you formed a fixed
14 opinion about the guilt or innocence of Mr. Bradley?

15 JUROR NUMBER 140: Yes.

16 THE COURT: Okay. What we ask you to do if you
17 were to be a juror in this case is first of all to
18 set aside anything that you may have learned about
19 the case, serve with an open mind and reach a verdict
20 based only on the law and the evidence presented in
21 this trial in this courtroom, do you think you would
22 be able to do that?

23 JUROR NUMBER 140: No.

24 THE COURT: Okay. Tell me why you think you
25 wouldn't be able to do that. And there's no right or

1 wrong answers in here, there's no -- you don't get
2 graded, what we just want you to do is be frank and
3 honest and as complete as possible.

4 JUROR NUMBER 140: Just based on the
5 information that I read in the newspaper prior to all
6 this, my immediate is he's guilty.

7 THE COURT: Because the other thing I instruct
8 you to do is that the State has the burden of proof.
9 The State has to prove each element of each count,
10 and there's four counts, to you beyond and to the
11 exclusion of every reasonable doubt. The Defense
12 doesn't have to prove anything. In fact, at this
13 moment because there's been no evidence, the
14 defendant is presumed to be not guilty. In fact, you
15 need to look at Mr. Bradley and in your mind be able
16 to say that Mr. Bradley is innocent and make the
17 State prove their case. Now, the State knows that
18 that's their burden, they know that that's their
19 responsibility. That's how every criminal trial is
20 run. So, they accept that responsibility. Would you
21 be able to give that presumption of innocence to
22 Mr. Bradley?

23 JUROR NUMBER 140: No.

24 THE COURT: You would not be able to follow
25 that instruction?

1 JUROR NUMBER 140: No.

2 THE COURT: Okay.

3 MR. MOORE: We would stipulate.

4 MR. BROWN: Agreed.

5 THE COURT: Okay. Then Juror Number 140, I am
6 going to release you from being considered as a juror
7 in this case. I wish I could have gotten to you
8 sooner. It's a process and I try to go in order. I
9 let the other two go in front of you because one of
10 them said they weren't feeling good and we got the
11 which one that wasn't feeling good wrong. So, that's
12 why they came in before you. Otherwise, I would have
13 called you first because your number was first. What
14 I do need you to do is go downstairs and just tell
15 them that you've been released, that you're not
16 scheduled to come back, they'll take your number and
17 they'll just thank you and send you on your way.

18 JUROR NUMBER 140: Okay.

19 THE COURT: Okay. Thank you.

20 JUROR NUMBER 140: Thank you.

21 (Thereupon, Juror Number 140 exited the
22 courtroom.)

23 THE COURT: Okay. Just for the record, Juror
24 Number 140 was released for cause. We can bring in
25 Number 146.

1 (Thereupon, Juror Number 146 was escorted into
2 the courtroom by the court deputy and the proceedings were
3 had as follows:)

4 THE COURT: Okay. Good afternoon Juror Number
5 146. The first thing I want to do is thank you for
6 being here. Thank you for being patient with us with
7 regard to the process. When we -- when I was with
8 you last Friday we discussed rules that govern your
9 service as a juror and just so you know those rules
10 came into effect at that time. So, I'm going to ask
11 you since that time because I'm going to talk to you
12 what you may have known previously, but since that
13 time have you read or been exposed to reading
14 newspaper headlines and/or articles relating to this
15 trial or its participants?

16 JUROR NUMBER 146: Yes.

17 THE COURT: Since that time?

18 JUROR NUMBER 146: Yes.

19 THE COURT: Okay. What would have happened
20 that you would have seen something or read something?

21 JUROR NUMBER 146: I work in marketing and we
22 do check -- I check my ads and just out of -- I go
23 through and have to check my ads out that I placed in
24 the newspaper.

25 THE COURT: Okay. Did you read the article?

1 Did you see the article and go whoops, I'm not
2 supposed to see that or read that?

3 JUROR NUMBER 146: Yeah, and then flipped,
4 yeah.

5 THE COURT: Okay. So, you didn't read the
6 whole thing, you just got exposed to it?

7 JUROR NUMBER 146: Right.

8 THE COURT: Okay. And what paper would that
9 have been?

10 JUROR NUMBER 146: Florida Today.

11 THE COURT: Okay. Then have you seen or heard
12 television, radio, or Internet comments about this
13 trial?

14 JUROR NUMBER 146: Channel 13 news seems to be
15 playing it, I walk through the hospitals and it's
16 always on, Channel 13.

17 THE COURT: And so what was -- what was on
18 there, just about that they were continuing with jury
19 selection?

20 JUROR NUMBER 146: Um-hmm.

21 THE COURT: Anything else? Any details?

22 JUROR NUMBER 146: No.

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

1 JUROR NUMBER 146: No.

2 THE COURT: Have you discussed this case with
3 any other juror members or with anyone else or
4 allowed anyone to discuss it in your presence?

5 JUROR NUMBER 146: No.

6 THE COURT: Now, if you were chosen as a juror
7 in this case, obviously you're going to be here with
8 us, is it going to be an issue trying to follow these
9 rules or, you know, be -- adhere to these rules? Is
10 that going to be difficult?

11 JUROR NUMBER 146: No, but I have other
12 extenuating circumstances that I wanted to bring to
13 the Court's attention.

14 THE COURT: Okay. Why don't we discuss those.

15 JUROR NUMBER 146: I have a brother who is
16 dying of lung cancer and we had a, just a terrible
17 weekend, I'm his caregiver and he's got between days
18 and up to three months to live.

19 THE COURT: Okay.

20 JUROR NUMBER 146: And I need to be able to
21 leave at the drop of a hat to take him, like
22 yesterday we took him, to take him again because he
23 was lethargic and glassy eyed and. He's got lung
24 cancer and brain.

25 THE COURT: Okay. And you say you're his

1 caretaker, does he live with you?

2 JUROR NUMBER 146: No, actually I have my
3 sister come in from California. Other mother passed
4 away when I was nineteen and he's not married. So,
5 it's just us and she came down last Thursday. I
6 actually let her take him for his chemo and she ended
7 up giving him more doses of his Oxycontin. So, I
8 can't trust anybody but me. So, I am the one, I am
9 completely in control of all of his medical records.

10 THE COURT: I'm just curious why we didn't hear
11 about this last week.

12 JUROR NUMBER 146: You know, and I went through
13 that because I knew you were going to ask that and I
14 think I was just amazed, I've never been this far
15 through the court process and everyone was talking
16 about monetary, I have no problem on the money side
17 of being away and I just did not bring to the
18 attention. I thought it would only be a day or two,
19 but with him failing so quickly that I had to bring
20 it up. I didn't think of bringing up at that time, I
21 knew that I would then be brought back and I would
22 bring it up. I can give you documentation you need
23 from the oncologist.

24 MR. MOORE: Stipulate.

25 MR. BROWN: Agreed.

1 THE COURT: Okay. Then 146, I will release you
2 from being considered as a juror in this case. Okay.

3 JUROR NUMBER 146: Appreciate it.

4 THE COURT: If you'll go downstairs, talk to
5 the jury clerk. She'll give you some brief
6 information and send you on your way.

7 JUROR NUMBER 146: Thank you very much.

8 THE COURT: Okay. Thank you.

9 (Thereupon, Juror Number 146 exited the
10 courtroom.)

11 THE COURT: Okay. Just for the record, Juror
12 Number 146 will be struck for cause. Okay. 149.

13 (Thereupon, Juror Number 149 was escorted into
14 the courtroom by the court deputy and the proceedings were
15 had as follows:)

16 THE COURT: Okay. Juror Number 149, good
17 afternoon.

18 JUROR NUMBER 149: Good afternoon.

19 THE COURT: First I want to thank you for being
20 here. Thank you for being patient with us with
21 regard to the process. It is a long process and it's
22 long for us, it's long for you, but I do assure you
23 that we're trying to get through the process as
24 quickly as possible. It is a necessary process but
25 it is taking some time. When I talked to you last

1 Thursday we talked -- I talked about some rules that
2 went into effect governing your service as a juror.
3 So, when I ask you these questions at first, I'm
4 talking about since those rules went into effect.

5 JUROR NUMBER 149: Okay.

6 THE COURT: Okay. So, since those rules, have
7 you read or been exposed to reading newspaper
8 headlines and/or articles relating to this trial or
9 its participants?

10 JUROR NUMBER 149: No.

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

13 JUROR NUMBER 149: No, ma'am.

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

17 JUROR NUMBER 149: No, ma'am.

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

22 JUROR NUMBER 149: No, ma'am.

23 THE COURT: Now I'm going to talk to you about
24 what you may have heard before the start of the
25 trial. Do you know anything about this case either

1 from your own personal knowledge, rumor, by
2 discussions with anyone else, or from the media,
3 including radio, television, Internet, electronic
4 devices, or newspaper?

5 JUROR NUMBER 149: Newspaper.

6 THE COURT: Okay. Tell me what information you
7 believe you know about the case. And just so you
8 know, there's no right or wrong answers in here, just
9 looking for answers that are complete, honest and
10 frank and just tell us what you think you know.

11 JUROR NUMBER 149: From the newspaper I have
12 read that there was a police officer that was shot
13 and killed and that they had a suspect, or suspects.

14 THE COURT: Okay. And is this from Florida
15 Today?

16 JUROR NUMBER 149: Yes.

17 THE COURT: Do you read Florida Today on a
18 regular basis?

19 JUROR NUMBER 149: Yes.

20 THE COURT: Do you read everything every day?

21 JUROR NUMBER 149: Not everything, I cruise
22 what I want to read and what I want to skip, what I
23 don't want to read.

24 THE COURT: So, primarily -- do you watch the
25 news?

1 JUROR NUMBER 149: No.

2 THE COURT: So, primarily the information that
3 you have would have been from Florida Today?

4 JUROR NUMBER 149: Yes.

5 THE COURT: Okay. Any other information? You
6 said that -- any other information since the day of
7 the shooting?

8 JUROR NUMBER 149: No.

9 THE COURT: I mean, there's been other
10 articles.

11 JUROR NUMBER 149: No, just, just what I had
12 read in the paper, that's all.

13 THE COURT: Okay. What about there was a two
14 day spread before the trial started on a Sunday, did
15 you read that?

16 JUROR NUMBER 149: No.

17 THE COURT: Did you see pictures of Mr. Bradley
18 in the paper?

19 JUROR NUMBER 149: Originally during the
20 arrest.

21 THE COURT: Okay. Did they talk -- when you
22 read the paper, did they talk about things that may
23 have happened before the shooting?

24 JUROR NUMBER 149: No, I don't recall anything.
25 It's been a long time ago.

1 THE COURT: Since the shooting was there
2 anything else you read in the paper other than jury
3 selection?

4 JUROR NUMBER 149: No.

5 THE COURT: One of the things we ask you to do,
6 and you have to be honest with us and tell us if you
7 can do this, can you set aside anything that you may
8 have learned about this case, serve with an open mind
9 and reach a verdict based only on the law and the
10 evidence presented in this trial in this case in this
11 courtroom?

12 JUROR NUMBER 149: I believe I can because I
13 believe that someone is not found guilty until
14 there's a jury trial and evidence is presented.

15 THE COURT: So, what I'm going to ask you is
16 let's say you go -- you've heard all the evidence in
17 the case, you're going back into the jury room to
18 deliberate and all of a sudden you think of something
19 and you say, oh, I never heard that in the trial,
20 that information never came in as evidence in the
21 trial, are you going to be able to set aside that
22 information that you thought you knew from before and
23 not consider it because it didn't come in in this
24 courtroom, you didn't hear it in this courtroom?

25 JUROR NUMBER 149: The instructions of the

1 Court is that you are presented the information and
2 that you use them.

3 THE COURT: Yeah, the instructions will be that
4 you base your opinion -- your verdict on the evidence
5 that you hear by way of the witnesses that come
6 before you, by way of the witness stand, the exhibits
7 that are introduced into evidence and the laws I
8 instruct you. So, can you do that?

9 JUROR NUMBER 149: Yes.

10 THE COURT: Okay. Then my next question is
11 have you formed any fixed opinion about the guilt or
12 innocence of the defendant?

13 JUROR NUMBER 149: No.

14 THE COURT: Okay. So, if I were to tell you
15 that the State has the burden of proof, they have to
16 prove each element of each count to you beyond and to
17 the exclusion of every reasonable doubt, that the
18 defendant -- that they have the burden, the State
19 knows they have the burden, that's how all criminal
20 trials work, and that the defendant as he sits here
21 this moment is not guilty, in fact, the defendant is
22 considered to be innocent, that is the presumption of
23 innocence, would you be able to start with a clean
24 slate and say right now Mr. Bradley is not guilty,
25 Mr. Bradley is innocent because no evidence has come

1 before me?

2 JUROR NUMBER 149: I believe that I can, yes.

3 THE COURT: Whenever you talk about believe
4 everyone's going to you have to be able to commit a
5 little bit more than that. People talk that way,
6 that's a form of speech that people use, it happens
7 frequently. So, we're not giving you a hard time
8 because you're saying that, I'm just saying even
9 though -- I realize that I say I believe, I think,
10 but I know that we're going to say hey, can you do it
11 or can you not do it. Do you think you can do it?

12 JUROR NUMBER 149: Yes I do.

13 THE COURT: You have confidence in your ability
14 to do that?

15 JUROR NUMBER 149: Yes.

16 THE COURT: Okay. The next question I'm going
17 to ask you, I'm going to change subjects on you. The
18 next question I'm going to ask you is what are your
19 views about the death penalty?

20 JUROR NUMBER 149: I'm primarily against the
21 death penalty.

22 THE COURT: Okay. If -- you say primarily
23 against.

24 JUROR NUMBER 149: Yes.

25 THE COURT: Tell me what that means.

1 JUROR NUMBER 149: It's only -- in my opinion
2 this only would be an exception to the rule and that
3 would be in a case such as like a Dahmer case where
4 there was multiple killings and torture and
5 premeditation, then maybe.

6 THE COURT: Okay. What I'm going to -- I'm
7 going to talk to you a little bit about the process
8 and then I'm going to ask you some other questions.

9 JUROR NUMBER 149: Okay.

10 THE COURT: In this case the first part of the
11 case is called the guilt phase. In the guilt phase
12 if the jury returns a verdict on Count I, and it only
13 pertains to Count I which is first degree murder, if
14 the jury returns a verdict on Count I, first degree
15 murder, then and only then -- I mean, a verdict of
16 guilty to Count I, first degree murder, then and only
17 then do we go into the second phase. The second
18 phase is called the penalty phase and in the penalty
19 phase as a juror you would be asked to follow my
20 instructions and the jury is asked to make a
21 recommendation to the Judge, to me, of possible
22 penalty of death or life in prison without the
23 possibility of parole. So, you would be instructed
24 to consider both death or life in prison without the
25 possibility of parole and then we give you more

1 detailed instructions about how you -- to help you in
2 doing that about aggravating circumstances and
3 mitigating circumstances and how you weigh those.
4 Now, if I were to instruct you that it would be --
5 that it would be your duty as a juror to consider
6 both penalties, would you be able to consider death
7 as a possible penalty for the crime of first degree
8 murder?

9 JUROR NUMBER 149: With the instruction of the
10 Court, yes.

11 THE COURT: Okay. So -- okay. So, that would
12 be -- so, you could consider both penalties and you
13 could consider death as well? I need you to answer
14 out loud.

15 JUROR NUMBER 149: Oh, I'm sorry. Yes.

16 THE COURT: Actually there's a microphone right
17 by you, that's why we have you sit in that chair and
18 everything's being recorded.

19 JUROR NUMBER 149: Okay.

20 THE COURT: Okay. Remember there's no right or
21 wrong answers, you just have to answer what you --
22 how you feel. We need your opinion. Okay. All
23 right. Questions by the State.

24 MR. BROWN: Yes, Your Honor. Juror Number 149,
25 good afternoon.

1 JUROR NUMBER 149: Good afternoon.

2 MR. BROWN: I'm going to cover questions about
3 the death penalty with you a little bit and then go
4 into the process with you, but as the Court has
5 talked about, you know, we use the term there's no
6 right or wrong answer, it's how we view it, my
7 position is if there is a wrong answer, it's an
8 answer that's not complete and not honest. Okay.
9 And this is the only opportunity we get a chance to
10 speak to you here and then eventually bring everybody
11 back together in another setting, but it gives both
12 sides an opportunity to find out as much as we can
13 about you and about your thoughts and your opinions
14 that you bring in to a particular case. So, that's
15 why I said we need your answers to be as complete as
16 you can.

17 Now, you indicated you're primarily against the
18 death penalty and why is that?

19 JUROR NUMBER 149: Because I think everybody
20 has an opportunity to repent what they've done wrong.

21 MR. BROWN: And then you also indicated in your
22 mind the only exception is like Jeffrey Dahmer,
23 multiple killings and torture, and do you feel that
24 you're limited simply to that type of a scenario?

25 JUROR NUMBER 149: I think it depends on the

1 case. I can't make that decision unless I know the
2 circumstances.

3 MR. BROWN: Okay. So, would you be -- because
4 I'm trying the question and not put the words or
5 thoughts into you, into your mouth, the Court
6 indicated you said you were primarily against it and
7 I think you used the term your only exception would
8 be that, can you see other exceptions where you could
9 vote for a death penalty or do you think you're
10 limited just to that type of scenario?

11 JUROR NUMBER 149: My feeling is it has to be
12 heinous and it has to be (unintelligible).

13 MR. BROWN: Okay. And do you foresee -- and
14 obviously I'm not going debate Jeffrey Dahmer, I
15 don't think there's anybody in the country that would
16 say that wasn't heinous, do you see other types of
17 situations beyond heinous type of mass murder or are
18 you limited really to that?

19 JUROR NUMBER 149: Well, it's not -- it would
20 have to do about the type of murder that occurred,
21 you know, not just a mass murder but a type of murder
22 that occurred.

23 THE COURT: Is that -- I think what you're
24 talking about is multiple killing and torture, is
25 that where you're going along those lines?

1 JUROR NUMBER 149: That would be the extreme
2 case.

3 MR. BROWN: Well, the extreme, the multiple
4 killing and the torture. So, when you use the term
5 heinous, are you also thinking of it has to be a
6 torturous killing?

7 JUROR NUMBER 149: Right.

8 MR. BROWN: And so it would be fair to express
9 your opinion as multiple killing or torture rather
10 than heinous?

11 MR. MOORE: Your Honor, can we approach?

12 THE COURT: Yes, you may.

13 (Thereupon, a benchside conference was had out
14 of the hearing of Juror Number 149 as follows:)

15 MR. MOORE: I think that question is misleading
16 because I think it, you know, and her thinking that
17 that is a type of murder where she would vote for
18 death, but I think the way it's asked it's made to
19 appear like that's the only kind of case where she
20 could vote for death. So, I think it needs to be
21 qualified in a way where she understands that that is
22 among the types of murders where she could vote for
23 death but not exclusively vote for death. I mean, it
24 has to be asked in the proper context. It's too
25 narrow in scope as asked.

1 MR. BROWN: The trouble is, Judge, that was her
2 initial response to the Court was the only -- she
3 said that she's primarily against it, the only
4 exception would be a mass murder and torture and now
5 under questioning she's expanding and expanding that.
6 So, she's the one who initially narrowed herself and
7 I'm simply using to the best of my ability her terms
8 and since she's kind of broadened it out I'm saying
9 would it be fair to say it's mass murder or torture
10 because she's now expanded it from what she initially
11 stated. So, I'm not --

12 THE COURT: Okay. In the context of her
13 answers, the question's appropriate, but you also --
14 I mean, obviously Defense will have an opportunity to
15 question her as well.

16 MR. MCMASTER: Judge, just a heads up, the
17 grand jury room is not open.

18 THE COURT: Okay. Thank you. I wrote that
19 down from the other day. Thanks.

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

22 MR. BROWN: Juror Number 149, the question I
23 put to you for having this discussion, would it be
24 fair to say your opinion is cases of multiple
25 killings or torturous heinous type killings?

1 JUROR NUMBER 149: I think you're putting words
2 in my mouth.

3 MR. BROWN: Okay.

4 JUROR NUMBER 149: What I'm trying to tell you
5 is, you know, the decision to put somebody to death
6 is a very big decision and I believe that people
7 sometimes make a mistake out of fear, out of anger,
8 and it's momentary circumstances. I do not believe,
9 you know, putting somebody to death for something
10 that was done in a moment of poor judgment is a good
11 thing.

12 MR. BROWN: So, do you --

13 JUROR NUMBER 149: I'm not saying that it's not
14 something that should be considered by the Court,
15 isn't that why the Court gives people directions?

16 MR. BROWN: Yes, but what I'm trying to do is
17 find out what your feelings and your thoughts are.

18 JUROR NUMBER 149: I think I told you that.

19 MR. BROWN: That's why I'm trying to explore it
20 because I'm going to go through the process with you
21 but the Court's not going to tell you if the
22 following conditions are met, A, B, C and D, that you
23 must make a recommendation of death.

24 JUROR NUMBER 149: Okay.

25

1 MR. BROWN: Okay. You're not going to get that
2 from the Court. So, the only opportunity we have is
3 to try to find out what your thoughts and feelings
4 are and to see, you know, what circumstances you
5 would you think, and the only way I know this is to
6 ask you, what circumstances you think you might be
7 willing to consider death or vote for the
8 recommendation of death and what circumstances you
9 wouldn't and that's where I'm trying to go to see --
10 some people come in and say on the one spectrum if
11 it's first degree murder they're voting for death,
12 period, and nothing else matters. Other people come
13 in on the spectrum and say I don't care what the
14 situations are, my personal beliefs I could never
15 vote for death.

16 JUROR NUMBER 149: And neither -- I'm on both
17 sides.

18 MR. BROWN: So, you're somewhere between those
19 spectrums and now I'm trying to find out where on the
20 spectrum you are and that's where I'm trying to --
21 I'm not trying to put words in your mouth, I used
22 those the terms earlier because you used those in
23 your answer to the Court. So, I'm not trying to
24 suggest answers, I'm trying to use the terms that you
25 had used.

1 JUROR NUMBER 149: In circumstances of
2 premeditation at some point that someone has made a
3 decision beforehand to hurt someone or kill them,
4 then that is possibly circumstances of calling for
5 death.

6 MR. BROWN: Okay. Let me go through the
7 process with you a little bit and what the Court's
8 ultimately going to instruct you on if you're
9 selected and you're serving. The first step
10 obviously is the jury would have to come back with a
11 verdict of guilty of first degree murder. If it's a
12 lesser charge such as second, then the death penalty
13 is off the table and you wouldn't be back here. And
14 obviously if it's not guilty, then there is no
15 sentencing, period. And there are two ways the
16 State, that we can prove first degree murder. One is
17 through premeditation, the other is through felony
18 murder. We may prove it either of those ways, may
19 prove it both ways, either charge results in a guilty
20 verdict for first degree murder and the death penalty
21 is up for consideration. So, jury comes back guilty
22 of first, you would reconvene, additional evidence is
23 provided and the Court would give you the final set
24 of instructions. The first thing she's going tell
25 you to look at are what's called aggravating

1 circumstances and it's going to be a statutory list,
2 I would expect there to be more than one, likely
3 three, four, five or six, and it's to those things
4 and to that alone that you can look to to justify the
5 death penalty, and we have to prove those beyond and
6 to the exclusion of every reasonable doubt. It's the
7 same burden of proof as it is for guilt. And as the
8 Court told you Thursday, that list of, statutory list
9 of aggravating circumstances are those which increase
10 the gravity of the crime or the harm to the victim.
11 We're kind of where when we ask the questions to see
12 before we go through the explanation where your
13 thought process is because that list may not include
14 things that you may say those types of circumstances
15 I would never vote for death, or it may include
16 things that you may vote for death which is why we're
17 trying to get out what your thoughts and your opinion
18 on things and just where you may be on the spectrum.
19 So -- but she will give you that list of aggravating
20 circumstances and you look at those that the State
21 has proved and ask yourself do these justify the
22 death penalty. If your answer is no, it's a life
23 recommendation. If your answer is yes, you move on
24 to step two which is considering the mitigating
25 circumstances and those are the things as the Court

1 told you on Thursday concerning the defendant,
2 history, background, character, things coming from
3 the defendant. Those have a burden of proof as well.
4 It's a lower burden, it's to the greater weight of
5 the evidence. And then you take those, everything
6 that's been proven and you determine personally how
7 much weight to give to the aggravators and to the
8 mitigators and go through a weighing process. If you
9 find the mitigation outweighs the aggravating
10 circumstances, then your recommendation has to be
11 life. If you find the mitigation does not outweigh
12 the aggravation and you still feel the debt penalty
13 is justified, then you recommend -- you can recommend
14 the death sentence to the Court. What she's not
15 going to tell you, as I said earlier, that State
16 proves A, B, C and D that you must recommend the
17 death penalty. You don't get that type of guidance.
18 In fact, what she's going to tell you is you are
19 never required to return a recommendation of death.
20 What you're required to do is go through that
21 weighing process and then ultimately after you weigh
22 it you return the recommendation that you feel is
23 justified. Okay.

24 So, some people say I'll do whatever the Court
25 instructs me that I have to do. Well, there is no

1 instruction. It's a little different from just
2 determining guilt or innocence because if the
3 evidence proves somebody is guilty and it proves to
4 you beyond any reasonable doubt, then your obligation
5 would be to return the verdict that the evidence
6 proves. Sentencing recommendation, it's not that
7 same, it's up to you, you determine, you weigh it.
8 Your weighing may be completely different from the
9 juror sitting right next to you. You may weigh
10 something one way, you may -- he or she may weigh it
11 another and the Court doesn't tell you how much
12 weight any aggravator or mitigator has. So, it's all
13 a personal decision. Any questions in the process?

14 JUROR NUMBER 149: No, I think I understand.

15 MR. BROWN: How do you feel about that process?

16 JUROR NUMBER 149: I'm not understand the
17 question.

18 MR. BROWN: Knowing now kind of the process
19 that you have to go through to get to that
20 recommendation, you know, weighing -- deciding
21 whether the aggravators are proven, mitigation is
22 proven and then going through that weighing process
23 and coming to that decision, do you feel comfortable
24 with that process? Any questions about it?

25 JUROR NUMBER 149: No I understand

1 (unintelligible).

2 MR. BROWN: Now, this is where I'm back to the
3 list of aggravators that will be provided. As I
4 indicated before, we get people on both extremes and
5 then everywhere in the middle. That list of
6 aggravators, you know, it's not going to be --
7 because this is not a case of mass murder or anything
8 of that nature. So, clearly that one right off the
9 top you know is not going to be on the list of
10 aggravators. Are you open to the list of aggravators
11 that the Court's going to consider?

12 JUROR NUMBER 149: I would have to hear them,
13 you know. You're asking me to make -- am I open to
14 them, yes.

15 MR. BROWN: Knowing that it's a case that would
16 not involve and does not involve a mass murder type
17 of case, are you open to considering a recommendation
18 of death?

19 JUROR NUMBER 149: I would have to hear the
20 aggravating circumstances. If I felt that that was
21 meeting what I felt morally was, you know, an issues
22 issue, then yes. You're asking me to make a
23 conclusion that I can't because I don't know the
24 circumstances.

25 MR. BROWN: And that's why I tried to phrase my

1 question because I'm not asking -- nobody here is --
2 we're not going to try to ask you how would you vote,
3 how much weight would you give to something. So, I
4 try to phrase the question of are you open, can you
5 consider the death penalty.

6 JUROR NUMBER 149: I can consider the
7 circumstances the Court asks us to do.

8 MR. BROWN: And could you, if you felt that the
9 aggravators justified the death penalty, it's not a
10 case of mass murder, could you recommend death or can
11 you recommend death if the State proves their
12 aggravators and you feel they justify the death
13 penalty?

14 JUROR NUMBER 149: If the aggravators in a
15 situation of coming to the extent of being heinous,
16 yes, I can.

17 MR. BROWN: And if it's a situation short of
18 being heinous?

19 JUROR NUMBER 149: I don't understand. You're
20 asking me to make, you know, a determination, I have
21 no facts, I have nothing to go on you know, if I'm in
22 the middle. You're asking me (unintelligible).

23 MR. BROWN: Well, what I'm trying to find out
24 is are you limited -- because you came up with a term
25 heinous and I want to know are you limited more along

1 the lines if it's not a multiple killing and it's not
2 heinous, are you then limited, do you think that if
3 you don't have one of those two circumstances that
4 you could not be --

5 JUROR NUMBER 149: So now you're talking about
6 the mitigation as opposed to the other.

7 MR. BROWN: No, no. If you take away it's not
8 either a multiple killing or heinous.

9 JUROR NUMBER 149: Okay.

10 MR. BROWN: It's not either of those two, those
11 two are gone, it's not going to be one of those two.
12 If those two are gone, do you feel that you are going
13 to be recommending life?

14 JUROR NUMBER 149: I can't answer this question
15 because I don't know whether the circumstances were
16 heinous or not.

17 MR. BROWN: I'm telling you if it's not
18 heinous, heinous is off the table.

19 JUROR NUMBER 149: Okay.

20 MR. BROWN: If heinous is off the table and if
21 a multiple killing is off the table, it's not either
22 of those two circumstances.

23 JUROR NUMBER 149: Okay.

24 MR. BROWN: Would your -- based upon what
25 you're telling me, and you correct me if I'm wrong,

1 that's what I'm trying to find out, if those two
2 situations are off the table --

3 MR. MOORE: Your Honor, I object. May we
4 approach?

5 THE COURT: Yes, you can.

6 (Thereupon, a benchside conference was had out
7 of the hearing of Juror Number 149 as follows:)

8 MR. MOORE: I object to the form of the
9 question because Mr. Brown is trying to box her in by
10 eliminating a term which is a legal term, heinous,
11 and she has -- we have no idea what she thinks the
12 meaning of that is, and the legal term has not been
13 given to her and unless the term is defined in a way
14 that she understands so that she can make an
15 intelligent answer to that question, she should --
16 that question should not be put to her that way. I
17 mean, she needs to have a definition, that's a legal
18 term. She's confused. She keeps saying I don't
19 know, I don't have enough information. She's been
20 asked the question multiple times for one, but
21 secondly, she's having a term thrown at her which is
22 not being defined for her. We don't know what she
23 means by heinous even though she brought the word up.
24 We don't know what Mr. Brown --

25 THE COURT: Let Mr. Brown respond.

1 MR. BROWN: Judge, first of all, I think
2 heinous is a term that -- a common usage. She's the
3 one who has brought up the term and I have a right to
4 explore what it is her thinking and her thoughts are
5 because she's the one that's put these limited terms
6 on her. She says them and then when I question her
7 about it, she begins her tactics.

8 THE COURT: Okay. In fairness, I don't know
9 what she means by heinous as well so. I mean, do I
10 think that the question's objectionable, no. Do I
11 think it's enough regardless of what her answer is
12 for it to matter, no, because I don't know what
13 heinous means. So, you might want to reask the
14 question in a different way.

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

17 MR. BROWN: Juror Number 149, when you use the
18 term heinous, what do you mean by that?

19 JUROR NUMBER 149: That somebody's suffering.

20 MR. BROWN: And if the murder is not, and this
21 case it's not, a mass murder and if -- we're all
22 speaking hypothetically, if heinous, it's not
23 heinous, those two things are off the table,
24 hypothetically, are you of a mind set that if you do
25 not have either of those two that in your mind the

1 death penalty is not appropriate?

2 JUROR NUMBER 149: I don't know. I can't
3 answer that question because you're asking me to come
4 to a conclusion and I haven't listened to any of the
5 circumstances. You know, the court instruction was
6 keep an open mind about the case, I can't do that
7 with the questions that you're asking. You know,
8 you're asking me to make an opinion about whether I
9 would do the death penalty, I told you, I don't know,
10 I possibly could under circumstances but I have to
11 listen to what's going on. That's something that you
12 don't make an easy decision about.

13 MR. BROWN: I'm not asking you to make an easy
14 decision, but could you vote, could you vote for the
15 death penalty in a case that did not involve either a
16 mass killing or killing where it's heinous?

17 JUROR NUMBER 149: If I was in the jury room
18 with other people and, you know, we were making a
19 decision, I don't know. Is it possible, yes. I
20 don't know. That's all I can tell you, is it
21 possible, yes.

22 MR. BROWN: Well, one thing when you go back
23 there if you're selected, for the guilt phase the
24 verdict has to be unanimous. For the sentencing
25 recommendation it does not have to be unanimous. So,

1 it's a vote as a juror, for each juror individually
2 and it may very well be it could be a 12/0 vote,
3 could be 11/1, 10 to 2, 9 to 3, it would be recorded,
4 they're not going to come out and say who voted for
5 what, but the numbers would be recorded. So, unlike
6 the guilt phase where it has to be unanimous and the
7 jury as a whole has to come to a decision, you do not
8 have to do that in the penalty phase. So, you can
9 have differing opinions back there and it can be
10 reported as different opinions. So, you have your
11 own individual vote back there. You still discuss
12 things and you talk about things and cover
13 everybody's thoughts, you know, in the way
14 discussions ought to be had. So, that's where I'm
15 trying to go to see because you wouldn't be going
16 back there necessarily and okay, I'll agree with
17 everybody else just so we can have a unanimous
18 verdict, you have your individual vote in the sense
19 of the information.

20 JUROR NUMBER 149: Okay.

21 MR. BROWN: Okay. So -- and that's what I'm
22 trying to see if it's not either of those two that
23 you talked about, could you -- could there be other
24 circumstances where you could vote for the death
25 penalty if it's not a mass murder or something that's

1 heinous?

2 MR. MOORE: Your Honor, I'm going to object.
3 May I approach?

4 THE COURT: Okay.

5 (Thereupon, a benchside conference was had out
6 of the hearing of Juror Number 149 as follows:)

7 MR. MOORE: This takes me back to my original
8 attempt to be able to get into the aggravating
9 circumstances. He could go all day and say what if
10 it's not this, what if it's not that and get her to
11 commit, which she's not going to do and so he should
12 leave it alone, but we are not then -- we cannot then
13 get up and say well, if it is, let's talk about what
14 it might be, what if it's cold calculated, what's the
15 death of a police officer, what if it's to avoid
16 arrest, what if it's fleeing from a robbery, what if
17 it's those things, no, you can't ask that because you
18 can't get into aggravators because that's
19 argumentative, that's the problem with this approach
20 which I object to.

21 THE COURT: Well, the only thing is those were
22 her words that she used. I mean, if he had gone into
23 the other things I would sustain the objection. He's
24 exploring her words. With all due respect,
25 Mr. Brown, I think you know the answer to it.

1 MR. BROWN: Well, actually what I expect is the
2 answer is that she will -- may continue to not answer
3 because she says the things and then when confronted
4 she denies it. Not deny but hopscotches.

5 THE COURT: The answer is she's not willing to
6 answer that question.

7 MR. MOORE: Which is what she meant by it.

8 THE COURT: Yeah.

9 MR. MOORE: She shouldn't be able to say what
10 her opinion is.

11 THE COURT: I'm going to say you need to move
12 on.

13 MR. BROWN: Well, can I at least get the answer
14 for the question I just asked?

15 THE COURT: I thought you already asked that
16 question before. That's not the same question?

17 MR. BROWN: That's when she said I don't know
18 and I went back through the process with her and we
19 discovered that.

20 THE COURT: With all due respect, she said I
21 don't know, I don't know. I don't know.

22 MR. MOORE: She said it about six times.

23 THE COURT: She said it. She's answered that
24 question.

25 MR. PIROLO: Judge, she did say it was possible

1 for her to return a death recommendation.

2 THE COURT: Yes, she did say that too.

3 MR. MOORE: When she heard the circumstances.

4 THE COURT: Depending on the circumstances, so.

5 MR. BROWN: I don't know if she's been able to
6 answer the question without an objection.

7 MR. MOORE: Oh, well, excuse me.

8 THE COURT: We're going to move on. I'll
9 sustain the objection.

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

12 MR. BROWN: Juror Number 149, what is your
13 opinion about being put into a situation where you're
14 going to be asked -- you may be asked to have to make
15 that sentencing recommendation for life or death?

16 JUROR NUMBER 149: Heavy on my heart is
17 something that as a citizen of the United States.

18 MR. BROWN: And is there anything that we
19 haven't touched on that, maybe religious beliefs,
20 moral beliefs, philosophical beliefs, family history,
21 wherever it may come from, that causes you, beyond
22 what we discussed, any difficulty, real anxiety,
23 hesitation or inability to be able to make that type
24 of a recommendation?

25 JUROR NUMBER 149: No.

1 MR. BROWN: No further questions, Your Honor.

2 THE COURT: Thank you. Questions by the
3 Defense.

4 MR. LANNING: Afternoon, ma'am. From your
5 recollection of the newspaper articles that you read,
6 do you recall any personal information about
7 Mr. Bradley in any of those articles?

8 JUROR NUMBER 149: Not really other than he was
9 accompanying a female.

10 MR. LANNING: There was an article not too long
11 ago about the female and her case, did you happen to
12 see that?

13 JUROR NUMBER 149: No.

14 MR. LANNING: You heard the term life without
15 parole used multiple times at this point, do you have
16 any preconceptions as to what that phrase means?

17 JUROR NUMBER 149: That the person would spend
18 of rest of his life in prison.

19 MR. LANNING: Okay. No question in your mind
20 that that's -- that they in fact would spend the rest
21 of their life in prison?

22 JUROR NUMBER 149: No.

23 MR. LANNING: From your answers to the State in
24 reference to the death penalty, tell me if I'm wrong,
25 it sounded like you would want to consider all the

1 circumstances involved in the case, that -- you threw
2 out one extreme example but you weren't excluding
3 other types of murder or factual scenarios of murder
4 but depending on the entire circumstances you could
5 consider a death sentence.

6 JUROR NUMBER 149: I could, you know, but I
7 would have to hear the case, you know. You can't
8 make that kind of decision just saying maybe yes,
9 maybe no without hearing the circumstances because
10 the circumstances are very important.

11 MR. LANNING: Sure. What about murder of a
12 child, is that a case where, rape and murder of a
13 child, you could consider the death penalty under
14 such circumstances?

15 JUROR NUMBER 149: Yes.

16 MR. LANNING: How about poisoned for life
17 insurance, is something you think you could consider
18 the death penalty?

19 JUROR NUMBER 149: Possibly.

20 MR. LANNING: So, you're not limited to mass
21 murders?

22 JUROR NUMBER 149: No.

23 MR. LANNING: You heard this process, the Judge
24 explained the process about the weighing the
25 aggravation and mitigation and Mr. Brown's gone

1 through that again with you, do you feel comfortable
2 that you understand that?

3 JUROR NUMBER 149: Yes.

4 MR. LANNING: I'm going to give you a little
5 test. Let's say you go through this, you make the
6 determination yes, there is aggravating
7 circumstances, yes there are mitigating
8 circumstances, the aggravating circumstances really
9 outweigh the mitigating circumstances, do you have an
10 understanding of what you do at that point in your
11 mind?

12 JUROR NUMBER 149: That you have to make a
13 decision.

14 MR. LANNING: And do you know -- are you -- do
15 you have to lean one way or the other at that point?

16 JUROR NUMBER 149: Ultimately you have to make
17 a decision.

18 MR. LANNING: Right.

19 JUROR NUMBER 149: Okay.

20 MR. LANNING: I'm just wanting to know whether
21 you understand the instructions that you've heard so
22 far? And you'll be given them later in written form.

23 JUROR NUMBER 149: Okay.

24 MR. LANNING: But I just want to see if you
25 have an understanding of what you -- what your

1 options are at that point.

2 JUROR NUMBER 149: Okay. My understanding, are
3 you saying about making the decision of guilt or
4 innocence?

5 MR. LANNING: No, ma'am, we never get to the
6 penalty phase unless you've already made that finding
7 of guilt or innocence.

8 JUROR NUMBER 149: Okay. So, now you're
9 talking about mitigation?

10 MR. LANNING: Mitigation and the aggravation,
11 made a determination the aggravators greatly outweigh
12 the mitigators, do you have an understanding at this
13 point as to what your options are to do at that next
14 point?

15 JUROR NUMBER 149: Yes.

16 MR. LANNING: What are those options?

17 JUROR NUMBER 149: To still weigh the
18 difference between a life sentence and death penalty.

19 MR. LANNING: You passed.

20 JUROR NUMBER 149: I can't make that
21 determination right now.

22 MR. LANNING: And there's never any
23 requirement, there's never anything in the
24 instructions that even says if the aggravators
25 greatly outweigh the mitigation that you are required

1 or even should impose a sentence of death. You
2 won't -- you will not ever see that in the
3 instructions. The Court doesn't give you a
4 recommendation or doesn't tell you what to do in that
5 situation, it's totally up to the jury. Okay. All
6 the Court does if you reach that stage you've got a
7 permission slip to make a decision. Okay. Any
8 question if your mind you could follow the Court's
9 instructions?

10 JUROR NUMBER 149: I can.

11 MR. LANNING: Thank you.

12 JUROR NUMBER 149: I'm done?

13 MR. LANNING: She's going to let you go.

14 THE COURT: I'm going give you some final
15 instructions. Okay. Juror 149, you are still being
16 considered as a possible juror in this case but I'm
17 going to release you for today and tomorrow and
18 Wednesday. What I'm going to ask you to do is call
19 back Thursday morning between 9:00 and 11:00.

20 JUROR NUMBER 149: Okay.

21 THE COURT: Okay. You're going to go
22 downstairs, they're going to give you a phone number
23 to call and then you're going to call back then. You
24 may have to report Thursday afternoon, that would be
25 the earliest, possibly Friday. The process is going

1 slow, it may be next week, but it's going to be
2 shortly after that. Okay.

3 During this recess you must continue to abide
4 by your rules governing your service as a juror. You
5 know, don't talk about anyone -- with anyone about
6 the case. You can tell them that you're coming to
7 the courthouse, that you're being considered as a
8 juror, if you become a juror you can tell them you
9 are a juror, what you can't tell them is why you're coming
10 here. You're coming here for this trial, what the
11 charges are, what you've heard in the courtroom, you
12 can't do that. Now, when you get released from being
13 a juror you can tell anyone anything you want. Okay.
14 That's when your service is concluded and that's up
15 to you, and I'll give you some instructions about
16 that too about telling -- about speaking to anyone,
17 but this remains in effect while you're a potential
18 juror and if you become a juror.

19 JUROR NUMBER 149: Okay.

20 THE COURT: Okay. Any questions or concerns?

21 JUROR NUMBER 149: No, ma'am.

22 THE COURT: Okay. If you'll go downstairs,
23 I'll appreciate it. Thank you.

24 (Thereupon, Juror Number 149 exited the
25 courtroom.)

1 THE COURT: Now, on 149, Mr. McMaster, can you
2 check to see if you have that information?

3 MR. MCMASTER: On this juror?

4 THE COURT: On this juror.

5 MR. MCMASTER: We do, Your Honor.

6 THE COURT: So, that should be in your
7 information packet as well. Okay. I'm going to go
8 ahead and take about a ten minute break. We'll take
9 a break until twenty minutes after. Court will be in
10 recess until then.

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

13 THE COURT: Okay. We can bring out
14 Mr. Bradley.

15 (Thereupon, the defendant was escorted into the
16 courtroom by the court deputy.)

17 THE COURT: So, Mr. McMaster, you said 149 is
18 on the list?

19 MR. MCMASTER: Yes.

20 THE COURT: Okay. Any reason we can't bring in
21 Number 150? We ready?

22 MR. MOORE: Yes.

23 THE COURT: Okay. We'll bring in 150. You all
24 are going to get done too early today.

25 MR. MOORE: I wouldn't say that's quite true.

1 THE COURT: I know, but even on our best day.
2 Let's say we spend an hour on the two, it would still
3 be 5:30.

4 MR. MCMASTER: We spent an hour on each on some
5 of them.

6 THE COURT: I know. I think probably nine is a
7 good number, nine or ten. I know it's hard.

8 MR. MOORE: What are we shooting for?

9 THE COURT: I want at least forty-one.
10 Fifty-three would be wonderful. I would be okay with
11 forty-six, somewhere in that neighborhood. Fifty?

12 MR. BROWN: I'd like to have fifty because I
13 have to anticipate there's going to be additional
14 cause challenges from the group questioning.

15 MR. MOORE: I think fifty is probably a very
16 safe number.

17 THE COURT: Fifty. We have fifty-three seats.

18 (Thereupon, Juror Number 150 was escorted into
19 the courtroom by the court deputy and the proceedings were
20 had as follows:)

21 THE COURT: Okay. Number 150, good afternoon.

22 JUROR NUMBER 150: Afternoon.

23 THE COURT: Thank you for your patience with
24 us. Thank you for being here. I'm going to ask you
25 some questions and then the State will have an

1 opportunity to ask you some questions and the Defense
2 will have an opportunity ask you some questions. The
3 first thing I'm going to talk about is when we were
4 here before I told you about some rules that came
5 into effect governing your service as a juror. And
6 just so you know, those rules came into effect at the
7 time that I announced them, not prior because I'm
8 going to talk to you about any prior knowledge you
9 have, but since I announced those rules, have you
10 read or been exposed to reading newspaper headlines
11 and/or articles relating to this trial or its
12 participants?

13 JUROR NUMBER 150: No.

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

17 JUROR NUMBER 150: No.

18 THE COURT: Prior to -- I mean since the rules
19 went into effect?

20 JUROR NUMBER 150: No.

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

24 JUROR NUMBER 150: No.

25 THE COURT: And have you discussed this case

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

4 JUROR NUMBER 150: No.

5 THE COURT: Okay. Now I'm going to talk to you
6 about what you may have known prior to coming to
7 court. Okay? Do you know anything about this case
8 either from your own personal knowledge, rumor, by
9 discussions with anyone else, or from the media,
10 including radio, television, Internet, electronic
11 device, or newspapers?

12 JUROR NUMBER 150: Yes.

13 THE COURT: Okay. Just so you know, there's no
14 right or wrong answers in here. What we ask you to
15 do is to be honest, complete and frank as you can
16 about your answers so that we can gain the
17 information so that the attorneys and the defendant
18 can make a decision about who they would think would
19 be appropriate to serve on this jury. So, I'm going
20 to ask you what information do you believe that you
21 know about this case?

22 JUROR NUMBER 150: I just know the basics, that
23 someone was --

24 THE COURT: I need you to speak up a little
25 bit. Everything is being recorded. You do have a

1 microphone kind of right to your side right there.
2 That's why we have you sit in that chair. Everything
3 is being recorded so that we can keep a record of it.
4 You say you have basic information, we want to know
5 what that information is. So, be as specific as you
6 can.

7 JUROR NUMBER 150: Okay. Well, my friend told
8 me when it happened that his friend knew the guy that
9 killed the cop and that he was wanted or arrested,
10 something like that.

11 THE COURT: You can talk to me, it will pick
12 you up as long as you talk to me.

13 JUROR NUMBER 150: And that just killed the
14 cop, (unintelligible).

15 THE COURT: Okay. So, you heard that at the
16 time of the event?

17 JUROR NUMBER 150: Yes.

18 THE COURT: And that was a friend that told you
19 that?

20 JUROR NUMBER 150: Yes.

21 THE COURT: How did your friend know -- who did
22 you your friend know, knew Mr. Bradley's?

23 JUROR NUMBER 150: He knew his friend.

24 THE COURT: Okay. How did your friend know his
25 friend?

1 JUROR NUMBER 150: Because his other friend was
2 dating his friend and knew him.

3 THE COURT: Okay. Did you know Mr. Bradley?

4 JUROR NUMBER 150: No.

5 THE COURT: Did you know the friend that knew
6 Mr. Bradley?

7 JUROR NUMBER 150: Yes.

8 THE COURT: Okay. Did you -- did you -- do you
9 know anything else about this case that's happened
10 since then?

11 JUROR NUMBER 150: No.

12 THE COURT: Did you talk with your friend about
13 this case since then?

14 JUROR NUMBER 150: No.

15 THE COURT: Did you -- do you read the
16 newspapers?

17 JUROR NUMBER 150: No.

18 THE COURT: Do you listen to news on TV or on
19 the radio?

20 JUROR NUMBER 150: No.

21 THE COURT: So, it would have been just the
22 information that you learned through your friend?

23 JUROR NUMBER 150: Yes.

24 THE COURT: Okay. Anything else that you think
25 you know about the case?

1 JUROR NUMBER 150: No.

2 THE COURT: So, I'm going to ask you two
3 questions as a result of what you said. Do you think
4 for purposes of this trial you can set aside anything
5 that you may have learned about this case, serve --
6 okay. Wait until my question. Serve with an open
7 mind and reach a verdict based only on the law and
8 the evidence presented in this trial in this
9 courtroom?

10 JUROR NUMBER 150: Yes.

11 THE COURT: You think you could do that?

12 JUROR NUMBER 150: Yes.

13 THE COURT: Okay. Let me tell you -- let me
14 see. Let's say you hear all the evidence in the
15 case, you're going to deliberate whether Mr. Bradley
16 is guilty or not guilty of the four charges. So, in
17 the beginning part you're going to deliberate. What
18 happens if you heard some information and you
19 remember oh, yeah, I remember hearing this
20 information, my friend told me this information but I
21 never heard it in the courtroom, it never came in to
22 evidence by way of testimony or an exhibit, I never
23 heard that, could you set that aside and not consider
24 that or would you take that into consideration?
25 Could you set that aside and say for purposes of this

1 case and my deliberations I'm not going to consider
2 that evidence?

3 JUROR NUMBER 150: Yes.

4 THE COURT: As evidence? Yes?

5 JUROR NUMBER 150: Yes.

6 THE COURT: Okay. Now, have you formed an
7 opinion as to whether Mr. Bradley is guilty or not
8 guilty?

9 JUROR NUMBER 150: Yes.

10 THE COURT: Say that again.

11 JUROR NUMBER 150: Yes.

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

13 JUROR NUMBER 150: That he is guilty.

14 THE COURT: Okay. Now, the other thing we ask
15 you to do when you come in here is we're going to
16 instruct you that the State has the burden of proof.
17 In every criminal case the State has the burden.
18 They have to prove -- and they know they have the
19 burden, they know that's their job. They have to
20 prove each element of each count, and if you remember
21 from the other day I told you there's four counts,
22 beyond and to the exclusion of every reasonable
23 doubt. So, if the -- so, for purposes of this trial,
24 because no evidence has come before you, you would
25 have to assume -- you have -- I mean at this moment

1 because no evidence has come before you Mr. Bradley
2 is not guilty. In fact, Mr. Bradley is innocent.
3 So, for purposes of serving on the jury you have to
4 kind of wipe the slate clean and say look, I know the
5 State has the burden of proof, I'm going to hold the
6 State to that burden, I'm going to make them prove
7 their case, the Defense doesn't have to prove
8 anything and until they prove each of those elements
9 beyond and to the exclusion of every reasonable
10 doubt, I'm going to give Mr. Bradley the presumption
11 of innocence, can you do that?

12 JUROR NUMBER 150: Yes.

13 THE COURT: Okay. So, you can set that aside,
14 any feelings that you had prior to coming in here,
15 you can set those aside and not consider those?

16 JUROR NUMBER 150: Yes.

17 THE COURT: Okay. Any -- do you have any
18 questions or concerns about your ability to do that?

19 JUROR NUMBER 150: No.

20 THE COURT: Are you confident in your ability
21 that you can do that?

22 JUROR NUMBER 150: Yes.

23 THE COURT: Okay. All right. Questions by the
24 State.

25 MR. BROWN: Judge, are you going to cover the

1 death penalty?

2 THE COURT: Oh, I forget that part. Minor
3 detail. Okay. Sorry about that, I forgot a part I'm
4 suppose to cover with you. Okay. I'm going to ask
5 you another question, I ask it pretty general. What
6 are your views about the death penalty?

7 JUROR NUMBER 150: It depends on the situation.

8 THE COURT: Okay. So, what I think you're
9 saying is that you could impose the death penalty
10 under certain circumstances?

11 JUROR NUMBER 150: Yes.

12 THE COURT: Is that correct?

13 JUROR NUMBER 150: Yes.

14 THE COURT: So, if I were to category -- put
15 you in a category of for or against, you would be for
16 the death penalty but under only certain
17 circumstances?

18 JUROR NUMBER 150: Yes.

19 THE COURT: Okay. You're hesitating. You can
20 say whatever you like.

21 JUROR NUMBER 150: But not this trial.

22 THE COURT: But not this trial?

23 JUROR NUMBER 150: No.

24 THE COURT: Okay. Tell me why you say that.

25 JUROR NUMBER 150: Because I believe the death

1 penalty more would be like a serial killer
2 (unintelligible) like prison, life in prison.

3 THE COURT: Okay. I need you to talk up just a
4 little bit so I can hear you. I heard the first
5 part.

6 JUROR NUMBER 150: I just thing he should be
7 life in prison.

8 THE COURT: Okay. What if I were to -- let me
9 tell you what how we go through the process. The
10 first part of the trial is what we call the guilt
11 phase, that's when talk about guilty or not guilty.
12 In the event the jury returned a verdict of guilty to
13 Count I, and it only applies to Count I and that's
14 first degree murder, if there's a guilty verdict in
15 Count I, then we proceed to Count II. I mean, then
16 we proceed to the second phase. The second face of
17 the trial is called the penalty phase. The first
18 phase is the guilt phase, second phase is the penalty
19 phase. If there's a guilty verdict on Count I,
20 murder of the first degree, then we proceed to the
21 second phase, the penalty phase. In the penalty
22 phase I would instruct you that you are to, as the
23 jury that you are to make a recommendation to the
24 Court, that would be to me, of possible penalties of
25 death or life in prison without the possibility of

1 parole. Now, are you opposed to the death penalty in
2 this case or under this circumstance that you would
3 not even consider death as a possible penalty even if
4 I instructed you that was your job as a juror to
5 consider it?

6 JUROR NUMBER 150: I can consider it but that
7 doesn't mean I would be for it.

8 THE COURT: Okay. My question is what we ask
9 you to do is you're going to hear, you're going to
10 hear instructions about aggravating circumstances,
11 what's an aggravating circumstance which makes the
12 circumstances of the crime worse, you're going to
13 hear evidence of mitigating circumstances which makes
14 the -- which lessens the circumstances of the crime
15 and you're going to hear about a weighing process,
16 how you weigh the two of those together, and then you
17 can decide, it's up to the jury to decide, up to each
18 juror in fact to decide whether to impose death or
19 life in prison without the possibility of parole.
20 What we ask you to do is to consider both -- to be
21 open, have an open mind and consider both possible
22 penalties. Now, what you ultimately decide is your
23 decision but we need you to be able to consider both
24 possible penalties. Could you do that?

25 JUROR NUMBER 150: Yes.

1 THE COURT: Okay. Do you have any hesitations
2 about that?

3 JUROR NUMBER 150: No.

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

6 MR. BROWN: Juror Number 150, good afternoon.

7 JUROR NUMBER 150: Good afternoon.

8 MR. BROWN: I take it you have a friend who
9 knows the defendant?

10 JUROR NUMBER 150: Yes.

11 MR. BROWN: And how close are you to that
12 friend?

13 JUROR NUMBER 150: I'm real close to my friend.

14 MR. BROWN: Do you know multiple people who
15 know the defendant or is it just this one connection?

16 JUROR NUMBER 150: Yes.

17 MR. BROWN: Multiple people?

18 JUROR NUMBER 150: Yes.

19 MR. BROWN: And have you personally met him
20 just --

21 JUROR NUMBER 150: No.

22 MR. BROWN: -- you know, just in passing or
23 anything like that?

24 JUROR NUMBER 150: No.

25 MR. BROWN: And the person who you're close to

1 that knows the defendant, are they friends? What is
2 the status of that relationship?

3 JUROR NUMBER 150: The person that I'm close
4 to, he doesn't personally know Mr. Bradley but he
5 does have a good friend that he's really close to.

6 MR. BROWN: So, it's removed again. Do you
7 have other people that you know that know
8 Mr. Bradley?

9 JUROR NUMBER 150: No.

10 MR. BROWN: So, it's the one connection. Do
11 you have other friends who know this defendant?

12 JUROR NUMBER 150: Yes.

13 MR. BROWN: Okay. And how close are those
14 people with this defendant?

15 JUROR NUMBER 150: They're not close.

16 MR. LANNING: Now, do you -- knowing that you
17 know people who know the defendant and you're close
18 to somebody who's good friends with somebody who's
19 good friends with the defendant, how do you feel
20 about sitting on a trial that you have, you know, at
21 least people in common, friends in common? Does it
22 make you uncomfortable?

23 JUROR NUMBER 150: No, I don't personally know
24 him so I don't have any feelings towards that.

25 MR. BROWN: Okay. Now, I know you indicated

1 they told you a number of things, that he was -- the
2 defendant was wanted for arrest and he was the one
3 that killed the officer, and that you indicated
4 earlier your opinion is that he's guilty. Obviously,
5 the Court talked to you about being able to set that
6 aside and do you think you're going to be able to set
7 that aside and base your verdict not on what you
8 learned and think but just on facts and evidence that
9 you hear coming into the courtroom?

10 JUROR NUMBER 150: Yes.

11 MR. BROWN: Now, concerning the death penalty,
12 you indicated that, if my words are correct, more for
13 a serial killer but on this case you think life is
14 appropriate?

15 JUROR NUMBER 150: Yes.

16 MR. BROWN: Why do you think that?

17 JUROR NUMBER 150: It's just the kind of case
18 that I think it's more cruel to (unintelligible).

19 MR. LANNING: Ma'am, if you could speak up.

20 JUROR NUMBER 150: I just -- I think it's more
21 cruel to be a serial killer, so I believe that death
22 penalty would be good for that but then not really
23 for this case (unintelligible).

24 MR. BROWN: Okay. And that's based in part
25 about what you know this case?

1 JUROR NUMBER 150: Yes.

2 MR. BROWN: Okay. And is it based at all in
3 part on the fact that you know people who know the
4 defendant?

5 JUROR NUMBER 150: No.

6 MR. BROWN: Now, when you talked about you
7 think the death penalty is more appropriate for a
8 serial killer, do you think that's the only type of
9 case that it's appropriate for?

10 JUROR NUMBER 150: No.

11 MR. BROWN: Do you have other cases in your
12 mind that you think it would also be appropriate for?
13 You don't think you're limited just to cases of a
14 serial killer?

15 JUROR NUMBER 150: No.

16 MR. BROWN: The way it works is if you're
17 selected and the jury comes back with -- returns a
18 verdict of first degree murder, then the jury would
19 reconvene, additional evidence would be presented,
20 the Court would give you another set of instructions
21 and then you would deliberate and come to a
22 recommendation to the Court. Those instructions,
23 it's going to start off with she's going to tell you,
24 give you a list of what I call are aggravating
25 circumstances and those are -- that's a statutory

1 list, that's circumstances that increase the gravity
2 of the harm to the victim, and she will give you a
3 list, it's from that list that you can look to to
4 determine whether or not the death penalty in this
5 case is justified. And, of course, as you know
6 coming in, this is not a serial killer type of case,
7 it's just one killing, it's not a multiple killing
8 case. So, knowing that that's off the table, that
9 it's not a serial killer, are you able to look at the
10 list of aggravators that the Court's going to give
11 you to determine whether or not you should recommend
12 a death penalty?

13 JUROR NUMBER 150: Yes.

14 MR. BROWN: Can you look at those fairly or are
15 you still going to be coming in with an opinion that
16 life is not appropriate?

17 JUROR NUMBER 150: Can you repeat that?

18 MR. BROWN: Well, you know about this case
19 already, you have some knowledge, you informed an
20 opinion that the defendant is guilty but that you
21 think life is the appropriate sentence, right?

22 JUROR NUMBER 150: Yes.

23 MR. BROWN: And so my question is can you --
24 are you able to set aside your opinion that -- one
25 that the defendant's guilty but two that life is the

1 appropriate sentence?

2 JUROR NUMBER 150: Yes.

3 MR. BROWN: Put aside all your thoughts and
4 your opinion on that and base it just on what you're
5 going to hear in this courtroom?

6 JUROR NUMBER 150: Yes.

7 MR. BROWN: And you're going to have to look at
8 that list of aggravators and make a determine from
9 that list whether you think the death penalty is
10 appropriate. Do you understand?

11 JUROR NUMBER 150: Yes.

12 MR. BROWN: It's going to be a list, it will be
13 more than one, could be three, four, five different
14 aggravators, you think you can do that?

15 JUROR NUMBER 150: Yes.

16 MR. BROWN: Knowing that you've got this formed
17 opinion that life is appropriate, do you think that
18 you could look at the list of aggravators and could
19 you make a recommendation of death?

20 JUROR NUMBER 150: Yes.

21 MR. BROWN: The next step in the process is if
22 you feel the aggravators justify the death penalty is
23 then you look at the mitigation that's going to be
24 presented to you and then you have to go through a
25 weighing process and you weigh the aggravators versus

1 the mitigators and if the mitigators outweigh the
2 aggravators you recommend life. If it's the other
3 way around, if the mitigators do not outweigh the
4 aggravators, then you can recommend to the Court a
5 sentence of death. Do you understand that?

6 JUROR NUMBER 150: Yes.

7 MR. BROWN: How do you feel about the process?

8 JUROR NUMBER 150: Okay.

9 MR. BROWN: Now, looking at your questionnaire,
10 if I'm looking at the numbers correctly, I think
11 you're nineteen?

12 JUROR NUMBER 150: Yes.

13 MR. BROWN: Obviously you don't have the life
14 experience that most of the other people in the jury
15 panel in the pool have, just because you're nineteen
16 you're simply not there yet. Obviously, you're
17 coming into what is the single most important type of
18 case a juror can be asked to decide, that is a death
19 penalty case. I can't imagine anything more
20 important than that and of higher importance, higher
21 pressure, significant type of case. There is no jury
22 training, so to speak, how do you feel coming in at
23 your age being asked to potentially serve on the
24 highest level of crime that there is?

25 JUROR NUMBER 150: Nervous.

1 MR. BROWN: Do you think you will be better
2 suited on a different type of a case?

3 JUROR NUMBER 150: Yes.

4 MR. BROWN: It's a lot of -- it's a lot we ask
5 of a juror to sit on this type of a case much less
6 someone that's your age and it's a heavy burden for a
7 juror to have to make that decision, would that weigh
8 on you too much, too high of a burden?

9 JUROR NUMBER 150: Yeah.

10 MR. BROWN: Again, I ask these questions
11 because you're the only one that can give us the
12 answers. And there's no right or wrong answers but
13 what we need are truthful answers. So, if you have
14 additional concerns that bothers you, you need to
15 tell us because I can't put the words in your mouth,
16 I can't read your mind. Okay?

17 JUROR NUMBER 150: Okay.

18 MR. BROWN: So, overall, you tell me how you
19 feel about this type of a case being asked to sit on.

20 JUROR NUMBER 150: Overall, I don't want to sit
21 because I don't want to responsible or
22 (unintelligible).

23 MR. BROWN: Do you think the pressure that goes
24 along with this case would be -- could be distracting
25 to you and distract you from your ability to be a

1 juror?

2 JUROR NUMBER 150: Yeah, I do believe that.

3 MR. BROWN: Judge, I have no further questions.

4 THE COURT: Okay. Questions by the Defense.

5 MR. LANNING: Hello.

6 JUROR NUMBER 150: Hi.

7 MR. LANNING: Your friend's knowledge of
8 Mr. Bradley, do you know if he, the friend with a
9 friend that knew Mr. Bradley, was that through like a
10 school or was it through some other means like just
11 maybe non-school activities?

12 JUROR NUMBER 150: No, school activities.

13 MR. LANNING: And did the person that spoke to
14 you about Mr. Bradley, did they express an opinion
15 about his guilt?

16 JUROR NUMBER 150: No.

17 MR. LANNING: You said your impression is that
18 he's guilty?

19 JUROR NUMBER 150: Yes.

20 MR. LANNING: Where did you get that impression
21 from?

22 JUROR NUMBER 150: From the story on the first
23 day.

24 MR. LANNING: But the friend didn't think he
25 was guilty or did he?

1 JUROR NUMBER 150: Yes, he thinks he was
2 guilty.

3 MR. LANNING: Did the friend know things about
4 Mr. Bradley that -- did the friend say --

5 JUROR NUMBER 150: My friend doesn't know him
6 personally.

7 MR. LANNING: I know. Okay. But he knows a
8 friend?

9 JUROR NUMBER 150: Yes.

10 MR. LANNING: Okay. Was he aware of other
11 things about Mr. Bradley that you found out about
12 that weren't involved in the death of the deputy?

13 JUROR NUMBER 150: No, (unintelligible).

14 MR. LANNING: Now, you say that your impression
15 is that he's guilty, right?

16 JUROR NUMBER 150: Yes.

17 MR. LANNING: When the Judge tells you if I
18 instruct you that you have to set that aside, what
19 she's -- when she did that she was asking a question,
20 she didn't want to put words in your mouth, she
21 wasn't telling you I need you to say I can set that
22 aside, she was -- it was a question that was serious.
23 Do you think that you could set aside what you know?
24 You're not going to hurt her feelings or upset her in
25 any way if you say you can't because, you know, you

1 might be told something over and over that you need
2 to do this and you say, look, I've already heard it,
3 I can't set that aside, but with what you -- what
4 your friend told to you and what you know and your
5 impression, do you think you can set aside what you
6 already know?

7 JUROR NUMBER 150: Yes.

8 MR. LANNING: Okay. Very good. What's your
9 understanding of life without the possibility of
10 parole? Do you believe it really means life without
11 parole?

12 JUROR NUMBER 150: Yes.

13 MR. LANNING: Okay. It is the law in Florida
14 that if a person is sentenced to life without parole,
15 it really does mean life. Some people don't believe
16 that.

17 You heard the State go through -- or the Judge
18 read you this instruction Thursday about weighing the
19 aggravation and the mitigation and Mr. Brown went
20 through that again with you today, I want to know at
21 this point what your understanding is of what you're
22 supposed to do if the aggravation, the aggravators
23 have been proven and they outweigh the mitigation,
24 what's your understanding at this point of what you
25 do at that point? You understand the question?

1 JUROR NUMBER 150: Yes, the death penalty
2 (unintelligible).

3 MR. LANNING: Do you think at that --

4 JUROR NUMBER 150: (Unintelligible).

5 MR. LANNING: It doesn't have to be imposed or
6 recommended. The instructions you'll be given in
7 written form if you're selected, you're never
8 required to recommend the death penalty. There's not
9 even -- there's nothing in the instructions that say
10 if the aggravation greatly outweighs the mitigation
11 that you even should have to recommend a death
12 sentence. All the instructions do is say if all
13 these circumstances are met, at this point you can
14 consider the death penalty. The only time you'll see
15 have to or must is situations where you would have to
16 give life, you'll never see anything that says you
17 should recommend death. You understand?

18 JUROR NUMBER 150: Yes.

19 MR. LANNING: And the ideal jury is made up of
20 a cross section of the community, not just, not just
21 twelve old men. You're nineteen, right?

22 JUROR NUMBER 150: Yes.

23 MR. LANNING: You if you chose to could serve
24 in the military and go to war, right?

25 JUROR NUMBER 150: Right.

1 MR. LANNING: And vote. Do you vote?

2 JUROR NUMBER 150: Yes.

3 MR. LANNING: So, you meet the qualifications
4 to serve on a jury. Not many people have sat on a
5 jury to consider someone's life or death. So, age
6 doesn't necessarily mean anything when it comes to
7 that decision. Can you see that?

8 JUROR NUMBER 150: Yes.

9 MR. LANNING: You indicated that -- you still
10 nervous about being here?

11 JUROR NUMBER 150: Yes.

12 MR. LANNING: What would you think about the
13 death, the rape murder of a child, is that a case
14 that you might consider the death penalty
15 appropriate?

16 JUROR NUMBER 150: Yes.

17 MR. LANNING: So, you're not limited to serial
18 killers, right?

19 JUROR NUMBER 150: Right.

20 MR. LANNING: The aggravation in the case, it
21 has to be proven beyond a reasonable doubt for you to
22 be able to consider it, mitigation doesn't require
23 that same high standard. Mitigation has to be proven
24 by the greater weight of the evidence, more likely
25 than not. Do you see the distinction?

1 JUROR NUMBER 150: No.

2 MR. LANNING: No. Okay. Beyond and to the
3 exclusion of every reasonable doubt is a really high
4 burden. It's not beyond a possible doubt but it's
5 beyond a reasonable doubt. The more likely than not
6 standard is like, okay, fifty-one percent yeah,
7 that's proven by the greater weight of the evidence,
8 fifty-one percent, forty-nine percent it's not proven
9 by the greater weight of the evidence. So,
10 mitigation would have to be shown by a lower burden.
11 Do you think you can follow that instruction?

12 JUROR NUMBER 150: Yes.

13 MR. LANNING: Some evidence that you might hear
14 in the case -- do you have an idea if your mind about
15 what mitigation evidence might be?

16 JUROR NUMBER 150: No.

17 MR. LANNING: Mitigation is evidence that would
18 tend to support a sentence of life versus a sentence
19 of death.

20 JUROR NUMBER 150: Yes.

21 MR. LANNING: It doesn't -- it's not evidence
22 that means the person's not guilty but it's evidence
23 that lessens their culpability or lessens what the
24 correct punishment is or what the punishment should
25 be. Should be some evidence that you might hear in

1 this case if you get to a penalty phase, at this
2 point there's not even been a guilt phase. We have
3 to jump, we have to jump ahead just in case because
4 we have to find out now whether you could be
5 appropriate on the jury. But some evidence that you
6 might hear, if you heard Mr. Bradley suffers from
7 mental illness, is that something that you could
8 consider as mitigating?

9 JUROR NUMBER 150: Yes.

10 MR. LANNING: What about if there were evidence
11 that he had been abused physically and mentally as a
12 child, is that evidence that you could consider
13 mitigating?

14 JUROR NUMBER 150: Yes.

15 MR. LANNING: What if evidence were presented
16 that Mr. Bradley has brain damage?

17 JUROR NUMBER 150: Yes.

18 MR. LANNING: What about evidence of drug
19 addiction?

20 JUROR NUMBER 150: Yes.

21 MR. LANNING: Some people, some people, you
22 know, say I couldn't consider drug addiction as being
23 mitigating and I just wanted to find out your
24 thoughts on that.

25 Do you attend church?

1 JUROR NUMBER 150: No.

2 MR. LANNING: Do you know when your thoughts
3 about the death penalty in terms of where it might be
4 appropriate, where it might not, how long you've
5 considered that or was just over the weekend since
6 that question came up?

7 JUROR NUMBER 150: What was the question? Can
8 you say that again?

9 MR. LANNING: Yeah. Is it something that
10 you've always felt that way or had never really
11 thought death penalty until you find yourself here?

12 JUROR NUMBER 150: No, I thought about it.

13 MR. LANNING: Okay. If there were a scale of
14 support of death penalty like a zero being I don't
15 support it at all and ten being I support it a lot,
16 could you put yourself somewhere on that scale from
17 zero to ten?

18 JUROR NUMBER 150: Ten is I support it?

19 MR. LANNING: Right.

20 JUROR NUMBER 150: Two or three.

21 MR. LANNING: All right. Thank you. Excuse
22 me. We talked a little bit about your age, I think
23 the State went into that, but the fact that you're
24 nineteen and that you aren't that gung ho to sitting
25 on a first degree murder trial, do you think you

1 could follow the Court's instructions and sit as a
2 juror?

3 JUROR NUMBER 150: Yes.

4 MR. LANNING: The fact that you're nineteen and
5 haven't done this before, does that still concern you
6 that you couldn't follow the Court's instructions and
7 be a juror in this case?

8 JUROR NUMBER 150: I could follow the Court's
9 instructions.

10 MR. MOORE: Thank you.

11 MR. BROWN: May we approach?

12 THE COURT: Yes, you may.

13 (Thereupon, a benchside conference was had out
14 of the hearing of Juror Number 150 as follows:)

15 MR. BROWN: We move to strike her for cause. I
16 don't know if they're agreeing or not.

17 MR. MOORE: No, we don't agree.

18 MR. BROWN: Judge, multiple reasons. One, of
19 course, she indicated she has an opinion the
20 defendant's guilty but in this case that life is the
21 sentence. While she said she could set that aside,
22 she knows quite a bit about the case but she also
23 knows people, she has a couple steps removed but
24 those people -- those people know the defendant know
25 some people directly know the defendant. So, she's

1 awfully close. And then also I talked to her about
2 her age, she said she was quite nervous. She said it
3 would be too high of a burden. She doesn't want to
4 sit on this case, it would be too high of a burden.
5 Asked her -- she said it would be because she doesn't
6 want to have to decide the issue of somebody's life.
7 I asked her if that level of pressure could distract
8 her from doing her duties as a juror and she said
9 yes, that could distract her. So, on that basis I
10 would move to strike her.

11 THE COURT: Response from the Defense.

12 MR. MOORE: She said she can follow the law, we
13 went into that specifically, and base her opinion on
14 the law and the facts. And I think it's interesting
15 when I'm thinking back to Juror 113, the design
16 engineer, when he admitted had he would be biased for
17 the State going into the penalty phase and we moved
18 to striking because he appeared to be leaning toward
19 the State going into the penalty phase, that was
20 argued strenuously by the State and the Court denied
21 that motion to strike for that reason. But with this
22 witness who says she is leaning toward the Defense on
23 a sentence, I guess it's okay for that person to sit
24 on the jury because they're biased toward the State.

25 THE COURT: I haven't ruled yet so you don't

1 know.

2 MR. MOORE: No, I'm just stating the irony of
3 that comparison there but. However, we went into all
4 those specifics and she said that -- with her and she
5 said that despite what she knows, despite the
6 distractions, despite her concern about her age that
7 she can follow the Court's instructions and base her
8 opinion on the Court's instructions and the law.
9 That's what she said.

10 THE COURT: Okay.

11 MR. LANNING: Judge, you know, she's -- she is
12 nineteen, yeah, things in the courtroom can be
13 intimidating, these are all terms that are being
14 thrown at her and -- but she's -- she said that she
15 could, she could give the death -- or could consider
16 and give the death penalty to serial killers, in the
17 case of a child rape. She indicated she could follow
18 the law.

19 MR. MOORE: And when it get downs to it, who
20 wants to decide someone's fate. I mean, who really
21 wants to do that. So, you want people but who don't
22 want to have to do it but who can do it.

23 MR. BROWN: I asked her, she said she doesn't
24 want to be here, it's too high of a burden on her and
25 then I asked her do you think that pressure would be

1 distracting to you to perform a your job as a juror
2 and she said yes, it would be too distracting to her.

3 THE COURT: I don't think that's the standard
4 though. The standard is whether she can follow the
5 instructions as set forth by the court.

6 MR. BROWN: It's not a simple answer that she
7 says yes or no, does the Court have a reasonable
8 doubt about her ability to perform her duties as a
9 juror and when she says she would be too distracted
10 by this, how does that not raise reasonable doubt.
11 It's not a simple -- if all it came down to was can
12 you follow the Court's instructions, yes, then we'd
13 hardly have any (unintelligible). It's not just a
14 simple that she can spout yes to questions.

15 THE COURT: I'm going to deny the request for
16 cause.

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

19 THE COURT: Okay. All right. Juror Number
20 150, at this time you're still being considered as a
21 potential juror in this case. I'm going to ask you
22 to go downstairs, they're going to give you a phone
23 number. They're going to have you call back Thursday
24 between 9:00 and 11:00 o'clock and we're going to
25 give you further instructions of when to report back.

1 During this recess you must continue to abide
2 by your rules governing your service as a juror.
3 Specifically, do not discuss this case with anyone
4 else. Do not hear any -- avoid reading newspaper
5 headlines or articles. Avoid seeing or hearing
6 television, radio, or Internet comments about the
7 case. Don't talk to this case -- I mean, don't tell
8 anyone that you're -- I mean, don't talk to anyone
9 about this case. Now, what you can say is that
10 you're here at the courthouse, that you're a
11 potential juror and the times that you're expected to
12 be here, but what you can't talk about is what case
13 it is, what the charges are or what's happened here
14 in the courtroom. Now, at one point in time you
15 would eventually be released as a juror, once you're
16 released you can talk to anyone about anything that
17 you wish. Now, do you have any questions or
18 concerns?

19 JUROR NUMBER 150: I think ask
20 (unintelligible).

21 THE COURT: Okay. You have school on Monday
22 and Wednesdays. What hours do you go to school?

23 JUROR NUMBER 150: 8:00 to 12:30.

24 THE COURT: Okay. We will -- I think I talked
25 about this before. We will be here from

1 approximately 8:30, 9:00 o'clock every day until 5:00
2 o'clock every day and so once we get started with the
3 trial, we would definitely be here Monday and
4 Wednesday. So, you would miss school Monday and
5 Wednesday. Do you have school each Monday and
6 Wednesday?

7 JUROR NUMBER 150: Yes.

8 THE COURT: How come you didn't bring that up
9 to me earlier?

10 JUROR NUMBER 150: Today?

11 THE COURT: Or the other day?

12 JUROR NUMBER 150: The other day. Because I
13 thought the only excuses were either you have health
14 or (unintelligible).

15 THE COURT: I said if it caused a hardship.
16 Now, if you have school, you're going to miss school,
17 how will that affect your ability to be in school?

18 JUROR NUMBER 150: Well I thought they would
19 excuse me because it was jury duty, but now
20 (unintelligible) it is so long to miss school.

21 THE COURT: Okay. Where do you go to school?

22 JUROR NUMBER 150: Eastern Community State
23 College.

24 THE COURT: Okay. And you have -- you said you
25 have class Monday and Wednesday, what hours did you

1 say.

2 JUROR NUMBER 150: 8:00 a.m. to 12:30.

3 MR. MOORE: 8:00 to?

4 JUROR NUMBER 150: 8:100 a.m.

5 MR. MOORE: To?

6 JUROR NUMBER 150: 12:30.

7 THE COURT: Each Monday and Wednesday?

8 JUROR NUMBER 150: Yes.

9 THE COURT: Well, if you were to miss school,
10 I'm only making this assumption, you're probably
11 going to have to -- I don't think they'll excuse you
12 for that many days. I mean, this trial is expected
13 to go through the end of March, possibly the first
14 couple weeks in April.

15 JUROR NUMBER 150: I'm not sure with the
16 (unintelligible) or whatever because I know they
17 excuse jury duty but I don't know how long they
18 excuse.

19 THE COURT: Well, how do you feel about that,
20 about missing school?

21 JUROR NUMBER 150: I'd prefer not to if there's
22 (unintelligible).

23 THE COURT: Okay. If I can have a bench
24 conference.

25 (Thereupon, a benchside conference was had out

1 of the hearing of Juror Number 150 as follows:)

2 THE COURT: I don't understand --

3 MR. MOORE: It would have been nice to know
4 about that earlier.

5 THE COURT: Yeah, last week would have been
6 nice.

7 MR. MOORE: I would ask the Court to ask her if
8 she -- I don't know how far she is into the semester,
9 whether it would distract from her ability to sit,
10 whether she could delay taking the courses. I mean.

11 MR. LANNING: (Unintelligible), going to
12 school.

13 THE COURT: I know from other students I think
14 she can only miss three days. I can ask her that.

15 MR. MOORE: I mean, is that a for credit
16 course, I don't know.

17 THE COURT: I can ask her that.

18 MR. MOORE: Sure.

19 MR. LANNING: Ceramics course.

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

22 THE COURT: Juror Number 150, are you taking
23 classes for credit?

24 JUROR NUMBER 150: Yes.

25 THE COURT: And what classes are you taking?

1 JUROR NUMBER 150: Theology, history and
2 oceanography.

3 THE COURT: Okay. So, you're taking -- so, you
4 take class Monday and Wednesday. So, it's three
5 classes each day?

6 JUROR NUMBER 150: Yes.

7 THE COURT: And how far are you into the
8 semester? When did the semester start?

9 JUROR NUMBER 150: January.

10 THE COURT: And then how far does the semester
11 go?

12 JUROR NUMBER 150: I'm assuming about the first
13 week of May.

14 THE COURT: So, if you were -- I mean, because
15 it's three different classes, I assume you're going
16 to miss tests in different classes at different
17 times. And are those classes that you go to each day
18 or some of them on line classes?

19 JUROR NUMBER 150: No I go to them.

20 THE COURT: Okay. So, you missed class I
21 assume today, is that correct?

22 JUROR NUMBER 150: I only missed half of one
23 class today.

24 THE COURT: Oh, because of the starting in the
25 afternoon.

1 JUROR NUMBER 150: Yes.

2 THE COURT: Okay. And you're working towards I
3 assume -- are you working towards agree?

4 JUROR NUMBER 150: My associates degree.

5 THE COURT: Okay. And what -- how many credit
6 hours do you have?

7 JUROR NUMBER 150: I already have? I think
8 twelve.

9 THE COURT: So, is this something that's been
10 ongoing, going to school?

11 JUROR NUMBER 150: Yes.

12 THE COURT: As opposed to just starting?

13 JUROR NUMBER 150: No, it's been going for the
14 last year and a half.

15 THE COURT: Okay.

16 MR. MOORE: Will this distract her from --

17 THE COURT: If you were to be here and serve on
18 the jury panel, would you be able to give the case
19 your full attention, would you be distracted by the
20 fact that your missing school or have to go to
21 school?

22 JUROR NUMBER 150: No.

23 THE COURT: So, you could -- if you were chosen
24 you would be here? I'm having a little difficulty
25 because you're being kind of -- you're not being as

1 definitive about answers yes or no if it's going to
2 bother you to be here or not bother you.

3 JUROR NUMBER 150: I'd rather not be here.

4 THE COURT: Okay. I did -- when we talk about
5 hardship, school is one of the things that we
6 consider in hardship. Normally if people are going
7 to school I address that right away. I mean, if
8 that's something that matters to you.

9 JUROR NUMBER 150: Yeah, I didn't realize it.

10 THE COURT: That that was something that
11 would --

12 JUROR NUMBER 150: That it goes to hardship.

13 THE COURT: Okay. If I could have a bench
14 conference.

15 (Thereupon, a benchside conference was had out
16 of the hearing of Juror Number 150 as follows:)

17 THE COURT: With all due respect, I can't -- I
18 wouldn't treat her differently than I treated other
19 people. If people tell me they're in school and they
20 want to be in school instead of being here, I pretty
21 regularly release them.

22 MR. MOORE: The Court should ask if I have a
23 hardship. I have a hardship losing her as a juror.

24 THE COURT: No, I understand that. I wish she
25 had told us that the other day.

1 MR. MOORE: Yeah, could have saved a lot of
2 time.

3 THE COURT: Would have saved us about an hour.
4 All right. I'm going to ahead and release her for
5 cause then.

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

8 THE COURT: Okay. Juror Number 150, I will
9 release you for cause for purposes of you attending
10 school. Okay. We do -- I do consider that a
11 hardship. If you would have told me that the other
12 day I probably would have released you, just so you
13 know. I understand you don't know that, but that is
14 something, you know, if you want to be in school and
15 you're in school and you have a commitment towards
16 school, then I recognize that's something important
17 in your life and that's what you need to do. So, I
18 will release you from being a potential juror in this
19 case. If you'll go downstairs, report to the jury
20 assembly room, tell them you've been released and
21 they'll get your badge and give you some brief
22 information and send you on you way.

23 JUROR NUMBER 150: Okay.

24 THE COURT: Okay. Thank you.

25 JUROR NUMBER 150: I apologize.

1 THE COURT: That's okay.

2 (Thereupon, Juror Number 150 exited the
3 courtroom.)

4 THE COURT: Okay. We can bring in Number 151.

5 (Thereupon, Juror Number 151 was escorted into
6 the courtroom by the court deputy and the proceedings were
7 had as follows:)

8 THE COURT: Okay. Juror Number 151, one, thank
9 you for being here. Thank you for being patient with
10 us regarding this process, we do appreciate it. It's
11 been a long day for you, it's been a long day for us.
12 The other day when I spoke to you, I think it was
13 Thursday, I told you that there was some rules that
14 kind of came into effect. Those rules came into
15 effect at that time. So, I'm going to ask you about
16 those now. And I'm not talking about before, I'm
17 talking about since you came to the courthouse. Have
18 you read or been exposed to reading newspaper
19 headlines and/or articles relating to this trial or
20 its participants?

21 JUROR NUMBER 151: No.

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

24 JUROR NUMBER 151: Just by news 13, the same
25 blurb that they have every half hour.

1 THE COURT: About that jury selection is
2 continuing?

3 JUROR NUMBER 151: I don't even remember seeing
4 anything about the jury selection, just that the case
5 was going on.

6 THE COURT: Okay. And was that anything in
7 detail or just some general information? I mean,
8 anything more than that?

9 JUROR NUMBER 151: I think it was about that
10 particular day was about the building being named
11 after Deputy Pill.

12 THE COURT: Did you make any effort to try to
13 avoid that or not hear that or did it just come on
14 and you kind of?

15 JUROR NUMBER 151: No, it's like background
16 noise, my son has the TV on a lot watching the news.

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

20 JUROR NUMBER 151: No.

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

24 JUROR NUMBER 151: No.

25 THE COURT: Now, if you were selected as a

1 juror in this case, is it going to be any issues or
2 problems in following these rules?

3 JUROR NUMBER 151: No.

4 THE COURT: Okay. Now I'm going to talk about
5 what you knew before. Did you know anything about
6 this case either from your own personal knowledge,
7 rumor, by discussions with anyone else, or from the
8 media, including radio, television, Internet,
9 electronic device, or newspapers?

10 JUROR NUMBER 151: From the media.

11 THE COURT: Okay. Would that be from
12 television?

13 JUROR NUMBER 151: Television mostly.

14 THE COURT: Anything. On the radio or things
15 like that? What would be something you would hear
16 from?

17 JUROR NUMBER 151: News, just local news, you
18 know, from news 13 or whatever the TV was on.

19 THE COURT: Okay. And there's no right or
20 wrong answers in here, we just ask you to be honest,
21 complete and be frank with your answers. What
22 information do you believe that you know about the
23 case?

24 JUROR NUMBER 151: What information do I know?

25 THE COURT: And you can be specific.

1 JUROR NUMBER 151: Just that Deputy Pill was
2 killed in the line of duty.

3 THE COURT: Okay. Anything specific about
4 that, how it occurred, things of that nature?

5 JUROR NUMBER 151: That it was a gunshot.

6 THE COURT: Okay. Anything about what led up
7 to that?

8 JUROR NUMBER 151: Other than a high speed
9 chase or a chase, no.

10 THE COURT: Okay. Any details about a chase?

11 JUROR NUMBER 151: No details, no.

12 THE COURT: Anything about what may have
13 happened before that?

14 JUROR NUMBER 151: No.

15 THE COURT: And you say that would be probably
16 Channel 13 news?

17 JUROR NUMBER 151: Yes.

18 THE COURT: Is that something that's on at your
19 house?

20 JUROR NUMBER 151: It is.

21 THE COURT: And you say your son listens to it?

22 JUROR NUMBER 151: Yeah, or I do. It just
23 seems to be on all the time because he works on the
24 beach so he's watching the weather all the time.

25 THE COURT: So, is it something that is just on

1 and sometimes you listen to it and sometimes you
2 don't?

3 JUROR NUMBER 151: Yes.

4 THE COURT: Do you ever sit down and just watch
5 a news program?

6 JUROR NUMBER 151: No, never. I wish I had
7 time.

8 THE COURT: Okay. Now, do you -- did you -- as
9 a result of what you may have learned, did you form
10 any opinions about the guilt or innocence of
11 Mr. Bradley?

12 JUROR NUMBER 151: Not necessarily about the
13 guilt but I just have my own opinions.

14 THE COURT: Okay.

15 JUROR NUMBER 151: Because all of my friends,
16 probably ninety percent of them, are police officers.

17 THE COURT: Okay.

18 JUROR NUMBER 151: So, I was always thinking
19 about how their families would feel.

20 THE COURT: Because this case does involve the
21 death of a police officer, I do expect there will be
22 family members in here. So, first I'm going to ask
23 you about anything you may have heard about the case,
24 can you set aside anything you may have learned about
25 the case, serve with an open mind and reach a verdict

1 based only on the law and the evidence presented in
2 this trial in this courtroom?

3 JUROR NUMBER 151: To be honest, I would have a
4 difficult time.

5 THE COURT: Okay. And with regard to it being
6 the death of a police officer, tell me how that how
7 that concerns you.

8 JUROR NUMBER 151: Because eighty percent of my
9 friends and acquaintances are police officers, so.

10 THE COURT: What we ask you to do when you come
11 here --

12 JUROR NUMBER 151: I just feel like I wouldn't
13 be able to be objective.

14 THE COURT: What I ask you -- what I instruct
15 you to do as a juror is to place the burden of proof
16 on the State. The burden of proof is on the State in
17 every criminal case. They have to prove each count,
18 each element of each count beyond and to the
19 exclusion of every reasonable doubt. The defendant
20 and the Defense do not have to prove anything and you
21 have to come in here and say since there's been no
22 evidence at this point that the defendant is not
23 guilty. In fact, you have to say the defendant is
24 innocent. Would you -- if you were selected as a
25 juror in this case, would you be able to follow the

1 Court's instructions and consider the defendant to be
2 not guilty, give him the presumption of innocence
3 which he's entitled to at this phase of the trial,
4 would you be able to do that?

5 JUROR NUMBER 151: Honestly, I don't think I
6 could be objective in this particular case.

7 THE COURT: Okay. You just -- you feel based
8 on -- and, you know, to be quite honest, there might
9 be some -- there will be family members sitting in
10 here of the decedent, there are what I anticipate to
11 be some graphic pictures with regard to Deputy Pill's
12 death, do you think that would cause you some
13 concerns?

14 JUROR NUMBER 151: It would.

15 THE COURT: Okay.

16 JUROR NUMBER 151: It would.

17 MR. MOORE: Stipulate.

18 MR. BROWN: Agreed.

19 THE COURT: Okay. Then Juror Number 151, I am
20 going to release you from being considered as a juror
21 in this case. Thank you for being patient with us
22 for the process. If I knew your answers I'd call you
23 first and get you out of here but I can't do that.
24 So, I have to go -- but I appreciate you being
25 patient with us. I am going to release you. I do

1 need you to go downstairs, report to the jury
2 assembly room, tell them you've been released from
3 being a juror in Judge Reinman's courtroom. They're
4 going to take your bade, give you some instructions
5 and send you on your way.

6 JUROR NUMBER 151: Okay.

7 THE COURT: Okay. Thank you, sir.

8 JUROR NUMBER 151: Thank you, Judge.

9 (Thereupon, Juror Number 151 exited the
10 courtroom.)

11 THE COURT: Okay. For the record, Juror Number
12 151 is released for cause. I don't have any other
13 jurors available at this time. Now, I do have seven
14 jurors coming in tomorrow among starting at 8:30,
15 Jurors Number 152 through 179. We've already --
16 that's only -- it will only be six because we did
17 address Juror Number 154 today. I have a new panel
18 for tomorrow afternoon and that would be fifty-three.
19 Now, I'm just curious as it seems like we got through
20 seven pretty quick. I'm inclined to kind of break
21 them up maybe ten when we have them come back. Does
22 ten seem about right?

23 MR. MOORE: Sure.

24 THE COURT: I just don't want them -- you know,
25 we had them waiting around so much the first day,

1 there was a lot of complaints. I know this process
2 is hard for us but I'm trying to make it not as a
3 hard for them.

4 MR. MOORE: Well, it can be a day like today
5 where you have a lot of people who have media
6 exposure and were struck for cause for that reason.
7 I'd rather too many than not enough.

8 MR. LANNING: Probably never going to get it
9 perfect.

10 THE COURT: Yeah, that's probably true.

11 MR. BROWN: Then we had mornings where we only
12 got through five and (unintelligible). So, you get
13 through half the people and you bring half back and
14 it just backs everybody up. So, it's already 4:30.
15 So, if that last person would have been a typical
16 questioning, we would have been well past 5:00 just
17 doing seven and I think we had a good run, I
18 shouldn't say a good run, we had a run of publicity
19 once and we're still at 4:30. So, I don't think
20 seven is that bad of a number.

21 MR. MOORE: I recommend we err on the side of
22 having too many.

23 THE COURT: Yeah, I'll probably do ten just
24 because I feel better and then if I think that's too
25 many, I'll cut back. But let's do -- anything we

1 need address before 8:30 tomorrow morning?

2 MR. BROWN: Judge, we do have one matter and I
3 spoke about it with Defense Counsel. We've arranged
4 for Virginia Casey to be here about 8:15 in the
5 morning to roll another set of standard prints of the
6 defendant. We may have a potential issue with the
7 person that rolled those, she's one of the two that's
8 done the comparison. So, we're just going to have
9 her roll it so we're covered either way and we
10 thought we'd do that before the Court came on the
11 bench.

12 THE COURT: And that's been agreed to by the
13 Defense?

14 MR. MOORE: Yes.

15 THE COURT: Okay. So, we need to have
16 Mr. Bradley here at what, 8:15, is that what I heard?

17 MR. BROWN: Yes. We've already spoken to the
18 court deputies but I just wanted to let you know what
19 we were doing and trying to do so it doesn't not
20 interfere with the scheduling.

21 THE COURT: Okay. I appreciate that and
22 we'll -- anything else?

23 MR. MOORE: Judge.

24 THE COURT: Yes, sir.

25 MR. MOORE: We look at the list that we just

1 got and we have four names of people who are
2 (unintelligible) but not on that list. I'd like to
3 get them to -- whoever is putting together the list
4 and get that straightened out.

5 THE COURT: I think, Mr. McMaster, do you have
6 the information? Tell me who they are and we'll see
7 if Mr. McMaster has them.

8 MR. MCMASTER: I haven't checked the ones for
9 tomorrow, Judge. I did check all the ones for today,
10 we had everybody except for the last one and he got
11 excused anyway so it doesn't matter.

12 THE COURT: 146 has been excused. 151 has been
13 excused.

14 MR. MCGINNES: They weren't listed. We didn't
15 bring it up at the time but there's four others --

16 MR. MOORE: Three.

17 MR. MCGINNES: Three others that are on
18 schedule for tomorrow.

19 THE COURT: I'm not even asking them for it
20 until -- if they make it through the first phase.

21 MR. MCGINNES: No, no, they were on this one
22 that you passed out.

23 THE COURT: I know but if they --

24 MR. MCGINNES: They should be on here because
25 they're part of this panel.

1 MR. MCMASTER: Some of the pages are missing.

2 THE COURT: No, I didn't give you all the pages
3 because they didn't make it pass the first panel.

4 MR. MOORE: 155, 157 and 158.

5 THE COURT: Unless they made it pass the
6 first --

7 MR. MCGINNES: Excuse me, Judge. 155, 157,
8 158, they're scheduled for tomorrow morning on this
9 panel, they're not on this sheet.

10 THE COURT: I know, I didn't give you --

11 MR. MCGINNES: They didn't make it to the next
12 round.

13 THE COURT: I know, I didn't give you those
14 ones because I was only giving them once they made i
15 past the first round.

16 MR. MOORE: All right. Well, we -- why don't
17 we just get the information from them when they show
18 up.

19 THE COURT: Get it from who tomorrow.

20 MR. MOORE: These three people. That's what we
21 need from them.

22 THE COURT: Okay. I was under the impression
23 that you didn't -- the ones -- you asked for the ones
24 that had already made it past the first round. If
25 you wanted them for everyone that was going to be

1 considered, I would have gotten you that. I was
2 under the impression you just wanted them for the
3 ones that had made it past the first round, the
4 thirty-five that had made it past the first round.
5 Now it's thirty-nine. So, I didn't get you the other
6 information. So, that's why some of the pages
7 weren't included on that.

8 MR. MOORE: We can get it from -- when they
9 show up if that's all right.

10 THE COURT: What do you mean get it, you're
11 going to ask them their date of birth?

12 MR. MOORE: No in public, we have to bring them
13 up to the bench and get it so we can do searches.

14 THE COURT: I don't want them to have to give
15 that -- I don't want this process to be slowed down
16 any further than it's already slowed down. If you
17 want those I can probably -- if I had known you
18 wanted that, I could have gotten you that during
19 lunch. I probably do have the extra pages. I
20 probably do have the extra pages.

21 MR. LANNING: We only want the ones that end up
22 making it past the penalty questioning.

23 THE COURT: That's what I said, I'm getting you
24 those every time -- I'm writing a list and I'm asking
25 them if you have it and if you don't I'm going to get

1 it. So, 155, 157.

2 MR. MOORE: 155, 157, 158.

3 THE COURT: They haven't made it past the first
4 phase yet, right? So, we're good?

5 MR. LANNING: If they do.

6 THE COURT: I'm keeping a list right here and
7 the minute they do I'm writing it down and I'm asking
8 him if you have it and if you don't I'll go get it
9 for you.

10 MR. MCGINNES: Thank you, Judge.

11 THE COURT: Okay. I'll be happy -- I think
12 that's the best way to do it, that way I don't have
13 to get it for the whole panel, but I think you're
14 entitled to that information.

15 MR. MCMASTER: Do you have the set of pages
16 that you took out so I can check those.

17 THE COURT: Yeah. I mean, I didn't no it was
18 going to be that important. I should have kept them.
19 I'll go get them. They're in the trashcan, I'll go
20 get them. They're in the shredding thing.

21 MR. MCMASTER: I'll get them from you tomorrow,
22 Judge.

23 THE COURT: Yeah, I'll go get them. I'll go
24 get it right now before something happens to them.

25 (Thereupon, court was in recess for the day

1 3/10/14. Thereafter, court was reconvened on 3/11/14 and
2 the proceedings were had as follows:)

3 THE COURT: Please be seated. Okay. While
4 they're doing that, this is the list, the second part
5 of the list that you all didn't get. If somebody
6 could come up here and get this. Two for the State
7 and then four for the Defense.

8 MR. MOORE: Thank you.

9 THE COURT: I should have another list like
10 that for the new panel either the first break or for
11 sure over lunchtime.

12 MR. BROWN: Judge, to remind the Court, Number
13 158 was the third shift worker who didn't know about
14 coverage.

15 THE COURT: I did hear that the jurors are up
16 here, so. Trying to keep -- we don't have the grand
17 jury room today so we're trying to keep them
18 separated from the other jurors. So, we already
19 brought them up. And I have directed them as soon as
20 they get the fifty-three for this afternoon together
21 to release them so that they're not with the other
22 jurors as well, to release them until 1:15. Okay.
23 Any preliminary matters that we need to discuss on
24 behalf of the State?

25 MR. BROWN: No, Your Honor.

1 THE COURT: Any preliminary matters that we
2 need to discuss on behalf of the Defense?

3 MR. MOORE: No, Your Honor.

4 THE COURT: We ready to bring in Number 152?

5 MR. MOORE: Yes.

6 THE COURT: Okay. We'll bring in Number 152.

7 (Thereupon, Juror Number 152 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
11 152.

12 JUROR NUMBER 152: Good morning.

13 THE COURT: First of all, I want to thank you
14 for being here. Thank you for being patient with us.
15 This process is a long process, it's a long process
16 for you, I assure you it's a long process for us, but
17 it's a necessary process. So, we do thank you for
18 your patience. When I spoke to you all last Thursday
19 I talked about some rules governing your service as a
20 juror. Those rules came into effect at that time.
21 So, I'm going to talk since that time. Have you read
22 or been exposed to reading newspaper headlines and/or
23 articles relating to this trial or its participants?

24 JUROR NUMBER 152: No.

25 THE COURT: Have you seen or heard television,

1 radio, or Internet comments about this trial?

2 JUROR NUMBER 152: No.

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

6 JUROR NUMBER 152: No.

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

10 JUROR NUMBER 152: No.

11 THE COURT: Okay. Now I'm going to talk to you
12 about your knowledge of the case prior to that time.
13 I'm going to have some discussions with you, the
14 State will have an opportunity to talk to you and the
15 Defense will have an opportunity to talk to you. In
16 answering the questions, just so you know, there's no
17 right or wrong answers. What we ask you to do is be
18 complete, honest and frank. Some people say Judge,
19 can I say that? You can say whatever you want in
20 here, this is your opportunity to tell us the
21 information that you feel is relevant. If it's on
22 your mind, you should tell us.

23 JUROR NUMBER 152: Okay.

24 THE COURT: Okay. Do you -- do you know
25 anything about this case either from your own

1 personal knowledge, rumor, by discussions with anyone
2 else, or from the media, including radio, television,
3 Internet, electronic device, or newspaper?

4 JUROR NUMBER 152: I didn't know anything with
5 about it until you mentioned it was a lady sheriff
6 being shot, I remember that being on the news several
7 months ago, but that's the only thing I know about
8 it.

9 THE COURT: So, if you could -- you know that
10 there was a deputy, woman deputy who was shot, any
11 other specifics that you can recall?

12 JUROR NUMBER 152: Something about a hotel,
13 that's about it. I mean, it was like several months
14 ago there was a quick news article, it was on Fox or
15 something like that.

16 THE COURT: So, you would have heard about it
17 by watching the news on television?

18 JUROR NUMBER 152: Correct.

19 THE COURT: What are your general news habits?

20 JUROR NUMBER 152: I watch the news regularly,
21 basically daily, you know, get up in the morning.

22 THE COURT: Do you watch local news or national
23 news?

24 JUROR NUMBER 152: Local and national.

25 THE COURT: Because it has -- I mean, with all

1 due respect, it has been on the national news. You
2 haven't heard anything else? I mean, it has been on
3 the local news.

4 JUROR NUMBER 152: Again, you know, I've -- I
5 didn't recognize it until I heard about the lady
6 deputy in your statement and that was what triggered
7 the, you know, familiarity with the case.

8 THE COURT: Okay. Does this case in and of
9 cause, does that cause concern for you that you know
10 something about it?

11 JUROR NUMBER 152: It caused concern for me
12 because it was a law enforcement person, my father
13 spent fifty-two years in law enforcement and I have
14 several members of my close family, you know, cousins
15 that work in corrections and law enforcement in
16 Pennsylvania. So, it kind of hits close to home.

17 THE COURT: So, you say your father was -- how
18 many, fifty-two years in law enforcement?

19 JUROR NUMBER 152: Fifty-two years.

20 THE COURT: What agency?

21 JUROR NUMBER 152: He was a Pennsylvania State
22 police officer for thirty-two years, a
23 (unintelligible) sheriff officer for eleven years,
24 and then he worked in the court system in Claire
25 County for another eight years.

1 THE COURT: Okay. Well, then that brings up a
2 couple of questions for me. The first question is
3 can you -- if you were chosen as a juror in this
4 case, can you set aside anything that you may have
5 learned about this case, serve with an open mind and
6 reach a verdict based only on the law and the
7 evidence presented in the trial in this courtroom?
8 Do you think you would be able to do that?

9 JUROR NUMBER 152: I don't know that I can be
10 completely impartial, no.

11 THE COURT: Okay. Let's talk about the other
12 issue would be in all criminal cases the State has
13 the burden of proof. With all due respect, they know
14 they have the burden of proof, we all know they have
15 the burden of proof and they present their case that
16 way knowing that they have the burden of proof. They
17 have to prove each element of each count beyond and
18 to the exclusion of every reasonable doubt. So, at
19 this stage because no evidence has been presented the
20 defendant is presumed to be not guilty. In fact, the
21 defendant is presumed to be innocent.

22 JUROR NUMBER 152: All right.

23
24
25 (CONTINUED TO VOLUME VII)