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

CASE NO: 05-2012-CF-035337-AXXX-XX

STATE OF FLORIDA,
Plaintiff,

vs.

BRANDON LEE BRADLEY
Defendant.

ORIGINAL

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VOLUME III OF VIII

TRANSCRIPT OF DIGITALLY RECORDED JURY SELECTION

JUDGE: HONORABLE MORGAN REINMAN
DATE TAKEN: February 24, 25, 26, 27, and
March 6, 7, 10, 11, 13, 14, and
17, 2014
PLACE: Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, Florida 32940
REPORTED BY: Diane Lynch
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19 ALSO PRESENT: BRANDON LEE BRADLEY, Defendant
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1 THE COURT: Okay. All right. Questions by the
2 State.

3 MR. BROWN: Judge, can we approach?

4 THE COURT: Okay.

5 (Thereupon, a benchside conference was had before
6 the Court, out of the hearing of the other parties
7 present in the courtroom as follows:)

8 MR. BROWN: I don't think so.

9 MR. MOORE: Agreed.

10 THE COURT: I appreciate it. I was going to give
11 you an opportunity if you wanted the opportunity.

12 MR. MOORE: Waste of time.

13 THE COURT: Okay.

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

16 THE COURT: Okay. At this time, we are going to
17 release you from service as a juror in this case. I
18 want to thank you for being here. I know this has
19 been a long process for you; and, believe me, it's a
20 long process for us. I'm going to have you go
21 downstairs, they're going to release you, they're just
22 going to take your badge, and then send you on your
23 way. But thank you for your candor, and we appreciate
24 it. Thank you.

25 (Thereupon, Juror Number 43 was escorted out of

1 the courtroom by the court deputy and the proceedings
2 were had as follows:)

3 THE COURT: Okay. I just need to put this on the
4 record, for the record, Juror Number 43 was released
5 for cause. Okay. We can bring in Juror Number 45.

6 (Thereupon, Juror Number 45 was escorted into the
7 courtroom by the court deputy and the proceedings were
8 had as follows:)

9 THE COURT: Okay. Juror Number 45, first of all,
10 I want to thank you for your service, and I want to
11 thank you for being patient. This has been a long
12 process, this has been long for you, and I assure you
13 it's been a long process for us as well, but I
14 appreciate you being patient with us. When we broke
15 before, I gave you some rules governing your service
16 as a juror, so I'm going to question you about that.
17 And this pertains to when I first gave you those
18 rules. Have you been exposed to reading newspaper
19 headlines and/or articles relating to this trial or
20 its participants?

21 JUROR NUMBER 45: No.

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

24 JUROR NUMBER 45: No.

25 THE COURT: Have you conducted or been exposed to

1 any research regarding any matters concerning this
2 case?

3 JUROR NUMBER 45: No.

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

7 JUROR NUMBER 45: No.

8 THE COURT: Okay. In this process, I'm going to
9 ask you some questions and give you some general
10 information, then the State would have the opportunity
11 to ask you some questions, and the defense would have
12 an opportunity to ask you some questions. So the
13 first question I ask is kind of a very general
14 question, what are your views about the death penalty?

15 JUROR NUMBER 45: I'm against it.

16 THE COURT: Okay. Are you of the opinion -- are
17 you opposed to the death penalty such that you would
18 not consider it as a penalty under any circumstances?

19 JUROR NUMBER 45: Yes.

20 THE COURT: Okay. So if I were to instruct you
21 that the possible penalties in this case, in the event
22 we get to that part, the penalty phase, that you would
23 have to consider life in prison without the
24 possibility of parole as a penalty, but also consider
25 death as a penalty, and I give you instructions on

1 when that would be appropriate and how you would go
2 about that process, would you be able to consider
3 death as a possible penalty?

4 JUROR NUMBER 45: No.

5 THE COURT: There's not any circumstances that I
6 could -- that you could come to think of where you
7 would agree that that would be appropriate?

8 JUROR NUMBER 45: I don't think so, no.

9 THE COURT: Okay. You say, "I don't think so,"
10 remember, you're the juror in this case, you're the
11 one that would have to make that decision. And
12 there's no right or wrong answers in here, we're just
13 trying to get the information.

14 JUROR NUMBER 45: Yeah, I can't imagine a
15 scenario that I would recommend the death penalty.

16 THE COURT: Okay. Questions by the State.

17 MR. BROWN: May we approach?

18 THE COURT: Yes.

19 (Thereupon, a benchside conference was had before
20 the Court, out of the hearing of any other parties in
21 the courtroom as follows:)

22 MR. BROWN: State would move for cause.

23 MR. MOORE: No objection.

24 THE COURT: Okay. At this time, Juror Number 45
25 will be released for cause. Thank you.

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

3 THE COURT: Okay. Juror Number 45, I am going to
4 release you from service on this jury. What I'm going
5 to ask you to do is, if you'll go downstairs, they'll
6 give you some further information, and then they'll
7 release you. I do want to thank you for your candor,
8 and thank you for being here. Thank you.

9 (Thereupon, Juror Number 45 was escorted out of
10 the courtroom by the court deputy; thereafter, Juror
11 Number 46 was escorted into the courtroom by the court
12 deputy and the proceedings were had as follows:)

13 THE COURT: Okay. Juror Number 46, the first
14 think I want to do is thank you for being here, and
15 thank you for your patience with regard to this
16 process. It has been a long day for you, it's been a
17 long day for us. We're trying to do the best we can
18 to get through this as fast as we can. When we had
19 recessed before, I had explained to the jurors what
20 the rules were governing your service, and these rules
21 kind of started from the time that I explained those
22 to you, so I just need to ask you about that first.
23 Have you been exposed to reading newspaper headlines
24 and/or articles relating to this trial or its
25 participants?

1 JUROR NUMBER 46: I did see when I was flipping
2 channels last night something about how they were
3 seating a jury.

4 THE COURT: Okay. Anything else with regard to
5 that?

6 JUROR NUMBER 46: No.

7 THE COURT: Okay. Have you seen or heard -- you
8 did see some television, but anything else about this
9 trial?

10 JUROR NUMBER 46: No, ma'am.

11 THE COURT: Have you conducted or been exposed to
12 any research regarding any matters concerning this
13 case?

14 JUROR NUMBER 46: No, ma'am.

15 THE COURT: And have you discussed this case with
16 any of the other potential juror members or with
17 anyone else, or allowed anyone to discuss it in your
18 presence?

19 JUROR NUMBER 46: No, ma'am.

20 THE COURT: Okay. I'm going to ask you some
21 general questions, and then the State will have an
22 opportunity to ask you some questions, and then the
23 defense will have an opportunity to ask you some
24 questions. The first question I'm going to ask you
25 is, what are your -- it's a pretty general question --

1 what are your views about the death penalty?

2 JUROR NUMBER 46: Right to life, womb to tomb.

3 THE COURT: Okay. I assume from that statement
4 that you're against the death penalty?

5 JUROR NUMBER 46: Yes.

6 THE COURT: Okay. Knowing that that is a
7 possible penalty in this case, and that I will
8 instruct you that there are two penalties for you to
9 consider, and one would be life in prison without the
10 possibility of parole, or death as a penalty, are you
11 opposed to the death penalty such that you would not
12 consider it as a penalty under any circumstances?

13 JUROR NUMBER 46: I would not consider it.
14 Correct.

15 THE COURT: Okay. Even if I say, for purposes of
16 this trial, those are -- and there's no right or wrong
17 answers in here, I assure you, we're just trying to
18 make sure that that's an affirmative. If I were to
19 instruct you as part of your duties as a juror in this
20 case that you would have to consider the death
21 penalty, would you be able to do that?

22 JUROR NUMBER 46: No, ma'am, I would not.

23 THE COURT: Okay. All right. Anything from the
24 State?

25 MR. BROWN: Can we approach?

1 THE COURT: Yes.

2 (Thereupon, a benchside conference was had before
3 the Court, out of the hearing of any other parties in
4 the courtroom as follows:)

5 MR. BROWN: We would make a motion for cause.

6 MR. MOORE: You know, if we just get rid of the
7 death penalty in this case, we wouldn't be dealing
8 with this, but I don't object. I can't object.

9 THE COURT: Okay. All right. Then Number 46
10 will be excused for cause. Thank you.

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

13 THE COURT: Okay. Number 46, thank you for being
14 here. We appreciate your candor. I am going to
15 release you. You can go downstairs, report to the
16 jury assembly room, they'll give you some brief
17 instructions, and they'll send you on your way. Thank
18 you.

19 (Thereupon, Juror Number 46 was escorted out of
20 the courtroom by the court deputy; thereafter, Juror
21 Number 47 was escorted into the courtroom by the court
22 deputy and the proceedings were had as follows:)

23 THE COURT: Okay. Number 47, come on in. Okay.
24 Number 47, the first thing I want to do is to thank
25 you for being here, and to thank you for your patience

1 during this process. It has been a long day for you,
2 I know that, it's been a long day for us too, I assure
3 you. So thank you for being here. When we recessed
4 before, I talked about some rules that were in place.
5 Now, those rules kind of started at that moment, so
6 I'm going to need to ask you about that first. 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 47: No.

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

13 JUROR NUMBER 47: Yes.

14 THE COURT: Okay. Was that since we started this
15 trial, or was that before?

16 JUROR NUMBER 47: Last night.

17 THE COURT: Okay. What happened last night?

18 JUROR NUMBER 47: Just a blip, I told my husband
19 I couldn't talk about this, and I said, but you can
20 watch the news, I was in the kitchen, and he says,
21 okay, watch out. So, basically, it just was saying
22 that jury selection was still in process, is all it
23 said.

24 THE COURT: Okay. Anything else that was said
25 about that? I mean, did you have a discussion with --

1 any other discussion with your husband about it?

2 JUROR NUMBER 47: No.

3 THE COURT: Does he know you're here for this
4 case?

5 JUROR NUMBER 47: Yes.

6 THE COURT: Okay. How does he know that?

7 JUROR NUMBER 47: Because I said that I'm going
8 to have to be here for quite some time, and there's
9 news cameras in here, so I probably will be asked to
10 take care of this -- possibly be a juror.

11 THE COURT: Okay. From now on, don't tell your
12 husband -- he probably already knows, but don't
13 discuss this case with anyone, don't tell anyone
14 you're on this jury, if you're still on the jury. And
15 don't tell him the facts and circumstances of the
16 case.

17 JUROR NUMBER 47: Oh, no, no.

18 THE COURT: You will have an opportunity once
19 everything's done and over with to discuss the case
20 with anyone that you like, if you choose to do so, you
21 just can't do it while this case is going on.

22 JUROR NUMBER 47: I understand.

23 THE COURT: Okay. You're allowed to say, I'm
24 here, and this is the time I'm supposed to be here,
25 and where you're at and what time, but you just can't

1 talk about the why you're here and the circumstances.

2 Okay?

3 JUROR NUMBER 47: All right.

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

7 JUROR NUMBER 47: No.

8 THE COURT: And have you discussed this case with
9 any other potential jurors or with anyone else, or
10 allowed anyone to discuss it in your presence?

11 JUROR NUMBER 47: No.

12 THE COURT: Okay. Now, I'm going to ask you some
13 general questions, and then the State has an
14 opportunity to ask you some questions, and then the
15 defense has an opportunity to ask you some questions.
16 The first question I'm going to ask is, it's a very
17 general question, what are your views about the death
18 penalty?

19 JUROR NUMBER 47: I just -- I may be a virgin to
20 that question because I come from California, and
21 things are different, and I always thought that the
22 judge did the penalty part of the trial. Personally,
23 if the evidence warrants, you know, that kind of
24 thing, then I would probably, you know, go ahead and
25 make my choice that way, that I could do something

1 like that.

2 THE COURT: So it appears that you're not opposed
3 to it, but you're not -- you don't have a real fixed
4 opinion for it.

5 JUROR NUMBER 47: Well, yeah. I don't --

6 THE COURT: Okay. Let me tell you how the
7 process works, and that may help you. We have two
8 phases to a trial, the first phase is the guilt phase.
9 In the event that the jury returns a verdict for
10 guilty on count one, and it only pertains to count
11 one, of guilty to count one, which is premeditated
12 murder in the first degree, then, and only then, we
13 proceed to the second phase. The second phase is what
14 we call the penalty phase, and during that phase, as a
15 juror, you would be asked to make a recommendation to
16 the Court, to me, of possible penalties; and the
17 possible penalties that you would be asked to consider
18 are death, or life in prison without the possibility
19 of parole. Now, in the jury instructions, you'll be
20 given instructions as to what to consider, and how to
21 -- what to consider and how to weigh those
22 considerations. But would you be able to follow my
23 instructions and consider death as a possible penalty?

24 JUROR NUMBER 47: Yes.

25 THE COURT: And would you be able to follow my

1 instructions and consider life in prison without the
2 possibility of parole as a possible penalty?

3 JUROR NUMBER 47: Yes.

4 THE COURT: Okay. Now, I'm going to ask you what
5 you know about this case. Do you know anything about
6 this case, and this would be prior, either from your
7 own personal knowledge, rumor, by discussions with
8 anyone else, or from the media, radio, television,
9 Internet, electronic device, or newspapers?

10 JUROR NUMBER 47: When it all first happened, it
11 was on the news and blasting all over the place and on
12 TV. That's basically -- I don't even own a cell
13 phone, so I don't do the computer or anything, so it's
14 basically television. And --

15 THE COURT: So you say you would have heard
16 something on the news from watching TV?

17 JUROR NUMBER 47: Correct.

18 THE COURT: And you heard that at the time of the
19 event?

20 JUROR NUMBER 47: Well, at the time of -- I don't
21 know how detailed you're going to get with that
22 question; however, pretty much right after.

23 THE COURT: My next question is, what do you
24 believe you know about this case?

25 JUROR NUMBER 47: From what I recall hearing on

1 the news, that there was a sheriff's officer stopping
2 a white car for some reason, and I don't know if I
3 heard this before or after, because there was some
4 stuff missing out of a hotel, stolen out of a hotel.
5 I don't know how that worked, the days. But she
6 stopped this car, and all of a sudden something
7 happened and she was shot and the car was leaving; and
8 I can see it, I don't know how, probably video, of
9 this white car going down the road. And then, after
10 that, I don't know. But I know what they got two
11 people out of the -- suspects out of the car, but that
12 was it. It was a black male and a white female.
13 That's all I know.

14 THE COURT: Okay. Do you think you could set
15 aside anything that you may have learned about this
16 case, serve with an open mind, and reach a verdict
17 based only on the law and the evidence presented at
18 this trial?

19 JUROR NUMBER 47: Yes.

20 THE COURT: Okay. So you can put that aside, not
21 consider that, and base it on what you learn here in
22 this case?

23 JUROR NUMBER 47: Uh-huh.

24 THE COURT: Okay. All right. Questions by the
25 State.

1 MR. BROWN: Yes, Your Honor, Juror Number 47,
2 good afternoon. We're going to go through a little
3 bit concerning the issue of the death penalty and
4 whether or not you can make that type of a
5 recommendation. You've indicated to the Court that
6 you could consider a recommendation of the death
7 penalty. Would you be able to, if you felt it was
8 justified, return that recommendation and recommend to
9 the Court a sentence of the death penalty?

10 JUROR NUMBER 47: Yeah, I think I could. I do.

11 MR. BROWN: The process that the jury goes
12 through, the first step is, obviously, they have to
13 find the defendant guilty of first degree murder. If
14 they find him guilty of a lesser charge, like second
15 degree murder or not guilty, then the jury doesn't
16 proceed to the sentencing recommendation. The death
17 penalty only applies to first degree murder, if it's a
18 lesser charge, it's off the table. So if the jury
19 returns a verdict of guilty of first degree murder,
20 then you'll hear evidence from the State and the
21 defense concerning the sentencing issue, and then the
22 judge will give you the instructions on this case.

23 She will tell you that the first thing you have
24 to look at is called aggravating circumstances,
25 aggravating factors. Those are facts or information

1 with reference to the case, and perhaps some other
2 matters, that you could use to justify, in fact, the
3 only thing you can look at to justify recommending a
4 sentence of death in this case. The judge will give
5 you a list, it may be as few as one, I expect it to be
6 longer, then you have to look to see whether or not
7 the State has proven those aggravating circumstances
8 beyond any reasonable doubt. If you find the State
9 hasn't proven any aggravating circumstances, then your
10 recommendation has to be life.

11 JUROR NUMBER 47: Can I ask a question?

12 MR. BROWN: Sure.

13 JUROR NUMBER 47: When you say "aggravating
14 circumstances," are you just saying "evidence"?

15 MR. BROWN: Well --

16 JUROR NUMBER 47: I've heard that term several
17 times and I didn't know if aggravating circumstances
18 means, like, annoying things to me. So I -- is it
19 evidence, or is it --

20 MR. BROWN: Well, it'll be evidence of -- what
21 they will be is, it will be at least one, more than
22 likely more than one, certain instances, okay, where
23 you can look at and, based upon whether or not we've
24 proven it, say, this certain fact exists, I can use
25 that to justify the imposition of the death penalty.

1 JUROR NUMBER 47: Okay.

2 MR. BROWN: And the term "aggravating," in other
3 words, it enhances, and it's something that, a fact,
4 that you can base a death penalty recommendation on.
5 And you're going to be limited to the ones that the
6 Court gives you. Those are the ones you can legally
7 consider. So the first question is, has the State
8 proven at least one of those? If we've proven one,
9 then you can consider recommending death. If we've
10 proven, obviously, more than one, of course that adds
11 to it. Do you understand now?

12 JUROR NUMBER 47: Uh-huh.

13 MR. BROWN: Okay. Now, if we've proven at least
14 one aggravating circumstance to you, aggravating
15 factor, or more than one, and you look at those and
16 ask yourself, do those aggravating circumstances
17 justify the death penalty? If you answer no, then
18 your recommendation must be life in prison. If you
19 answer yes, you go to the second stage of your
20 analysis, that's where you consider what the -- what
21 is called mitigation, or mitigating evidence. As the
22 Court told you yesterday, that's based on the
23 defendant, his background, things of that nature. Are
24 you with me so far?

25 JUROR NUMBER 47: Yes.

1 MR. BROWN: And what mitigating factors would be,
2 or mitigating circumstances would be, are things that
3 you can consider that may lean you towards or push you
4 towards giving a life recommendation. So you have
5 things that aggravate that justify the death penalty,
6 things that mitigate and may push you towards
7 justifying giving a life recommendation. Okay?

8 JUROR NUMBER 47: Okay.

9 MR. BROWN: Those have a burden of proof as well,
10 it's a lesser burden, it's to the greater weight of
11 the evidence. So if you find that some of the
12 mitigating circumstances they present aren't proven,
13 you disregard those, because they're not proven, just
14 like you would disregard an aggravating circumstance
15 if it's not proven. Then you take the aggravating
16 circumstances that are proved and the mitigating
17 circumstances that are proved, and you go through a
18 weighing process.

19 Now, when you've had to make decisions in your
20 own life, at work, household situations, kid
21 situations, when you make an important decision, you
22 look at all the factors involved. That's what most of
23 us -- that's how we make decisions, you look at
24 everything, all the circumstances. You may look at
25 some of those factors and say, these are really

1 important, I'm going to give those factors great
2 weight. You may look at other factors and say, that's
3 really not important at all to me, I'll consider it,
4 but it's not that important, and I'm going to give it
5 little weight. Is that typically what you would do?

6 JUROR NUMBER 47: Uh-huh.

7 MR. BROWN: You do the same thing here, you look
8 at the aggravators, you look at the mitigators. You
9 have to consider everything that's been proven, but
10 it's up to you to determine the weight that you're
11 going to apply to each one. No one here can tell you
12 what weight. The Court's not going to tell you how
13 much weight you give to every circumstance, that's
14 what you have to decide by yourself. Okay?

15 JUROR NUMBER 47: Okay.

16 MR. BROWN: Consider if it's been proven, you
17 determine the weight. Now, you take that mitigation
18 that's been proven to you, decide how much weight
19 you're going to give that, you weigh it against the
20 aggravating circumstances. If the mitigation
21 outweighs the aggravators, then you must make a
22 recommendation of life in prison. If it doesn't
23 outweigh the aggravators, then you are now in a
24 position where legally you can give a death
25 recommendation to the Court. The judge is going to

1 tell you that you're never required to do that. She's
2 not going to say, if you find A, B, and C, then you
3 must give a death recommendation to the Court. Do you
4 understand that?

5 JUROR NUMBER 47: Yes.

6 MR. BROWN: You're never required to, but in
7 order to give that, you find the aggravating
8 circumstances, you find they justify the death
9 penalty, and that the mitigation does not outweigh the
10 aggravators. Then you look at it and say, death
11 penalty is justified in this case, that's what I'm
12 going to recommend. Do you understand the process?

13 JUROR NUMBER 47: So far.

14 MR. BROWN: Okay. I kind of want to go through
15 that because it's a little unfair to ask you a
16 question about it if you don't really know or
17 understand what you're going to be doing with it. So
18 given that explanation, can you do it?

19 JUROR NUMBER 47: Yes.

20 MR. BROWN: Do you feel confident in your ability
21 to?

22 JUROR NUMBER 47: Yes.

23 MR. BROWN: Have you come in here with any
24 preconceived notions of, well, in order for me to
25 recommend the death penalty, it's going to have to be

1 either A, or B, you know, mass murder, or something
2 like that?

3 JUROR NUMBER 47: No. I just would hope, you
4 know, the aggravating circumstances would be super
5 duper, there you go.

6 MR. BROWN: Okay. Well, and again, you know,
7 it's never going to be black and white, you have to do
8 the weighing process for yourself.

9 JUROR NUMBER 47: Right. Right. Well, yeah.

10 MR. BROWN: The judge isn't going to tell you how
11 to weigh it. Can you listen to the aggravating
12 circumstances that the judge gives you and consider
13 those?

14 JUROR NUMBER 47: Yes.

15 MR. BROWN: Okay. So you're not going to say,
16 well, unless it's going to be those two, then there's
17 no way I can recommend death?

18 JUROR NUMBER 47: Majority rules.

19 MR. BROWN: Well, it does -- the sentencing
20 recommendation does not have to be unanimous, but your
21 verdict for guilt does have to be unanimous. The
22 recommendation the jury makes to the Court does not
23 have to be unanimous. So it can be 11 to 1, it can be
24 10-2, all the way down the line, 9-3, 8-4. So that's
25 why each juror has to make up their own mind.

1 JUROR NUMBER 47: Right.

2 MR. BROWN: So you're not going to be able to sit
3 back and say, well, if the majority picks this, I'm
4 just going to go along with that.

5 JUROR NUMBER 47: Oh, I'm not talking about here.
6 Me, with the evidence, aggravating and --

7 MR. BROWN: Okay. I'm sorry, I'm misunderstood
8 you when you said majority rules.

9 JUROR NUMBER 47: No, I meant evidence.

10 MR. BROWN: Do you have any concern about your
11 own makeup, philosophical beliefs, religious beliefs,
12 moral beliefs, family history that causes you any
13 concern, any hesitation, or inability, to be able to
14 sit on this type of a case and make a death
15 recommendation?

16 JUROR NUMBER 47: I don't know. I'm just going
17 to say, my being brought up Catholic, but not a
18 practicing Catholic, 12th grade I was done, you think,
19 you know, one way or the other; and then I get so
20 angry because I have zero tolerance for a lot of
21 things, and it's like, if we had more people being
22 punished, following through with consequences, then
23 things wouldn't escalate to this type of a level. So
24 there I am over at my house saying, you know, here's
25 this, here's that, and then, oh, you know, eye for an

1 eye; but then you come into this situation, and
2 there's a human being sitting there, that's where it's
3 like, oh, so if I am chosen, I really am going to have
4 to take charge of this situation for another fellow
5 American. And then I'm thinking, you know, well,
6 consequences have always been an issue, so if I feel
7 there's overwhelming evidence and such, I have no
8 problem. So it's out there. That's how I feel.

9 MR. BROWN: You understand, obviously, what you'd
10 be recommending, if we get to that point, is what the
11 sentence should be for a murder, for the murder of the
12 particular victim in this case, Deputy Pill.

13 JUROR NUMBER 47: And it's the death penalty, or
14 life without parole.

15 MR. BROWN: And I just want to cover this last
16 topic, just to make certain that it wouldn't come into
17 play. You know, it's a lot we ask of the jurors, not
18 only to sit on a case, but to sit on a case of this
19 magnitude and have to make that recommendation. And
20 now you know if you went back there and the jury
21 returned a verdict of second degree murder, you
22 wouldn't have to make that decision, you wouldn't be
23 put in that spot. So I want to make certain that,
24 knowing that, would that affect your verdict at all?

25 JUROR NUMBER 47: If I voted one way or the other

1 on my own personal level, even at the second degree
2 part, I still get to -- I still have say, my own
3 personal private say as to my vote.

4 MR. BROWN: I guess my concern is, if you sit
5 back there and the State's proven to you first degree
6 murder, are you going to sit back and say, you know, I
7 just don't want to be in that -- dealing with the
8 death penalty on this case, so I'm going to return
9 second -- even though first has been proven, I'm going
10 to vote for second so I don't put myself in that
11 situation.

12 JUROR NUMBER 47: Oh, no, no, no. I didn't mean
13 that. No.

14 MR. BROWN: And you agree that wouldn't be the
15 right thing to do.

16 JUROR NUMBER 47: No.

17 MR. BROWN: So you can assure us that if the
18 State proves to you first degree murder, you're going
19 to return a verdict of first degree murder?

20 JUROR NUMBER 47: Yeah.

21 MR. BROWN: Thank you. No further questions,
22 Your Honor.

23 THE COURT: Okay. Questions by the defense.

24 MR. MOORE: You touched on this a little bit that
25 you have to realize that this isn't just a

1 hypothetical discussion about a death penalty being
2 imposed on someone, it actually involves the life of
3 that gentleman right there, Brandon Bradley, in a
4 process that could lead to him being sentenced to
5 death and being executed. That man, right there
6 (indicating).

7 JUROR NUMBER 47: Correct.

8 MR. MOORE: And you talked about being from
9 California and the system that they have where the
10 judge, you know, sort of -- to put it succinctly, the
11 judge takes care of and deals with all of that.
12 That's not the rule here.

13 JUROR NUMBER 47: I'm finding that out.

14 MR. MOORE: Yes, ma'am. Right. Right. And so
15 it's important for us to understand that you
16 appreciate the gravity of your responsibility as a
17 juror in this case. While the judge imposes the
18 sentence, the judge has to give great weight to the
19 verdict of the jury at the penalty phase, if we get
20 there. We're talking about this as if we're going to
21 get there, but that's another important thing is, you
22 understand that we have to talk about that in case we
23 do get there, but that's not to say that we are, you
24 know, all in agreement that that's where we're going
25 to wind up. It's like putting the seatbelt on when

1 you get in the car, you don't plan to get in a wreck,
2 but you better have a seatbelt on if you do.

3 JUROR NUMBER 47: Right. Be prepared.

4 MR. MOORE: Yes, ma'am. When we say -- when the
5 judge instructs you, because it's the law, that she
6 has to give great weight to your recommendation, let
7 me compare it to an airline pilot who's flying to
8 Paris, which he probably could technically do, I mean,
9 otherwise he wouldn't be in the cockpit of that
10 airplane, but he relies on a whole lot more things
11 than himself to get there. You understand what I'm
12 saying? He's got a copilot, he's got a navigator,
13 he's got GPS, he's got maps, he's got his eyes, he can
14 look out the windows, he can look for landmarks, but
15 without those things, he's not going to get there,
16 even if he's the best pilot in the world. And so,
17 similarly, the judge cannot impose a sentence in this
18 case of life, or death, without your recommendation.
19 That's how important that recommendation is to the
20 judge.

21 JUROR NUMBER 47: I totally, completely
22 understand that.

23 MR. MOORE: Very good. You indicated you're for
24 capital punishment, you're for the death penalty.
25 What are reasons why you are for the death penalty, as

1 opposed to being opposed to it?

2 JUROR NUMBER 47: For it? Gosh, I never really
3 gave that much thought. Other than that's part of the
4 consequence of a serious crime, and if you don't -- I
5 believe that since it's out there in the world, I
6 think that people need to stop and think before they
7 act. And if that is going to be part of that, the
8 consequence, of something so major, then it is what it
9 is. It's a major -- it's a consequence.

10 MR. MOORE: Have you -- I'm sure you've talked
11 about the death penalty at some point in your life
12 with other people, it just comes up -- never have in
13 your entire life?

14 JUROR NUMBER 47: Not particularly, no.
15 (Unintelligible) so none of this law stuff comes up.

16 MR. MOORE: I hope you don't jinx your luck by
17 saying that. So on a scale from 1 to 10, with 10 as a
18 strong support, strongest support for the death
19 penalty, 0 is either no support or you're opposed to
20 it, what number would you give yourself? What would
21 be the strength of your support for the death penalty
22 on a scale from 1 to 10?

23 JUROR NUMBER 47: In general --

24 MR. MOORE: As it relates to you.

25 JUROR NUMBER 47: I don't know, 10. My -- I

1 mean, you know, if anything warrants that, then that's
2 that.

3 MR. MOORE: Okay. Are there types of homicides,
4 types of first degree murders, let me put it that way,
5 where you say, you know -- let's put in a separate
6 category as to those that, absolutely, that type of
7 first degree murder deserves the death penalty.

8 JUROR NUMBER 47: First degree murder's a first
9 degree murder.

10 MR. MOORE: Well, I think, as you're learning,
11 that not all of them are punishable by death, and so
12 what I'm asking is, in your mind, are there types of
13 first degree murder -- and I'm sure if you were to
14 reflect a little bit on what you've heard on the news
15 over the last 10 or 15 years, you can think of high
16 profile first degree murders where you think, you
17 know, death is the only sentence I can imagine for
18 that particular first degree murder.

19 JUROR NUMBER 47: I generally don't follow a lot
20 of the negative news, so if there is an open and shut
21 case, basically, I mean, I'm assuming, here's this,
22 and here's that.

23 MR. MOORE: All right. Let me start with a real
24 basic question. Do you believe all first degree
25 murders should be punishable by death?

1 JUROR NUMBER 47: First degree murders should be
2 punishable by death? Because I don't know what first,
3 second, third, fourth, eighteenth is, you guys are
4 talking first, so therefore I'm focusing in on first,
5 assuming that's the worst, because the death penalty's
6 on the table, obviously. Yeah, death penalty is on
7 the table, if everything warrants --

8 MR. MOORE: Do you agree or disagree with this,
9 that all first degree murders should be punishable by
10 death, or do you think there are some that life
11 without parole is an appropriate sentence?

12 JUROR NUMBER 47: I really probably couldn't
13 answer that since I don't have all the -- I don't
14 know. I think that first degree murder, since it has
15 the given weight by professionals, somewhere in the
16 world, in order for it to be on the books, then, yes.
17 I would say yes.

18 MR. MOORE: Yes to all --

19 JUROR NUMBER 47: It should always be punishable
20 by the death penalty.

21 MR. MOORE: Always? Every first degree murder?

22 JUROR NUMBER 47: I don't know of any cases
23 otherwise, I don't the circumstances of --

24 MR. MOORE: We talked a little bit about
25 aggravating and mitigating circumstances. Aggravating

1 circumstances suggest that the death sentence may be a
2 more appropriate sentence for a first degree murder.
3 A mitigating circumstance would be one that would
4 suggest that life without parole is a more appropriate
5 sentence for a first degree murder. You follow me?
6 Am I making any sense?

7 JUROR NUMBER 47: Not particularly. Say that
8 again. I'm sorry.

9 MR. MOORE: Sure. An aggravating circumstance is
10 one the State must prove before you can even get to
11 the question about whether the death penalty applies.

12 JUROR NUMBER 47: Correct.

13 MR. MOORE: If they don't prove that, then the
14 sentence has got to be life.

15 JUROR NUMBER 47: Correct.

16 MR. MOORE: And even if they do prove an
17 aggravating circumstance, even if they do prove every
18 one on the books, you can still vote for life without
19 parole, you can always do that. Do you understand?

20 JUROR NUMBER 47: Yes.

21 MR. MOORE: So can you think of any mitigating
22 circumstance, anything to do with a defendant, the
23 defendant's life, or circumstance of a case that would
24 suggest that an appropriate sentence might be life
25 without parole?

1 JUROR NUMBER 47: Yeah. If somebody came in the
2 door and says, I was the one doing whatever, he didn't
3 do it, and, you know, here it is, then I could
4 probably save their life. Because you have that
5 doubt, like, okay, do we have the wrong guy?

6 MR. MOORE: Right. But we're talking about a
7 conviction, we're not talking about -- in that case,
8 you're talking about someone who's innocent of first
9 degree murder. In which case, you wouldn't even be
10 talking about the death penalty. We're talking about
11 -- well, let me give you some examples. Assume that
12 you find that there is guilt of first degree murder in
13 this case, what if you were presented with evidence of
14 mental illness? Is that a circumstance that you would
15 consider, potentially, as mitigating circumstances,
16 circumstances that would suggest that a life without
17 parole sentence might be the appropriate sentence?

18 JUROR NUMBER 47: Mental illness?

19 MR. MOORE: Yes, ma'am. If you heard --

20 JUROR NUMBER 47: I guess it would depend on why
21 there's mental illness. If it was born with it, if
22 he, you know -- if he or she got dropped on their head
23 and it busted open and now there's brain damage, yes.
24 Mental illness caused by self-induced chemicals and
25 things like that, no.

1 MR. MOORE: Do you believe mental illness is a
2 choice? Do people choose to be mentally ill, or not
3 mentally ill?

4 JUROR NUMBER 47: I believe -- well, it depends
5 on the person. Sometimes they are born into it,
6 sometimes they're born into because of the parents,
7 you know, drinking and driving or whatever, so the
8 poor kid has no chance. So there's mental illness
9 that way. There's mental illness over here if you,
10 you know, just made the wrong choices and chose to do
11 -- go this way instead of this way.

12 MR. MOORE: I'm trying to sort out what you're
13 saying here. Are you saying that you agree that
14 mental illness is not a choice, it's not a state of
15 mind that people choose?

16 JUROR NUMBER 47: Depending -- like I said, I can
17 agree to a point. It's something that the person has
18 done, or not done, for themselves; and I can say this
19 because I have a daughter that way. I have a daughter
20 that's bad, but then I have a son that's really good.
21 So at this point she had a choice, you know, because
22 she was young, and she chose to hang out with the
23 wrong people. So I've got both sides there. But as
24 far as mental -- a specific mental condition, it
25 depends on what kind it is.

1 MR. MOORE: Sure. All right. I don't mean to be
2 personal, but sometimes we have to ask some personal
3 questions, but what I'd like to know is, has your
4 daughter experienced mental issues, does she have
5 mental health issues?

6 JUROR NUMBER 47: I think she does.

7 MR. MOORE: You think she chose those?

8 JUROR NUMBER 47: I think she did. Portions of
9 them, yes.

10 MR. MOORE: Do you think that's true of everybody
11 who is mentally ill?

12 JUROR NUMBER 47: That -- every case is
13 individual.

14 MR. MOORE: That's what I'm asking, do you think
15 there's some situations where people are mentally ill
16 where they didn't choose to be that way, but that's
17 the way they are?

18 JUROR NUMBER 47: Well, like I said, in my
19 daughter's case, I think she chose to be. She chose
20 -- I do believe my daughter did.

21 MR. MOORE: Okay. All right. So if you were to
22 be offered testimony by mental health experts,
23 psychologists, psychiatrists, somebody who's licensed,
24 who's an expert in that field, about an evaluation
25 that was done, or evaluations that were done, is that

1 evidence that you would be willing to consider as
2 potentially mitigating circumstances, that would
3 suggest that perhaps a life sentence without parole is
4 an appropriate sentence?

5 JUROR NUMBER 47: Yeah, I think so. And it's
6 just one more piece of evidence that I have to -- that
7 I would be willing to look at.

8 MR. MOORE: Let me ask if you'd be willing to
9 consider it. Would you be open to considering that
10 type of evidence as potentially mitigating, as
11 potentially supporting a life without parole sentence?
12 Would you be open to considering it?

13 JUROR NUMBER 47: As one of the mitigating
14 circumstances, as you just said, yes.

15 MR. MOORE: All right. What about brain damage,
16 brain injury, if you were presented with evidence of
17 that, and you were reasonable convinced of that, is
18 that something that you would be open to considering
19 as potentially mitigating circumstances?

20 JUROR NUMBER 47: That along with everything
21 else, yes.

22 MR. MOORE: How about evidence of drug abuse or
23 drug addiction? Let me ask this: Do you believe that
24 people choose to be addicted to drugs? Is that a
25 choice?

1 JUROR NUMBER 47: I believe so, in a way.
2 Because if they -- if you teach someone, you're going
3 to get addicted, and you drill it into their head, but
4 they chose to try it anyway, and they become addicted,
5 that was their choice.

6 MR. MOORE: Well, let me separate the concept a
7 little bit. I mean, if a person starts using drugs,
8 initially, that certainly, I think we can all agree,
9 is a choice. But if a person becomes addicted and has
10 struggles with drug addiction, do you believe that a
11 person like that has made a choice to be drug
12 addicted?

13 JUROR NUMBER 47: Yes.

14 MR. MOORE: Can you choose to be unaddicted?

15 JUROR NUMBER 47: Yes.

16 MR. MOORE: How does that work?

17 JUROR NUMBER 47: You can go to counseling, you
18 can ask for help. There's a lot of free public stuff,
19 there's a lot of people who have family. If they're
20 rich enough, they can afford all that stuff, the
21 counseling.

22 MR. MOORE: Do you acknowledge or agree that some
23 people struggle with drug addiction?

24 JUROR NUMBER 47: Oh, I -- yes.

25 MR. MOORE: Do you think it's more of a struggle

1 for some people than others?

2 JUROR NUMBER 47: I guess, based on their
3 circumstances, yes.

4 MR. MOORE: Okay. And so the question is, drug
5 addiction, drug abuse, is that -- if you heard
6 evidence of that, is that something that you would
7 consider -- would you be open to considering that as
8 a potentially mitigating circumstance? Or not?

9 JUROR NUMBER 47: Depending -- yes. Yeah. Yes,
10 depending on all the other stuff.

11 MR. MOORE: Red light, or green light? Red
12 light, no, I won't even consider it; green light, you
13 know, I'll consider it, sure.

14 JUROR NUMBER 47: I just said yes, as long as --
15 if that comes up, or whatever, in anybody's situation,
16 and the other stuff is there as well, yes. I'll
17 consider everything that's presented.

18 MR. MOORE: Okay. How about evidence of physical
19 or emotional abuse, is that something that you would
20 be open to considering as a mitigating circumstance?

21 JUROR NUMBER 47: Yes.

22 MR. MOORE: Do you understand that life without
23 parole means that a person who is sentenced to life
24 without parole will never get out of prison alive? Do
25 you understand that?

1 JUROR NUMBER 47: Yes.

2 MR. MOORE: Do you question that in any way?

3 JUROR NUMBER 47: No.

4 MR. MOORE: Okay. Do you understand that --
5 well, you don't, because you haven't heard of this,
6 but I'm telling you that mitigating circumstances are
7 unlimited. Anything related to the defendant, the
8 defendant's background, the circumstances of the case,
9 unlimited, okay? Do you accept that?

10 JUROR NUMBER 47: Yes.

11 MR. MOORE: However, the aggravating
12 circumstances are limited, and the only ones you can
13 consider are the ones that you're told about by the
14 judge. Do you understand?

15 JUROR NUMBER 47: Uh-huh.

16 MR. MOORE: Do you understand that you are never
17 required to vote for death, under any circumstances?
18 Do you understand that?

19 JUROR NUMBER 47: I apologize, I --

20 MR. MOORE: You're never required to vote for
21 death --

22 JUROR NUMBER 47: Oh, right. I understand.

23 MR. MOORE: Okay. And at the guilt part of the
24 trial, guilt/innocence part, I think it was explained
25 to you, that the jury's verdict has to be unanimous,

1 that is, all vote guilty, or not guilty of the crime
2 when you deliberate.

3 JUROR NUMBER 47: Oh, I had no clue, but I do
4 now.

5 MR. MOORE: Now you know. Right?

6 JUROR NUMBER 47: Right.

7 MR. MOORE: And then, if the jury reaches a
8 verdict of first degree murder, then you go to the
9 penalty and sentencing part of the trial, where the
10 issue is not guilt or innocence, but what the sentence
11 should be, what the recommendation is going to be to
12 the Court. It will be either life without parole, or
13 death. And that phase, during that deliberation
14 process, each juror has the right to his or her own
15 vote, you do not have to all agree, you do not have to
16 be a unanimous jury. Do you understand that? You can
17 each vote whatever you think is the appropriate vote.

18 JUROR NUMBER 47: Oh, okay. Yeah, yeah, yeah,
19 yeah.

20 MR. MOORE: As to the sentence.

21 JUROR NUMBER 47: The penalty part.

22 MR. MOORE: The penalty part. That's different
23 from the guilt phase.

24 JUROR NUMBER 47: Yes, yes, I do. I thought I
25 did, now I do.

1 MR. MOORE: And you have the right to have your
2 vote respected and not have people intimidate or
3 browbeat you into agreeing with them, because you have
4 the right to your own vote.

5 JUROR NUMBER 47: Okay.

6 MR. MOORE: Can you extend that courtesy to the
7 other members of the jury who may disagree with you?
8 Give them the room to vote the way they think they
9 should?

10 JUROR NUMBER 47: They can vote the way they
11 want, as long as we talk it out and exhaust all
12 talking, you know, through it.

13 MR. MOORE: Okay. All right. Just one moment.
14 You may have answered this, but if you have, please
15 indulge me. If you were to find Mr. Bradley guilty of
16 first degree murder, would you, then, at the next
17 phase, would you be able to vote for life without
18 parole? Would you be able to?

19 JUROR NUMBER 47: It would depend. It's
20 possible. But if it's first degree murder, it's all
21 -- everything's there, I mean, first degree murder, I
22 don't know, it depends on -- I need to ask you all
23 something, both these things are on the table now,
24 right?

25 MR. MOORE: Which --

1 JUROR NUMBER 47: The life without the
2 possibility of parole and the death penalty, right?

3 MR. MOORE: The State is seeking the death
4 penalty in this case, and Mr. Bradley's charged with
5 first degree murder; and if he is convicted of first
6 degree murder, not saying he will be, then the State
7 will continue to seek the death penalty, and we'll
8 engage in this process, which will be explained in a
9 little more detail when you're instructed by the
10 Court. You've already received some instruction on
11 it, some explanation of it, and I know it's confusing
12 to you.

13 JUROR NUMBER 47: I'm sorry. It's like, you
14 know, we're back and forth on is, and I thought, well,
15 it's this and it's this.

16 MR. MOORE: Did that answer your question?

17 JUROR NUMBER 47: It did. She's going to be able
18 to let us know if the State's going to put the death
19 penalty on the table and --

20 MR. MOORE: Well, it's already on the table.

21 JUROR NUMBER 47: Oh, it's on the table. And
22 then --

23 MR. MOORE: But so is life without parole, it's
24 on the table as well. I mean, if there's a conviction
25 of first degree murder -- if there is no conviction of

1 first degree murder, then there's no death penalty.

2 JUROR NUMBER 47: Correct. Okay.

3 MR. MOORE: All right. And so my question is, if
4 you were part of a jury that found Mr. Bradley guilty
5 of first degree murder, would you, in the second
6 phase, the penalty phase, be able to, after you
7 listened to all the evidence, vote for life without
8 parole for Mr. Bradley? Would you be able to do that,
9 or not?

10 JUROR NUMBER 47: I think you're trying to trick
11 me or something. I'm just not sure -- if I had a
12 first degree murder death penalty, I could vote death
13 penalty as long as all these circumstances, you know,
14 were there. Life without the possibility of parole,
15 you're sitting there saying, could I vote for that in
16 first degree murder?

17 MR. MOORE: If you felt like it was appropriate.
18 Remember when the state attorney asked you if you --
19 if Mr. Bradley were found guilty of first degree
20 murder, and you listen to all the evidence at the
21 penalty phase, and if you felt it was appropriate,
22 could you vote for the death penalty, and you said
23 yes.

24 JUROR NUMBER 47: Yes.

25 MR. MOORE: Okay. Now I'm asking on

1 Mr. Bradley's behalf, if Mr. Bradley were found guilty
2 of first degree murder, and you listen to all the
3 evidence and you felt it was appropriate, could you
4 vote for life without parole?

5 JUROR NUMBER 47: I would assume, yeah, because
6 -- I would say yes, in a way. It depends on what has
7 been shown to me and --

8 MR. MOORE: I'm not asking you to vote now.

9 JUROR NUMBER 47: Well, that's what it appears to
10 be, so that's why I'm kind of like --

11 MR. MOORE: I'm not trying to confuse you. What
12 I'm asking you is, I'll just ask you one more time,
13 I'm not trying to trick you, okay, it's just taking
14 the question that Mr. Brown asked and putting it in a
15 way that reflects --

16 JUROR NUMBER 47: A different way, right.

17 MR. MOORE: -- on the other side of the coin,
18 which is life without parole. If you found, you as a
19 jury, Mr. Bradley guilty of first degree murder, you
20 heard all the evidence, and you all talked it out, and
21 people voted however they're going to vote as to what
22 the sentence should be, would you be capable of,
23 without saying what you would do, but would you be
24 open to, would you be willing to if you felt it was
25 the right thing to do, to vote for life without

1 parole? Would you be able to do that? Or not?

2 JUROR NUMBER 47: I would think the right thing
3 to do would be to listen to all the evidence, and then
4 I would make my decision at that point. I can either
5 do the death penalty, or this, if I'm --

6 MR. MOORE: Or which?

7 JUROR NUMBER 47: Life.

8 MR. MOORE: Without parole.

9 JUROR NUMBER 47: Yeah.

10 MR. MOORE: So it's possible that -- that's an
11 option for you, that's a possible option?

12 JUROR NUMBER 47: Well, I guess anything's
13 possible until the end.

14 MR. MOORE: No more questions.

15 THE COURT: Okay. Number 47, what I'm going to
16 have you do is go downstairs, they're going to give
17 you a phone number, you're going to call back
18 tomorrow, Wednesday, between 1:00 and 5:00, they're
19 going to give you this information downstairs about
20 where to call. At that time, we're going to give you
21 further information about when to report next. You're
22 still being considered as a juror for this case.

23 MR. MOORE: Could we approach, briefly?

24 THE COURT: Yes, you may.

25 (Thereupon, a benchside conference was had before

1 the Court, out of the hearing of any other parties in
2 the courtroom as follows:)

3 MR. MOORE: I'm going to move to strike this
4 juror for cause. I mean, I did my level best, and I
5 think I'm pretty good at putting things in decent
6 terms, but I did my level best to explain her options
7 to her, and it was just all over her head. She
8 doesn't get it. And I don't think all the
9 instructions in the world can make any difference for
10 this lady, she's just not with it. I don't know what
11 the source of her confusion is, I know she mentioned
12 that her daughter's got some issues, maybe she's got
13 some. But she just doesn't grasp what we're asking
14 her, very basic stuff, Your Honor. You know, Mr.
15 Brown had to go around, and the Court, initially, did
16 its own instructions, and I did my best to go over
17 them again, and it's new to these folks, but these
18 aren't terribly complex concepts. And after three
19 shots at it, with this Court, Mr. Brown, and myself,
20 and I went around it several times, and she ain't
21 getting it. So I think she's got some limitations, I
22 don't know what they are, I know I'm being an armchair
23 psychologist, but she's not understanding, and I don't
24 think she is capable of being -- participating in the
25 complex decision-making that she's going to be asked

1 to participate in in this case.

2 MR. LANNING: She said she could give life
3 without parole if somebody came into court and said,
4 he didn't do it, I did. You know, Mr. Bradley would
5 be innocent under those circumstances.

6 THE COURT: Response from the State?

7 MR. BROWN: Judge, she certainly seemed confused,
8 I will acknowledge that. But, ultimately, at the end
9 of the day, she said she would consider everything,
10 and so I'll leave this one to the Court's discretion.

11 MR. MOORE: It's not like we're trying to, from
12 our standpoint, shed a pro-death juror, she just
13 doesn't get it. Even if she were pro-life, with that
14 attitude, I think the State would be moving to strike
15 her, and I wouldn't be able to respond, I would have
16 to agree. She just doesn't have it mentally to --

17 THE COURT: Okay. I don't think she understands
18 the concepts that have been presented before the
19 Court, so I'm going to strike her for cause.

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

22 THE COURT: Okay. Number 47, at this time -- I
23 started to give you some other instructions, but at
24 this time we're going to release you from your service
25 as a juror in this case. What I'm going to have you

1 do is, go downstairs, they're going to give you some
2 brief instructions, they're mostly going to take your
3 badge, and then you'll be able to go about your
4 business. You do not need to report back. So you can
5 go downstairs at this time. Thank you for being here,
6 and thank you for participating in this process.

7 (Thereupon, Juror Number 47 was escorted out of
8 the courtroom by the court deputy and the proceedings
9 were had as follows:)

10 THE COURT: Okay. With all due respect, I
11 apologize to Number 53, but it's just getting too
12 late. I do have another jury panel coming back, they
13 need to be qualified. So we can have Number 53 come
14 back at 8:30 in the morning, and we can address it
15 first thing in the morning, and then we can -- you
16 know, you'll get the questionnaires on the next jury
17 panel, I'll give you a few moments to review those,
18 and then we can proceed from there. So court will be
19 in recess until 8:30 in the morning. Thank you.

20 MR. BROWN: I had one question about the next
21 panel.

22 THE COURT: Yes?

23 MR. BROWN: Are they going to pick up at Number
24 54, do they go back to Number 1, or do we not know
25 yet?

1 THE COURT: I do not know the answer to that. I
2 asked them to try to pick up at 54, they said they
3 would investigate it and give me that information, and
4 I don't have that information. And to tell you the
5 truth, they may have sent me an e-mail, but I haven't
6 been checking my e-mail. So I should know that first
7 thing in the morning, and I do apologize for that. I
8 don't know the answer to that. Okay. All right.
9 Court will be in recess until 8:30 tomorrow morning.
10 Thank you.

11 (Thereupon, court was in recess for the day,
12 2/25/14; thereafter, court was reconvened on 2/26/14
13 and the proceedings were had as follows:)

14 THE COURT: Please be seated. Okay. We can
15 bring out Mr. Bradley.

16 (Thereupon, the defendant was escorted into the
17 courtroom by the court deputy and the proceedings were
18 had as follows:)

19 THE COURT: Is it Number 53?

20 THE COURT DEPUTY: He is up and present.

21 THE COURT: He's up and present?

22 THE COURT DEPUTY: Yes.

23 THE COURT: Okay. Any preliminary matters that
24 we need to discuss on behalf of the State?

25 MR. BROWN: No, Your Honor.

1 THE COURT: Any preliminary matters on behalf of
2 the defense?

3 MR. MOORE: No, Your Honor.

4 THE COURT: So we're ready to begin with Number
5 53, and then we can talk -- we'll probably have a few
6 minutes after we do that to talk about the rest of the
7 panel that, I assume, they're getting ready to
8 qualify. I did send them an e-mail this morning, I
9 hope they got that all underway. Okay. We'll go
10 ahead and bring in Number 53.

11 (Thereupon, Juror Number 53 was escorted into the
12 courtroom by the court deputy and the proceedings were
13 had as follows:)

14 THE COURT: Good morning, Number 53.

15 JUROR NUMBER 53: Good morning.

16 THE COURT: First of all, I want to thank you for
17 your -- for being here, thank you for your patience.
18 We tried to get to you last night before we could
19 break, and we just had been here all day and couldn't
20 do it. I do apologize for that, I know you sat there
21 all day yesterday. This process is a slow process,
22 it's a necessary process, but I just want you to know
23 how much we appreciate you being here. I do have to
24 ask you, when I last spoke with you, there were some
25 rules that I put in place, and those rules started at

1 that time. So I need to ask you about those. Have
2 you been exposed to reading newspaper headlines and/or
3 articles related to this trial or its participants?

4 JUROR NUMBER 53: No.

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

7 JUROR NUMBER 53: No.

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

11 JUROR NUMBER 53: No.

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

15 JUROR NUMBER 53: No.

16 THE COURT: Okay. I'm going to talk to you about
17 any prior knowledge you might have, but I'm going to
18 do that in a minute. What's going to happen this
19 morning is, I'm going to speak with you, then the
20 State will have an opportunity to speak with you, and
21 then the defense will have an opportunity to speak
22 with you. The first question that I ask is a very
23 general question, what are your views regarding the
24 death penalty?

25 JUROR NUMBER 53: I'm in favor of it.

1 THE COURT: Okay. So let me explain the process,
2 and then I'm going to ask you some additional
3 questions. In this case, we have two phases for the
4 trial, we have the first phase, which is called the
5 guilt phase, and then we have the second phase, which
6 is called the penalty phase. In the guilt phase, in
7 the event that the jury returns a verdict of guilty on
8 count one, and it only pertains to count one, and that
9 would be a guilty verdict as to premeditated murder in
10 the first degree, in that event, we move on to the
11 second phase, which is called the penalty phase. In
12 that penalty phase, if you were chosen as a juror, you
13 would be requested to make a recommendation to the
14 Court of the penalty; and the possible penalties would
15 be death, or life in prison without the possibility of
16 parole. You would be instructed that you would have
17 to consider both those possible penalties. So my
18 question to you at this time is, are you of the
19 opinion that death is the only appropriate penalty for
20 murder in the first degree, and is that opinion so
21 strong that you could not consider life in prison
22 without the possibility of parole under any
23 circumstances?

24 JUROR NUMBER 53: Is that relative to this case,
25 or in general?

1 THE COURT: In general.

2 JUROR NUMBER 53: I would -- well, I guess each
3 case is different, but I would probably favor it first
4 that there aren't any exceptions to the death penalty
5 in this case.

6 THE COURT: Okay. When you "favor it first,"
7 that tells me that there might be some wiggle room in
8 there, so I need -- you would be given instructions on
9 how to weigh the circumstances, there's aggravating
10 circumstances, there's mitigating circumstances, and
11 you would be given instructions on how to consider
12 those and weigh those; and that is to assist you in
13 making a recommendation to the Court of death, or
14 life. So let me ask you about this case, and then
15 that may help. Have you read anything or heard
16 anything about this case by any means, your own
17 personal knowledge, rumors, discussions with someone
18 else, from the media, radio, television, Internet,
19 electronic device, or newspapers?

20 JUROR NUMBER 53: I have read the newspaper
21 accounts, and I have watched the television coverage
22 of the events.

23 THE COURT: And do you do that -- was that just
24 at the time of the death, or throughout this process?

25 JUROR NUMBER 53: Throughout the process.

1 THE COURT: Okay. So do you read newspapers
2 regularly.

3 JUROR NUMBER 53: Yes, I do.

4 THE COURT: And you watch news regularly?

5 JUROR NUMBER 53: Yes.

6 THE COURT: And what information do you believe
7 you know about the case?

8 JUROR NUMBER 53: I think I know pretty much the
9 scenario as it played out, from start to finish.

10 THE COURT: Okay. Can you tell me -- can you be
11 more specific?

12 JUROR NUMBER 53: Well, I'm aware that the
13 defendant -- apparently it started as a robbery at a
14 hotel on 192, which was called into the police, and a
15 chase ensued. He ended up somewhere on the Lake
16 Washington area. I saw the helicopter coverage of the
17 events as they -- the defendant was pulled over and
18 stopped, and the shooting.

19 THE COURT: Okay. Do you think you can set aside
20 anything that you may have learned -- okay, there's
21 lots of movement in the courtroom. If you're going to
22 be in the courtroom, we can't have that. You either
23 need to come in, or be out. This is an important
24 process. Okay. We'll start that again. Can you 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 at
3 this trial?

4 JUROR NUMBER 53: Judge, I think my prior
5 knowledge of this case, from the having read the
6 newspapers and watched television coverage, and the
7 fact that I have two relatives that were in law
8 enforcement, it would be difficult for me to render an
9 unbiased opinion in this case.

10 THE COURT: Okay. So what you're saying is that
11 you would be biased against the defendant?

12 JUROR NUMBER 53: Yes, I would.

13 THE COURT: Okay. What we ask you to do is come
14 in here with kind of a clean slate. Obviously, people
15 have -- most people do have some information about the
16 case, but we ask you to come in here with this clean
17 slate and just base your opinions and reach a verdict
18 and make a recommendation based on what you hear from
19 the witness stand by way of testimony and evidence,
20 and the instruction on the law that I give you. Are
21 you saying that you could do that, or you cannot do
22 that?

23 JUROR NUMBER 53: In this case, I believe it
24 would be very difficult for me to do that.

25 THE COURT: Okay. When you say, "I believe" or

1 "I think," that's --

2 JUROR NUMBER 53: I don't think I could do it.

3 THE COURT: Okay. If I asked you that -- if I
4 instructed you that that -- and I'm just trying --
5 because you said "I think," some people say "I think"
6 as a matter of speaking, some people say "I think"
7 because they're not sure, so I'm trying to get you to
8 tell me if that's an "I think" as a matter of
9 speaking, or if that's an "I think," that you can't do
10 it.

11 JUROR NUMBER 53: I can't do it in this case.
12 I've already formed an opinion.

13 THE COURT: Okay. Questions by the State.

14 MR. BROWN: No, Your Honor.

15 MR. MOORE: No, Your Honor.

16 THE COURT: Okay. Do I have a stipulation?

17 MR. MOORE: Yes.

18 MR. BROWN: Yes.

19 THE COURT: Okay. Number 53, I am going to
20 release you from service on this jury. I wish I could
21 have done that last night, I just apologize. At some
22 point we've just got to stop. It gets very tiring up
23 here when you've been up here -- when you've been here
24 from 8:30 to 6:30, so I do apologize for that. If I
25 could have changed that process, I would have, believe

1 me, I wanted to get you in. But I am going to release
2 you, I'm going to send you downstairs to the jury
3 assembly room, they're going to give you some further
4 instructions. Tell them you've been released from
5 Judge Reinman's courtroom, and then I'm sure they'll
6 send you on your way. Thank you.

7 (Thereupon, Juror Number 53 was escorted out of
8 the courtroom by the court deputy and the proceedings
9 were had as follows:)

10 THE COURT: Okay. For the record, just because I
11 didn't put that on the record, Number 53 has been
12 released for cause. Okay. We do have a new panel
13 coming up. I don't know if they're ready yet, and
14 they haven't told me about the numbers. I'm not
15 checking my e-mail, so, Madam Clerk, if you could try
16 to find that out, if we're just going to start with
17 53 --

18 THE CLERK: They're going to start with 54, and
19 he said it will be about 10, 15 minutes.

20 THE COURT: Okay. That would be excellent, to
21 start with Number 54, and then we can use the chart
22 for day two. So it's going to be 54 through 106.
23 We'll have 21 in the jury box, and then five, five,
24 and six in the back on each side. If I could instruct
25 my deputies, that means that, you know, we've had

1 people coming in and out of the courtroom, we need to
2 limit it to those seats in the back for purposes of
3 these proceedings. As soon as I get the
4 questionnaires, I'll get them to you. As soon as they
5 come up, I'll get them to you.

6 I want to talk a little bit with the attorneys
7 for just a moment about timing, as we have the other
8 jurors calling back this afternoon between 1:00 and
9 5:00. If things go as they have been, then we're
10 going to -- I think it will take about two days to get
11 through this panel, I think we might need to go into
12 another panel. We have 13 potential jurors that are
13 going on to the second phase, so I think we're going
14 to have to do another panel. If it works out the way
15 this is, we do panel number two today and tomorrow,
16 panel number three next Friday and next Thursday, and
17 then possibly bring everybody back on the next Friday,
18 and hopefully get a jury seated by the end of that
19 day.

20 MR. LANNING: Next Friday?

21 THE COURT: Well, we come back next Thursday for
22 the second part of panel number three, because it's
23 taken two days to get through the panel; and then
24 bring everyone back the next day, which would be
25 Friday.

1 MR. LANNING: Okay.

2 THE COURT: And that would be the 7th. And
3 hopefully start the case on the 10th. I mean, that's
4 just projection, that's how it's looking at this
5 point. I think what I'll do with the jurors that are
6 calling in this afternoon, I think I'm going to have
7 them call in again on the 5th between 1:00 and 5:00,
8 just to have some wiggle room in case we get through
9 this panel faster than we got through the other panel.
10 Any questions or concerns or suggestions? Okay.
11 We'll do this panel the same way we did the other
12 panel.

13 Mr. Bross, with all due respect, I'm not taking
14 -- I'm in the middle of this trial, this is the only
15 trial I'm addressing.

16 MR. BROSS: This is part of the trial, Judge.
17 I'm only here for this trial. I just wanted to advise
18 the Court that when Andria Kerchner is called, if the
19 Court would please have a court clerk notify us, so
20 either myself or Mr. Savy could be in here when she
21 testifies.

22 THE COURT: Okay. That's none of my concern.

23 MR. MCMASTERS: The State can do that, Judge.

24 THE COURT: Okay. That can be handled by a
25 discussion with him.

1 MR. BROSS: Okay. I'm sorry for the
2 interruption.

3 THE COURT: Okay. I'll give you -- as soon as I
4 can get those sheets, I'll give them to you, and I'm
5 just going to sit up here and wait for the sheets to
6 come forward.

7 (Thereupon, a brief break was taken in the
8 proceedings; the defendant remained in the courtroom.)

9 THE COURT: Okay. We can go on the record.
10 Unless, I hear something else, I'll go ahead and bring
11 the jury panel in and I'll get started. Is everyone
12 okay with that? Okay. We're ready to go.

13 THE COURT DEPUTY: Yes, ma'am. All rise for the
14 venire.

15 (Thereupon, the venire of Jurors 54 through 106
16 was escorted into the courtroom by the court deputy
17 and the proceedings were had as follows:)

18 THE COURT: Okay. Please be seated. Good
19 morning, ladies and gentlemen. Welcome to the Brevard
20 County Courthouse. My name is Morgan Laura Reinman,
21 and I am one of the Circuit Court judges in the 18th
22 Circuit, and I am the judge presiding over the jury
23 trials in this courtroom. Specifically, let me
24 welcome you to the Criminal Division of the Circuit
25 Court. I realize that you are here involuntarily, and

1 perhaps you would rather be anyplace else right now,
2 but please know that all of us here appreciate your
3 coming to serve. For our system of justice to work,
4 it is essential that citizens like yourself be willing
5 to come and work with us. Juries are one of the
6 things that separate us from other countries, where
7 people don't have the privilege of having jurors
8 determine the outcome of cases. Service on a jury
9 panel affords you an opportunity to be part of the
10 administration of justice by which the legal affairs
11 and the liberties of your fellow men and women are
12 determined and protected.

13 The Court realizes that service on a jury panel
14 is not always convenient. I will make every effort to
15 see that your time is not wasted. The estimated
16 length of this trial is approximately five weeks,
17 which means we would be working through March the
18 28th, 2014. This is an estimate, but I must admit
19 that the case could take less than five weeks, or the
20 case could take more than five weeks.

21 Let me pause here to say that most criminal
22 trials in this circuit are over in just a couple of
23 days. It is rare for one to go past even a week.
24 Every now and then, one comes along which requires me,
25 as the judge, to recruit and draft members of this

1 community to be jurors to hear a case of some length.
2 This happens to be one of those cases. Simply put, we
3 need your help. We recognize that serving on a jury
4 for five weeks or so can present a hardship for some
5 of you, and I will give you a chance to tell me if
6 there are things in your life that you think could
7 keep you from serving. Some of those, we may be able
8 to work around. But please understand that your
9 definition of a hardship may not meet the legal
10 definition of a hardship, and I am required to follow
11 what the law says.

12 Having said that, to the extent that we can
13 accommodate your concerns, we will try to do so.
14 Obviously, this is an important case. We would like
15 to have all of you volunteer for service. But please
16 understand if that is not possible, you may have to be
17 drafted, even though it could prove to be
18 inconvenient. Let me give you some examples of
19 hardships: If you are scheduled for surgery, that
20 could be a good excuse; if you are seriously ill or
21 have a medical or mental condition, that could keep
22 you from serving as a juror; if you are the sole
23 caretaker of a mentally or physically disabled
24 relative, that might be good grounds; if you are going
25 to be evicted from your home or go seriously in debt

1 if you miss five weeks of work, and your employer
2 won't pay you for that, we'll listen to those sorts of
3 issues. However, the fact that you and your boss feel
4 that you are indispensable to your job may not be
5 enough. We're going to have to hear the facts a
6 little bit more and make a decision on a case-by-case
7 basis. Basically, the reason for being excused has to
8 border on severe.

9 There will be no court on March the 3rd, 4th, and
10 5th, and also no court on March the 24th and March the
11 25th. The hours that we generally work are from 9:00
12 a.m. to 5:00 p.m., and we break every one and a half
13 to two hours, and we take an hour to an hour and a
14 half break for lunch.

15 Now, I'm going to ask many questions, so I know
16 if your mind you're thinking, I want to tell the judge
17 this, but wait until I ask the question for the answer
18 that you want to give, because we have to do this in
19 somewhat of an orderly fashion. So the first question
20 -- I'm going to talk about medical or physical
21 conditions in a minute, but the first question I'm
22 going to ask, and I am going to go row by row, is,
23 does the schedule as I explained it to you present a
24 great hardship for any of you? Now, we're going to
25 start with that question. I'm going to start -- we're

1 going to go by the numbers, so the first row, if
2 anybody in the row, does that schedule in and of
3 itself create a hardship, and if so, if you'll raise
4 your hand. Okay. First row, I'm only on the first
5 row. Number 54, if you could tell me why that
6 schedule would present a hardship for you.

7 JUROR NUMBER 54: I have two issues. I'm
8 post-surgery of my foot, which was rather extensive
9 surgery. I've not had it in a dependant position for
10 a while, so I'm not sure if that would cause any
11 complications due to swelling. And I'm also right in
12 the middle of moving out of my condominium, which I
13 have to rent. I've been unemployed for a year, my
14 mortgage is \$1400, so I need to rent that ASAP, and
15 I'm just right in the middle of moving. Just had the
16 truck come last week.

17 THE COURT: Okay. When you say, "right in the
18 middle," you'll have to help me with that. Because
19 sometimes it's like, this is the truck, it's here,
20 everybody's putting everything in, and you say the
21 truck is there, so I don't --

22 JUROR NUMBER 54: I'm still moving items out.
23 I'm cleaning. I'm going there almost every day. I
24 recently got married, so I live in another town now.
25 And I'm just doing all that I can to get it ready,

1 because it's costing me a lot of money, and I'm not
2 employed.

3 THE COURT: Okay. So you're trying to move out
4 and move into the new residence.

5 JUROR NUMBER 54: Yes.

6 THE COURT: Okay. I heard the issue about the
7 foot, if that becomes an issue, you can let us know.
8 We will try to accommodate that, we can accommodate
9 that. We do take breaks every hour and a half to two
10 hours for that purpose. In fact, when we were
11 standing up here today, everyone was probably happy to
12 stand because we'd been sitting for a long time. So
13 if that happens, you know, we normally take a
14 15-minute break, let you walk around. If it becomes
15 an issue, and it's something that we need to address,
16 we can address.

17 JUROR NUMBER 54: If I could just elevate it on a
18 little stool, that would help.

19 THE COURT: You could do that, you could bring a
20 stool and you could elevate it. That would not be an
21 issue.

22 JUROR NUMBER 54: Okay.

23 THE COURT: Now, the moving, can you work around
24 that, or not work around that? And then the issue
25 becomes, we need -- one of the things we'll talk about

1 is, we need your full attention when you're here,
2 would that distract you from giving us your full
3 attention?

4 JUROR NUMBER 54: It would cost me another couple
5 thousand dollars for five weeks, which -- would it
6 distract my attention? A little bit. But I suppose
7 I, you know --

8 THE COURT: Okay. And so is it a financial
9 issue?

10 JUROR NUMBER 54: Yes, it is.

11 THE COURT: Okay. And so that would be -- would
12 that cause you a hardship if you couldn't get that
13 done sooner rather than later?

14 JUROR NUMBER 54: It won't bankrupt me, but it
15 won't do me any good either.

16 THE COURT: Okay. All right. I understand that.
17 Okay. I think Number 55, you had your hand up as
18 well?

19 JUROR NUMBER 55: Yes, ma'am. I'm a full-time
20 student, and I work full time.

21 THE COURT: Okay. Full-time student, I heard
22 that. That'll get my attention. What -- where do you
23 go to school?

24 JUROR NUMBER 55: Eastern Florida State College.

25 THE COURT: No, it's BCC. For those of us that

1 have lived here a long time. I actually gave a speech
2 there last weekend, and I couldn't -- I just couldn't
3 say it. Okay. But that's okay, I understand why they
4 did that. But what days and what hours do you go to
5 school?

6 JUROR NUMBER 55: I go Monday through Thursday
7 from 10:00 to 12:00, and every day I have online
8 classes.

9 THE COURT: Okay. So you have online classes,
10 but those Monday through Thursday, from --

11 JUROR NUMBER 55: 10:00 to 12:00.

12 THE COURT: And you have to be in class for
13 those?

14 JUROR NUMBER 55: Yes, ma'am.

15 THE COURT: Okay. And is it such that you could
16 miss those classes for the next five weeks, or not
17 miss those classes.

18 JUROR NUMBER 55: I'm not sure. I mean, I
19 imagine I'd miss a lot.

20 THE COURT: Okay. If you miss those classes,
21 would you have to drop out of the semester?

22 JUROR NUMBER 55: Most likely.

23 THE COURT: And is that something that you would
24 be willing to do, or are you saying, I just really
25 can't do that?

1 JUROR NUMBER 55: I could do it, but I would have
2 to talk to the teachers, because I don't even know if
3 I would miss any information.

4 THE COURT: Okay. And then you also say you work
5 full time?

6 JUROR NUMBER 55: Yes, ma'am.

7 THE COURT: And where do you work?

8 JUROR NUMBER 55: [REDACTED]

9 THE COURT: Okay. You work for [REDACTED]

10 JUROR NUMBER 55: Yes, ma'am.

11 THE COURT: And Bennie -- is it Bennie?

12 JUROR NUMBER 55: [REDACTED]

13 THE COURT: [REDACTED] yes. Okay. And you do that
14 -- and do you need to make that money in order to meet
15 your bills?

16 JUROR NUMBER 55: Yes, ma'am.

17 THE COURT: Now, is that something that you could
18 not -- I mean, I don't know what hours you work, I
19 assume -- what hours do you normally work?

20 JUROR NUMBER 55: From 3:00 to 9:00.

21 THE COURT: And is that how often?

22 JUROR NUMBER 55: Monday through Sunday -- or, I
23 mean, I have Mondays off. Tuesday through Sunday.

24 THE COURT: Okay. And is that -- would that
25 cause you any type of financial hardship if you were

1 to miss some of those hours?

2 JUROR NUMBER 55: I have some savings, but it
3 would affect me. It would put me back a little bit,
4 but it would not bankrupt me.

5 THE COURT: Okay. Are you more concerned about
6 the work, or the schooling?

7 JUROR NUMBER 55: School.

8 THE COURT: Okay. Anyone else in that front row?
9 I'm still in the first row, I'll get to the second
10 row. Number 56?

11 JUROR NUMBER 56: I have some appointments
12 scheduled, and I don't know how important the doctor
13 thinks it is.

14 THE COURT: Okay. You heard some dates that
15 we're going to have off, the 2nd, 3rd -- or the 3rd,
16 4th, and 5th, we're going to have those days off, and
17 then the 24th and the 25th. Could you reschedule
18 those appointments for those days?

19 JUROR NUMBER 56: I don't know. They didn't -- I
20 go to the VA clinic, they're pretty busy when you try
21 to reschedule something without a couple of months.

22 THE COURT: Okay. I might ask you during the
23 break if you could check on that, and see if that's a
24 possibility. Check on that, about how important those
25 appointments are, and maybe we can work around that.

1 JUROR NUMBER 56: Okay.

2 THE COURT: Okay. Tell them that you're serving
3 your country as a juror, and that might help them --

4 JUROR NUMBER 56: She wanted an MRI for some
5 reason. But it's a routine appointment.

6 THE COURT: Okay. Anything else, sir?

7 JUROR NUMBER 56: No.

8 THE COURT: Okay. Anyone else in the front row?
9 Number 57?

10 JUROR NUMBER 57: Yeah, I work full-time, and
11 there's only four of us that work in my building; and
12 I know tomorrow, essentially, I'm the only one that's
13 going to be there tomorrow. Everybody else has
14 requested off, and they can't come in tomorrow, so I'm
15 really worried about that, and then the rest of the
16 weeks.

17 THE COURT: Okay. You work full time, and where
18 do you work?

19 JUROR NUMBER 57: I work at Port Canaveral at the
20 Port Authority.

21 THE COURT: What do you do for them?

22 JUROR NUMBER 57: I work in -- I work in their
23 new building that they just built, it's actually a
24 museum.

25 THE COURT: I have been there, so I'm familiar

1 with that. Is this something that they could work
2 around if you were going to be here, if you could give
3 them notice about it?

4 JUROR NUMBER 57: I told my boss, and she said it
5 would be very hard because there's only four of us
6 that work in that building; and only two of us are
7 full time, and two are part time. So it's really hard
8 to go around and change everybody's schedules. Some
9 people -- two of us -- two of them have school, and
10 one can only work a certain number of hours because
11 he's on Social Security.

12 THE COURT: Do you think it would be a matter
13 that you might lose your job if you were to be here,
14 or not?

15 JUROR NUMBER 57: I don't know if I would lose my
16 job, but I would be in a lot of trouble for it.

17 THE COURT: Okay. And if you couldn't work and
18 you didn't have your job, would you have financial
19 concerns?

20 JUROR NUMBER 57: Yes.

21 THE COURT: I need you to talk to me about that.
22 I'm trying to prompt you, but I can't put words in
23 your mouth, so you need to help me.

24 JUROR NUMBER 57: It would hurt me if I was gone
25 for five weeks. I would not be able to pay any of my

1 bills.

2 THE COURT: Okay. Any -- I think I saw 59?

3 JUROR NUMBER 59: Yes. I have my parents,
4 they're coming from overseas, and they're both in a
5 wheelchair, and they're coming for my son's
6 graduation. I'll be taking care of them.

7 THE COURT: When is that?

8 JUROR NUMBER 59: That's on March 19th.

9 THE COURT: And how long are they going to be
10 here?

11 JUROR NUMBER 59: They're here until the end of
12 May.

13 THE COURT: Is there anyone else that can assist
14 in caring for them while you're here in the daytime,
15 serving on the jury? Could someone else help with
16 that, another family member?

17 JUROR NUMBER 59: My wife will be helping with
18 that, but I also have to drive her to Atlanta for my
19 son's graduation. They're coming for that reason.

20 THE COURT: Okay. When's your son's graduation?

21 JUROR NUMBER 59: On May 11th.

22 THE COURT: May 11th? Well, we better be done by
23 May 11th. Okay. But so you would be available for
24 that, but it's just during this time period from --
25 but could your wife help with the care of your parents

1 while you were serving on the jury?

2 JUROR NUMBER 59: It would be difficult for her
3 because she also works.

4 THE COURT: Okay. Do you work?

5 JUROR NUMBER 59: I do.

6 THE COURT: So who's going to take care of them
7 while you're at work?

8 JUROR NUMBER 59: I'll be taking time off, I'm
9 taking three weeks off, and then my wife will be
10 helping out the other time.

11 THE COURT: Okay. So you were taking three weeks
12 off? When were you starting your time off?

13 JUROR NUMBER 59: As soon as they get here.

14 THE COURT: Okay. I know that Number 60 is a
15 full-time school teacher, so -- later, I'm going to
16 ask you if you know the judge, and just by way of
17 disclosure, Number 60 is [REDACTED] So
18 is that going to cause -- Number 60, is that going to
19 cause you any problems with schooling?

20 JUROR NUMBER 60: Yes.

21 THE COURT: Okay. Can you tell me about that?
22 Tell them what you -- I know what you do, but no one
23 else knows what you do.

24 JUROR NUMBER 60: I'm a high school English
25 teacher, and missing five weeks at this time of the

1 year would negatively affect my students.

2 THE COURT: I know that you also do some
3 coaching; is that this time of year, or not this time
4 of year?

5 JUROR NUMBER 60: Yes, it is. [REDACTED]
6 right now.

7 THE COURT: And would there be problems with
8 that, or is it more the teaching?

9 JUROR NUMBER 60: I would miss meets.

10 THE COURT: Do they have the ability to get
11 substitutes, or would that be an issue?

12 JUROR NUMBER 60: They do have the ability.

13 THE COURT: Okay. But are you concerned --

14 JUROR NUMBER 60: I'm concerned as we approach
15 FCAT testing that it would negatively affect their
16 performance on those tests, which would ultimately
17 affect my job.

18 THE COURT: Yeah, because I think if your
19 students don't do good on the FCAT, they --

20 JUROR NUMBER 60: It reflects very negatively on
21 me. If I'm not there, they're not getting the same
22 attention that the should be getting.

23 THE COURT: Okay. Just for the record, when's
24 the FCAT?

25 JUROR NUMBER 60: I believe it is the 1st week in

1 April.

2 THE COURT: Okay. All right. And I'm going to
3 move to the second row. This takes a little bit of
4 time, just so you all know. The second row, anyone in
5 the second row, if you'll raise your hands. Number
6 62?

7 JUROR NUMBER 62: I'm scheduled to go out of town
8 for a business trip in two weeks to California.

9 THE COURT: Can they reschedule that business
10 trip?

11 JUROR NUMBER 62: It's for a conference.

12 THE COURT: What would happen if you missed that
13 conference?

14 JUROR NUMBER 62: The school district would be
15 out of that money.

16 THE COURT: Because it's already paid for?

17 JUROR NUMBER 62: Yes.

18 THE COURT: So you work for the school district,
19 and what do you do?

20 JUROR NUMBER 62: I'm a resource teacher.

21 THE COURT: So you're already registered and
22 plane tickets are bought?

23 JUROR NUMBER 62: Correct.

24 THE COURT: Can someone go in your place, or is
25 that an option?

1 JUROR NUMBER 62: Honestly, I don't know. I
2 could ask.

3 THE COURT: Okay. Could you maybe check on that
4 and let us know? You'll have an opportunity to do
5 that probably over lunch. I mean, could you do that?
6 Would you be willing to do that, or is that something
7 you're saying --

8 JUROR NUMBER 62: If it's feasible, I can
9 probably do it.

10 THE COURT: Okay. All right. Thank you. Second
11 row? Number 66, yes, sir?

12 JUROR NUMBER 66: I work full time, as well as
13 school full time. I work at a grocery store, Aldi's,
14 and we're very short-staffed right now at the store.
15 Everybody's hitting overtime, and has hit overtime for
16 the past couple weeks. We have new people being
17 hired, but they're not scheduled to start until mid to
18 late March; and if I was to miss work, it would be a
19 financial hardship for me as far as bills, and
20 possibly losing my job over it. And as far as school
21 goes, I can miss a few days of school.

22 THE COURT: Okay. So where do you go to school?

23 JUROR NUMBER 66: BCC.

24 THE COURT: Yay.

25 JUROR NUMBER 66: I can't get used to it either.

1 THE COURT: You can say the other one, I just
2 have to rebel a little bit since, you know, I've been
3 here forever, and it's always been BCC. And what
4 hours -- what days do you go to school, and what
5 hours?

6 JUROR NUMBER 66: I go to school Tuesdays and
7 Wednesdays. Tuesdays I'm there from 5:30 to 9:30, and
8 on Wednesdays I'm there from noon to 9:30.

9 THE COURT: So it'd really be the noon -- I mean,
10 the Wednesday one you'd miss.

11 JUROR NUMBER 66: Yes.

12 THE COURT: And you'd probably miss five weeks of
13 that.

14 JUROR NUMBER 66: I think with a note, I can miss
15 that, but I'm only allowed to miss three.

16 THE COURT: So if you missed more than three,
17 then you're out of the class?

18 JUROR NUMBER 66: Pretty much.

19 THE COURT: And you say, "pretty much" --

20 JUROR NUMBER 66: That's what they tell me. Last
21 semester, I saw somebody miss more than three days,
22 but they were able to return. I don't know what the
23 stipulations were.

24 THE COURT: Okay. So you don't know if there's
25 any wiggle room in that?

1 JUROR NUMBER 66: I have no idea.

2 THE COURT: Okay. Tell me about the financial
3 hardship.

4 JUROR NUMBER 66: Bills, as far as -- I live with
5 my mom and my sister, and I'm, as of right now, the
6 main source of income for the household, and I pay the
7 majority of the bills to help out, which goes as far
8 as helping out with the mortgage, I pay the cable, the
9 phone, the electric, and the water bill.

10 THE COURT: And so that would be -- if they
11 didn't have your income, it would make a hardship for
12 the family.

13 JUROR NUMBER 66: Yes.

14 THE COURT: Okay. Anyone else? Number 67?

15 JUROR NUMBER 67: I'm not sure the dates, but I'm
16 supposed to be caring for my three grandchildren over
17 their spring break in Palm Beach County, so I'll have
18 to check on the dates for that.

19 THE COURT: Okay. I do know the dates for that.

20 JUROR NUMBER 67: You do know?

21 THE COURT: I do know. That's the week starting
22 the 24th, so we have the 24th off from here, we have
23 the 25th off, but we're scheduled to be back the 26th,
24 27th, and 28th, so that's three of those days of
25 spring break. Now that you say that, if spring

1 break's the same --

2 JUROR NUMBER 67: It's a different week than it
3 is in Brevard County.

4 THE COURT: Oh, yeah. It might be -- when you
5 said spring break, that's Brevard County's spring
6 break.

7 JUROR NUMBER 67: Right. This is Palm Beach
8 County, so I'm not sure. I can find out the dates.

9 THE COURT: Okay. If you'll find those out,
10 maybe, at lunch time?

11 JUROR NUMBER 67: Right.

12 THE COURT: And, also, if you weren't available,
13 would somebody else be available?

14 JUROR NUMBER 67: No.

15 THE COURT: Okay. Now I'll start the back row.
16 Number 68?

17 JUROR NUMBER 68: I work for a local contractor,
18 government contractor, Harris, and I'm cleared for two
19 programs, which, both of them are coming down to the
20 critical design, and customers are coming in in March;
21 and I'm the only one that's actually cleared to be
22 able to do the work. So if I'm here, I'll have to
23 leave here to go back down for work at night, work
24 there at night, because there's -- the work has to get
25 done for the design reviews coming up. I would like

1 to hand it over, but people aren't cleared, so they
2 can't do the work. So that's the only thing. There's
3 no financial hardship at this point, because Harris is
4 taking care of this, but that would be a hardship for
5 the two programs that I'm supporting.

6 THE COURT: Okay. And you say people are coming
7 in?

8 JUROR NUMBER 68: There's government people
9 coming in for the design reviews. There's two design
10 reviews on two programs that I'm working on, and it's
11 in mid-March they're coming in. So I've been working
12 55 to 60 hours for months now, getting prepared for
13 this, and we're coming down to the final, and if I up
14 and left at this point, it would -- it would
15 definitely be a hole, let's put it that way.

16 THE COURT: Okay. If I could have a bench
17 conference.

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

21 THE COURT: Juror Number 90 has informed the
22 court deputy that he has some medical issues, and that
23 he took a water pill and he needs to use the restroom.
24 He already used the restroom, I guess, when they were
25 out there twice, and he needs to use the restroom now.

1 MR. BROWN: I say we let him go.

2 MR. PIROLO: We could let him go.

3 THE COURT: But do we let him go and come back,
4 or do we excuse him, or what do we do?

5 MR. BROWN: I'd say with this type of an issue,
6 I'd probably excuse him.

7 MR. MOORE: You know, if it's temporary -- the
8 way the attrition rate is going, we probably ought to
9 hang onto him and maybe just take a brief break.

10 THE COURT: Do we all take a break, or do we --
11 can he walk out and come back?

12 MR. MOORE: I don't see why he couldn't leave and
13 come back. I mean, we're not -- we're just doing
14 individuals.

15 THE COURT: Okay. I'll just do the individuals,
16 and I won't start the rest until he's part of it.

17 MR. MOORE: Yes, ma'am.

18 MR. BROWN: And maybe call him first for the
19 individuals, just to see if he's got a medical issue.

20 THE COURT: Well, I'm going to make him wait a
21 little -- because once we get done with this, I'm
22 going to do a bench conference for hardship.

23 THE COURT DEPUTY: Your Honor, I told him to
24 alert me if he needs to --

25 THE COURT: And he did.

1 THE COURT DEPUTY: Yes.

2 THE COURT: Okay.

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

5 THE COURT: Okay. Juror Number 90, if you need
6 to step out for a few moments, you can do that.

7 JUROR NUMBER 90: Yes, ma'am.

8 THE COURT: Okay. My very industrious staff
9 attorney informs me that spring break for Palm Beach
10 County is March 17th through March 21st. And it's
11 Palm Beach County?

12 JUROR NUMBER 67: Yes.

13 THE COURT: So is that going to be an issue for
14 you?

15 JUROR NUMBER 67: That will be an issue for me.

16 THE COURT: And there's not anyone that could
17 help -- I think this is your daughter, with her
18 children?

19 JUROR NUMBER 67: Right.

20 THE COURT: How old are her children?

21 JUROR NUMBER 67: 6, 12, and 13.

22 THE COURT: And there's not -- is she the sole
23 caretaker, or is there someone else?

24 JUROR NUMBER 67: She has a husband, but they
25 both work full time.

1 THE COURT: And there's no other relative that
2 could help with that situation?

3 JUROR NUMBER 67: No.

4 THE COURT: Okay. So that would be a hardship
5 for the family if you weren't able to be there.

6 JUROR NUMBER 67: Yes.

7 THE COURT: Okay. All right. I was on Number
8 68, anyone else in this row? I saw some other hands.
9 Number 69?

10 JUROR NUMBER 69: I'm not sure if this is a
11 problem, but --

12 THE COURT: Okay, I hear talking, but I can't --
13 go ahead.

14 JUROR NUMBER 69: I have three kids that are five
15 and under, we don't have any relatives here, so if
16 something happens, I'm the only person they call to
17 come pick them up. I do have a husband, but he's the
18 only dentist in his office, so if he has to leave, no
19 one can work.

20 THE COURT: Okay. So five and under. So do they
21 go to daycare?

22 JUROR NUMBER 69: Yes.

23 THE COURT: They're in daycare right now?

24 JUROR NUMBER 69: Yes.

25 THE COURT: And so you said if there's a problem,

1 they need you.

2 JUROR NUMBER 69: Yes.

3 THE COURT: Any problems going on right now?
4 Anyone sick, you having any issues?

5 JUROR NUMBER 69: Just the youngest one, she has
6 a cold, but the other two, no.

7 THE COURT: So far, so good, but we just don't
8 know.

9 JUROR NUMBER 69: Yeah. We just don't know.

10 THE COURT: Okay. All right. Number 70?

11 JUROR NUMBER 70: I have a full-time job I just
12 started.

13 THE COURT: That you just started?

14 JUROR NUMBER 70: I've been there about two,
15 maybe three weeks now.

16 THE COURT: Okay. And what do you do?

17 JUROR NUMBER 70: I work for Lighting Science.

18 THE COURT: I'm having a little trouble hearing
19 you, Lighting Science?

20 JUROR NUMBER 70: Yes, ma'am.

21 THE COURT: Okay. And are you concerned that you
22 might lose your job if you're here for five weeks?

23 JUROR NUMBER 70: Yes, ma'am.

24 THE COURT: They know you're here today?

25 JUROR NUMBER 70: Yes, ma'am.

1 THE COURT: And when do you normally work?

2 JUROR NUMBER 70: Monday through Friday, weekends
3 optional.

4 THE COURT: And what hours do you normally work?

5 JUROR NUMBER 70: 6:30 to 3:30.

6 THE COURT: And is finances a concern?

7 JUROR NUMBER 70: Yes, ma'am.

8 THE COURT: Okay. Talk to me about that.

9 JUROR NUMBER 70: Well, I have a roommate, he
10 works at the same place, and bills -- I've got to take
11 care of the bills for five weeks.

12 THE COURT: Does anyone help you with your bills
13 other than yourself?

14 JUROR NUMBER 70: Yeah. My roommate, who also
15 works at the same place.

16 THE COURT: I'm assuming -- do you have
17 individual bills?

18 JUROR NUMBER 70: We split, you know, the rent,
19 water, lights. We split everything down the middle.

20 THE COURT: Okay. But you have to come up with
21 your half.

22 JUROR NUMBER 70: Yes, ma'am.

23 THE COURT: And would that be a hardship for you
24 if you were here for the five weeks?

25 JUROR NUMBER 70: Yes, ma'am.

1 THE COURT: Okay. All right. Number 71?

2 JUROR NUMBER 71: I'm okay as long as it's over
3 by the end of March. We have a cruise booked the
4 first week of April.

5 THE COURT: The first week of April, just to
6 confirm --

7 JUROR NUMBER 71: It would be whatever that last
8 Sunday is in March.

9 THE COURT: That's what I was going to ask you.
10 The last Sunday in March looks like the 30th. So you
11 have a cruise scheduled March 30th?

12 JUROR NUMBER 71: So I'd have to see if we could
13 cancel, if it goes beyond that.

14 THE COURT: Okay. And how long is the cruise?

15 JUROR NUMBER 71: One week.

16 THE COURT: I mean, is the cruise -- is it you
17 and your husband, is it other people?

18 JUROR NUMBER 71: Yeah.

19 THE COURT: I mean, are you willing to cancel, or
20 you're saying --

21 JUROR NUMBER 71: If we can get our money back, I
22 -- yes.

23 THE COURT: You're saying, Judge, I like you, but
24 not that much? Okay. So you're saying, if you get
25 your money back, okay, but if not, you don't want to

1 waste all that money.

2 JUROR NUMBER 71: Correct.

3 THE COURT: Okay. I saw some other hands, Number
4 72?

5 JUROR NUMBER 72: I'm a full-time [REDACTED]
6 [REDACTED] and to find someone to sub for five
7 weeks that could teach the upper level math,
8 especially when I have 133 students, they all take
9 that EOC, that's the end-of-course testing. And many
10 of those students are what they consider an MP status,
11 which means they must pass to graduate. So to have a
12 sub in there for five weeks, I'm not comfortable with
13 that.

14 THE COURT: Okay. I didn't ask Number 60 where
15 he was a teacher at, but I know he's a teacher at
16 [REDACTED] where are you a teacher
17 at?

18 JUROR NUMBER 72: [REDACTED]

19 THE COURT: Okay. So they need you to be there.

20 JUROR NUMBER 72: Yeah.

21 THE COURT: Okay. Number 73?

22 JUROR NUMBER 73: Yes, ma'am. I have one issue,
23 two major concerns. First issue is, I just had knee
24 replacement three months ago, so my question, I have
25 to have physical therapy at least three times a week,

1 and if I'm here until 5:00, my physical therapy place
2 in Titusville closes at 6:00, and I can't miss five
3 weeks of physical therapy. I don't know how to work
4 around that.

5 THE COURT: Okay.

6 JUROR NUMBER 73: And then I am a federal
7 employee, and I'm on the other half of what his issue
8 is, where I'm also on a source board for a major
9 contract we're awarding, hopefully this fall, for
10 NASA, and I'm also chief safety officer for that
11 program; and we have milestone reviews and design
12 reviews coming up over the next five weeks where I'm
13 supposed to travel to the companies that we're
14 supporting.

15 THE COURT: Okay. Milestone reviews, when are
16 those scheduled for?

17 JUROR NUMBER 73: Let's see, we have one -- well,
18 on the 5th, it's covered, because you said we're off
19 the 3rd through the 5th. I have one in California on
20 March 17th, and I have another one in Denver the
21 following week, and we're still trying to negotiate
22 the final date on that, it's either a Wednesday or a
23 Thursday. We try to keep our travel from Sundays and
24 Saturdays.

25 THE COURT: Okay. Anything else?

1 JUROR NUMBER 73: No, ma'am. Those three things.

2 THE COURT: Okay. Number 74?

3 JUROR NUMBER 74: Yes. I attend Eastern Florida
4 State College, and I have class today at 8:00, but I
5 have missed it, and usually I have classes Mondays and
6 Wednesdays at 8:00 to 10:50.

7 THE COURT: Okay. So that's 8:00 a.m. to 10:50
8 a.m.?

9 JUROR NUMBER 74: Yeah. And I have another class
10 after that, it's 10:50 until, like, 12 something.

11 THE COURT: Okay. And those are Mondays and
12 Wednesdays?

13 JUROR NUMBER 74: Mondays and Wednesdays.

14 THE COURT: So if you were to miss those, what
15 would happen?

16 JUROR NUMBER 74: If I were to miss those, I
17 would not complete my classes and probably have to be
18 dropped out of that class.

19 THE COURT: Okay. Now, is dropping out of class
20 an option, or not an option?

21 JUROR NUMBER 74: It's not an option for me.

22 THE COURT: Okay. You don't want to have to do
23 that?

24 JUROR NUMBER 74: No.

25 THE COURT: Okay. Now I'm going to start in the

1 back, and I'll go on the right side first, and then we
2 go to the left side, just going by the numbers. So
3 let's start on that first row, 75 through 79, any
4 hands? Okay, 76?

5 JUROR NUMBER 76: I just have two kids, so, you
6 know, they both dance three days a week. You know, I
7 could possibly have somebody help out with that, but,
8 you know, I'm not really -- my comfort level is not
9 100 percent. So I would just really have to check
10 into it to see if people would be willing to help out.

11 THE COURT: Okay. And how old are the kids?

12 JUROR NUMBER 76: 7 and 6. So, you know, it's
13 picking up from school and getting to dance on time;
14 and, you know, they're usually at the studio for three
15 hours on Mondays, Thursdays, and Fridays. And I stay
16 there with them, I do not drop them off. So I would
17 have to just really check into it. I will not ask my
18 husband to take any time off, because then it would
19 create a financial hardship for us. So there's just
20 some things I would have to check on.

21 THE COURT: Okay. And what time -- when do they
22 start dance, and when do they get done with dance?

23 JUROR NUMBER 76: 3:00 until 6:00 on Mondays,
24 Thursdays, and Fridays.

25 THE COURT: Okay. Anything else?

1 JUROR NUMBER 76: No.

2 THE COURT: Okay. Number 77?

3 JUROR NUMBER 77: I'm a single mom, I work full
4 time, so it would be a financial hardship on me if I
5 lost that income.

6 THE COURT: Okay. So you wouldn't get paid if
7 you were here?

8 JUROR NUMBER 77: No.

9 THE COURT: Single mom, and age of the children?

10 JUROR NUMBER 77: My son is 10.

11 THE COURT: Okay. So it would be a financial
12 hardship?

13 JUROR NUMBER 77: Yes.

14 THE COURT: And does anyone else assist you with
15 paying your bills?

16 JUROR NUMBER 77: Yes. I live with my daughter
17 and her husband.

18 THE COURT: Okay.

19 JUROR NUMBER 77: But I pay all of the bills to
20 them.

21 THE COURT: And you would need to pay your part,
22 that would be an issue?

23 JUROR NUMBER 77: Yes.

24 THE COURT: Anyone else in that first row? Okay,
25 we'll go to the second row. If you'll raise your

1 hand, because I've got to make sure I can see you.

2 Number 81?

3 JUROR NUMBER 81: I'm going out of the country on
4 spring break to Europe, on a school trip.

5 THE COURT: Oh, you can miss that trip. Okay, I
6 knew spring break might be an issue; and it's the
7 Brevard County spring break?

8 JUROR NUMBER 81: Yes.

9 THE COURT: And you're going to Europe?

10 JUROR NUMBER 81: Uh-huh.

11 THE COURT: Are you going with your family?

12 JUROR NUMBER 81: Yes. My wife's a school
13 teacher, it's part of the school trip, educational
14 thing.

15 THE COURT: Okay. And is that -- I mean, have
16 you registered and paid and have plane tickets?

17 JUROR NUMBER 81: Everything's been paid in full.

18 THE COURT: Okay.

19 JUROR NUMBER 81: Other than that, that's the
20 only thing that's holding me back.

21 THE COURT: Well, that's a pretty big deal. The
22 -- and you're going with your wife who's the school
23 teacher and with her class, or some other students?

24 JUROR NUMBER 81: 30 students.

25 THE COURT: Okay. And can you tell me when

1 you're leaving and when you're coming back, if you can
2 just tell me the -- I know the dates of --

3 JUROR NUMBER 81: Whatever the date is Friday
4 before spring break.

5 THE COURT: Okay. So you're leaving the Friday
6 before spring break, and then you're coming back --

7 JUROR NUMBER 81: The following Sunday.

8 THE COURT: Okay. Okay. Anyone else? I saw --
9 are you 84?

10 JUROR NUMBER 84: Yes.

11 THE COURT: Okay. I can't quite see your number.

12 MR. BROWN: Also 83.

13 THE COURT: I didn't see 83, let me do 83 first.
14 Yes, ma'am?

15 JUROR NUMBER 83: Mine would be mostly financial.
16 I'm retired, I have a kind of a shabby car, I even had
17 to borrow a car to get here today. And five weeks, I
18 just can't -- I couldn't afford the gas to come up
19 here five weeks. So it's mostly a financial issue,
20 but I'm also bipolar, and I take my medication
21 regularly, but the only problem I have is when there's
22 a lot of information around me coming in, several
23 people talking, I have a tendency to get a little bit
24 confused. I have never been in a courtroom scenario,
25 so I don't really know what it would be like; but I

1 wouldn't want to jeopardize anybody's anything, you
2 know, because of that. So I don't really know.

3 THE COURT: Okay. So you say that you do take
4 medication for that.

5 JUROR NUMBER 83: Yes, ma'am.

6 THE COURT: But you have some concerns about this
7 situation?

8 JUROR NUMBER 83: Right. The medication that I
9 take corrects a lot of the brain imbalances I have;
10 but, like I said, when there's several people around
11 me talking, or there's cash registers going, and I
12 hear everything, I just have a hard time sorting it
13 out.

14 THE COURT: Okay. This is a -- there's a lot of
15 people here now, but if you were selected to be on the
16 jury, you would sit here. So I do anticipate the
17 audience would be full, but you would be here. Most
18 of what you would be listening to would come from this
19 witness stand, and then there'd be people talking from
20 this podium; and then there may be some things played
21 on a screen, may not, some things to observe. Do you
22 think that would cause you some issues?

23 JUROR NUMBER 83: It would really depend on how
24 much is being thrown at me. I mean, if they showed me
25 a TV screen and they showed me ten things, I could

1 handle maybe three, the rest of it would be blowing in
2 the wind.

3 THE COURT: Okay. I appreciate that information.
4 Talk to me about the financial part of it.

5 JUROR NUMBER 83: Well, I'm single and I'm -- I
6 have medical issues, and I have a really shabby car.
7 I don't know. I know I couldn't afford to come up
8 here for five weeks. I could give a week a shot, I
9 could borrow a car for a week, but past that, I don't
10 know if I could do it.

11 THE COURT: Okay. And what's your source of
12 income?

13 JUROR NUMBER 83: Social Security.

14 THE COURT: Okay. You just don't know if you
15 could be able to afford to come up here every day.

16 JUROR NUMBER 83: I know I can't. I can't afford
17 to fill my gas tank up once a month. When that money
18 -- when that gas is gone, I'm home, James.

19 THE COURT: I understand that. What about -- my
20 son's name is James, and he's heard that a lot. He's
21 heard that a lot, so that works. Is the bus route an
22 option, or is that not an option? And I'm just
23 exploring.

24 JUROR NUMBER 83: Well, I live in a really, I
25 guess you'd call it a rural area. I live in between

1 Malabar Road and Valkaria Road and I live back off the
2 highway, and the bus service -- they send the bus
3 once, and then once they bring you back, and that's
4 it. There aren't a lot of options.

5 THE COURT: Okay. I just wanted to explore that.

6 JUROR NUMBER 83: (Unintelligible).

7 THE COURT: Okay. I appreciate that. I didn't
8 hear the last part of that, maybe that was good, I
9 don't know. Okay. I just wanted to explore that
10 option. Okay. Then 84, yes, ma'am?

11 JUROR NUMBER 84: I had planned my vacation five
12 months ago, I'm scheduled to leave next week for a
13 week, and all tickets are paid for and nonrefundable,
14 so I would lose out on a couple grand.

15 THE COURT: Okay. And where are you going?

16 JUROR NUMBER 84: Vegas.

17 THE COURT: Okay. Might save you some money.
18 And I assume you don't want to miss that.

19 JUROR NUMBER 84: No, ma'am.

20 THE COURT: Okay. All right. Let's go to the
21 back row, any hands in the back row? I see no hands?
22 Okay. Number 90, are we okay? My next question is
23 going to be medical or physical.

24 JUROR NUMBER 90: I just take medication that
25 causes me to urinate frequently.

1 THE COURT: Okay. And that medication, is it
2 something that you have to take?

3 JUROR NUMBER 90: Yes, ma'am. My heart medicine.

4 THE COURT: It's heart medicine?

5 JUROR NUMBER 90: Yes, ma'am.

6 THE COURT: Because I let you go to the --

7 JUROR NUMBER 90: Yeah. As long as you don't got
8 a problem with me getting up and going to the
9 bathroom, I don't care.

10 THE COURT: Well, sometimes it might be an issue,
11 that's why I'm asking you. If we had stop --

12 JUROR NUMBER 90: I ain't real good at holding
13 it.

14 THE COURT: If we had to stop -- I mean, if it
15 was an issue every once in a while, that would be
16 okay, but if it was an issue frequently, we probably
17 couldn't do that.

18 JUROR NUMBER 90: I frequently urinate.

19 THE COURT: Okay.

20 JUROR NUMBER 90: I even don't sleep sometimes
21 because of it.

22 THE COURT: And the medication is something that
23 you have to take.

24 JUROR NUMBER 90: Yes, ma'am.

25 THE COURT: When you say frequently, tell me,

1 say, from 9:00 to noon, how many times?

2 JUROR NUMBER 90: That's when I do it the most,
3 because I take it early in the morning, 6:00.

4 THE COURT: Okay.

5 JUROR NUMBER 90: But I wasn't complaining, if
6 you don't have a problem with me going --

7 THE COURT: To tell you the truth, if it was
8 frequent, it would be an issue, we can't stop all that
9 much. We can stop some, but we can't stop, you know,
10 every hour. We couldn't do that. We've got to get
11 through the trial. Okay. Well, I appreciate that.
12 Then I'm going to go over to the left side. Let's
13 start with the first row, anyone in the first row? I
14 see 91. Yes, ma'am?

15 JUROR NUMBER 91: Yes. I have emphysema and
16 COPD.

17 THE COURT: Okay. I did see that you came in
18 with oxygen.

19 JUROR NUMBER 91: And it would be a hardship from
20 work, to lose any time.

21 THE COURT: When you say it's a hardship, is it a
22 financial hardship?

23 JUROR NUMBER 91: Yes, ma'am. The amount of time
24 that I work, it helps to pay for the medicine that I
25 need. I live by myself, I support myself.

1 THE COURT: Okay. If you were to be here for
2 five weeks, would you miss work?

3 JUROR NUMBER 91: Yeah. I'm working in the
4 medical field (unintelligible) in Melbourne. I work
5 as a CNA.

6 THE COURT: Okay. And what hours do you work?

7 JUROR NUMBER 91: I work (unintelligible).

8 THE COURT: So you work the 7:00 to 3:00 shift?

9 JUROR NUMBER 91: Yeah.

10 THE COURT: I mean, if I got the shifts right.

11 JUROR NUMBER 91: Yes.

12 THE COURT: And so you would miss work?

13 JUROR NUMBER 91: Yes.

14 THE COURT: Do you work full time?

15 JUROR NUMBER 91: Yes, I do. I'm able to take
16 medication and have oxygen there if I need it.

17 THE COURT: Okay. So it would be a financial
18 hardship for you.

19 JUROR NUMBER 91: Yes.

20 THE COURT: You wouldn't be able to pay your
21 bills?

22 JUROR NUMBER 91: Right.

23 THE COURT: Okay. Number 92, I think you had
24 your hand up?

25 JUROR NUMBER 92: Yes. I have 13-year-old son

1 that I pick up every day at 4:00, because the school
2 bus doesn't take him straight home, because they cut
3 the funds, so I have to pick him up in a different
4 area. Then I'm taking care of my granddaughter who's
5 four years old, because my daughter's having some
6 personal issues. So I have to (unintelligible).

7 THE COURT: Okay. Would your 13 year old be able
8 to find a ride with someone else.

9 JUROR NUMBER 92: No. That's the thing.

10 THE COURT: There's not anyone else that can help
11 with that?

12 JUROR NUMBER 92: No. I'm a single mom, so it's
13 just me and him.

14 THE COURT: Okay. You all say you're a single
15 mom, and I'm a single mom too, so I know the juggling.
16 Sometimes we got to work around that. Are you able to
17 work around that?

18 JUROR NUMBER 92: I could do my best. I could
19 find out. Maybe one of the parents that pick up their
20 children. And I'm concerned about my job, because
21 it's the only income I have.

22 THE COURT: Okay. Tell me about your job, where
23 do you work?

24 JUROR NUMBER 92: [REDACTED]

25 [REDACTED] and I'm a housekeeper. They just have three

1 girls that have to be there.

2 THE COURT: Okay. So what hours do you work?

3 JUROR NUMBER 92: 8:00 to 4:00.

4 THE COURT: 8:00 to 4:00. How many days a week?

5 JUROR NUMBER 92: Monday through Friday.

6 THE COURT: Okay. I know when you do -- when
7 you're here, you do get paid some, I don't -- you
8 know, it's -- I think it's \$15 for the first three
9 days, but after the fourth day, it's \$30 a day for
10 each day you serve.

11 JUROR NUMBER 92: I'm just concerned about my
12 boss, that she won't freak out, if I'm not there.
13 It's like today, she was already freaking out.

14 THE COURT: Are you afraid -- could you use your
15 job over it?

16 JUROR NUMBER 92: Depending on how long -- I
17 don't know how she would feel. I'd like to speak to
18 her about it.

19 THE COURT: Okay. Maybe you could speak to her
20 about it. We could see what she says about that.

21 JUROR NUMBER 92: Okay.

22 THE COURT: Okay. Anyone else in that row? 94,
23 yes, ma'am?

24 JUROR NUMBER 94: I'm a VPK teacher in Vero
25 Beach, and I'm the only one with the credentials to

1 teach VPK. They would definitely have to replace me,
2 because you have to have credentials to teach VPK, and
3 right now there's not --

4 THE COURT: When you say teach -- you're saying
5 BPK?

6 JUROR NUMBER 94: VPK.

7 THE COURT: Okay, VPK. You have a nice accent,
8 but I was having a little hard time hearing the "V"
9 part. Okay. And so you're saying you're a teacher
10 for them and you're the only one that's certified?

11 JUROR NUMBER 94: I'm the only one certified to
12 teach the VPK program, yes.

13 THE COURT: Okay.

14 JUROR NUMBER 94: I'm sure she can find someone
15 else, but --

16 THE COURT: You're saying that if you weren't
17 there, you would lose your job?

18 JUROR NUMBER 94: I would be replaced, yes. I
19 would have to be replaced.

20 THE COURT: Okay. And is that an option, or not
21 an option, for you -- I mean --

22 JUROR NUMBER 94: Financially, it's not an
23 option.

24 THE COURT: Okay. So you need your job because
25 you need to be able to pay your bills.

1 JUROR NUMBER 94: Yes.

2 THE COURT: Okay. I think 95?

3 JUROR NUMBER 95: Yes. I've got corporate
4 business meetings I'm supposed to be at, I'm not sure
5 the dates, but it's in two weeks. I think it's the
6 12th, 13th, and 14th. And I run a Walmart
7 Supercenter, and right now I'm down three members of
8 management, for at least the next month; and going
9 into inventory, it's about a 60-day countdown, trying
10 to prepare close to (unintelligible) to be counted in
11 one day. So it's a lot of things.

12 THE COURT: I heard corporate business meetings,
13 can you miss those? Can someone go in your place?

14 JUROR NUMBER 95: (Unintelligible).

15 THE COURT: Okay. So it's a -- and you're the
16 store manager?

17 JUROR NUMBER 95: Yes, ma'am.

18 THE COURT: And normally those meetings are for
19 store managers?

20 JUROR NUMBER 95: Yes, ma'am.

21 THE COURT: What happens if you weren't there?

22 JUROR NUMBER 95: I don't know, I've never missed
23 one in 28 years. I have no idea. It's a training and
24 things that we have to bring back.

25 THE COURT: And then I heard that inventory's

1 coming up?

2 JUROR NUMBER 95: Yeah, we have an inventory, and
3 I'm already down three members of management. It's --

4 THE COURT: Okay. When is inventory?

5 JUROR NUMBER 95: Inventory is in April. There's
6 a 60-day countdown to try to prepare 10 million
7 dollars worth of merchandise to be counted in one day.

8 THE COURT: Do you know the date in April?

9 JUROR NUMBER 95: 30th.

10 THE COURT: April 30th?

11 JUROR NUMBER 95: Yes, ma'am.

12 THE COURT: Okay. Okay. Now I'll move to the
13 second row, anyone in the second row? Okay, Number
14 97, yes, sir?

15 JUROR NUMBER 97: I'm going to lose my job.

16 THE COURT: And what do you do?

17 JUROR NUMBER 97: I'm a site manager for a
18 construction management firm out of Longwood, Florida.
19 We're building the Kennedy Space Center Federal Credit
20 Union down on Wickham Road, and I'm the only person
21 from that company that's on that site. They would
22 have to replace me.

23 THE COURT: Okay. Because they have to have a
24 site manager in order to continue with the
25 construction?

1 JUROR NUMBER 97: Yes, ma'am.

2 THE COURT: How would you feel about losing your
3 job?

4 JUROR NUMBER 97: Well, I'll be 67 years old in
5 April, and there's not much out there for a person
6 like me to do; and I'd like to keep it, so I can keep
7 working with them on other projects down the road. If
8 I have to take five weeks off, I will lose my job.

9 THE COURT: Okay. I think I saw another hand.
10 Number 98, yes, ma'am?

11 JUROR NUMBER 98: I'm a second-grade teacher in
12 Brevard County, charter school, and exams are upon us.
13 And it is a financial concern for myself, and of
14 concern that the children do well on the exams.

15 THE COURT: Okay. I think, does Brevard County,
16 do they pay you to be here, if you were here?

17 JUROR NUMBER 98: I'm in charter.

18 THE COURT: You're in charter. So they don't pay
19 you? That's a private --

20 JUROR NUMBER 98: Yes, ma'am.

21 THE COURT: And how many kids do you have in your
22 class?

23 JUROR NUMBER 98: 23.

24 THE COURT: Okay. So if you were here, you would
25 not get paid?

1 JUROR NUMBER 98: No, ma'am.

2 THE COURT: Other than the \$30 a day.

3 JUROR NUMBER 98: Yes, ma'am.

4 THE COURT: And that would cause -- how would
5 that affect you financially?

6 JUROR NUMBER 98: It would cause me a financial
7 hardship with my private bills, and I'm still paying
8 financial aid for my master's degree, yay, so I would
9 not -- that would not speak well of me.

10 THE COURT: Okay. Good for you, that you care
11 about those. Okay. I'm happy, people need to.
12 Anyone else? Number 99?

13 JUROR NUMBER 99: Yes, ma'am. I am a retail
14 [REDACTED] and I am
15 currently low on staff as well as my management. I
16 have three vacations within my management that have
17 already been applied for and approved, so they're all
18 going to be out of my store, and I'm going to have to
19 run the store, of course, without them. If I am not
20 there, there will be no one left. I also have an
21 inventory scheduled on the 10th of March, which is a
22 required overnight, I have to be there, and I would be
23 there until 2:00 or 3:00 in the morning.

24 THE COURT: Okay. I think -- anyone else, Number
25 100?

1 JUROR NUMBER 100: I am a business owner, I have
2 only two other employees; and if I was not there, then
3 the business wouldn't run.

4 THE COURT: Okay. And what type of business is
5 it?

6 JUROR NUMBER 100: [REDACTED] business.

7 THE COURT: An [REDACTED] business?

8 JUROR NUMBER 100: Yes, ma'am.

9 THE COURT: Okay. Sometimes as a business owner,
10 you're less hands on, and sometimes you're more hands
11 on, so can you help me with that?

12 JUROR NUMBER 100: I am hands on with many of the
13 operations, the customer service, scheduling the work
14 to be done, design functions as well.

15 THE COURT: Okay. I'm having a little trouble
16 hearing you, can you say that again?

17 JUROR NUMBER 100: I do the scheduling of the
18 work that comes in, I greet customers, take the
19 customer orders, and some of the design functions as
20 well.

21 THE COURT: And tell me again what would happen
22 if you weren't there. Is there anyone else who can do
23 that other than you, or not?

24 JUROR NUMBER 100: Possibly. I'm also single,
25 and this is my only source of income. And no one

1 helps me with my bills.

2 THE COURT: Okay. All right. Anyone in the back
3 row? Number 102?

4 JUROR NUMBER 102: It would, basically, be a
5 financial hardship for me. I work full time at a
6 medical office, [REDACTED], and I am the scheduler
7 for the diagnostics department. I'm the only one that
8 does that. They can get coverage, but there is nobody
9 else in my department that is another secretary, like
10 me. Whether they would give me five weeks, I honestly
11 don't know. Financially, it would -- we have on our
12 time off sheet that we can pick for jury duty
13 specifically, as opposed to vacation time. If I could
14 finagle it so that they would give me vacation, I
15 probably could get about three weeks paid, but the
16 other two weeks, I don't know. As far as bills, my
17 husband and I both work, we both contribute. What
18 comes in, goes right back out.

19 THE COURT: Could you check, maybe, during a
20 break to see if they could -- if there was any way you
21 could get paid for the five weeks?

22 JUROR NUMBER 102: I'll have to check on that. I
23 would need somebody to walk me out to my car though,
24 because I left my cell phone in my car.

25 THE COURT: Okay. When you say, walk you out --

1 JUROR NUMBER 102: To my car.

2 THE COURT: We're not going to do it now, but
3 we're going to take a break, and you're going to be
4 able to walk out to your car.

5 JUROR NUMBER 102: Oh, okay. And the other
6 thing, which I just want to throw out there, which
7 doesn't really apply, but you should be aware of, I am
8 epileptic.

9 THE COURT: Okay.

10 JUROR NUMBER 102: I am a drug-controlled,
11 obviously, since I drove up here, but I just wanted
12 you all to know. It doesn't affect me as far as
13 concentration or ability to focus or any of that, I
14 don't have seizures, but I just wanted you to know
15 it's there.

16 THE COURT: Okay. If that were to happen, we
17 would be able to accommodate that, we have people who
18 are medically trained.

19 JUROR NUMBER 102: Yeah. It's not -- that's why
20 I drive, because I'm in drug control, because I
21 couldn't -- you know, if I had seizures, they would
22 take my license away, so I know I'm okay.

23 THE COURT: Okay.

24 JUROR NUMBER 102: But if I'm sequestered or
25 something, I have to be able to have my meds so that I

1 can have it every day.

2 THE COURT: Okay. I think we can accommodate
3 that, but we do need to know that. All right. Anyone
4 else in that back row? 104?

5 JUROR NUMBER 104: Yes. My daughter is -- I have
6 to drive to the Moffitt Cancer Center, she's
7 undergoing chemotherapy, and we live together. My
8 son-in-law has a job. There are two grandchildren in
9 the household that I take care of. And he would not
10 be able to leave his job to take care of the kids
11 after school or, also, to take her to her medical
12 treatments.

13 THE COURT: Okay. And how often is she
14 undergoing chemotherapy?

15 JUROR NUMBER 104: She takes a series of
16 chemotherapy pills, so she has a port, and they put it
17 in her port weekly; and she takes the pills two weeks
18 on and one week off, every day, four pills a day.

19 THE COURT: Okay. I know under chemotherapy
20 there's times where it's pretty bad and you can't do
21 much, so are you helping with the kids during those
22 times?

23 JUROR NUMBER 104: I'm helping with the kids
24 during all times.

25 THE COURT: Okay. How old are the kids?

1 JUROR NUMBER 104: 12 and 10.

2 THE COURT: And are -- and she's currently
3 undergoing that?

4 JUROR NUMBER 104: She's been on it for a year,
5 yes.

6 THE COURT: So she does two weeks on and one week
7 off; is that what I heard?

8 JUROR NUMBER 104: Correct.

9 THE COURT: How's that affecting her? I mean, is
10 she functional, or not functional?

11 THE COURT: She's day-by-day. Some days are --
12 she has terrible joint pain, so she's not really
13 capable of doing any of the chores, if you will,
14 picking up the kids, maintaining the house. So I take
15 care of everything.

16 THE COURT: Okay. And she is married?

17 JUROR NUMBER 104: Yes.

18 THE COURT: And the husband lives in the
19 household?

20 JUROR NUMBER 104: Yes.

21 THE COURT: And when does he --

22 JUROR NUMBER 104: He works full time.

23 THE COURT: Okay. When does he work?

24 JUROR NUMBER 104: Every day.

25 THE COURT: Is it like 9:00 to 5:00?

1 JUROR NUMBER 104: Correct.

2 THE COURT: So most of your job at this time, if
3 it was involving the kids, would be after school? And
4 getting them to and from school?

5 JUROR NUMBER 104: He takes care of getting them
6 to school. But we also have our house on the market,
7 for sale, so we also have to keep the house -- I have
8 to keep the house, of course, straight, clean, for
9 showings. She's not able to do any of that. She's
10 not able to touch chemicals and so forth. So that's
11 up to me to do. Going to the Moffitt Center, she also
12 has to have two more CAT scans next week, and there
13 may be a change in her therapy, so I don't know what
14 the next five weeks are going to entail. I don't know
15 if it's still going to be the chemo pills or what.

16 THE COURT: Okay. Okay. Anyone else? 105 or
17 106, I can't see you real well, so any hands up?
18 Okay, I see no hands. 106, did you want to tell me
19 something?

20 JUROR NUMBER 106: I just might have a conflict
21 on March 10th, but I might have to see what I can do.

22 THE COURT: Okay. See what you can do, and then
23 later on, if it becomes an issue, you can readdress
24 us. My next question -- and we did talk about this a
25 little bit, so if you've already talked to me, you

1 don't need to talk to me again. My next question is,
2 do any of you have any medical or physical condition
3 that might affect your ability to serve on the jury?
4 Now, if you've already talked to me about this, you
5 don't need to talk to me again, but is there anyone
6 else? Because I said to wait for the question.

7 Number 73, yes, sir?

8 JUROR NUMBER 73: I forgot that I also have
9 kidney stones, so if I have an attack, I'll have to
10 take medication, pain medication. And if it gets bad
11 enough, I have to go to Orlando to see the doctor
12 there.

13 THE COURT: Okay. We can address those concerns.

14 JUROR NUMBER 73: But some other people have, you
15 know -- that's correct.

16 THE COURT: Okay. Anyone else on this side?
17 Anyone on the left side? My left. Number 79, yes,
18 ma'am?

19 JUROR NUMBER 79: If I sit too long, my legs go
20 numb.

21 THE COURT: Oh, I can't hear you at all.

22 JUROR NUMBER 79: If I sit too long, my legs go
23 numb. They're starting to get numb now.

24 THE COURT: You know, those benches in the back
25 are very not comfortable. I don't know how else to

1 say that, because I've sat back there, I'm surprised
2 how uncomfortable they are, compared to this. So
3 these are cushions, you have a bit more space, you can
4 move your legs, you can wiggle, you can do some
5 things. If you need to elevate your feet, you can
6 bring some things to elevate your feet. So we might
7 be able to accommodate those concerns.

8 JUROR NUMBER 79: Stand up and walk?

9 THE COURT: No, you can't really do that. You
10 can stand up, maybe, but you can't really walk. We
11 might be able to -- I mean, if that's an issue, you
12 said they're maybe having some issues now.

13 JUROR NUMBER 79: Yes. If I go on a trip, drive,
14 for two hours, I have to get out and walk.

15 THE COURT: Okay. Because we normally break
16 every hour and a half, the longest we go is two hours,
17 and we do take a 15-minute break to give you that
18 opportunity.

19 JUROR NUMBER 79: Okay.

20 THE COURT: Anyone else? Anyone on the left
21 side? Did I miss anybody? Anyone on the right side?
22 Number 94, yes, ma'am?

23 JUROR NUMBER 94: I've had two strokes, I'm on
24 medication. I take five pills a day.

25 THE COURT: Okay. Are you having any issues at

1 this time?

2 JUROR NUMBER 94: No.

3 THE COURT: Okay. If you do, you just need to
4 let us know. We have emergencies, we can address
5 those. Okay. Now, we're -- if I could have a bench
6 conference, please. If you need to stand for a
7 moment, you can do that. Don't leave your seats
8 though. But if you need to stand, you can do that.

9 (Thereupon, a benchside conference was had before
10 the Court, out of the hearing of any other parties in
11 the courtroom as follows:)

12 THE COURT: Okay. Yeah, this was more like I
13 expected, than the other day. Where do we want to
14 start?

15 MR. BROWN: Well --

16 MR. MCMASTERS: Start from the top?

17 MR. BROWN: There's going to be so many, you want
18 to let them take a break?

19 THE COURT: I'll be happy to let them take a
20 break, there is a lot.

21 MR. BROWN: Since there's so many.

22 THE COURT: Okay. Let's do that.

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

25 THE COURT: Okay. What we're going to do,

1 because this is going to take a few moments, we're
2 going to let you take a break. During the break,
3 there are rules that all jurors must follow, and these
4 are the rules -- and if you're around, you're going to
5 hear these a lot. So these are the rules you must
6 follow: During this break -- it's going to be at
7 least a 10-minute break, so it's five minutes to
8 11:00, so five after 11:00. You need to abide by
9 these rules: Specifically, do not discuss this case
10 among yourselves or with anyone else, or allow anyone
11 to discuss it in your presence. Now, you can talk to
12 each other, but don't talk about this case. Do not
13 speak to the lawyers, the parties, or the witnesses
14 about anything. You must avoid reading newspaper
15 headlines and/or articles relating to this trial or
16 its participants. Avoid seeing or hearing television,
17 radio, or Internet comments about the trial. And do
18 not conduct any research yourself regarding any
19 matters concerning this case. Okay. We're going to
20 be in recess. You can -- yes, sir?

21 UNIDENTIFIED SPEAKER: I don't know what trial
22 we're here for.

23 THE COURT: No, I haven't told you yet, but don't
24 be talking to each other about anything. There's
25 restrooms on this end on each floor, so if you go here

1 and it's full, you can run down the stairs and go to
2 the next level, and there will be restrooms in the
3 same place. But we'll be in recess for ten minutes.
4 Do not discuss this case among yourselves. Thank you.

5 THE COURT DEPUTY: All rise.

6 (Thereupon, the venire was escorted out of the
7 courtroom by the court deputy and the proceedings were
8 had as follows:)

9 THE COURT: Okay. Please be seated. We'll wait
10 a few moments until everyone's out the door. Okay.
11 Are there any challenges for hardship or cause that we
12 wish to address at this time?

13 MR. BROWN: Judge, I would suggest going down the
14 list and we can address each one.

15 THE COURT: Okay.

16 MR. BROWN: 54.

17 MR. MOORE: I agree.

18 THE COURT: Okay. So Number 54 will be excused
19 for cause.

20 MR. BROWN: 55 was a student, so --

21 MR. MOORE: We agree.

22 THE COURT: Okay. Number 55 will be excused for
23 cause.

24 MR. BROWN: 56 talked about his appointments but
25 was going to check, so --

1 MR. MOORE: Agree.

2 THE COURT: So I think we're okay for now.

3 MR. BROWN: The next one I have is 57.

4 THE COURT: Any agreement on 57?

5 MR. MOORE: Yes.

6 MR. BROWN: Yes.

7 THE COURT: Okay. 57 will be excused for cause.

8 MR. BROWN: And then there's Number 59, has his
9 parents coming in wheelchairs.

10 MR. MOORE: I agree.

11 THE COURT: Number 59 will be excused for cause.

12 MR. BROWN: Number 60, teacher.

13 MR. MOORE: Yes, I agree.

14 THE COURT: Okay. Number 60 will be for cause.

15 MR. BROWN: 62 was going to check at lunch, she
16 has the business trip.

17 THE COURT: If I say cause or hardship, does it
18 matter for the record whether it's cause or hardship?
19 I mean --

20 MR. MOORE: It doesn't matter what we call it,
21 but I think --

22 THE COURT: I think all of those were actually
23 hardship, as opposed to cause.

24 MR. MOORE: Yeah, I agree.

25 THE COURT: Okay. Go ahead, Mr. Brown. I'm

1 sorry.

2 MR. BROWN: 62, she indicated she was going to
3 check if he or she, I forget, about the business trip
4 after lunch. So we'll have to check on that.

5 THE COURT: Okay.

6 MR. BROWN: The next one I have is 66.

7 MR. MOORE: Agree.

8 THE COURT: Okay. Number 66 will be for
9 hardship.

10 MR. BROWN: Next one was 67. She had the spring
11 break.

12 THE COURT: Do we agree with that?

13 MR. MOORE: Yes.

14 THE COURT: Okay. Number 67 will be for
15 hardship.

16 MR. BROWN: The next one I have was Number 68.

17 MR. MOORE: Yeah, I agree.

18 THE COURT: Okay. Number 68 will be for
19 hardship.

20 MR. BROWN: The next one was 69, but I didn't
21 really see that as a hardship.

22 MR. MOORE: Maybe just let her stay for now, and
23 then --

24 THE COURT: Okay.

25 MR. BROWN: Next one, Number 70. Just started a

1 job.

2 MR. MOORE: That's a hardship.

3 THE COURT: Okay. Number 70 will be released for
4 hardship.

5 MR. BROWN: 71 was going to check. I can't
6 imagine she would get her money back.

7 THE COURT: Okay. Do we want to leave her for
8 now and see what --

9 MR. MOORE: Yes. For now.

10 THE COURT: Okay.

11 MR. MOORE: 72, I think we can agree.

12 MR. BROWN: Yeah.

13 THE COURT: Okay. 72 for hardship.

14 MR. BROWN: 73, I think, also we --

15 MR. MOORE: Yeah, we agree.

16 THE COURT: Okay. 73 will be for hardship.

17 MR. BROWN: 74 is a student.

18 MR. MOORE: Hardship.

19 THE COURT: 74 will be for hardship.

20 MR. BROWN: Number 79, she's --

21 THE COURT: She's the one that says her legs go
22 numb.

23 MR. BROWN: Yeah. They're already going numb
24 now.

25 THE COURT: We had been there -- yeah, we started

1 at 9:45, and it was 11:00, that's an hour and 15
2 minutes. I'm happy to leave her and we can see how it
3 goes.

4 MR. MOORE: Why don't we do that?

5 THE COURT: Okay.

6 MR. BROWN: Oh, yeah. We have 76.

7 THE COURT: Two kids in dance, I don't know if
8 that's a hardship or not.

9 MR. MOORE: Let's let that ride for now.

10 THE COURT: Okay.

11 MR. BROWN: Yeah, she said she would check.

12 THE COURT: And with all due respect, sometimes
13 we have to juggle. That'd be one of those things.
14 But maybe it'll be a hardship, we'll see what else she
15 says.

16 MR. MOORE: 77 is different, she's a single mom,
17 full-time, so I think that's a hardship.

18 THE COURT: Yeah, she talked about finances. So
19 77 will be for hardship.

20 MR. BROWN: 81 has the trip already scheduled.

21 MR. MOORE: Agree.

22 THE COURT: Okay. Number 81, that'll be for
23 hardship.

24 MR. BROWN: 83, I think that's hardship.

25 MR. MOORE: I agree.

1 THE COURT: Okay. 83 will be for hardship.

2 MR. BROWN: 84 has the vacation.

3 THE COURT: Nonrefundable.

4 MR. MOORE: Right.

5 THE COURT: Okay. Number 84 will be for
6 hardship.

7 MR. BROWN: Next one I had was Number 90, I think
8 that would be an issue.

9 MR. MOORE: Yes, I agree.

10 THE COURT: Okay. Number 90, actually that would
11 be for cause, medical cause. Okay. Go to the next
12 chart.

13 MR. BROWN: Number 91, lady with emphysema, the
14 oxygen, work hardship.

15 MR. MOORE: I agree.

16 THE COURT: Okay. Number 91 will be for
17 hardship.

18 MR. BROWN: Number 92.

19 MR. MOORE: She might be able to work around, or
20 she might lose her job. I think that's probably
21 hardship.

22 THE COURT: Okay. Number 92 will be for
23 hardship.

24 MR. BROWN: 94, she would lose her job if she
25 gets replaced.

1 MR. MOORE: I agree.

2 THE COURT: 94 would be for hardship.

3 MR. BROWN: 95 is the Walmart manager.

4 MR. MOORE: I agree.

5 THE COURT: Number 95 would be for hardship.

6 MR. BROWN: 97, said he would lose his job.

7 MR. MOORE: I agree.

8 THE COURT: Number 97 would be for hardship.

9 MR. BROWN: 98, teacher, and she'd actually lose
10 her job.

11 MR. MOORE: Agreed.

12 THE COURT: Okay. Number 98, hardship.

13 MR. BROWN: 99 was the retail manager with nobody
14 else.

15 MR. MOORE: Hardship.

16 THE COURT: Okay. Number 99, hardship.

17 MR. BROWN: 100, she owned her business, two
18 employees.

19 MR. MOORE: But she said that she might be able
20 to make accommodations.

21 THE COURT: She said, possibly, that was the
22 word.

23 MR. MOORE: So maybe for now we could --

24 MR. BROWN: I also wrote down financial for her,
25 that --

1 THE COURT: She said single source of income, but
2 if she's -- the business keeps going and she's here, I
3 would suspect she still gets paid, but I don't know.

4 MR. MOORE: Well, maybe an overnight, she can
5 reassess, see where she stands tomorrow.

6 THE COURT: Okay. I think they'll let us know
7 when they're waiting out there, when they come in. So
8 we'll keep her on for now.

9 MR. BROWN: 102 said she was going to check to
10 see if she got paid.

11 THE COURT: Right.

12 MR. MOORE: Let's let that ride.

13 THE COURT: Let that ride.

14 MR. BROWN: Okay. And then Number 104.

15 MR. MOORE: 104, I agree, that's a hardship.

16 THE COURT: Okay. Number 104 would be for
17 hardship. Okay. If you all need to take a break,
18 this would be the time to do so. What I'm going to do
19 is bring them in, and then I'll release those, and
20 then I'll start my second half, try to get through
21 this second part; and then we'll take a break for
22 lunch and start with individual questionings. Thank
23 you. We'll take about a five-minute break.

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

25 THE COURT DEPUTY: Should I bring out the

1 defendant?

2 THE COURT: Yes, please.

3 (Thereupon, the defendant was escorted into the
4 courtroom by the court deputy and the proceedings were
5 had as follows:)

6 THE COURT: Okay. Are we ready to bring the
7 venire back into the courtroom? I need to wait for
8 Mr. Moore. Okay. Any preliminary issues we need to
9 address before I bring the venire into the courtroom?

10 MR. LANNING: You know, Judge, depending on
11 whether the ladies left, when I was coming up in the
12 elevator, there was a civilian, not a juror, who got
13 off on the third floor, who was chatting with a couple
14 of jurors, and as he's getting off the elevator, he
15 says, just give him a fair trial and hang him. You
16 know, at least one of the two that were in the
17 elevator are members of this venire. And I don't know
18 if his comments were directed about Mr. Bradley, but I
19 assume so, and if that panel member --

20 THE COURT: Do you know who the panel member is?

21 MR. LANNING: I would recognize her, if she's
22 still --

23 THE COURT: Well, when they come in, I'm going to
24 ask them --

25 MR. LANNING: But there were a couple of people

1 in the elevator wearing jury badges.

2 MR. MOORE: We could ask a general question to
3 the assembly if they heard any comments during the
4 break that might be directed to this case.

5 THE COURT: Okay. I'm going to go through -- I
6 do a -- you know, when they come back, I'm going to
7 pretty much ask them what I ask the other people, and
8 then I'll go a little bit further about individual
9 comments.

10 MR. BROWN: The only other thing I thought about
11 -- I'm sorry.

12 THE COURT: If they say yes, then -- if I knew
13 who that was, I could bring them in individually,
14 right now. Because if they say yes, then what do we
15 do?

16 MR. MOORE: Well, then talk to them individually.
17 Bring them in, see what they heard, how it affects
18 them.

19 THE COURT: Well, I can't go through that with
20 everyone.

21 MR. MOORE: Well, what I'm saying is, address
22 this to the group, did any of you hear anything over
23 the break, outside this courtroom, that might be
24 directed at the defendant, this case, this trial; and
25 if we get a show of hands, we can talk to them

1 individually.

2 THE COURT: But then everyone's got to leave and
3 come back in.

4 MR. MOORE: No, when we do the individuals.

5 THE COURT: Do it at the time that we do the
6 individuals?

7 MR. MOORE: That's what I'm saying.

8 THE COURT: Okay. We can do it then. Mr. Brown?

9 MR. BROWN: It may work out it's not even an
10 issue because she may be one of the ones that's
11 already gone.

12 THE COURT DEPUTY: Did you notice if they were
13 numbers, or just regular jury badges, because we have,
14 like, three separate juries of 50 on this floor alone.

15 MR. LANNING: These were -- they were the same
16 type of badge, whether they were numbers or not --

17 THE COURT: I know Dugan uses numbers too.

18 MR. LANNING: One juror was not here. One juror,
19 I believe, I would be able to recognize. But there
20 was one other, if not two others, with them.

21 THE COURT: Okay. Well, we'll bring them in,
22 I'll ask that question. If they say that -- if they
23 say that they were, then we'll see if they were one
24 that gets released; and then if they're not, when we
25 do the individual questions after lunch, we can talk

1 to them about that. Okay. We ready? Mr. Brown, I
2 didn't --

3 MR. BROWN: The only other thing I was going to
4 suggest, I don't know if you want to think about it
5 prior to breaking for lunch, but if you want to, at a
6 certain point, start sending some of them home until
7 tomorrow. Rather than bring them back in the
8 afternoon and letting them go then.

9 THE COURT: Yeah, we can do that. We can do
10 that. I'll do a bench conference, and we'll discuss
11 that. We'll see how many we have left. That's not a
12 bad idea.

13 THE COURT DEPUTY: All rise.

14 (Thereupon, the venire of Jurors 54 through 106
15 was escorted into the courtroom by the court deputy
16 and the proceedings were had as follows:)

17 MR. MOORE: Could we approach, while we're
18 waiting?

19 THE COURT: Yes.

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

23 MR. MOORE: I was just thinking that, you know,
24 people are going to be kind or reluctant, I think, to
25 acknowledge that they may have heard something, or it

1 might have been a toss away, they don't even think
2 about it. But if you narrow it down to, like, you
3 know, it could be in the hall, it could have been in
4 the elevator, getting on or off the elevator, then
5 that might jog some memories.

6 THE COURT: Okay. You want me to wait and
7 release those for hardship first, or do it before I
8 release those for hardship?

9 MR. MOORE: Well, whenever the Court does it. I
10 mean, I think release the hardships, get them out of
11 here, and then whatever's left, ask them if they
12 heard.

13 MR. MCMASTERS: Does Mr. Lanning recognize --

14 THE COURT: I got to tell them to sit down,
15 otherwise everyone's going to stand up, so hold on.

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

18 THE COURT: Okay. Please be seated.

19 THE COURT DEPUTY: We're missing one.

20 THE COURT: Missing one?

21 THE COURT DEPUTY: Yes, ma'am.

22 THE COURT: Okay. I'll address that in just a
23 moment.

24 (Thereupon, the previous benchside conference was
25 continued before the Court, out of the hearing of any

1 other parties present in the courtroom as follows:)

2 THE COURT: Did you want -- did you recognize
3 anyone?

4 MR. LANNING: Well --

5 MR. BROWN: Well, 91 is gone, she's the one with
6 the -- 92 is gone as well.

7 MR. LANNING: I want to say 54.

8 THE COURT: 54 is gone too.

9 MR. LANNING: She's going to?

10 THE COURT: Yeah.

11 MR. LANNING: Okay.

12 THE COURT: Okay. So what I'll do is, I'll
13 release them first, those for hardship, and then I'll
14 ask the question, and we'll see if anyone responds.

15 MR. LANNING: Okay.

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

18 THE COURT: Okay. At this time I am going to
19 release certain numbers from this panel. If you hear
20 your number, you're free to go. I am going to ask you
21 to report to the jury assembly room downstairs, mostly
22 they're just going to process you out. So if you hear
23 your name, you'll be free to go -- I mean, if you hear
24 your number, you're free to go. Number 54, 55, 57,
25 59, 60, 66, 67, 68, 70, 72, 73, 74, 77, 81, 83, 84,

1 Number 90, 91, 92, 94, 95, 97, 98, 99, 104. Okay.

2 Those that remain, has anyone read -- I realize you
3 don't know anything about this case, so have you read
4 any headlines about anything, have you been reading
5 the paper or read any articles about this trial or
6 it's participants? Did anybody read anything during
7 the break, any newspapers? (No response). Okay. Has
8 anyone discussed this case among yourselves during the
9 break? Anyone discuss this case with each other
10 during the break? Have you discussed it with anyone
11 else during the break? And if you did, if there was
12 some discussion, let me know. I see no hands. Has
13 anyone discussed it in your presence? Did you hear
14 any comments that might have been made in the hallway,
15 in the elevator, in the stairway? Anyone heard any
16 comments about this case in the hallway, stairway, the
17 elevators? (No response).

18 Now, at this time I would like to take a few
19 minutes to point out some of the court personnel that
20 you will be seeing throughout the trial and what their
21 duties are. I will also give you an idea about what
22 you are here to do. First of all, I am the judge.
23 You may hear people occasionally refer to me as the
24 Court. My job is to maintain order and decide how to
25 apply the rules of law to the trial. I will also

1 explain various rules to you that you will need to
2 know in order to do your job as the jury. It is my
3 job to remain neutral on the issues of this case.

4 My staff attorney serves as the attorney for the
5 judge and performs specific assignments by the Court,
6 such as researching legal issues and drafting Court
7 orders. The court deputies are in charge of security
8 in the courthouse, and are also responsible for
9 maintaining order in the courtroom and enforcing the
10 Court's orders. They also have the charge and care of
11 the jurors during the term of this trial. If any of
12 you have a personal problem, or some other matter
13 which you feel needs to be brought to the Court's
14 attention, or to the attention of anyone involved in
15 this trial, the proper person for you to speak to
16 about that would be one of the court deputies.
17 However, the court deputies cannot answer any of your
18 questions about the case, only I can do that. The
19 deputy clerk serves as the Court's secretary in these
20 proceedings and performs several important functions
21 for the Court, including preparing all necessary
22 paperwork associated with this trial, and the
23 numbering and handling of any exhibits involved in
24 this trial.

25 Now, do any of you know me, the judge, or any of

1 the court personnel that I've pointed out? And if so,
2 if you'll raise your hand. Okay. Number 64?

3 JUROR NUMBER 64: I don't know you personally,
4 but my wife is your hairstylist.

5 THE COURT: Oh, I know who you are now. Your
6 recent wife.

7 JUROR NUMBER 64: Yes.

8 THE COURT: Okay. But you and I have never met.

9 JUROR NUMBER 64: No.

10 THE COURT: And I have only recently started
11 going to your wife, so that's not a long-term
12 relationship. Do you think that relationship would in
13 any way affect your ability to serve on this jury?

14 JUROR NUMBER 64: No.

15 THE COURT: Okay. All right. Anyone on the left
16 side? (No response). Anyone on the right side?
17 Okay, I see no hands. I say that so in case I missed
18 a hand, you can say, you missed me.

19 THE COURT: Now, the attorneys whom I will
20 introduce you to have the job of representing their
21 clients; that is, they speak for their client at the
22 trial. They have taken oaths as attorneys to do their
23 best to follow the rules of their possession. Would
24 counsel for the State, Mr. McMasters, please stand and
25 introduce yourself and everyone at the table.

1 MR. MCMASTERS: Good morning. My name is Jim
2 McMasters, this is Tom Brown, and we're with the State
3 Attorney's Office.

4 THE COURT: Okay. Mr. Moore, would counsel for
5 the defendant --

6 MR. BROWN: Judge, we got a signal, at least one
7 juror didn't hear Mr. McMasters.

8 THE COURT: Okay. Mr. McMasters, if you'll do
9 that again.

10 MR. MCMASTERS: I'm sorry. Good morning. My
11 name is Jim McMasters, and this is Tom Brown. We're
12 with the State Attorney's Office in Brevard County.

13 THE COURT: Okay. Mr. Moore, would counsel for
14 the defendant please introduce himself and everyone at
15 the defense table, including your client.

16 MR. MOORE: I'm Randy Moore, I'm assisted by
17 co-counsel Mike Pirolo, Mark Lanning; and this is our
18 client, Brandon Bradley. We are assisted by Brooke
19 Butler, representing Mr. Bradley.

20 THE COURT: Thank you. Now, do you know any of
21 the attorneys in this matter, or the defendant? And
22 if you do, if you'll raise your hand. I see no hands.

23 Last but not least is the jury, which we will
24 begin to select in a few moments from among all of
25 you. The jury's job will be to decide what the facts

1 are and what the facts mean. Jurors should be as
2 neutral as possible at this point, and have no fixed
3 opinion about the case. At the end of the trial, the
4 jury will give me a written verdict. A verdict is
5 simply the jury's answers to my questions about the
6 case.

7 The last thing I want to do before we begin the
8 selection process is to explain to you how the
9 selection process works. Jury selection is the part
10 of the case where the parties and their attorneys have
11 an opportunity to get to know a little bit about you
12 in order to help them come to their own conclusions
13 about your ability to be fair and impartial, so that
14 they can decide who they think should be the jurors in
15 this case. How we go about this is as follows:
16 First, I'll ask some general questions of you, which I
17 have begun to do. Then, each of the attorneys will
18 have more specific questions that they will ask of
19 you. After they have asked all their questions, I
20 will meet with them, and they will tell me their
21 choices for jurors. Each side can ask that I exclude
22 a person from serving on a jury if they can give me a
23 reason to believe that he or she may be unable to be
24 fair and impartial. That is what is called a
25 challenge for cause. The attorneys also have a

1 certain number of what are called peremptory
2 challenges, by which they may exclude a person from
3 the jury without giving a reason.

4 By this process of elimination, the remaining
5 persons are selected as the jury. The questions that
6 you will be asked during this process are not intended
7 to embarrass you or unnecessarily pry into your
8 personal affairs, but it is important that the
9 defendant and the attorneys know enough about you to
10 make this important decision. If a question is asked
11 that you would prefer not to answer in front of the
12 other jurors, please let me know, and we will address
13 you privately, and you can give your answer just in
14 front of the attorneys, the defendant, me, and the
15 court personnel. There are no right or wrong answers
16 to the questions that will be asked of you. The only
17 thing I ask is that you answer the questions as
18 frankly and honestly and as completely as you can.
19 You have taken an oath to answer all questions
20 truthfully and completely, and you must do so.
21 Remaining silent when you have information you should
22 disclose is a violation of that oath as well. If a
23 juror violates this oath, it not only may result in
24 having to try the case all over again, but may also
25 result in civil and criminal penalties against a juror

1 personally. So, again, it is very important that you
2 be as honest and complete with your answers as you
3 possibly can. If you don't understand a question,
4 please raise your hand and ask for an explanation or
5 clarification.

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

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

1 At this time I will read the charges. Count one,
2 first degree premeditated murder of a law enforcement
3 officer with firearm. In the County of Brevard, State
4 of Florida, on March the 6th, 2012, Brandon Lee
5 Bradley did unlawfully kill a human being, Deputy
6 Barbara Pill, a law enforcement officer engaged in the
7 lawful performance of a legal duty, by shooting Deputy
8 Barbara Pill with a firearm, and said killing was
9 perpetrated by Brandon Lee Bradley from a premeditated
10 design to effect the death of Deputy Barbara Pill; and
11 during the commission of said offense, Brandon Lee
12 Bradley actually possessed a firearm, and further,
13 during the commission of said felony, Brandon Lee
14 Bradley discharged said firearm, and as the result of
15 the discharge, did inflict death upon any person.

16 Count two, robbery. In the County of Brevard,
17 State of Florida, on March the 6th, 2012, Brandon Lee
18 Bradley did take money or other property valued at
19 \$300 or more from the person or custody of another,
20 Andrew Jordan, Mohammad Malik, with the intent to
21 permanently or temporarily deprive said person of said
22 property. In the course of the taking, did use force,
23 violence, assault, or putting in fear.

24 Count three, fleeing or attempting to elude, high
25 speed or wanton disregard. In the County of Brevard,

1 State of Florida, on March the 6th, 2012, Brandon Lee
2 Bradley did willfully flee or attempt to elude a law
3 enforcement officer in an authorized law enforcement
4 patrol vehicle, with agency insignia and other
5 jurisdictional markings prominently displayed on the
6 vehicle, with siren and lights activated; and during
7 the course of the fleeing or attempted eluding, did
8 drive at high speed or in any manner which
9 demonstrated a wanton disregard for the safety of
10 persons or property.

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

20 I am now going to read to you a list of potential
21 witnesses who may be called to testify in this trial.
22 This list is extensive, so please listen carefully to
23 the names and see if you recognize any of them. Also,
24 please understand that often many more names are
25 listed as potential witnesses than are actually called

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

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

1 Police Department; Martha Gray; Michael Paul Gregg;
2 Casey Greene; Agent Brian Guilford, Brevard County
3 Sheriff's Office; Officer Greg Guillette, Melbourne
4 Police Department; Jamie Lee Hammond; Deputy John
5 Hanigan, Brevard County Sheriff's Office; Pamela C.
6 Hansen; Richard Thomas Hansen; Officer Roy Havener,
7 Melbourne Police Department; Ben Hay, Melbourne Fire
8 Department; Officer Juanita J. Hazelett, Melbourne
9 Police Department; Cherlyn Henley; Deputy Christopher
10 Hendrix, Brevard County Sheriff's Office; Dr. Mark
11 Herbst; James Terry Henson, III; Hope Henson; Jeffery
12 Scott Herring; Officer Dennis Higgins, Melbourne
13 Police Department; Vernice Hobbs; Deputy Jessie Harold
14 Holton, Brevard County Sheriff's Office; Officer Cyril
15 Hopping, Melbourne Police Department; Denise Horn;
16 Richard Huckabee, with the Medical Examiner's Office;
17 Emilie Jill Huff; Russell C. Huff; Jeffery Humphries,
18 Brevard County Fire Rescue; Dyan James (phonetic),
19 Melbourne Fire Department; Officer Robert Johnson;
20 Caroline Jones; Andrew J. Jordan; Yves Joseph;
21 Tsvetomila Kaneva; Officer John Kemper, Melbourne
22 Police Department; Andria Michelle Kerchner; Pamela
23 Kerchner; Richard Kerchner; School Resource Officer
24 Wolfgang Kermer, Brevard County Sheriff's Office;
25 Shirley King; King Reporting Service; Officer Brent

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

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

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

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

1 Sergeant Randy Young, Brevard County Sheriff's Office;
2 Dr. Patricia Zapf; Paul Louis Zarpaylic; Andrea
3 Ziarno, Brevard County Fire Rescue.

4 Okay. That's a long list. Are any of you
5 related by blood or marriage to any of the potential
6 witnesses, or do you know any of them through any
7 business or social relationships? And I'll start
8 here. Number 62, yes, ma'am?

9 JUROR NUMBER 62: I know Officer Charles
10 Landmesser.

11 THE COURT: Okay. How do you know him?

12 JUROR NUMBER 62: He was the School Resource
13 Officer at the school where I taught.

14 THE COURT: Okay. Do you think that relationship
15 would in any way affect your decision-making if you
16 were chosen as a juror in this case?

17 JUROR NUMBER 62: No.

18 THE COURT: Okay. And how much contact did you
19 have with him?

20 JUROR NUMBER 62: We had bus duty together
21 frequently.

22 THE COURT: Okay. So you would see him daily,
23 probably twice a day at least. Okay. If he was
24 called to be a witness in this case, could you treat
25 him the same as you could treat any other witness, or

1 would you give his testimony greater weight because of
2 that past relationship?

3 JUROR NUMBER 62: I think I would give it equal
4 weight to everyone else. I don't think I would give
5 it any more or any less.

6 THE COURT: Okay. I appreciate that. Number 64,
7 yes, sir?

8 JUROR NUMBER 64: Jason Diogo.

9 THE COURT: And how do you know him?

10 JUROR NUMBER 64: I've known him since sixth
11 grade.

12 THE COURT: So like a childhood friend?

13 JUROR NUMBER 64: Yeah.

14 THE COURT: Have you socialized with him, let's
15 say, in the last year?

16 JUROR NUMBER 64: I haven't see him in about
17 three years, but we're Facebook friends.

18 THE COURT: Okay. So you hear about him on
19 Facebook. Do you think that relationship would in any
20 way affect your ability to serve on this jury?

21 JUROR NUMBER 64: No.

22 THE COURT: Could you -- if he were called to
23 testify, could you weigh his testimony the same as you
24 would weigh any other person's testimony?

25 JUROR NUMBER 64: I'd give it more value, because

1 I know him.

2 THE COURT: You'd give it more value? Was that
3 an officer, or was that a layperson?

4 JUROR NUMBER 64: Officer.

5 THE COURT: And do you know who he works for?

6 JUROR NUMBER 64: Sheriff's Department.

7 THE COURT: Okay. One of the things I'm going to
8 talk about later on, it's not going to be today, I'm
9 going to talk about that when any law enforcement
10 officers testify for purposes of this trial, you have
11 to -- I'm going to give you rules about how to weigh
12 any witness's testimony; and for purposes of the
13 trial, you have to weigh law enforcement officer's
14 testimony the same as you give to any other person's
15 testimony. In other words, everybody has to walk in
16 equal. After you hear their testimony and apply the
17 rules that I gave you, then you can decide what weight
18 to give the testimony; but you can't give them what I
19 call "extra credit" just because they walked in the
20 courtroom, or because of a prior relationship. Do you
21 think you could do that in this case, or do you think
22 you can't set that aside?

23 JUROR NUMBER 64: To be honest, I couldn't set
24 that aside, no.

25 THE COURT: Okay. And does that -- how good of

1 friends were you back when you were kids?

2 JUROR NUMBER 64: We grew up together in Port St.
3 John, we were the Port St. John clan, and we lost a
4 close friend in Afghanistan. We were pretty tight as
5 kids.

6 THE COURT: Okay. So if he were called to
7 testify in this case, that would make a difference to
8 you? His testimony would have credibility with you?

9 JUROR NUMBER 64: Yes, it would.

10 THE COURT: Okay. Anyone else? Number 69, yes,
11 ma'am?

12 JUROR NUMBER 69: I believe it's Steven Pill.

13 THE COURT: Okay.

14 JUROR NUMBER 69: I processed a Social Security
15 card application for him, and we had a pretty lengthy
16 talk about the whole ordeal.

17 THE COURT: Okay. So that is the husband the
18 husband of Deputy Pill.

19 JUROR NUMBER 69: Yes.

20 THE COURT: And how long ago was that?

21 JUROR NUMBER 69: I want to say about three weeks
22 after the incident.

23 THE COURT: Okay. What I'm going to do is, we're
24 going to hold that thought, I'm going to talk to you
25 about that individually.

1 JUROR NUMBER 69: Okay.

2 THE COURT: Anyone else in, what we call, the
3 box, this is the box. Anyone on the left side? I see
4 some hands. Number 80, yes, ma'am?

5 JUROR NUMBER 80: I am childhood friends with
6 Cyril, who is with the Melbourne Police Department.

7 THE COURT: Okay. I heard you say childhood
8 friends, and with who? You've got to speak up.

9 JUROR NUMBER 80: Cyril Hopping.

10 THE COURT: What was the last name?

11 JUROR NUMBER 80: It's Hopping, H-O-P-P-I-N-G.

12 THE COURT: Oh, yes. That's right. Have you
13 socialized with her recently?

14 JUROR NUMBER 80: It's a him.

15 THE COURT: It's a him? Sorry about that.

16 JUROR NUMBER 80: And only via Facebook.

17 THE COURT: Oh, come on, with that first name, it
18 could have been a him or a her. Okay. So you're
19 Facebook friends.

20 JUROR NUMBER 80: We discuss the University of
21 Florida athletic department a lot, that's about it.

22 THE COURT: Good discussion. Do you -- would
23 that be through Facebook that you do that?

24 JUROR NUMBER 80: Yes.

25 THE COURT: Do you think if Officer Hopping was

1 called to testify, that you could treat his testimony
2 equally, give it the same weight, as you would give
3 anyone else, or would you give him extra credit just
4 because he walked in the door and you know him?

5 JUROR NUMBER 80: I would treat him the same.

6 THE COURT: Okay. So you could weigh his
7 testimony equally along with all the other witnesses?

8 JUROR NUMBER 80: Yes, ma'am.

9 THE COURT: All right. I saw another hand.
10 Number 86, yes, sir?

11 JUROR NUMBER 86: Yes, I know Detective Ron
12 Nelson.

13 THE COURT: And how do you know Detective Nelson?

14 JUROR NUMBER 86: He was on a case of mine back
15 in 2000.

16 THE COURT: Okay. So you know him kind of
17 through his duty as a law enforcement officer?

18 JUROR NUMBER 86: That's correct.

19 THE COURT: Okay. Do you think that relationship
20 would in any way affect your ability to serve in this
21 case?

22 JUROR NUMBER 86: None whatsoever.

23 THE COURT: Okay. You could treat -- weigh his
24 testimony and give it the same weight that you would
25 give everyone else's testimony?

1 JUROR NUMBER 86: Yes.

2 THE COURT: Okay. Anyone else on the left side?
3 I didn't see any other hands. Then I'll go to the
4 right side, any hands on the right side? Number 105?

5 JUROR NUMBER 105: Just Melbourne Fire
6 Department, Jeffrey Markham.

7 THE COURT: And how do you know him?

8 JUROR NUMBER 105: Childhood acquaintance.

9 THE COURT: Have you socialized with him
10 recently?

11 JUROR NUMBER 105: No, ma'am.

12 THE COURT: Have you socialized with him on any
13 social medias?

14 JUROR NUMBER 105: No.

15 THE COURT: Okay. Do you think that relationship
16 would in any way affect your ability to serve as a
17 juror in this case?

18 JUROR NUMBER 105: No.

19 THE COURT: Would you weigh his testimony, give
20 it the same weight, and apply the same rules as you
21 would apply to everyone else's testimony?

22 JUROR NUMBER 105: Yes, ma'am.

23 THE COURT: Okay. I think there was another
24 hand. Number 102, yes, ma'am?

25 JUROR NUMBER 102: I know a Casey Greene, I know

1 if it's this Casey Greene. Is it spelled G-R-E-E-N-E,
2 or is it like the color green?

3 THE COURT: I do not know that offhand, all I
4 know is that was one of the names I could pronounce.
5 I show G-R-E-E-N-E.

6 JUROR NUMBER 102: Okay. The Casey Greene that I
7 know, we worked together for about four years. She's
8 an MRI technician, and I was her scheduler. We worked
9 together for about five years.

10 THE COURT: Okay. Let's say that that's the
11 Casey Greene, we don't know, but let's say for
12 hypothetical purposes, would that in any way affect
13 your ability to serve on this jury?

14 JUROR NUMBER 102: No. No. I just know her, I
15 know her character, you know, that type of thing. I
16 know she'd be an honest person, she wouldn't fudge the
17 truth, that sort of thing.

18 THE COURT: So would you give her --

19 JUROR NUMBER 102: I would give her testimony the
20 same weight as anyone else.

21 THE COURT: Okay. You could -- I'm going to tell
22 you rules later on for weighing someone's testimony,
23 could you apply those same rules -- once you hear
24 someone testify, you can give it the weight you wish
25 to give it, but you can't give them extra credit

1 because they walk in the door.

2 JUROR NUMBER 102: No. Oh, no.

3 THE COURT: Could you do that?

4 JUROR NUMBER 102: Yes, I could.

5 THE COURT: You said you knew her to be an honest
6 person, so could you do that?

7 JUROR NUMBER 102: Yes, I could.

8 THE COURT: Okay. You would set that aside, what
9 you may know of her previously?

10 JUROR NUMBER 102: Yeah. Like, I said Casey and
11 Greene are common names, it may not be the same
12 person.

13 THE COURT: Okay. I just want to clarify for
14 purposes of the record, Wolfgang Kermer and Cheryl
15 Wallschlager (phonetic) is with the Melbourne Police
16 Department. I may have said Brevard County Sheriff's
17 Office, I don't know if it's on here correctly, but
18 I'm going to check that later, so I just want to
19 clarify that for the record.

20 Okay. Anyone else? Did I miss anyone? Anyone
21 else? Okay. Now, do any of you on the panel know
22 each other? Do any of you know each other?

23 JUROR NUMBER 105: 105.

24 THE COURT: Thank you. Because you're hard to
25 see.

1 JUROR NUMBER 105: I know 101 from work.

2 THE COURT: 101 from work. Okay. Where do you
3 all work?

4 JUROR NUMBER 105: Kennedy Space Center.

5 THE COURT: Do you work near each other?

6 JUROR NUMBER 105: Yes, ma'am.

7 THE COURT: Okay. Do you see each other daily.

8 JUROR NUMBER 105: I've just been loaned out to
9 another department, so I split my day, so yes, now I
10 see him almost every day.

11 THE COURT: Okay. Do you -- if you all were to
12 serve on the same panel together, would the fact that
13 you know him influence your decision-making process?

14 JUROR NUMBER 105: I don't believe so.

15 THE COURT: Okay. Whenever you say "I believe
16 so" --

17 JUROR NUMBER 105: I don't -- I don't even know
18 his name, just a familiar face.

19 THE COURT: Just someone that -- okay. So you
20 never socialize together outside of work?

21 JUROR NUMBER 105: No.

22 THE COURT: Okay. Number 101, I'm going to ask
23 you the same question, you know Number 105 from work?

24 JUROR NUMBER 101: Yes.

25 THE COURT: You see each other at work?

1 JUROR NUMBER 101: Yes.

2 THE COURT: Do you think if the two of you were
3 to serve on the same panel together, be one of the 15,
4 that that -- the fact that he was on the panel, would
5 that in any way influence your ability to make an
6 independent decision?

7 JUROR NUMBER 101: No.

8 THE COURT: Okay. I'm trying to get to a certain
9 point this morning, so we can have you break, and some
10 of you may be coming back on a different day, so it's
11 important to try to get to that certain point. I know
12 that it's a little past lunch time, but that's the
13 method to what I'm trying to achieve.

14 Okay. As you have heard, the defendant is
15 charged with murder in the first degree. Murder in
16 the first degree is punishable by life in prison
17 without parole, or death. Now, because the death
18 penalty may become an issue in this case, I want to
19 tell you how it is tried. If the jury returns a
20 verdict of guilty of murder in the first degree in
21 this case, the jury will reconvene for the purposes of
22 rendering an advisory recommendation as to which
23 sentence, death, or life in prison without the
24 possibility of parole, should be imposed. At this
25 hearing, the second hearing, evidence of aggravating

1 and mitigating circumstances will be presented for you
2 to consider; then both the State and the defendant
3 will have an opportunity to present argument for and
4 against the death penalty.

5 Following those arguments, I will give you
6 written instructions on the law that you are to apply
7 in weighing those circumstances in making your
8 recommendation. The final determination of which
9 sentence should be imposed is my responsibility;
10 however, under the law, I must give your
11 recommendation great weight. Many people have strong
12 feelings about the death penalty, both for it and
13 against it. The fact that you may have such feelings
14 does not disqualify you to serve as a juror, as long
15 as you are able to put those feelings aside and apply
16 the law as I instruct you. In other words, you must
17 be willing to be bound by your oath as a juror to obey
18 the laws of this state in making your recommendation.
19 If the jury returns a verdict of murder in the first
20 degree in this case, we will move into what I
21 explained to you is called the penalty phase, where
22 you will be asked to then weigh the aggravating and
23 mitigating circumstances presented, listen to the
24 arguments of the attorneys, apply the law as I
25 instruct you, and fairly consider both possible

1 penalties before making your penalty recommendation.

2 In a few moments, we will be questioning you
3 individually about this issue. Any evidence and
4 argument at the penalty phase, if we were to reach it,
5 is presented in order that you might determine first
6 whether sufficient aggravating circumstances exist
7 that would justify the imposition of the death; and,
8 second, whether sufficient mitigating circumstances
9 exist that outweigh any aggravating circumstances
10 found to exist. At the conclusion of the taking of
11 evidence, and after argument of counsel, you will be
12 instructed on the factors in aggravation and
13 mitigation that you may consider. It will be helpful
14 for you to be familiar with some definitions and rules
15 initially.

16 An aggravating circumstance is a standard to
17 guide the jury in making the choice between the
18 alternative recommendations of life imprisonment
19 without the possibility of parole, or death. It is a
20 statutorily enumerated circumstance which increases
21 the gravity of a crime or the harm to a victim. An
22 aggravating circumstance must be proved beyond a
23 reasonable doubt before it may be considered by you in
24 arriving at your recommendation. In order to even
25 consider the death penalty as a possible penalty, you

1 must first determine that sufficient aggravating
2 circumstances have been proven. The State has the
3 burden to prove each aggravating circumstance beyond a
4 reasonable doubt. A reasonable doubt is not a mere
5 possible doubt, a speculative, imaginary, or forced
6 doubt. Such a doubt must not influence you to
7 disregard an aggravating circumstance if you have an
8 abiding conviction that it exists. On the other hand,
9 if after carefully considering, comparing, and
10 weighing all the evidence, you do not have an abiding
11 conviction that the aggravating circumstance exists,
12 or if having a conviction, it is one which is not
13 stable, but one which waivers and vacillates, then the
14 aggravating circumstance has not been proved beyond
15 every reasonable doubt, and you must not consider it
16 in rendering an advisory sentence to the Court. It is
17 to the evidence introduced in this proceeding, and to
18 it alone, that you are to look for that proof. A
19 reasonable doubt as to the existence of an aggravating
20 circumstance may arise from the evidence, conflict in
21 the evidence, or the lack of evidence. If you have a
22 reasonable doubt as to the existence of an aggravating
23 circumstance, you should find that it does not exist.
24 However, if you have no reasonable doubt, you should
25 find that the aggravating circumstance does exist, and

1 give it whatever weight you determine it should
2 receive.

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

23 If a penalty phase is required, then at the
24 conclusion of the taking of the evidence, and after
25 argument of counsel, you will be instructed on the

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

16 If, on the other hand, you determine that no
17 aggravating circumstances are found to exist, or that
18 the aggravating circumstances are outweighed by the
19 mitigating circumstances, or in the absence of
20 mitigating circumstances, that the aggravating factors
21 alone are not sufficient, you must recommend
22 imposition of a sentence of life in prison without the
23 possibility of parole rather than a death sentence.

24 Now, I do want to tell you that all these definitions,
25 and all these things that you've heard, will be

1 reduced to writing and will be provided to you, so
2 that you'll have those with you during deliberation.

3 Now, let me say at this time that the fact that I
4 am talking about the death penalty is not to be taken
5 by you as any indication one way or the other as to
6 whether or not this is a case which justifies a death
7 penalty. I am discussing it because it is a
8 possibility, you are not to presuppose anything. As
9 you may have noticed, there are cameras in the
10 courtroom. The media, including cameras, will be
11 allowed in the courtroom during these proceedings.
12 However, the media is not entitled to your names or
13 personal information, nor can they film or take
14 pictures of any juror. You may also have noticed that
15 you have been given a number to wear on the outside of
16 your clothing. The number is actually the number of
17 seat you are occupying. I want to be certain that we
18 are recording the answers that you give us, and the
19 number is acting as a cross-reference of your name and
20 will assist us in creating an accurate record.

21 Now, this brings me to the next issue, which is
22 your knowledge of this case. If you have any prior
23 knowledge about this case, you will be asked to put
24 aside anything that you have learned about this case,
25 serve with an open mind, and reach a verdict based

1 only on the law and the evidence presented at the
2 trial. This is another issue that we will question
3 you about individually.

4 Now, at this time, I'm going to speak with the
5 attorneys for a few moments, then I do intend to break
6 for lunch. There are some of you that we're going to
7 have come back tomorrow, so you will not be waiting
8 here for the day for us to question you. So I'm going
9 to do a bench conference at this time.

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

13 THE COURT: Now, is there anyone we want to try
14 to address at this time to excuse?

15 MR. BROWN: Judge, I have five people that were
16 going to check on things. I don't know if they did it
17 on the break, or if they're going to do it at lunch.

18 THE COURT: I told them to do it at lunch.

19 MR. BROWN: Okay. Might want to remind them to
20 do that.

21 THE COURT: Do you want to tell me who they are?

22 MR. BROWN: Number 56, 71, 76 --

23 THE COURT: Hold on, my pen won't write. Okay, I
24 got it. Number 56 --

25 MR. BROWN: 71, 76, 100, 102. Now, Number 79 was

1 the one with the legs going numb, so I think that was
2 one we were just going to check with her after a
3 while. There's nothing for her to check.

4 THE COURT: Okay. I didn't know if -- is there
5 anyone you want to try to excuse at this time? Was 64
6 a concern with knowing that police officer? I don't
7 know if you intend to call him, or not.

8 MR. BROWN: Yeah, we're not calling him.

9 THE COURT: Okay. They said they're not calling
10 that witness.

11 MR. PIROLO: We'll follow up. We've probably got
12 some other questions.

13 THE COURT: Okay. That would be appropriate.
14 Also, I give them some instructions about law
15 enforcement, might be helpful for them to hear that.
16 So what I'll do is, I'll tell these people to follow
17 up on what they need, and then we're going to talk to
18 them later. We'll ask 76 about her legs being numb.
19 Now, how many --

20 MR. BROWN: That's 79.

21 THE COURT: 79, about her legs being numb. How
22 many do we have left?

23 MR. BROWN: 28.

24 THE COURT: Is it 28?

25 MR. MCMASTERS: We excused 25.

1 THE COURT: How many do we think we can get --
2 you know, I didn't -- normally, I've been keeping a
3 chart, but I really do that.

4 MR. BROWN: Well, we average two an hour, unless
5 it's quick ones.

6 MR. MOORE: We could fly through -- I mean, it
7 depends, we can get a bunch of people that have been
8 exposed to the media, or for a variety of reasons.
9 Those are the people we're going to go through pretty
10 quickly. What I'm suggesting is, keep the people in
11 the box, and maybe the front row on the left side.

12 THE COURT: Yeah, I was going to try to keep
13 half.

14 MR. MOORE: That'd be fine.

15 MR. BROWN: There's nine people in the box.

16 THE COURT: Well, because we knocked a lot out on
17 the front. You say there's how many left?

18 MR. BROWN: There's nine people in the box,
19 there's 28 left total.

20 MR. MOORE: Right. So if we do that, then that's
21 about --

22 THE COURT: So if we keep 14, 14 would take us
23 through -- that takes us to 80. That's about what you
24 said, first row in the front.

25 MR. MOORE: It is.

1 MR. BROWN: That's seven hours, minus whatever
2 ones are quick.

3 THE COURT: So 82 and -- 82 through 106, excuse
4 them until 8:30 in the morning?

5 MR. MOORE: Yes.

6 THE COURT: Okay.

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

9 THE COURT: Now, we're going to take a break in a
10 few moments. But I want to remind Numbers 56, 71, 76,
11 100, and 102, that you had some homework, so you need
12 to check on some things and see if this is going to be
13 a hardship for you. So if you'll do that during this
14 break. Some of you are going to come back after
15 lunch, some of you are going to come back tomorrow
16 morning. So I need you to do that for me. Number 79,
17 how are your legs doing?

18 JUROR NUMBER 79: They're going numb.

19 THE COURT: They're going numb?

20 JUROR NUMBER 79: Yes.

21 THE COURT: Okay. So that was about an hour,
22 maybe a little bit more. I didn't write down the
23 time, normally I do, but I didn't. So you think
24 serving on this jury is going to be a physical issue
25 for you?

1 JUROR NUMBER 79: I believe so. I don't sit very
2 long. I'm usually up and walking around.

3 THE COURT: I kind of wish you were sitting over
4 here, only because these chairs are so much more
5 comfortable than those chairs. But I don't -- you
6 think it would be an issue.

7 JUROR NUMBER 79: Yes, I do.

8 THE COURT: Okay.

9 MR. BROWN: Stipulation.

10 MR. MOORE: Stipulate.

11 THE COURT: Okay. Then, Number 79, I am going to
12 release you from service on this jury. So you can go
13 downstairs, report to the jury assembly room, and
14 they'll give you some brief information, and then
15 you'll be able to go on your way. So you can do that
16 at this time. Thank you.

17 Now, we're going to break in a few moments, but I
18 want to read these rules to you before we break,
19 because everybody's going to be bound by these rules,
20 and I want to make sure everyone listens to me.
21 During this break, you must abide by the rules
22 governing your service as a juror. Specifically, do
23 not discuss this case among yourselves. Do not
24 discuss this case with anyone else, or allow anyone to
25 discuss it in your presence. Do not speak to the

1 lawyers, parties, or the witnesses about anything.
2 You must avoid reading newspaper headlines or articles
3 relating to this trial or its participants. Avoid
4 seeing or hearing television, radio, or Internet
5 comments about this trial or its participants. Do not
6 conduct any research yourself regarding any matters
7 concerning this case. Now, you can tell people, such
8 as significant others, people that need to know, that
9 you're coming here for jury service, where you're
10 going to be, and what time. What you can't tell them
11 is the why, you can't tell them what case, you can't
12 tell them what the charges are, you can't tell them
13 anything you've learned about this specific case.
14 Also, if someone tries to discuss this case to you, or
15 if someone is -- that's why you need to wear your
16 badges -- if someone is outside, and they start to
17 discuss the case, you need to tell them to stop --
18 first of all, you try to leave, then, if they continue
19 and there's not any way you can get away from them,
20 like in the elevator, you need to tell them to stop,
21 that you're a potential juror in this case. If it
22 becomes a problem, even if that happens, you should
23 notify one of the court deputies that that happened.
24 People should know not to discuss this case in your
25 presence, or discuss this case around you. Sometimes

1 that happens accidentally, sometimes that happens
2 intentionally, but you should let us know that that
3 happened. But you do have an affirmative duty to tell
4 them to stop and to try to get away from them. If
5 they continue, obviously, I don't expect you to do
6 anything else as a result of that, but we do need to
7 know that information.

8 Okay. Jurors Number 56 through 81, I'm going to
9 ask you to come back at 1:45. Report to the jury
10 assembly room at 1:45. Once we know everyone's here,
11 we'll bring you up. Now, I do expect the process to
12 take a little bit of time. If you have something to
13 read, feel free to read it; but I do expect this
14 process to take a little bit of time, and to be quite
15 honest, you're going to probably be outside waiting
16 for a period of time. Please be patient with us.
17 Everyone here is doing the best that we can to get
18 through this process efficiently and promptly, but it
19 is an important process that has to be followed. Now,
20 Jurors Number 82 through 106, you are going to be
21 excused for today, and I need you to report back to
22 the jury assembly room at 8:30 in the morning. And
23 then we will give those other jurors further
24 information -- the beginning juror numbers further
25 information after we speak with you.

1 So Jurors Number 56 through 81, it's your lunch
2 break, be back here at 1:45. Jurors Number 82 through
3 106, you need to be back here at 8:30 in the morning.
4 Now, I saw a hand, Number 76?

5 JUROR NUMBER 76: Yes. You want me to go ahead
6 and check, and then follow up after lunch, that's what
7 you're saying?

8 THE COURT: Yes. Because you're going to be --
9 you're part of the first group, yes, we will follow up
10 -- I will tell you that if you have to make
11 arrangements for today, for 3:00 p.m., Monday,
12 Thursday -- I think we're good today.

13 JUROR NUMBER 76: No, not today.

14 THE COURT: I can't even remember what day it is.

15 JUROR NUMBER 76: I already asked somebody to
16 pick them up from school today.

17 THE COURT: Okay. Because you might be here past
18 3:00. I expect you'll probably be here past 3:00. We
19 will do the best we can, like I said, to get to
20 everyone promptly, but this is a necessary process,
21 and it doesn't happen quickly. Okay. At this time we
22 will be in recess. Thank you.

23 THE COURT DEPUTY: All rise.

24 (Thereupon, the venire was escorted out of the
25 courtroom by the court deputy and the proceedings were

1 had as follows:)

2 THE COURT: Okay. We can be seated. I'm going
3 to wait here just a minute, because I think somebody
4 had a couple questions. We do have a jury panel
5 that's scheduled to come in tomorrow, I may release
6 them, but I'm going to wait until later in the
7 afternoon before I do that. We have to tell them, I
8 think, before 4:00 p.m. They probably want it by 3:00
9 p.m., but I think I could tell them by 4:00 and still
10 get away with it. So I'm going to wait on that before
11 I release them, just to see how far we get in this
12 process.

13 MR. LANNING: Judge, as far as going into the
14 evening schedule, do you have an idea when you'll be
15 stopping today?

16 THE COURT: I have a meeting at my child's school
17 at 6:30 that I'd like to attend. Does that help?

18 MR. LANNING: That helps.

19 THE COURT: Okay. I want to try to get through
20 as many as we can get through, but I will stop for
21 sure by 6:15. If we get done earlier, we get to go;
22 if we don't, I'll go, and then we'll bring the other
23 person back. Okay. Do they need us for anything,
24 Deputy Kenworthy? I was just waiting to make sure. I
25 know a couple jurors wanted to talk to him. And I'm

1 sorry about going so late, I'm just trying to get
2 through this process. Okay, there's a question.

3 (Thereupon, a private benchside conference was
4 had between the Court and the court deputy;
5 thereafter, the proceedings were had as follows:)

6 Okay. Someone asked for -- to write down the
7 dates that we have off, because they need to schedule
8 a house closing, so I wrote down the dates that we
9 have off so they could handle that. I wrote it on a
10 sticky pad. Deputy Kenworthy, was there any other
11 concerns that we needed to address at this time?

12 THE COURT DEPUTY: None that need to be addressed
13 at this time.

14 THE COURT: Okay. So court will be in recess for
15 us until 1:45. Thank you.

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

18 THE COURT: Please be seated. Are we ready?
19 When the jury comes up, potential jury panel, you can
20 let me know. There's a couple things on this witness
21 list --

22 THE COURT DEPUTY: You want to bring Mr. Bradley
23 out?

24 THE COURT: We can bring Mr. Bradley out.

25 (Thereupon, the defendant was escorted into the

1 courtroom by the court deputy and the proceedings were
2 had has follows:)

3 THE COURT: Okay. I just got a new screen, so
4 I'm going to test out my screen.

5 MR. BROWN: Judge, can we approach briefly?

6 THE COURT: Yes, you can. Then I can really test
7 out my new screen.

8 (Thereupon, a benchside conference was had before
9 the Court, out of the hearing of any other parties in
10 the courtroom as follows:)

11 MR. BROWN: Judge, we let the defense know, we
12 wanted to let the Court know, Juror Number 86, based
13 on the name, we don't know completely, but based on
14 the name, he is what we list as a survivor of
15 homicide, the victim was [REDACTED]

16 MR. MOORE: The defendant would have been Steve
17 Robison, R-O-B-I-S-O-N, my client. And [REDACTED] our
18 client.

19 THE COURT: What -- a survivor of homicide?

20 MR. BROWN: Right. We classify our survivors as
21 the victim -- a family member is a survivor.

22 MR. LANNING: He was also one of the victims,
23 [REDACTED]

24 MR. BROWN: Was he? Okay. So whether he was the
25 husband of the person that was murdered, or brother,

1 or father. I don't know by looking at the file
2 briefly, but I just wanted to let the Court know.
3 I've already disclosed that to the defense, I wanted
4 to let you know. If you question him and something
5 comes up, at least you know what's going on.

6 THE COURT: Okay.

7 MR. BROWN: That's all. I already let the
8 defense know.

9 THE COURT: Okay. Thank you.

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

12 THE COURT: While we're waiting for the jury
13 panel to come up, a couple things about this witness
14 list. They tell me that School Resource Officer
15 Wolfgang Kermer is not Brevard County Sheriff's
16 Office, it's Melbourne Police Department, and it's
17 listed as Brevard County Sheriff's Office. And then
18 there's another one, School Resource Officer Cheryl
19 Wallschlager (phonetic), she's with Melbourne Police
20 Department as well, not Brevard County Sheriff's
21 Office. And then there was a couple on here that are
22 deputies, but they don't have an agency listed, and I
23 just wanted to clear some of that up while we have a
24 minute.

25 THE COURT DEPUTY: I know there's a deputy on

1 there -- it says it's deputy, but it's not.

2 THE COURT: Who is that, do you know?

3 THE COURT DEPUTY: Margaret Cline. She's with
4 the Sheriff's Office, but she's not a deputy, she's a
5 civilian.

6 THE COURT: Okay.

7 MR. BROWN: She's a fingerprint technician,
8 Judge.

9 THE COURT: Cline? With a "K," or a "C"?

10 MR. BROWN: "C."

11 THE COURT: That's why I can't find it.

12 MR. BROWN: Page two.

13 THE COURT: Okay. It does say she's a deputy.
14 All right. Let me see if I can find the ones --
15 anything else?

16 THE COURT DEPUTY: I'd have to hear you say it
17 again another time.

18 THE COURT: Because I'm probably going to have to
19 say these one more time. Sergeant Frank Flake? Who's
20 he with?

21 THE COURT DEPUTY: Sheriff's Office.

22 THE COURT: If I don't have them on here, it's
23 one less thing I have to say. There's a couple more.

24 THE COURT DEPUTY: They're outside.

25 THE COURT: Okay. Thank you. I guess that's all

1 I can find. Before we start bringing in jurors
2 individually, any preliminary that we need to discuss
3 on behalf of the State?

4 MR. BROWN: No, Your Honor.

5 THE COURT: Any preliminary matters on behalf of
6 the defense?

7 MR. MOORE: No.

8 THE COURT: Okay. We'll bring in Juror
9 Number 56.

10 (Thereupon, Juror Number 56 was escorted into the
11 courtroom by the court deputy and the proceedings were
12 had as follows:)

13 THE COURT: Okay. Number 56, I just need to ask
14 you a few -- I'm going to ask you a few questions in
15 the beginning, and then the State will have an
16 opportunity to ask you some questions, and the defense
17 will have an opportunity to ask you some questions.
18 Before the recess, I talked to you about some rules
19 governing your service as a juror, and I just need to
20 ask you about those first. And this is since that
21 rule was in place. Have you been exposed to any
22 newspaper headlines and/or articles related to this
23 trial or its participants?

24 JUROR NUMBER 56: No.

25 THE COURT: Have you seen or heard television,

1 radio, or Internet comments about this trial?

2 JUROR NUMBER 56: No.

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

6 JUROR NUMBER 56: No.

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

10 JUROR NUMBER 56: No.

11 THE COURT: My next question I'm going to ask is
12 a pretty general question, what are your views about
13 the death penalty?

14 JUROR NUMBER 56: I'm opposed to it.

15 THE COURT: Okay. I'm going to discuss what the
16 process is, I gave you some information earlier, but
17 I'm going to discuss that a little bit further, and
18 then I'm going to ask you some questions with regard
19 to your view. The trial is heard in two parts, part
20 one is the guilt phase. In the event the jury returns
21 a verdict as to count one, which is the premeditated
22 murder of the first degree, if the jury returns a
23 verdict as to count one, then, and only then, do we
24 proceed to the second phase, which is the penalty
25 phase. In the penalty phase, that's when you would be

1 requested to make a recommendation to the Court
2 regarding a recommendation as to a penalty, as to
3 death, or life in prison without the possibility of
4 parole. Are -- you say that you're against the death
5 penalty; is that correct?

6 JUROR NUMBER 56: Yes.

7 THE COURT: If you are opposed to the -- are you
8 opposed to the death penalty such that you would not
9 consider it as a penalty under any circumstances?

10 JUROR NUMBER 56: Correct. Yes.

11 THE COURT: Okay. If I were to instruct you that
12 it is your duty -- that it would be your duty as a
13 juror in this case to consider the death penalty,
14 would you be able to follow my instructions and
15 consider the penalty of death?

16 JUROR NUMBER 56: Are you saying that that's a
17 separate thing than the verdict?

18 THE COURT: The first phase of the trial is
19 guilty, or not guilty, to the four counts charged. If
20 there is a guilty verdict only as to count one, then
21 we move into the second phase, and the same jury sits
22 on the first phase as they do the second phase, and
23 then you would be asked -- that's when the possibility
24 of the death penalty would come into play, and then
25 you would be asked to consider that as a possible

1 penalty. Would you be able to consider that?

2 JUROR NUMBER 56: Yes, but I would vote against
3 the -- I would vote for something else other than the
4 death penalty.

5 THE COURT: Okay. You're saying -- so you're
6 saying, no matter what happened, you would never vote
7 for the death penalty?

8 JUROR NUMBER 56: Yes.

9 THE COURT: Okay. And there's not anything --
10 there's no right or wrong answers in here, just trying
11 to explore your feelings. Is there anything I can
12 instruct you or say to tell you -- now, what the
13 instructions will say, if there's certain aggravating
14 circumstances, and you get those later, you found
15 those are met, then you are supposed to consider death
16 as a possible penalty. Would you be able to do that?

17 JUROR NUMBER 56: I'm not sure I understand your
18 -- I would consider whatever anybody says, what you
19 say, but I am not voting for the death penalty. For
20 religious reasons.

21 THE COURT: Okay. I appreciate that. Questions
22 by the State?

23 MR. BROWN: May we approach?

24 THE COURT: I'm going to have a bench conference.

25 (Thereupon, a benchside conference was had before

1 the Court, out of the hearing of any other parties
2 present in the courtroom as follows:)

3 MR. PIROLO: Judge, I'd like to question him
4 briefly. He did say he could consider it.

5 THE COURT: Okay. Does the State want to an
6 opportunity?

7 MR. BROWN: Well, I guess I would ask for an
8 opportunity to -- I don't think it's possible that
9 they can ask him questions to --

10 THE COURT: Well, if he wants to ask him some
11 questions, I'll give him that opportunity. I think
12 that's fair to allow that. My only concern is that, I
13 normally have the State go first and the defense go
14 second; and if you don't do it now, you lose your
15 opportunity, unless the defense agrees you could
16 question him after him. Because usually the defense
17 gets the last opportunity to question.

18 MR. PIROLO: I'd like for Mr. Brown to go first.

19 THE COURT: Okay.

20 MR. BROWN: I think it's a waste, because I don't
21 think there's any way to rehabilitate. Judge, the
22 other issue with this gentleman is, he also had the
23 medical tests, the MRI, and other tests.

24 THE COURT: Well, I'll ask him that. He did ask
25 for dates, so he could get those moved.

1 MR. BROWN: Right. So I don't know if he was
2 able to move them, what his situation is there.

3 THE COURT: Let me do this, let me ask that, and
4 then I'm going to ask him what he knows about the case
5 too. I didn't ask him that.

6 MR. BROWN: Okay.

7 THE COURT: Okay.

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

10 THE COURT: Okay. Juror Number 56, you
11 previously talked about that you had an appointment
12 for an MRI.

13 JUROR NUMBER 56: Yes, ma'am.

14 THE COURT: Do we know if that's going to be an
15 issue?

16 JUROR NUMBER 56: I don't know. I couldn't get a
17 hold of those people, the doctors.

18 THE COURT: Did you -- do you know the date that
19 it's scheduled for at this time?

20 JUROR NUMBER 56: I don't have it with me. It
21 was Monday after next, I believe. It was on a Monday.
22 I remember it was on a Monday.

23 THE COURT: So you think it may be a week from
24 this coming Monday?

25 JUROR NUMBER 56: What would that be? The 10th,

1 or something like that?

2 THE COURT: Yeah, that would be approximately
3 that date. So it's somewhere in that date?

4 JUROR NUMBER 56: Yeah. But there's, like, three
5 different appointments. That's the first one, the
6 second one is later that same day, and then a couple
7 days later, then there's another.

8 THE COURT: Okay. You weren't able to get a hold
9 of anyone to talk about rescheduling those possibly?

10 JUROR NUMBER 56: Well, yes, I got a hold of
11 somebody that I could be able to cancel them, but I
12 don't know when they can reschedule.

13 THE COURT: Okay.

14 JUROR NUMBER 56: And I didn't talk to my doctor.

15 THE COURT: You did talk to your doctor?

16 JUROR NUMBER 56: No. It's a different -- the
17 people that do the tests is different people than the
18 doctor that orders the test.

19 THE COURT: Okay. So what I'm hearing is that we
20 don't know if that's going to be an issue or not?

21 JUROR NUMBER 56: Right.

22 THE COURT: Okay. I'm going to ask you another
23 question, do you know anything about this case, either
24 from your own personal knowledge, rumor, by discussion
25 with anyone else, or from the media, radio,

1 television, Internet, electronic device, or newspaper?

2 JUROR NUMBER 56: Yes.

3 THE COURT: Okay. What information do you
4 believe you know about the case?

5 JUROR NUMBER 56: Well, I know that the defendant
6 is accused of murdering a deputy, and that, you know,
7 from what I've seen in the newspaper and stuff, that
8 she pulled him over for some reason, I think, or
9 something to do with a motel, that they were accused
10 of stealing from a motel; and supposedly he shot her,
11 he had his girlfriend with him, the girlfriend took a
12 plea -- is taking a plea or something. You know, what
13 you hear on the news.

14 THE COURT: Okay. And so you gained this
15 information from television and watching the news?

16 JUROR NUMBER 56: Correct.

17 THE COURT: And one of the things that we ask you
18 to do if you're selected as a juror is, can you set
19 aside anything that you have learned about this case,
20 and serve with an open mind, and reach a verdict based
21 only on the law and the evidence presented in this
22 trial? Means presented by way of witnesses that come
23 before you and testify at the witness stand, and by
24 exhibits that you see that are presented into
25 evidence, and the law as I instruct it. Set aside

1 that stuff you learned on the outside.

2 JUROR NUMBER 56: Yes, I believe so.

3 THE COURT: Okay. Questions by the State?

4 MR. BROWN: Judge, we'll pass.

5 THE COURT: Okay. Questions by the defense?

6 MR. PIROLO: Juror Number 56, good afternoon.

7 JUROR NUMBER 56: Good afternoon.

8 MR. PIROLO: I just want to follow up on a couple
9 of things regarding the death penalty first. You said
10 you were opposed to it, I believe you also said that
11 you would consider it, consider whatever evidence
12 would be --

13 JUROR NUMBER 56: I would listen to whatever
14 evidence was put in front of me.

15 MR. PIROLO: First, I want to break it down and
16 make sure you understand the process of this.
17 Basically, one jury, but, in a way, we could have up
18 to two trials with one jury. The first trial will be
19 what we call the guilt phase. Where you determine
20 guilt or innocence. If the jury as a whole comes back
21 and says, Mr. Bradley's not guilty, you don't even
22 consider the death penalty. He's not guilty, that's
23 it, end of story. If you, as a jury, come back with a
24 manslaughter conviction, death penalty not an issue.
25 Do you understand that as well?

1 JUROR NUMBER 56: Yes.

2 MR. PIROLO: Come with a second degree murder,
3 death penalty not an issue. Do you understand that?

4 JUROR NUMBER 56: Yes.

5 MR. PIROLO: The only time the death penalty
6 becomes an issue would be if the jury came back with a
7 conviction of murder in the first degree. Do you
8 understand that?

9 JUROR NUMBER 56: Yes.

10 MR. PIROLO: And that's when, basically, when
11 trial number two would start off. In that trial, it's
12 conducted differently than the first trial. The State
13 would have to put on something that's called -- or try
14 to prove to you aggravating circumstances. I think
15 the judge went over some of the instructions with you;
16 and, later on, you'll get more instructions.
17 Basically, you first got to find at least one
18 aggravating circumstance. The State's got to prove to
19 you at least one, and they've got to prove it to you
20 beyond and to the exclusion of all reasonable doubt.
21 You understand that?

22 JUROR NUMBER 56: Yes.

23 MR. PIROLO: All right. If they fail to do that,
24 death penalty's off, you don't consider it. They have
25 to at least prove to you one aggravating circumstance.

1 Then, you would have to consider mitigating
2 circumstances. Even if you were to find that the
3 State's proven one, or more than one, aggravating
4 circumstance, and you haven't heard anything in
5 mitigation, you still don't have to vote for the death
6 penalty. Do you understand that?

7 JUROR NUMBER 56: Yes.

8 MR. PIROLO: There's no law that says, if you
9 find the aggravators, and no mitigators, you have to
10 impose the death penalty. Are you clear with that?

11 JUROR NUMBER 56: Yes.

12 MR. PIROLO: And are you also clear with the
13 notion, in the first trial, the verdict of guilt or
14 innocence has to be unanimous, it's got to be 12-0 for
15 not guilty, 12-0 for manslaughter, or 12-0 for second
16 degree, or 12-0 for first degree. Do you understand
17 that?

18 JUROR NUMBER 56: Yes.

19 MR. PIROLO: The second part, the verdict does
20 not have to be unanimous. It could 12-0, it could be
21 11-1, it could 8-4, 7-5. Do you understand that?

22 JUROR NUMBER 56: Yes.

23 MR. PIROLO: And you, obviously, yourself, would
24 not be the one imposing the death penalty. Do you
25 understand that?

1 JUROR NUMBER 56: Yes.

2 MR. PIROLO: Your recommendation that you would
3 give, if we even get to that second phase, would be a
4 recommendation that the judge would have to consider,
5 and the judge, ultimately, does the sentencing. Do
6 you understand that?

7 JUROR NUMBER 56: Yes.

8 MR. PIROLO: Now, can you sit here -- and, again,
9 assuming we get into the second phase, we don't know
10 if we're going into that, but assuming we go into the
11 penalty phase, can you keep an open mind and can you
12 listen to and consider any aggravating circumstances
13 the State may present to you? Can you consider that?

14 JUROR NUMBER 56: Yes.

15 MR. PIROLO: And can you consider any mitigating
16 circumstances that would be presented to you?

17 JUROR NUMBER 56: Yes.

18 MR. PIROLO: And can you -- going back into the
19 deliberation room, can you weigh the aggravating
20 circumstances and the mitigating circumstances and sit
21 back there and say, this is what the State presented,
22 this is what I think the State proved beyond a
23 reasonable doubt, this is what mitigation has been
24 presented to me, and do a weighing, weigh them out?
25 Could you do that?

1 JUROR NUMBER 56: I could.

2 MR. PIROLO: Could you respect any decisions that
3 other jurors may have that may be contrary to yours?
4 Would you respect their individual vote?

5 JUROR NUMBER 56: Yes.

6 MR. PIROLO: Okay. Would you try to bully
7 anyone, or strong arm someone into changing their
8 vote?

9 JUROR NUMBER 56: No.

10 MR. PIROLO: May I have a moment, Judge?

11 THE COURT: Yes, you may.

12 MR. PIROLO: No other questions, Your Honor.
13 Actually, I'm sorry, I -- I'm good.

14 THE COURT: Okay. Can I have a bench conference?

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

18 THE COURT: Mr. Brown?

19 MR. BROWN: Judge, we would move for cause.

20 MR. PIROLO: Judge, he has testified, before I
21 even asked him any questions, he told the Court he can
22 consider the death penalty. He would listen and be
23 open to any evidence the State would have to present
24 with respect to aggravating circumstances, he was very
25 clear -- I think I was very clear with my questions, I

1 didn't try to trick him into saying anything, he was
2 able to listen, to be open to the aggravating
3 circumstances, he could weigh any aggravating
4 circumstances with any mitigating circumstances, and
5 he could distance himself from the other jurors and
6 try not to -- he flat out said he wouldn't try to
7 change anyone's decision that would be opposed to his
8 view. So I believe the standard is that he's got to
9 consider it, and he's been very clear, even with the
10 Court's question, I can consider it, I can consider
11 whatever evidence comes my way.

12 MR. BROWN: Well, Judge, it'd be nice if that's
13 the standard, but it's not. Rogers versus State, 948
14 So.2d 655, when a juror states he would always choose
15 life if confronted with the choice between the death
16 penalty and a life sentence. The Court does not err
17 in excusing the juror for cause. Miller versus State,
18 a juror states he would not impose the death penalty
19 except in cases of mass murder or genocide, in those
20 cases he would. So this juror clearly said in
21 response to the first question, nothing from defense
22 -- it would be enough if he did, but he said nothing
23 to come off of what he said before, which is, for
24 religious reasons, he would never vote the death
25 penalty.

1 THE COURT: He did say he would consider
2 different things, but he also said he would never vote
3 for death.

4 MR. PIROLO: Judge, I don't think that's a
5 requirement.

6 MR. LANNING. That's an instruction. You are
7 never required to vote for death.

8 MR. PIROLO: You've already instructed them on
9 that, and you're going to instruct him again if we get
10 there. Regardless, if there are six aggravating
11 circumstances and no mitigation, you are never, ever
12 required to return a death recommendation.

13 MR. BROWN: But the standard for the Florida
14 Supreme Court clearly is, if a person says he cannot
15 or will not vote for the death penalty, he's to be
16 stricken for cause. The standard is actually much
17 less than that to be stricken for cause. So it
18 doesn't really matter if he says he can consider it,
19 he said point blank, I cannot vote for the death
20 penalty. The cases are crystal clear on this, it's
21 not even a close call.

22 THE COURT: He did say point blank that he could
23 never vote for the death penalty, and that opinion did
24 waiver. I questioned him twice with regard to that,
25 and he said he could never vote for the death penalty.

1 So, with all due respect, I'm going to strike this
2 juror for cause.

3 MR. LANNING: Judge, to the extent -- I
4 understand the Court's ruling, but we would object,
5 it's a denial of due process to Mr. Bradley.

6 MR. MOORE: Article 1 of the Florida
7 Constitution, Sections 9, 16, 17, 22, 23, and Federal
8 Constitution Amendments 5, 6, 8, and 14. That would
9 be the basis.

10 MR. LANNING: And any execution or any death
11 sentence of Mr. Bradley, when he said he could go
12 through the weighing process, it's -- the Court has
13 instructed, per the law, that you are never required
14 to vote for death. But if you can't vote for death,
15 well, you can't be a juror, that's also a violation of
16 the right to citizenship of serving on a jury.

17 THE COURT: Okay. All right. Thank you.

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

20 THE COURT: Okay. Juror Number 56, I am going to
21 excuse you from service on this panel. What I'm going
22 to ask you to do is to go downstairs, speak to the
23 jury assembly room, and they'll give you some brief
24 information, and then they'll send you on your way.
25 Thank you, sir. Okay. We can bring in Juror Number

1 58.

2 (Thereupon, Juror Number 58 was escorted into the
3 courtroom by the court deputy and the proceedings were
4 had as follows:)

5 THE COURT: Okay. Juror Number 58, first thing I
6 want to do is to thank you for being here, and thank
7 you for your service. Thank you for being patient
8 with us with regard to this process. Before the
9 break, I gave you some rules regarding your service as
10 a juror, and so I need to ask you some questions
11 regarding that. Have you read or been exposed to
12 reading any newspaper headlines and/or articles
13 relating to this trial or its participants? And that
14 really means since I gave you those rules.

15 JUROR NUMBER 58: No.

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

18 JUROR NUMBER 58: No.

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

22 JUROR NUMBER 58: No.

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

1 JUROR NUMBER 58: No.

2 THE COURT: Okay. I'm going to ask you some
3 other questions, then the State will have an
4 opportunity to ask you questions, and the defense will
5 have an opportunity to ask you questions. My first
6 question is a pretty general question, what are your
7 views about the death penalty?

8 JUROR NUMBER 58: I'm not against it, I'm not --
9 I'm kind of on the fence. I think it depends on the
10 circumstances and everything involved, in general. It
11 would have to be warranted. A very serious decision,
12 definitely. I'm not for it or against it necessarily.
13 I think it has its place, but I would hate to see it
14 overused. If that makes any sense.

15 THE COURT: No, that -- there's no right or wrong
16 answers in here, feel free to say whatever you feel
17 would be an appropriate response for you.

18 JUROR NUMBER 58: I think there's a time and a
19 place for it.

20 THE COURT: I'm going to tell you a little bit
21 about the process. In the first part of the trial,
22 it's called the guilt phase, in the event that there
23 is a guilty verdict from the jury as to count one,
24 which is the only count that pertains to the death
25 penalty, if there is a guilty verdict on the count of

1 premeditated first degree murder, then we would
2 proceed to the second phase of the trial; and in the
3 second phase of the trial, which we call the penalty
4 phase, you would be asked to make a recommendation to
5 the Court, and that recommendation would be death, or
6 life in prison without the possibility of parole. Are
7 you -- if I instruct you that you have to consider
8 both those possible penalties, would you be able to
9 follow my instructions and consider both penalties?

10 JUROR NUMBER 58: Yes, ma'am.

11 THE COURT: And are you of the opinion that death
12 is the only appropriate penalty for murder in the
13 first degree, and is that opinion so strong that you
14 would not consider life in prison without the
15 possibility of parole as a possible penalty under any
16 circumstances?

17 JUROR NUMBER 58: I don't believe death is the
18 only possibility.

19 THE COURT: Okay. Now, I'm going to ask you if
20 you have -- if you have any personal knowledge about
21 this case, either from rumor, by discussion with
22 anyone else, from the media, radio, television,
23 Internet, electronic device, or newspaper? Have you
24 seen or heard anything about this case?

25 JUROR NUMBER 58: Some on the media, some on the

1 news.

2 THE COURT: Okay. What information do you
3 believe you know about the case?

4 JUROR NUMBER 58: Well --

5 THE COURT: Just general, I'm trying to get your
6 impressions.

7 JUROR NUMBER 58: Okay. An officer was killed in
8 the course of a traffic stop. Two people were in the
9 car that were coming from some kind of robbery of some
10 sort. That's really about it.

11 THE COURT: Okay. And when did you learn that
12 information?

13 JUROR NUMBER 58: That day, I believe.

14 THE COURT: The day the event occurred?

15 JUROR NUMBER 58: That is correct, yes.

16 THE COURT: Okay. And how would you have gained
17 that information? From the TV, or newspaper?

18 JUROR NUMBER 58: Actually, from my husband, he
19 happened to be home. I worked, at the time, off of
20 John Rodes Boulevard, and we heard the helicopters, I
21 guess it was from the media, and so he had texted me
22 to tell me something had happened close to my work.

23 THE COURT: Did you see anything?

24 JUROR NUMBER 58: I did not. I wasn't close to
25 it, I just heard the helicopters. That's all.

1 THE COURT: Okay. What you would be asked to do
2 is to set aside anything that you may have learned
3 about this case, serve with an open mind, and reach a
4 verdict based only on the law as I instruct you and
5 the evidence that's presented here at the trial. Can
6 you do that?

7 JUROR NUMBER 58: Sure.

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

10 MR. BROWN: Yes, Your Honor. Thank you. Juror
11 Number 58, good afternoon. I want to talk to you a
12 little bit about the death penalty. You indicated
13 you're not against it, it has its place, right?

14 JUROR NUMBER 58: Correct.

15 MR. BROWN: But you also said you hate to see it
16 ever used.

17 JUROR NUMBER 58: No, I said I hate to see it
18 overused.

19 MR. BROWN: Overused. Okay. I apologize.
20 That's why I ask, to double check. Could you, if you
21 thought it was justified, vote for a sentence of
22 death?

23 JUROR NUMBER 58: I could.

24 MR. BROWN: And could you -- obviously, you know,
25 if you get to that point, you're here for the

1 sentencing, would be a sentencing recommendation for
2 the murder of Deputy Pill; but along with that, the
3 sentencing recommendation would be for a person that
4 you're seeing in the courtroom every day throughout
5 the trial, the defendant. With that scenario, would
6 you still be able to make a recommendation for death
7 if you thought it was justified?

8 JUROR NUMBER 58: Yes.

9 MR. BROWN: I want to give you a little bit of
10 background. I know the Court read through it this
11 morning, but I just wanted to go through it step by
12 step to make sure you understand the process.
13 Obviously, if you're selected, you have to sit on the
14 jury, and for the jury to come back to consider the
15 death penalty, it would have to return a verdict for
16 first degree murder. If they return a verdict of a
17 lesser charge, such as second degree murder, or
18 something else, then, obviously, the death penalty is
19 off the table; and if it's not guilty, then there's no
20 sentencing concern at all.

21 So the first step is, the jury has to return that
22 verdict of first degree murder, guilty of first degree
23 murder. Then we would reconvene, and we have what's
24 called the penalty phase of the trial, where
25 additional evidence is presented to you. The Court

1 would give you a set of instructions on how to
2 evaluate and weigh that evidence. What the Court's
3 going to start with, the Court will give you a list of
4 what are called aggravating circumstances. They are
5 circumstances, basically, that statutorily would
6 either increase the gravity of the crime -- factors
7 that increase the gravity of the crime, or harm that
8 was done to the victim. And the Court's going to tell
9 you the State has to prove at least one of those, or
10 more than one, beyond and to the exclusion of every
11 reasonable doubt. It's the same burden of proof for
12 guilt. If the State of Florida proves at least one,
13 or more than one, of those aggravating factors beyond
14 a reasonable doubt, then you examine those, the ones
15 that have been proven, and say, do these justify the
16 death penalty? If you examine them and say, they
17 don't, then your recommendation would be life. If you
18 look at those and say, these justify the death
19 penalty, you go on to the second step of that
20 analysis, and that's looking at what is the mitigation
21 evidence, mitigation circumstances. And those, as the
22 Court told you this morning, are factors concerning
23 the defendant, his background, things concerning him,
24 and you would look at those.

25 (CONTINUED TO VOLUME IV)