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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

SCOTT ELLIS
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VOLUME VI 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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ALSO PRESENT: BRANDON LEE BRADLEY, Defendant

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1 At the penalty part -- and you don't get to the
2 penalty part unless there's a finding of first degree
3 murder. At the penalty part of the trial, the jury's
4 making a recommendation to the Court, but that
5 recommendation does not have to be unanimous. In
6 other words, each juror is entitled to his or her own
7 vote, the jury doesn't have to agree, you can
8 disagree.

9 JUROR NUMBER 124: Yes.

10 MR. MOORE: Okay. And that's the point. Do you
11 understand that you have the right to your own
12 opinion, your own vote, and to have that vote accepted
13 and respected by the other members of the jury?

14 JUROR NUMBER 124: Yes, sir.

15 MR. MOORE: And you have the right not to be
16 browbeaten or intimidated -- you don't seem like the
17 type to succumb to that -- but you have the right not
18 to have people demand that you defend that decision or
19 justify it.

20 JUROR NUMBER 124: Correct.

21 MR. MOORE: And, on the other side of that coin
22 is, you have the obligation to extend that courtesy to
23 other members of the jury.

24 JUROR NUMBER 124: Yes, sir.

25 MR. MOORE: Now, do you recall the judge telling

1 you that the jury's recommendation for life or death
2 is given great weight?

3 JUROR NUMBER 124: Yes, sir.

4 MR. MOORE: Do you understand -- do you have a
5 concept of how significant the jury's recommendation
6 is?

7 JUROR NUMBER 124: Yes.

8 MR. MOORE: Whatever it thinks the sentence
9 should be, how significant that is, how essential that
10 is, to the Court's determination of a sentence?

11 JUROR NUMBER 124: Yes, sir.

12 MR. MOORE: Now, let me give you an example of
13 what it would be like. If you took an airline pilot
14 who flies form LaGuardia airport to Paris, he has the
15 technical ability and the skill to get there, but
16 without a co-pilot and a navigation system, GPS, and
17 being able to look out the window, and maps, he's not
18 going to get there. And so that's how significant the
19 jury's recommendation is to the Court's decision about
20 sentencing. It's not a situation where the judge can
21 just say, well, that's nice, and then do whatever she
22 wants to do. Do you understand how significant --

23 JUROR NUMBER 124: Yes, sir.

24 MR. MOORE: In other words, you can't just say,
25 well, I don't have to worry about it because the judge

1 will do the right. I don't think you take it that
2 way, but I just want to make sure that you understand
3 how important your recommendation is.

4 JUROR NUMBER 124: I do.

5 MR. MOORE: All right. Can I have a moment?

6 THE COURT: Yes, you may.

7 MR. MOORE: Thank you, sir.

8 THE COURT: Okay. Juror Number 124, you are
9 still being considered as a potential juror in this
10 case. I am going to release you for today, release
11 you for Monday. What I'm going to have you do is, go
12 downstairs, they're going to -- tell them you've been
13 released from Judge Reinman's room courtroom, that
14 you're supposed to come back, and they're going to
15 give you a phone number. You call that phone number
16 between 1:00 and 5:00 on Monday, and they're going to
17 give you further information about when to report.
18 That way -- we're not sure how long this process is
19 taking, that way you're not sitting around the
20 courthouse, waiting for us to call you in to speak
21 with us.

22 During this recess, you much continue to abide by
23 your rules governing your service as a juror. Any
24 questions or concerns?

25 JUROR NUMBER 124: No, ma'am.

1 THE COURT: Okay. You can downstairs and get
2 that phone number. Thank you, sir.

3 (Thereupon, Juror Number 124 was escorted out of
4 the courtroom by the court deputy; thereafter, voir
5 dire selection was had which was not requested to be
6 transcribed.)

7 THE COURT: Okay. We'll bring in Juror Number
8 125.

9 THE COURT DEPUTY: Yes, ma'am.

10 (Thereupon, Juror Number 125 was escorted into
11 the courtroom by the court deputy and the proceedings
12 were had as follows:)

13 THE COURT: Okay. Juror Number 125, good
14 afternoon. The first thing I want to say is, thank
15 you for being here, thank you for your patience with
16 us. We know that it's been a long, probably not too
17 exciting process for you, ours has been more exciting,
18 but ours has been long as well, I assure you. We are
19 trying to get through this process as quickly as we
20 can, but there are certain things that we have to do,
21 so it is a slow process. The other thing, it's been
22 difficult to estimate time, how long it will take.
23 Sometimes it's quick, sometimes it's not, and I'm the
24 person that makes that estimate; and to tell you the
25 truth, I don't think I've done a very good job with

1 it, so I do apologize if you've been waiting, and I
2 thank you for being patient with us.

3 The other day when I spoke with you, we talked
4 about rules that govern your service as a juror.
5 Those rules came into effect at that time. So since
6 that time, have you read or been exposed to reading
7 newspaper headlines and/or articles relating to this
8 trial or its participants?

9 JUROR NUMBER 125: No.

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

12 JUROR NUMBER 125: No.

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

16 JUROR NUMBER 125: No.

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

20 JUROR NUMBER 125: No.

21 THE COURT: Okay. I just to clarify that you can
22 tell people where you're at and when you're here, I'll
23 be here, I expect to be back at this time, I should
24 done be done by 5:00, that kind of thing. What you
25 can't discuss is why, the why you're here, what case

1 it is, what the charges are, and what's happened in
2 the courtroom. Now, if you get released as a juror,
3 once you get released as a juror, you can discuss it
4 with whoever you wish. But as long as you're being
5 considered as a potential juror, and if you do become
6 a juror, then those rules remain in effect.

7 Okay. Now I want to talk about your knowledge of
8 the case prior to coming here. Do you know anything
9 about this case, either from your own personal
10 knowledge, rumor, by discussion with anyone else, or
11 from the media, including radio, television, Internet,
12 electronic device, or newspapers?

13 JUROR NUMBER 125: No.

14 THE COURT: Okay. You don't know anything about
15 the case?

16 JUROR NUMBER 125: No, ma'am.

17 THE COURT: Haven't heard anything on -- because
18 it's been on the news, so you haven't heard anything
19 on the radio, television, things of that nature?

20 JUROR NUMBER 125: No. I'm a realtor, and I work
21 late hours. I don't pay attention to the news.

22 THE COURT: Okay. Do you have -- do you watch
23 news on a regular basis?

24 JUROR NUMBER 125: I do not, no.

25 THE COURT: Okay.

1 JUROR NUMBER 125: I don't have cable, so the
2 TV's not on that much.

3 THE COURT: Okay. So sounds like most of what
4 you do is work.

5 JUROR NUMBER 125: Yes.

6 THE COURT: Okay. Is it going to be a problem
7 being here for this length of time with this case?

8 JUROR NUMBER 125: No.

9 THE COURT: You can do that?

10 JUROR NUMBER 125: It -- I mean, it'll affect
11 future business, but not bad enough to affect me, no.

12 THE COURT: Okay. All right. Then, the next
13 question I'm going to ask you is, what are your views
14 about the death penalty?

15 JUROR NUMBER 125: I don't have strong views one
16 way or the other. I've never been in a position where
17 it was on me in any capacity to have that decision put
18 on me, so --

19 THE COURT: Well, if someone were to say, are you
20 for it, or opposed, it sounds like you would --

21 JUROR NUMBER 125: I would say I don't know.

22 THE COURT: Okay.

23 MR. MOORE: Say what?

24 JUROR NUMBER 125: I don't know. I don't have a
25 strong position one way or the other.

1 THE COURT: Have you ever thought about it
2 before? Thought about where your position would be on
3 that? Had any discussions about it?

4 JUROR NUMBER 125: I've heard other people
5 discuss, but because I didn't have -- you know,
6 there's been other opinions put out there, but I
7 didn't have a strong position one way or the other. I
8 don't -- if anything, I don't feel it's my position to
9 be the judge on someone else's life.

10 THE COURT: Okay.

11 JUROR NUMBER 125: So I would weigh that heavily.
12 But being for it or against it strongly one way or the
13 other, I guess it would be a case-by-case basis. I
14 don't really know.

15 THE COURT: Okay. I'm going to talk to you a
16 little generally about the process, and the attorneys
17 are going to be more specific. The first part of the
18 trial, called the guilt phase, if the jury returns a
19 verdict of guilty to count one, and count one is the
20 only count that this pertains to, and count one is
21 first degree murder, if there's a guilty verdict to
22 count one, first degree murder, then we proceed to a
23 second phase.

24 The second phase is called the penalty phase. In
25 the penalty phase, you are instructed as a juror to

1 make a recommendation to the judge, which would be me,
2 to make a recommendation of a penalty; and the
3 penalties are death, or life in prison without the
4 possibility of parole. Now, I instruct you that you
5 would have to consider both of those penalties as -- I
6 instruct you that you would have to consider both of
7 those as your job as a juror. Do you think you could
8 consider both?

9 JUROR NUMBER 125: Yes, I do.

10 THE COURT: So do you think that you could
11 consider death as a possible penalty if the jury finds
12 the defendant guilty of count one, murder of the first
13 degree?

14 JUROR NUMBER 125: I would think so, based on the
15 facts in the case.

16 THE COURT: Okay. You're going to get
17 instructions on how -- to help you in that
18 consideration, about what aggravating circumstances
19 are, and then there's mitigating circumstances, and
20 you go through a weighing process, and then that
21 assists you in helping with your verdict. What we ask
22 you is to consider both possibilities. Obviously, the
23 ultimate decision, or the ultimate recommendation,
24 that you're going to make to the judge is yours. You
25 get to determine how much weight you want to give to

1 the aggravating circumstances and how much weight you
2 want to give to the mitigating circumstances, and then
3 you make the recommendation to the Court. What we ask
4 you to do as part of your job as a juror is to
5 consider both possible penalties. Can you do that?

6 JUROR NUMBER 125: I would have to say yes. I
7 mean, it's part of the process and, I feel, our duty.

8 THE COURT: Some people say, no, in this type of
9 situation I would always -- that would be a death
10 penalty to me. Other people say, in this type of
11 situation, I could never vote for the death penalty.
12 So what we ask you to do, in order to be a juror, is
13 to consider both possibilities. Can you do that?

14 JUROR NUMBER 125: Yes.

15 THE COURT: Okay.

16 JUROR NUMBER 125: I feel I could.

17 THE COURT: Okay.

18 JUROR NUMBER 125: That's what we're requesting.
19 All right. Questions by the State?

20 MR. BROWN: Yes, Your Honor. Juror Number 125,
21 good afternoon. Now, the Court asked you, could you
22 consider both penalties, and you indicated that, yes,
23 you could. My question to you, and I'm going to go
24 into the process here in just a little bit, but if you
25 feel that it's justified, beyond could you just

1 consider both, could make a recommendation to the
2 Court of the death penalty?

3 JUROR NUMBER 125: I would -- the reason why I
4 say yes is because I don't have a strong opinion one
5 way or the other. So my answer would be yes.

6 MR. BROWN: So there's nothing in your makeup,
7 your beliefs, thought process that just prohibits you
8 from being in a position where you could make that
9 recommendation? Nothing keeps you from making that
10 recommendation?

11 JUROR NUMBER 125: Right.

12 MR. BROWN: Okay. The process that we have, the
13 way that this would work is, first, if you're
14 selected, you go back and deliberate and decide what
15 verdict to return in this case. Is the defendant
16 guilty of first degree murder, is he guilty of a
17 lesser-included charge, or if he's not guilty. The
18 only way the death penalty comes into play is if the
19 jury comes back with a verdict of first -- guilty of
20 first degree murder. Do you understand?

21 JUROR NUMBER 125: Yes.

22 MR. BROWN: So if you come back, obviously, not
23 guilty, then there's no sentencing. If you come back
24 with a lesser, such as second degree murder, the death
25 penalty's off the table, the sentencing is entirely up

1 to the Court, and at that point, you, as a juror, have
2 fulfilled your obligations. So we only get to the
3 second phase if the jury comes back with guilty of
4 first degree murder. And there is no automatic death
5 penalty. There are two ways for the State to prove
6 first degree murder, one is felony murder, the other
7 one is premeditated murder. Both carry the same --
8 both are first degree murder, just two different ways
9 we can prove it. Neither one is an automatic death
10 penalty. Regardless of which way we get there, we can
11 get there both ways, you go through the same process
12 for the sentencing recommendation. Do you understand
13 that?

14 JUROR NUMBER 125: Yes.

15 MR. BROWN: If we get to that penalty phase, what
16 gets conducted is, you'll hear additional evidence as
17 a jury, we reconvene, hear the additional evidence,
18 and Her Honor will give you a new set of instructions.
19 Then you'll go back to deliberate. In those
20 instructions, the first part of that, what she's going
21 to tell you is, you look at what are called
22 aggravating circumstances. She's going to give you a
23 list of those that apply in this case. An aggravating
24 circumstance is a statutory list, and those are
25 circumstances which may increase the gravity of the

1 crime or the harm to the victim. And it's to that
2 list, those aggravating circumstances that you look to
3 to determine whether or not the death penalty is
4 justified. That's what you use, those aggravating
5 circumstances.

6 Now, the State has to prove those to you beyond
7 and to the exclusion of every reasonable doubt. It's
8 the same standard of proof for the guilt phase that
9 applies to us in the penalty phase for those
10 aggravating circumstances. So if you look at that
11 list of aggravators, and you say, the State has not
12 proven any of those, then your recommendation has to
13 be life, because you found no aggravation. If,
14 however, you look and you say, the State's proven at
15 least one, we may have proven more, it's going to be a
16 list, I expect it will be more than one, it may be
17 three, four, five, but if we've proven at least one,
18 or more than one, we may have proven the entire list
19 to you, then you look at those that we've proven and
20 ask yourself, do these justify the death penalty?
21 And, again, if your answer is no, then your
22 recommendation has to be for life. If your answer is
23 yes, these aggravating circumstances, in your mind,
24 justify the death penalty, we go to the next step of
25 the process, and that's where you consider the

1 mitigating factors, mitigating circumstances.

2 If you recall, the Court covered some of this
3 with you yesterday, but she did throw an awful lot at
4 everybody in a condensed period of time. The
5 mitigating circumstances are those that, basically,
6 come from the defendant, himself, his life, his
7 background, his character, things of that nature.
8 You'll hear evidence, and there's a burden of proof
9 for mitigation, but it's a lower standard than for the
10 aggravators. The standard of proof for the mitigation
11 is to the greater weight of the evidence. So it's a
12 burden of proof for both, just lower for the
13 mitigation than it is for the aggravators. Any
14 questions thus far?

15 JUROR NUMBER 125: No.

16 MR. BROWN: Okay. Obviously, if something's not
17 been proven in aggravators or mitigators, you
18 disregard it. You take what's been proven, and you
19 have to consider all of it, and the Court's going to
20 tell you that you go through a weighing process. Now,
21 in your lifetime, in your personal life or
22 professional life, have you had to make some key,
23 critical decisions? What was your answer?

24 JUROR NUMBER 125: Yes.

25 MR. BROWN: Most of us have.

1 JUROR NUMBER 125: I thought the next question
2 was you were going to ask what they were.

3 MR. BROWN: No, no. I probably will at some
4 point, but not what we're here for today. When you've
5 had to make those decisions, did you try to look at
6 all the factors involved?

7 JUROR NUMBER 125: Of course.

8 MR. BROWN: Right. And you considered everything
9 you could think of, right?

10 JUROR NUMBER 125: Of course.

11 MR. BROWN: And when you looked at those factors,
12 some factors you looked at were pretty darn important
13 to your decision-making process, right?

14 JUROR NUMBER 25: Yes.

15 MR. BROWN: And you gave those factors great
16 weight, right?

17 JUROR NUMBER 25: Absolutely.

18 MR. BROWN: Other things, you considered, you
19 looked at, and said, you know, this really, as I look
20 at this, isn't really that important, it didn't have
21 much effect on you, and you gave it very little
22 weight, right?

23 JUROR NUMBER 125: Right.

24 MR. BROWN: And you kind of weighed all the
25 factors, the pros and cons, and you came to a

1 decision.

2 JUROR NUMBER 125: Right.

3 MR. BROWN: It's the same process, the judge is
4 going to tell you, you go through for this process.
5 You take those aggravators, and you weigh them against
6 the mitigating factors, the mitigating circumstances,
7 and it's a weighing process. Now, she's not going to
8 tell you how much weight you give to each factor. So
9 there's no magic circumstance of, aggravating
10 circumstance number one you give this amount of
11 weight, mitigating circumstance number one you give
12 this amount of weight. You're not going to hear that
13 from the Court. That's a decision you, as a juror,
14 have to make, and you make it individually. You may
15 disagree, you may give circumstance one great weight
16 to, the next one give no weight; the juror right next
17 to you may be flip-flopped and feel differently. But
18 you decide how much weight to give to each
19 circumstance.

20 The only thing we ask, and that we can ask from
21 you today, is that you're going to consider what's
22 been proven. And like in your own personal decisions,
23 you consider everything, and it's the same thing here,
24 if it's brought to you, would you at least consider
25 it, consider all the aggravators, consider all the

1 mitigators. Nobody's going to ask you for a
2 commitment as to how much weight you're going to give
3 to anything, because you don't know. Right?

4 JUROR NUMBER 125: Right.

5 MR. BROWN: And until you hear everything, you
6 don't know how much weight you're going to give
7 anything. So we can't ask you -- it wouldn't be fair
8 to ask you how much weight, but it's the fact that
9 you'll consider and go through that weighing process.
10 Now, when you go through that weighing process,
11 weighing the aggravators versus the mitigators, if you
12 find that the mitigation outweighs the aggravation,
13 the Court's going to tell you that you have to make a
14 life recommendation. If, however, you find it the
15 other way, that the mitigation does not outweigh the
16 aggravation, then you're in a position where you're
17 legally justified to make a recommendation to the
18 Court for the death sentence.

19 Now, the Court's not going to tell you, well, if
20 the State proves A, B, C, and D, that you must
21 recommend death. You're not going to hear that from
22 the judge. What she's going to tell you is, in fact,
23 that you're never required or obligated to recommend
24 the death penalty. Okay?

25 JUROR NUMBER 125: Okay.

1 MR. BROWN: But you are required to do is go
2 through that weighing process, and follow the steps to
3 get there. And when you weigh it, basically, if you
4 find the mitigators outweigh the aggravators, you
5 recommend life. If you find that they do not outweigh
6 the aggravators, that they're still on top, and that
7 you feel at that point, after you weighed them, that
8 those aggravating factors still justify the death
9 penalty, that's when you can recommend the death
10 penalty. Any questions about that process?

11 JUROR NUMBER 125: Not right now, no.

12 MR. BROWN: Okay. Well, if you have any
13 questions of us, now is the time to ask.

14 JUROR NUMBER 125: I don't.

15 MR. BROWN: Okay. Because we can't answer
16 questions once we get done with this voir dire
17 process. So do you understand?

18 JUROR NUMBER 125: Yes.

19 MR. BROWN: Okay. Do you feel comfortable with
20 that process?

21 JUROR NUMBER 125: Yes.

22 MR. BROWN: Okay. Given that process, knowing
23 that you're going to get the list of aggravators,
24 you're going to get the mitigation evidence, but that
25 you have to determine the weight, do you feel

1 comfortable in making that type of decision?

2 JUROR NUMBER 125: Yes.

3 MR. BROWN: And if you find that the State's
4 proven aggravating factors, you weigh them with the
5 mitigation, you find the mitigation does not outweigh
6 the aggravation, and you feel the death penalty is
7 justified, can you return a recommendation of death?

8 JUROR NUMBER 125: I believe so, yes. As long as
9 the process proves it needs to be done, yes.

10 MR. BROWN: Okay. And, again, it's not a matter
11 of that it's going to prove, it's that it's justified
12 to you. The Court's not going to say, if the State
13 proves --

14 JUROR NUMBER 125: If it's justified to me, yes.

15 MR. BROWN: Okay. The Court's not going to tell
16 you, if the State proves this, then you must return
17 death.

18 JUROR NUMBER 125: I understand.

19 MR. BROWN: That's why it's a recommendation on
20 your behalf that you're making to the Court. Do you
21 feel comfortable in that?

22 JUROR NUMBER 125: Yes.

23 MR. BROWN: Okay. Now, do you come to court
24 today -- you may not have had this, because you've
25 indicated you've not really given this much thought,

1 but do you have any notion in your mind of, well, you
2 know, under maybe this circumstance, or this second
3 circumstance, the death penalty would be justified,
4 and, in my mind, I've just limited it to these two
5 circumstances?

6 JUROR NUMBER 125: No.

7 MR. BROWN: Okay. Some people may come in and
8 say, you know, in the case of a mass murderer, I could
9 recommend death, but shy of that, I could never do it.
10 Do you fall into that category at all?

11 JUROR NUMBER 125: No.

12 MR. BROWN: Okay. Okay. You understand, of
13 course, as we talked about, the Court's going to give
14 you that list of aggravators. Those are the things
15 that you look at, legally you're allowed to look at,
16 that can justify the death penalty.

17 JUROR NUMBER 125: Okay.

18 MR. BROWN: Are you open to the list the Court's
19 going to give you?

20 JUROR NUMBER 125: I am.

21 MR. BROWN: And open to look at those, consider
22 them, and follow her instructions?

23 JUROR NUMBER 125: Yes.

24 MR. BROWN: Okay. I can't go down the list with
25 you right now, but I just want to make sure that, you

1 know, you're going to be close-minded and say, well,
2 unless it's one of these two things, and these one or
3 two things, that's it, I'm not going to consider any
4 more.

5 JUROR NUMBER 125: No.

6 MR. BROWN: The next area that I want to cover,
7 and I do this with each person that comes in, so I'm
8 not trying to pick on you or anything, but we ask a
9 lot of our jurors, in any case, much less a case of
10 this magnitude, to not only sit through the whole
11 process, make the decision of guilt or -- whether the
12 person's guilty or not guilty, but then, if you come
13 back with first, come back and make a recommendation
14 of life or the death sentence. So my question to you
15 is, knowing that you only get to that second phase by
16 returning a verdict of first degree murder in the
17 first place, if you come back second degree murder,
18 you don't get to that second phase, you're not going
19 to be put in that situation of having to make that
20 decision, knowing that that's kind of a shortcut, an
21 easy way out, would that affect your deliberation at
22 all?

23 JUROR NUMBER 125: No. No.

24 MR. BROWN: Were you going to add something to
25 that?

1 JUROR NUMBER 125: No.

2 MR. BROWN: Okay. You understand the concern
3 that we have, and that's why I bring it up.

4 JUROR NUMBER 125: Yes.

5 MR. BROWN: Okay. So you would agree that
6 justice would be that you return the verdict that the
7 evidence proves?

8 JUROR NUMBER 125: That's what I was going to
9 say, yes.

10 MR. BROWN: So you can assure us that if the
11 State of Florida proves to you first degree murder,
12 can you return that verdict?

13 JUROR NUMBER 125: Yes.

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

15 THE COURT: Okay. Questions by the defense?

16 MR. MOORE: Good afternoon. When you were asked
17 about your position on the death penalty, your
18 response was that you didn't have one, which is not
19 unusual. I take it -- I think you indicated you've
20 never given it any thought outside of hearing people
21 talking about it, but you've never felt that you had
22 to take a position on it before. But, of course, now
23 you do have to take a position on it.

24 JUROR NUMBER 125: Yeah.

25 MR. MOORE: And the position that you had taken,

1 which is kind of like a spontaneous, on the spot
2 thing, which you're being put upon to state what your
3 position is, and, of course, you're being asked to
4 make a life or death decision. We ask your position
5 for that reason. And, you know, a lot has been thrown
6 at you, but I got a feeling you can handle it; and so
7 if I were to ask you, okay, now that we have
8 established to the best of your ability where you
9 stand with respect to the death penalty, what it
10 sounds to me like is that if there's a "for" column,
11 I'm for it, death penalty arm, I'm against -- we're
12 just talking generally, we're not talking about in
13 this case specifically, but just generally across the
14 board, like you're listening to your friends talk
15 about it. Anyway, so I would put you in the "for"
16 category. You're not against it, so you'd have to be
17 in the "for" category, with reservations, or
18 qualifications. Would that be accurate?

19 JUROR NUMBER 125: Yes.

20 MR. MOORE: Can you think of reasons -- right on
21 the spot here, and you may not have any, can you think
22 of reasons why you would be in the "for" column? Why
23 would you be for the death penalty, as opposed to
24 against the death penalty?

25 JUROR NUMBER 125: Severe enough cases.

1 MR. MOORE: Ma'am?

2 JUROR NUMBER 125: Severe enough cases.

3 MR. MOORE: Can you think of cases, any that come
4 to mind, where you say, you know, that kind of case --
5 maybe a specific case you've heard of on the media,
6 television news, ones that are the worst tend to get
7 the highest profile -- where you would say, yeah, I
8 don't know anything about it, but I know what the
9 charge is, and I would say death is appropriate in
10 that case? Have you ever had that reaction to hearing
11 a news report about a murder case?

12 JUROR NUMBER 125: Watching a movie.

13 MR. MOORE: A movie, okay.

14 JUROR NUMBER 125: Extreme circumstances.

15 MR. MOORE: Okay. But I'm talking about
16 something you might have seen on television or read in
17 the paper, which I know you're working around the
18 clock, so you don't have the luxury of indulging in
19 those media outlets so much; but, I mean, we're
20 bombarded, whether we want to be or not, on the
21 Internet, TV, newspapers, it's out there, it's in your
22 face. And so can you think of cases that you've heard
23 of, maybe the last 10, 15 years, where you say, yeah,
24 death is appropriate in that case? Just because of
25 the nature of the case, what little you know about it.

1 JUROR NUMBER 125: I guess -- I can't think of a
2 situation where I did it, I did have that thought
3 process, in that respect.

4 MR. MOORE: Okay. Nothing specific. In asking
5 you questions, it's not black or white. You know,
6 it's not like your answer's going to be, to whatever
7 the question is, a yes, or it's going to be a no. It
8 might be, I don't know. Because this is stuff you
9 haven't thought about before, and you have to think
10 about it now. And, especially if you're on the jury,
11 you've got to take a position on some life or death
12 issues. But in this phase, at this stage, we ask you
13 questions, and maybe if you're told, you have to say
14 -- you have to be able to vote for death, you have to
15 be able to vote for life, can you? Some people can
16 say, yes, I can do either one; some people, the best
17 thing to do is say, I don't know. So if that's your
18 answer, then that's what we want to hear. Okay?

19 JUROR NUMBER 125: Okay.

20 MR. MOORE: So don't answer based upon what you
21 think we expect or want to hear. Okay?

22 JUROR NUMBER 125: Okay.

23 MR. MOORE: Judge Reinman gave a preliminary
24 instruction, you'll get a more thorough instruction
25 later, if you're on the jury; but the preliminary

1 instruction pointed out that the judge has to give
2 great weight to the jury's recommendation on life
3 without parole or death. How do you take that? I
4 mean, how do you see the role of the jury versus the
5 role of the judge? When you consider that the judge
6 has to give great weight to the jury's recommendation.

7 JUROR NUMBER 125: How I see it?

8 MR. MOORE: Yeah. How significant do you think
9 the jury's recommendation is to the judge's sentence?

10 JUROR NUMBER 125: It's very significant. It's
11 very important.

12 MR. MOORE: Okay. Some people think, well, I'm
13 not that concerned about it, because the judge will do
14 whatever she's going to do, she'll do whatever she
15 thinks is the right thing, and so our verdict isn't
16 that important. But you seem to realize, which is
17 correct, it's accurate, the significance, the
18 importance, of the jury's recommendation to the
19 judge's sentence, the sentence imposed by the judge.
20 The judge cannot arrive at a sentence without your
21 recommendation. It's impossible. Do you understand?

22 JUROR NUMBER 125: Yes. I think it's right.

23 MR. MOORE: Ma'am?

24 JUROR NUMBER 125: I think it's right, our
25 system.

1 MR. MOORE: Okay. This is first exposure to it,
2 I guess. Is it?

3 JUROR NUMBER 125: For being in it, yes.

4 MR. MOORE: Have you ever studied it?

5 JUROR NUMBER 125: No.

6 MR. MOORE: Take a civics course, or anything
7 like that?

8 JUROR NUMBER 125: I'm not sure.

9 (Unintelligible).

10 MR. MOORE: Haven't looked at it in depth, like
11 you are right now.

12 JUROR NUMBER 125: Right. Yes.

13 MR. MOORE: Let me ask about mitigating -- well,
14 before I get to that, in the deliberation process, we
15 -- as we are now, we're speaking hypothetically about
16 what if we get to this point, what if these
17 circumstances exist, what do you think your
18 responsibility is. It's all hypothetical. We're not
19 saying that we're going to get there, but we are
20 saying, if we do get there, then, hypothetically, what
21 would you do. So we're dealing with things
22 hypothetically, it's kind of confusing, but that's the
23 best we can do. One thing that isn't hypothetical is,
24 if you're on the jury, you could be a part of the
25 process, a very significant part of the process, that

1 could lead to that human being, that man, Mr. Bradley,
2 being sentenced to death and being executed. So this
3 isn't a hypothetical discussion in that respect, it
4 involves him.

5 JUROR NUMBER 125: Right.

6 MR. MOORE: Okay. And so if you are a member of
7 the jury, you get past, let's say, the verdict in what
8 we call the guilt/innocence phase, where, here are the
9 charges, jury, what do you think, guilty or not
10 guilty. And let's say the jury finds for first degree
11 murder, finds guilt of first degree murder, which is
12 necessary to get to the penalty phase. Then, at the
13 penalty phase, hypothetically, the State presents and
14 proves beyond a reasonable doubt several aggravating
15 circumstances. What are they? You don't know what
16 they are, but we're just talking hypothetically here.
17 They are essential for you to consider the death
18 penalty.

19 Now, at that point, let's say, hypothetically,
20 the State has proven several -- every aggravating
21 circumstance there is, and let's say the defense
22 hasn't proven any mitigating circumstances, based upon
23 what you've heard, what do you understand are your
24 options at that point as a juror? What would be your
25 next steps, or what other steps could you take at that

1 point? The State has proven multiple aggravating
2 circumstances, and no mitigating circumstances have
3 been proven, and you're sitting in the jury room,
4 you've reached this point, what are your choices at
5 that point? What do you think?

6 JUROR NUMBER 125: Can you shorten that up just a
7 little? I --

8 MR. MOORE: I know, it's a lot, it is. Are you
9 feeling, then, under those circumstances, that you
10 have to vote for death?

11 JUROR NUMBER 125: I feel like I would be asked
12 to consider it.

13 MR. MOORE: Exactly right. So that's my point.
14 I just wanted to make sure that you understand that.

15 JUROR NUMBER 125: That's what I understood,
16 based on --

17 MR. MOORE: Great. Some people don't. They
18 think if aggravating circumstances are proven, they
19 outweigh the mitigating circumstances, then you have
20 to vote for death. But, you know, you realize,
21 because I think you indicated that, you're never
22 required to vote for death, ever, under any
23 circumstance. They can prove every aggravating
24 circumstance in the world, and there be a complete
25 absence of mitigating circumstances, and you're never

1 required to vote for death. Do you understand?

2 JUROR NUMBER 125: Yes. That's what I
3 understand.

4 MR. MOORE: Ma'am?

5 JUROR NUMBER 125: Yes, that's what I understand.

6 MR. MOORE: Okay. Life without parole is always
7 on the table, it's always an option, right.

8 JUROR NUMBER 125: Right.

9 MR. MOORE: What is your understanding of what
10 life without parole means? Do you think that, you
11 know, maybe he'll serve a few years, somebody who's
12 sentenced to life without parole, and then he'd get
13 out, or maybe get probation, or some kind of
14 (unintelligible). What do you think?

15 JUROR NUMBER 125: (Unintelligible) parole. I
16 have no idea.

17 MR. MOORE: That's kind of an unfair question.
18 But let me just tell you this, because this is
19 important, and I want to know if you accept this.
20 Life without parole means that a person who's
21 sentenced to life without parole dies in prison.
22 There is no release for that person, except through
23 death. Do you accept that?

24 JUROR NUMBER 125: Yes. That's what it seems to
25 me, I've just heard so many different things, I really

1 wasn't sure.

2 MR. MOORE: I know. Well, that's a for sure
3 thing. There's no question about it, there should not
4 be any question in your mind. Do you accept that
5 without question?

6 JUROR NUMBER 125: Yes.

7 MR. MOORE: Let me ask you about types of
8 mitigating circumstances that you may hear and to ask
9 if you would be open to considering these potential
10 mitigating circumstances. If you heard through
11 qualified experts that there has been the existence of
12 mental illness on Mr. Bradley's part, would you
13 consider that, potentially, as a mitigating
14 circumstance?

15 JUROR NUMBER 125: I don't know.

16 MR. MOORE: Okay. Have you known people who had
17 mental health issues?

18 JUROR NUMBER 125: No.

19 MR. MOORE: Ever known anybody who is mentally
20 ill, schizophrenic, had to be Baker Acted,
21 hospitalized for mental illness?

22 JUROR NUMBER 125: Known anyone personally, no.

23 MR. MOORE: Known of such people?

24 JUROR NUMBER 125: I couldn't give you a name,
25 no.

1 MR. MOORE: Okay. I'm not asking you -- no, no
2 names. I'm not asking for names. But you indicated
3 one reference was movies, you seen portrayals of
4 mentally ill people. Do you think that mental illness
5 is a human condition, you think it actually exists, or
6 do you think it's something made up?

7 JUROR NUMBER 125: I think it exists.

8 MR. MOORE: Do you think it's a choice? Do you
9 think mental health is a choice?

10 JUROR NUMBER 125: No.

11 MR. MOORE: Do you accept that some people
12 struggle with mental health issues that they don't
13 choose to have?

14 JUROR NUMBER 125: Correct. Yes, I believe that.

15 MR. MOORE: So if you were to hear evidence and
16 testimony from qualified experts that there, in fact,
17 had been mental illness on the part of Mr. Bradley,
18 would you be open to considering that as a mitigating
19 circumstance?

20 JUROR NUMBER 125: Yes.

21 MR. MOORE: If you heard from a qualified expert
22 that Mr. Bradley has shown to have brain injury or
23 brain damage, are those circumstances that you would
24 be open to considering as potentially mitigating?

25 JUROR NUMBER 125: Yes.

1 MR. MOORE: Do you -- have you ever known anybody
2 who has struggled with drug addiction?

3 JUROR NUMBER 125: Yes.

4 MR. MOORE: Do you believe that's a choice? Drug
5 addiction versus --

6 JUROR NUMBER 125: Yes and no.

7 MR. MOORE: Well, let me make a -- let me refine
8 that a little. I'm not talking about just drug use,
9 I'm talking about drug addiction.

10 JUROR NUMBER 125: The addiction, no, I don't
11 think it's a choice. It's a choice to start, yes; but
12 if you were born into it, no.

13 MR. MOORE: Or once one takes it and becomes
14 addicted, then, at that point, do you believe at the
15 point that person's addicted, that that's a choice?
16 The addiction part.

17 JUROR NUMBER 125: No.

18 MR. MOORE: If you heard evidence of drug abuse
19 or drug addiction, would you be open to considering
20 that as potentially mitigating?

21 JUROR NUMBER 125: Yeah. I believe so. Being
22 that they don't have a choice in the addiction, just
23 like they don't have a choice in the mental illness.

24 MR. MOORE: Okay. How about if you heard
25 evidence of abuse or -- emotional or physical abuse as

1 a child, is that -- are those circumstances you would
2 consider, potentially, as mitigating circumstances?

3 JUROR NUMBER 125: Yes.

4 MR. MOORE: Now, you heard this, but, you know,
5 how much registers, who knows, so let me just remind
6 you. Maybe it's up here (indicating). Aggravating
7 circumstances have to beyond a reasonable doubt, the
8 State's got to prove them by this standard, beyond any
9 reasonable doubt. Mitigating circumstances do not
10 have to be proven by us to that high standard, it's to
11 the greater weight of the evidence, or reasonably
12 convinced. It's a much lower standard. Do you accept
13 that, do you understand that?

14 JUROR NUMBER 125: Yes.

15 MR. MOORE: Do you understand that the mitigating
16 circumstances don't just come from, potentially, the
17 defendant's background and circumstances of his life,
18 but also circumstances of the case, itself? They
19 could lend themselves to your finding mitigating
20 circumstances. Do you accept that?

21 JUROR NUMBER 125: Yes.

22 MR. MOORE: And you're not limited by any list
23 with -- in contrast, aggravating circumstances, there
24 will be a finite number of those, and you can't
25 consider anything else as aggravating circumstances

1 other than what's on the list that may be given to
2 you. Mitigating circumstances, wide open, anything
3 related to the defendant, background, circumstances of
4 the case, maybe things that you think of that the
5 lawyers don't think of. Do you understand that?

6 JUROR NUMBER 125: Yes.

7 MR. MOORE: Okay. Do you -- well, at the
8 guilt/innocence phase, where you're asked to find --
9 return a verdict of guilty or not guilty of the
10 underlying criminal charges, the jury must return a
11 verdict which is unanimous; in other words, all must
12 say guilty, or all must say not guilty. But if we get
13 to the penalty phase, which means the jury has found
14 guilt of first degree murder, to get to the penalty
15 phase, the verdict does not have to be unanimous, you
16 can disagree as a jury. You can have 11-1, or 6-6, or
17 3-9, so there does not have to be unanimity in the
18 penalty phase. Do you understand that?

19 JUROR NUMBER 125: Now I do.

20 MR. MOORE: Okay. There's no reason why you
21 should have, because that's the first time I think
22 you've heard of that.

23 JUROR NUMBER 125: Uh-huh.

24 MR. MOORE: Okay. But the point I'm making is,
25 you have the right to your individual vote, and you

1 have no obligation to change your vote to agree with
2 other jurors in the penalty phase. Do you understand?

3 JUROR NUMBER 125: Yes.

4 MR. MOORE: And so you have the right not to be
5 browbeaten or intimidated by others who think you
6 disagree, that they disagree with you, who think you
7 should agree with them; and you don't have to justify
8 your position, you don't have to explain or justify
9 the position you take. Do you understand?

10 JUROR NUMBER 125: Yes.

11 MR. MOORE: And the other side of that coin is,
12 you have an obligation to extend that courtesy to the
13 other members of the jury, not try to beat them down
14 because they don't agree with you. Do you understand?

15 JUROR NUMBER 125: Yes.

16 MR. MOORE: Do you accept that?

17 JUROR NUMBER 125: Yes.

18 MR. MOORE: I believe that's all I have. Thank
19 you.

20 THE COURT: Okay. Juror Number 125, you are
21 still being considered as a potential juror in this
22 case. You are being released today, you're not going
23 to have to report back on Monday. But what I'm going
24 to have you do is, go downstairs, talk to the jury
25 clerk, and they're going to give you a phone number.

1 Call that phone number between 1:00 and 5:00 on
2 Monday, and they'll give you further information.
3 Most likely, it won't be Tuesday you'll return, but
4 possibly thereafter.

5 During this break, you must continue to abide by
6 the rules governing your service as a juror. Like I
7 talked about before, don't talk about the case. Don't
8 conduct any independent research regarding this case.
9 Don't read any newspaper articles or look at any
10 television or hear any radio about the case. Any
11 questions or concerns?

12 JUROR NUMBER 125: No.

13 THE COURT: Okay. You can go downstairs and get
14 that phone number, and they'll send you on your way.
15 Thank you.

16 (Thereupon, Juror Number 125 was escorted out of
17 the courtroom by the court deputy; thereafter, voir
18 dire selection was had which was not requested to be
19 transcribed. Following voir dire, court was in recess
20 for the day, 3/7/14; thereafter, court was reconvened
21 on 3/10/14 and the proceedings were had as follows:)

22 THE COURT: We can bring in Number 136.

23 (Thereupon, Juror Number 136 was escorted into
24 the courtroom by the court deputy and the proceedings
25 were had as follows:)

1 THE COURT: Okay. Good morning, Juror Number
2 136. The first thing I want to do is thank you for
3 being here, thank you for being patient with us with
4 regard to this process. We know it's a long process
5 for you, it's a long process for us. It is a
6 necessary process, so we do appreciate you being
7 patient.

8 When I talked to you before, I implemented some
9 rules. Those rules became in effect at that time, so
10 I'm going to talk to you about what you know since
11 that time about this case, and then I'm going to talk
12 to you about what you knew prior to that. Since I
13 implemented those rules, have you read or been exposed
14 to reading newspaper headlines and/or articles
15 relating to this trial or its participants?

16 JUROR NUMBER 136: I have not.

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

19 JUROR NUMBER 136: Ever? Or since --

20 THE COURT: Since those rules.

21 JUROR NUMBER 136: No.

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

25 JUROR NUMBER 136: No.

1 THE COURT: And have you discussed this case with
2 other juror members, or with anyone else, or allowed
3 anyone to discuss it in your presence?

4 JUROR NUMBER 136: No.

5 THE COURT: Okay. Now I'm going to talk about
6 what you knew prior to those rules coming into effect.
7 Do you know anything about this case, either from your
8 own personal knowledge, rumor, by discussion with
9 anyone else, or from the media, including radio,
10 television, Internet, electronic device, or newspaper?

11 JUROR NUMBER 136: Yes.

12 THE COURT: Okay. Tell me what information you
13 believe you know, and when you would have heard that.

14 JUROR NUMBER 136: I remember when it happened,
15 hearing it on the news. I don't necessarily know
16 specifics, but I know that the officer was shot and
17 killed.

18 THE COURT: Okay.

19 JUROR NUMBER 136: Other than that, I don't
20 really know other information.

21 THE COURT: Okay. And how would you have heard
22 that information?

23 JUROR NUMBER 136: Just in the news.

24 THE COURT: Would it be on television, or reading
25 the newspaper, or --

1 JUROR NUMBER 136: Television.

2 THE COURT: I want to tell you that there's no
3 right or wrong answers in here. We just ask you to be
4 as complete, as honest, and as frank as possible.

5 JUROR NUMBER 136: Okay.

6 THE COURT: So don't be afraid to tell us
7 something if there's something that you think we need
8 to know.

9 JUROR NUMBER 136: Okay.

10 THE COURT: What's your news habits? How do --
11 do you watch news regularly, or what do you do with
12 regard to watching the television, when it comes to
13 news?

14 JUROR NUMBER 136: I usually catch the 11:00 news
15 at night before I go to bed, and then that's it. I
16 have an iPad, I have a computer, but I normally don't
17 check out anything, unless something is happening and
18 it makes the news.

19 THE COURT: Okay. So at night -- I mean, do you
20 sit there -- like me, I turn on the 11:00 news, but by
21 about 11:07, I'm done. I mean, do you watch the whole
22 thing, do you -- how does that work for you?

23 JUROR NUMBER 136: I'm probably not really into
24 it. It's probably more like background music, or
25 background noise. I could be doing something like

1 paying bills or cleaning up in the kitchen or
2 something like that.

3 THE COURT: Okay. So you don't sit down and
4 actually listen to it from -- some people just sit
5 there from --

6 JUROR NUMBER 136: No. I'm not glued to it.

7 THE COURT: Okay. Even at 11:00, you're still
8 doing other things.

9 JUROR NUMBER 136: I'm still doing other things,
10 yes.

11 THE COURT: Okay. What we ask to do in this
12 case, and you have to tell us whether you can do this,
13 can you set aside anything that you may have learned
14 about this case, serve with an open mind, and reach a
15 verdict based only on the law and the evidence
16 presented in this trial, in this courtroom? Can you
17 do that?

18 JUROR NUMBER 136: Yes, I can.

19 THE COURT: Okay. What if you're going to
20 deliberations, and deliberations happen at the end,
21 and you have heard the evidence in the case, and you
22 think to yourself, you know, I remember hearing
23 something on the news, I never heard that in this
24 courtroom, no one ever testified to that, and that
25 never came before me as evidence, can you set that

1 aside and not consider that in your deliberation?

2 JUROR NUMBER 136: Yes.

3 THE COURT: Okay. Because that's a process we
4 have to ask you to go through. Can you do that?

5 JUROR NUMBER 136: I think so, yes.

6 THE COURT: Now I'm going to change subjects on
7 you, and I ask this in a general way, but what are
8 your views about the death penalty?

9 JUROR NUMBER 136: That's pretty broad. My views
10 just, like, for or against, or --

11 THE COURT: I want you to answer it anyway you
12 feel like you need to answer it.

13 JUROR NUMBER 136: I think it would be very
14 difficult for me to decide if someone should get the
15 death penalty. I'm a Christian, and I sort of believe
16 that God is the only one with that power.

17 THE COURT: Okay. You think there's any
18 circumstances you can think of that the death penalty
19 might be appropriate? And we realize that people
20 probably haven't thought about this prior to coming in
21 here, it's not a daily dinner conversation, we
22 understand that, but we do need you to think about it,
23 think how you feel about it for today.

24 JUROR NUMBER 136: If there were any
25 circumstances, I would think that it would have to be

1 -- a death would be involved, they committed a murder.

2 THE COURT: Okay. Let me tell you -- I'm going
3 to give you, kind of, a general overview about the
4 process. We have the first part of the trial, which
5 we call the guilt phase. In the guilt phase, if the
6 jury returns a verdict of guilty on count one, and it
7 only pertains to count one, count one first degree
8 murder, then we move into a second phase, called the
9 penalty phase.

10 In the penalty phase, you would be asked, as a
11 jury member, to make a recommendation to the Court of
12 either death, or life in prison without the
13 possibility of parole. And we give you -- I give you
14 instructions on how to weigh that and consider that.
15 But, to be a juror, you have to be -- you have to
16 consider both penalties. There would be -- in order
17 to get to that stage, there would have to be a guilty
18 verdict on the first degree murder charge. So would
19 you be able to consider both possible penalties as I
20 would instruct you to do so?

21 JUROR NUMBER 136: I would be able to consider
22 it, yes.

23 THE COURT: Okay. And are opposed to the death
24 penalty such that you would not consider it as a
25 penalty under any circumstances?

1 JUROR NUMBER 136: I am that opposed, no.

2 THE COURT: Okay. All right. I'm going to allow
3 questions by the State.

4 MR. BROWN: Thank you, Your Honor. Juror Number
5 136, good morning.

6 JUROR NUMBER 136: Good morning.

7 MR. BROWN: Let me ask you, and I know your
8 questions, you kind of -- your answers were going to
9 both sides of the death penalty, so to speak. It's
10 probably not something you've given much thought
11 before coming in here.

12 JUROR NUMBER 136: That's correct.

13 MR. BROWN: So I'm going to ask you this general
14 question, and then I'm going to go through the steps
15 and the process were you would get to that point. But
16 my first general question is, if you feel that it's
17 appropriate, can you vote for a penalty of death?

18 JUROR NUMBER 136: Yes.

19 MR. BROWN: Okay. The process of how you get
20 there, as the Court talked about when you all were
21 here back last Thursday, I'm going to try to go
22 through some of that with you some more, because I
23 know she did throw an awful lot at you in a compressed
24 period of time. The first step is, the jury has to
25 come back with what their verdict is in the guilt

1 phase, whether or not the defendant's guilty of first
2 degree murder, guilty of a lesser charge, or not
3 guilty. The death penalty only applies if the jury
4 comes back with a verdict of guilty of murder in the
5 first degree. If you come back with something lesser,
6 such as second degree murder, then the death penalty's
7 off the table, the sentencing is entirely with her.

8 Now, as far as first degree murder, the State can
9 prove it one of two ways, by either premeditated
10 murder, or what's called felony murder. And either
11 one will get the jury to first degree murder, and then
12 to the next step of considering the death penalty.
13 And in either case, it doesn't matter which theory,
14 the death penalty is not automatic, there's no, if you
15 convict him of this, it's an automatic death penalty.
16 There isn't any of that.

17 If the jury comes back with a verdict of first
18 degree murder, we would proceed to the second phase of
19 the trial, which is, we would reconvene, you would
20 hear additional evidence, the Court would give you her
21 final set of instructions, you would go back to
22 deliberate. In the final set of instructions, the
23 first thing the Court's going to tell you to look at
24 is what's called aggravating circumstances. And she
25 would give you a list, could be as few as one, in this

1 case I suspect it to be several, could be four, five,
2 or so on, and it's to those aggravating circumstances
3 that you look to, to determine whether or not the
4 death penalty is justified.

5 And as she mentioned last Thursday, that list of
6 aggravating circumstances, it's a statutory list, and
7 it's circumstances which tend to, or may, increase the
8 gravity of the crime or the harm to the victim. So
9 you look at those aggravating circumstances, and the
10 first question will be, has the State proven any of
11 those? If you find the State has not proven any of
12 them, then your verdict has to be a life
13 recommendation, because you would find there's no
14 aggravation in this case. If you feel, and if you
15 find, that the State's proven at least one, you may
16 find we've proven more than one, you may find that
17 we've proven all that are listed, you look at those
18 and you say, do these justify the death penalty? If
19 your answer is no, then you would make the
20 recommendation of life. If your answer is yes, you
21 move to the second step of the process, and that's
22 where you would look at what is called mitigating
23 circumstances, or the mitigation.

24 And, as the Court told you, that's evidence that
25 basically stems from the defendant, his life, his

1 background, character, things of that nature. And
2 it's proposed to mitigate, or to suggest, the penalty
3 of life, as opposed to the death penalty. Now, the
4 aggravating circumstances, I may have already covered
5 this, have to be proven to you beyond and to the
6 exclusion of any reasonable doubt. Same burden as in
7 the guilt phase. The mitigation circumstances have a
8 burden as well, it's a lower burden, it's to the
9 greater weight of the evidence. So either the
10 aggravation and mitigation, if something's not proven,
11 you disregard it. What the Court's going to tell you
12 is, you find the aggravation that has been proven, you
13 find the mitigation that's been proven, and you go
14 through a weighing process.

15 Now, in your lifetime, either personal or
16 professional, have you had to make some key, critical
17 important decisions?

18 JUROR NUMBER 136: Yes.

19 MR. BROWN: Okay. Most people have. When you've
20 made those decision, did you try to look at all the
21 factors involved, and consider everything that was
22 involved?

23 JUROR NUMBER 136: Yes.

24 MR. BROWN: And some of those factors you looked
25 at and considered, you found to be pretty darn

1 important in your decision, and you gave those factors
2 great weight, right?

3 JUROR NUMBER 136: Uh-huh.

4 MR. BROWN: Other factors you looked at, you
5 considered them, but you looked at them and said, you
6 know, this isn't that important to this decision, and
7 you gave those factors very little weight. Right?

8 JUROR NUMBER 136: Uh-huh.

9 MR. BROWN: The Court's going to tell you, you go
10 through that same type of process here. You take
11 those aggravators that have been proven, and you take
12 the mitigation that's been proven, and you go through
13 a weighing process. And you determine how much weight
14 to give each aggravator, and to each mitigator. And
15 only you can determine that weight. The Court's not
16 going to tell you, aggravator one gets "X" amount of
17 weight, mitigator one gets "Y" amount of weight. No
18 one can tell you. We may suggest in our arguments how
19 much weight, but you determine how much weight to give
20 everything. The only thing that the Court's going to
21 require of you is that you go through that weighing
22 process. Now, we can't ask you at this point how much
23 weight you're going to give to this type of
24 aggravator, or this type of mitigator, because you
25 don't know. You haven't heard the evidence, you

1 haven't heard them, and how do you decide how much
2 weight if you don't know much about anything. But the
3 key is that you will consider what's been proven.

4 You may, in your mind, say, well, that type of
5 factor, I may not give a lot of weight to, but as long
6 as you're going to consider it, you determine the
7 weight. And a juror right next to you may have a
8 different opinion on how much weight. But it's a
9 personal decision you make. You may give great weight
10 to the first, little weight to the second, the person
11 right next to you, may do the exact opposite. But
12 it's a decision you have to make on how much weight.

13 So you go through that weighing process, consider
14 everything, you determine the weight, and the Court --
15 the next step is, the Court's going to tell you, if
16 the mitigation outweighs the aggravation, then your
17 recommendation has to be for life. If you find that
18 the mitigation does not outweigh the aggravation, then
19 you're in a position where you legally are justified
20 to recommend to the Court the recommendation of death.
21 Now, the Court's not going to tell you, if the State
22 proves A, B, C, and D, that you must return a
23 recommendation of death. In fact, what she's going to
24 tell you is that you are never obligated or required
25 to return that recommendation. What you must do is go

1 through that weighing process. If you find we've
2 proven aggravators, then you must go through that
3 weighing process. So you must go through that
4 weighing process. So you would weigh that. If the
5 mitigation evidence outweighs, it's a recommendation
6 of life. If the mitigation does not outweigh the
7 aggravation, then you look at it and say, is the death
8 penalty still justified? And if you feel that it is,
9 that's when you recommend a sentence of death. Do you
10 understand the process?

11 JUROR NUMBER 136: I do.

12 MR. BROWN: Any questions about that?

13 JUROR NUMBER 136: No.

14 MR. BROWN: Do you feel confident that you can go
15 through that process?

16 JUROR NUMBER 136: Yes.

17 MR. BROWN: Now, is there anything that -- I know
18 you talked about your religious beliefs earlier, is
19 there anything about that that would prohibit or keep
20 you in any manner from going through this process, and
21 if you find that it was justified, making a
22 recommendation for the death penalty?

23 JUROR NUMBER 136: No, I don't think there is
24 anything.

25 MR. BROWN: The next topic that I want to cover

1 -- and I ask this of each person, so it's not that I
2 think that you may do this, but I bring it up to make
3 certain each person is aware, either for themselves,
4 or if they see it happening if they're selected. As
5 we talked about, if the jury comes back with a lesser
6 charge, something other than first degree murder, then
7 the death penalty's off the table, you don't come back
8 that second time and hear the additional evidence. So
9 the concern is that in some way you'd be sitting back
10 there and think, you know, I really don't want to be
11 in the position to have to make that recommendation,
12 so if I come back with second degree murder, I avoid
13 that whole process. Seeing that process and what the
14 State's concern is, do you think in any way that would
15 affect -- that line of thinking would affect your
16 deliberation at all?

17 JUROR NUMBER 136: No.

18 MR. BROWN: Would you agree that justice in this
19 case, or in any case, would be to return the verdict
20 that the evidence proves?

21 JUROR NUMBER 136: Yes.

22 MR. BROWN: And if it's proven to you first
23 degree murder, can you return that verdict?

24 JUROR NUMBER 136: I can.

25 MR. BROWN: Okay. And if we establish the

1 aggravation to you, you feel that it's not outweighed
2 by the mitigation, and the death penalty is justified,
3 can you return a recommendation of death?

4 JUROR NUMBER 136: Yes.

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

6 THE COURT: Okay. Questions by the defense?

7 MR. MOORE: Good morning. When you're asked to
8 state your position, it may seem to you like you have
9 to fit into a yes or no category, either, yes, I can,
10 or, no, I can't.

11 JUROR NUMBER 136: Right.

12 MR. MOORE: But that is not accurate. Because
13 there may be a third category, which is, I don't know.
14 You know, if you're asked, can you do this, can you
15 vote for life without parole, for example, can you set
16 aside what you see in the media. Some people feel
17 like, well, they expect me to say I can, I better say
18 I can. I'm not implying that you would, but what I'm
19 saying is, as adults, we don't like to seem unsure.
20 We like to be able to think that we can take a
21 position and not be fuzzy about it. Follow me?

22 JUROR NUMBER 136: I do.

23 MR. MOORE: So if you're, in your heart of
24 hearts, you think your answer is, I can't say I can, I
25 can't say I can't, I just don't know, I have doubts,

1 then that's an appropriate answer if that's the answer
2 for you. But it doesn't reflect on your intelligence
3 or anything else, it may be you would be a great juror
4 in a different case, but in this case, maybe it would
5 be best if you not be on this case. And so when
6 you're asked, for example, can you vote for death,
7 what is being asked there is, can you also vote for
8 life without parole? It's not -- the State Attorney's
9 not saying, will you do that? Nobody's asking you to
10 commit you can, you don't know enough at this point,
11 you don't know enough of the law, you don't know any
12 of our facts, other than just what you see in the
13 media, which doesn't mean that they're facts in this
14 case. So you're not being asked to commit to what you
15 will do, but just your ability to go that direction,
16 or that direction. Do you see what I'm saying?

17 JUROR NUMBER 136: Uh-huh.

18 MR. MOORE: So when you're asked, can you vote
19 for death if you think it's appropriate, how about the
20 other side, can you vote for life without parole if
21 you think it's appropriate?

22 JUROR NUMBER 136: Yes.

23 MR. MOORE: All right. And as far as the media
24 is concerned, do you have an opinion at this point as
25 to the guilt of Brandon Bradley based upon what you've

1 seen and heard in the media?

2 JUROR NUMBER 136: No. I don't know enough
3 information. Honestly, I don't.

4 MR. MOORE: Did you -- have you seen a picture of
5 Mr. Bradley on TV or in the newspaper?

6 JUROR NUMBER 136: No.

7 MR. MOORE: And just to kind of bring the focus
8 on this case a little bit, we're not -- we talk about
9 these things hypothetically because we're trying to
10 find out, you know, how fair you think you could be,
11 how impartial you think you could be; but one thing
12 that is not hypothetical is that if you're on this
13 jury, you will be a part of a process which could
14 result in Mr. Brandon Bradley being sentenced to death
15 and being put to death. So just to keep the focus on
16 that, we're not talking about some abstract out there,
17 are you for the death penalty or against it, we're
18 talking about this case, that human being right over
19 there.

20 So let me ask now about your involvement in the
21 church. I presume you do belong to a church?

22 JUROR NUMBER 136: I do.

23 MR. MOORE: Does your church have a position on
24 the death penalty?

25 JUROR NUMBER 136: I don't know.

1 MR. MOORE: Well, before you stepped into this
2 courtroom and started being bombarded with these
3 questions, can you say whether or not you ever thought
4 about the death penalty to the extent where you had a
5 position, or knew you didn't have one?

6 JUROR NUMBER 136: I would say that I didn't have
7 a position one way or the other. But I heard about it
8 on the news when it applied to something else, or
9 someone else, and it didn't phase me, I didn't think
10 about it. I just -- it was just something that
11 (unintelligible).

12 MR. MOORE: All right. Well, if I were to
13 arbitrarily put you in -- I would say there are two
14 categories we could put you in, one is, you're against
15 -- some people say, I'm against it; some people say,
16 I'm actually for it; some people say, well, I think in
17 certain circumstances, it's appropriate. Those people
18 -- and I think you're one of those that would be in
19 the "for" category. Do you accept that? Is that
20 accurate? You may not be a 10 on the scale from 1 to
21 10, but you're not against it, is what you're saying.
22 We're not talking about this case now, we're talking
23 about in general.

24 JUROR NUMBER 136: Understood. I'm probably not
25 a 10, but I'm not against it. So --

1 MR. MOORE: Well, let's -- let me ask, if we put
2 a scale down in front of you with 0 being you're
3 against it, or you have no position on it, and 10
4 being you're strongly in favor of it, where would you
5 put yourself on it?

6 JUROR NUMBER 136: I'd probably be a 5. Just a
7 little wishy-washy on it.

8 MR. MOORE: Okay. Can you think of types of
9 homicides, first degree murder -- all murders involve
10 a death, but not all first degree murders are
11 punishable by death, that's what this whole process is
12 about. Can you think of types of first degree murders
13 where you would say, you know, that's a death penalty
14 case? You know, it might involve a child, might
15 involve serial murderers, you could probably come up
16 with a short list. So what kind of a list would you
17 come up with if you were --

18 JUROR NUMBER 136: Probably one that involves a
19 child.

20 MR. MOORE: How about one involving a police
21 officer?

22 JUROR NUMBER 136: I guess, yes.

23 MR. MOORE: Okay. Would you think --

24 JUROR NUMBER 136: A child would be a definite
25 for me, as a mother.

1 MR. MOORE: So let's just talk about that
2 hypothetical. That's not this case of course. In
3 that situation, would it be difficult, if not
4 impossible, for you to vote for life without parole?

5 JUROR NUMBER 136: In a case like that?

6 MR. MOORE: Yes, ma'am.

7 JUROR NUMBER 136: I would find it hard, yes.

8 MR. MOORE: Okay. And how about in a case
9 involving a police officer, would you find it
10 difficult, if not impossible, to vote for life without
11 parole?

12 JUROR NUMBER 136: It's still wrong, but it would
13 not have the same impact on me as a child.

14 MR. MOORE: What if, and you will, if you're a
15 member of this jury, you see photographs of Deputy
16 Pill after her death, and you see a videotape of her
17 being shot, which led to her death, do you think --
18 it's horrible to think about, but that's what the jury
19 will see, if you're a member of the jury, you'll see
20 that, do think that you could then go on, assuming,
21 hypothetically, that the jury finds Mr. Bradley guilty
22 of first degree murder of Deputy Pill, would you then
23 be able to engage in the weighing process, do you
24 think? Or do you think that it would just be so
25 horrific to see those things that it's all over at

1 that point for you?

2 JUROR NUMBER 136: I think that I could weigh the
3 process. Listen to the facts and weigh everything
4 out.

5 MR. MOORE: Do you understand that at no point
6 are you required to vote for death?

7 JUROR NUMBER 136: I understand that, yes.

8 MR. MOORE: In fact, the only mandatories in the
9 penalty phase are that you shall seek to find if the
10 State has established at least one aggravating
11 circumstance beyond a reasonable doubt. That's the
12 level of proof that the State has to prove aggravating
13 circumstances. That's a mandatory. And then, if you
14 find that the mitigating circumstances outweigh the
15 aggravating circumstances, you shall vote for life
16 without parole. Those are the only "shalls" in this
17 whole process. But at no point is a death
18 recommendation mandatory or required, and at no point
19 is life without parole off the table. It's always
20 there, if that is your choice. Do you accept that?

21 JUROR NUMBER 136: Yes.

22 MR. MOORE: What do you think life without parole
23 means? What do you think the reality of life without
24 parole is, in terms of the time the person serves for
25 a life without parole sentence?

1 JUROR NUMBER 136: Until death in prison.

2 MR. MOORE: Yes, ma'am, it is. Do you accept
3 that -- and when I tell you, because it's the law,
4 that if a person is sentenced to life without parole,
5 that person will die in prison, there is no
6 possibility of getting out of prison, do you accept
7 that?

8 JUROR NUMBER 136: Yes.

9 MR. MOORE: Let me ask about potential mitigating
10 circumstances. Now, let me reiterate, because you
11 can't hear this too many times, I don't think, because
12 this is all new to you, but the burden of proving --
13 the level of proof the State has to put forth to
14 establish an aggravating circumstance is beyond a
15 reasonable doubt; but for mitigating circumstances
16 it's reasonably convinced, or a greater weight of the
17 evidence, slightly more than 50 percent. But it's a
18 different burden, and the State has a greater burden,
19 much greater burden. And the list of aggravating
20 circumstances are the only ones you can consider as
21 aggravating circumstances. On the other hand,
22 mitigating circumstances can come -- there's no limit
23 to them. Anything related to the defendant's
24 background, circumstances of the case, things of that
25 nature. It could be something that the lawyers don't

1 even bring up, whatever you consider mitigating, the
2 mitigating circumstances, to the greater weight of the
3 evidence, which is that burden we have to establish.
4 But it can come from any source, you're not limited by
5 a list. Do you accept that?

6 JUROR NUMBER 136: Yes.

7 MR. MOORE: If you were presented with evidence
8 from qualified mental health experts, psychologists,
9 psychiatrists, that sort of expert, that Mr. Bradley
10 suffered from mental illness, would be open to
11 considering that, potentially, as a mitigating
12 circumstance?

13 JUROR NUMBER 136: Yes.

14 MR. MOORE: Do you believe -- on the issue drug
15 abuse and drug addiction, do you believe that drug
16 addiction is a choice?

17 JUROR NUMBER 136: A choice -- the addiction?

18 MR. MOORE: Yes, ma'am.

19 JUROR NUMBER 136: No.

20 MR. MOORE: If you were presented with evidence
21 of drug abuse or drug addiction, would you be open to
22 considering that, potentially, as a mitigating
23 circumstance?

24 JUROR NUMBER 136: Yes.

25 MR. MOORE: If you were presented with evidence

1 from qualified experts that Mr. Bradley suffered from
2 brain injury or brain damage, is that something that
3 you, potentially, could consider as a mitigating
4 circumstance?

5 JUROR NUMBER 136: Yes.

6 MR. MOORE: And if you were presented with
7 evidence of childhood abuse, physical and emotional,
8 is that something you'd be open to considering as a
9 mitigating circumstance?

10 JUROR NUMBER 136: Yes.

11 MR. MOORE: In the first part of the trial, the
12 guilt/innocence part, where you're asked to -- you're
13 presented with the charges, criminal charges, and
14 you're asked as a jury to return a verdict of guilty
15 or not guilty, the verdict has to be unanimous; that
16 is, everybody on the jury has to agree, either guilty,
17 or not guilty. And then if the jury returns a verdict
18 of guilty of first degree murder, you go on to the
19 second phase, the second part of the trial, the
20 sentencing part, and, at that part, your verdict does
21 not have to be unanimous. It could be 12-0, it could
22 be 6-6, it could be 3-9; but there's no requirement of
23 unanimity at the sentencing part of the trial. Do you
24 accept that?

25 JUROR NUMBER 136: Yes.

1 MR. MOORE: And the point is, you have the right
2 to your own individual vote, however you arrive at it.
3 Meaning, this whole weighing process, that's a
4 guideline, okay, that's to help guide you, to get you
5 there, to reach your vote, whatever it is. But you do
6 not have to agree with other jurors.

7 You don't have to justify your position to other
8 jurors. You have the right not to be intimidated or
9 browbeaten because you don't agree with other jurors.
10 Do you accept that? That's your right.

11 JUROR NUMBER 136: Yes.

12 MR. MOORE: And you have to extend that courtesy
13 to the other members of the jury, where if they don't
14 agree with you, that's their vote, that's their right,
15 they have the right to vote the way they want. Do you
16 accept that?

17 JUROR NUMBER 136: Yes.

18 MR. MOORE: Can I have a moment?

19 THE COURT: Yes, you may.

20 MR. MOORE: I believe that's all I have. Thank
21 you, ma'am.

22 THE COURT: Okay. Juror Number 136, thank you
23 again for being patient with us for this process. You
24 are still being considered as a possible juror in this
25 case; however, I am going to release you for today.

1 What I'm going to have you do is, report downstairs to
2 the jury assembly room, they're going to give you a
3 phone number to call, we're going to ask you to call
4 that number this afternoon between 1:00 and 5:00, and
5 they're going to give you further instructions about
6 when to report. It won't be today. It possibly won't
7 be tomorrow.

8 During this recess, you must continue to abide by
9 your rules governing your service as a juror. Do not
10 discuss this case with anyone. Do not -- avoid
11 reading newspaper -- anything about the case. Avoid
12 seeing television, radio, or Internet comments about
13 the trial. Don't conduct any research. Now, you can
14 tell people that you're here, that you're here for
15 jury duty, what time, you just can't talk about why
16 you're here, what case, what the charges are, what
17 happens in the courtroom, things of that nature. When
18 you get released as a juror, you're free to talk about
19 whatever you wish. These rules continue to remain in
20 effect while you're being considered as a possible
21 juror and if you become a juror.

22 Any questions or concerns?

23 JUROR NUMBER 136: No.

24 THE COURT: Okay. All right. We'll have you go
25 downstairs, get that phone number, and call this

1 afternoon. Thank you.

2 (Thereupon, Juror Number 136 was escorted out of
3 the courtroom by the court deputy; thereafter, voir
4 dire selection was had which was not requested to be
5 transcribed.)

6 THE COURT: Okay. We'll go ahead and bring in
7 Number 147.

8 (Thereupon, Juror Number 147 was escorted into
9 the courtroom by the court deputy and the proceedings
10 were had as follows:)

11 THE COURT: Okay. Juror Number 147, good
12 afternoon. First of all, I want to thank you for
13 being here, thank you for being patient with us with
14 regard to the process. It is taking a long time.
15 It's a long time for you all, it's a long time for us,
16 but we're doing the best that we can to get through it
17 as quickly as possible.

18 When you were here, I believe it was last
19 Thursday, I talked about some rules that came into
20 effect. Those rules started as of that time, so I'm
21 going to ask you as of that date. Have you read or
22 been exposed to reading newspaper headlines and/or
23 articles relating to this trial or its participants?

24 JUROR NUMBER 147: No.

25 THE COURT: Have you seen or heard television,

1 radio, or Internet comments about this trial?

2 JUROR NUMBER 147: No.

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

6 JUROR NUMBER 147: No.

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

10 JUROR NUMBER 147: No.

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

18 JUROR NUMBER 147: A little bit, yes.

19 THE COURT: Okay. Tell me what information you
20 think that you know about the case.

21 JUROR NUMBER 147: All I know is, I believe it
22 happened in Melbourne, I believe a police officer was
23 the victim. I don't really know much about it.

24 THE COURT: Okay. How would you have gained that
25 information?

1 JUROR NUMBER 147: Hearing it on television.

2 THE COURT: Okay. Would that have been at the
3 time that the event occurred?

4 JUROR NUMBER 147: Yes.

5 THE COURT: I just want you to know, in here
6 there's no right or wrong answers. You can say
7 whatever you feel is appropriate to the answer. You
8 can say anything that you feel is inappropriate, just
9 as long as you're frank, honest, and complete.

10 JUROR NUMBER 147: Okay.

11 THE COURT: Okay. No one's trying to trick you,
12 no one's trying to make you say one thing over
13 another, what we're trying to do is just get the
14 information that you have; and sometimes, to be quite
15 honest, we have to pry it out of you a little bit. So
16 just to say -- but just tell us what you think we need
17 to know, and then if we don't think it's enough, we're
18 going to ask you more questions.

19 JUROR NUMBER 147: Okay.

20 THE COURT: So if you could be as specific as
21 possible about what information you learned.

22 JUROR NUMBER 147: A shooting. A young man was,
23 I guess, was a suspect, or -- I'm not sure if there
24 was more than one. It was in Melbourne. A police
25 officer was killed. I don't know -- I think -- I

1 believe she was shot.

2 THE COURT: Okay. And you say -- did you hear
3 anything about this case being set for trial, that we
4 were picking jurors, or anything like that?

5 JUROR NUMBER 147: No.

6 THE COURT: Did you ever see a picture of
7 Mr. Bradley, did you ever see him on the news?

8 JUROR NUMBER 147: No, I didn't.

9 THE COURT: Did you read any newspaper articles
10 about the case?

11 JUROR NUMBER 147: No.

12 THE COURT: Okay. Were you, in your mind to kind
13 of fix any type of an opinion as to the guilt or the
14 innocence of the defendant?

15 JUROR NUMBER 147: I don't really think I thought
16 that much of it that I would assume someone was either
17 guilty or innocent.

18 THE COURT: Okay. So it wasn't something that
19 you were discussing with other people, or they were
20 discussing with you?

21 JUROR NUMBER 147: No.

22 THE COURT: What we ask you to do, if you can
23 serve and be a juror in this case, if you could set
24 aside anything that you may have learned about the
25 case, serve with an open mind, and reach a verdict

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

4 JUROR NUMBER 147: Yes.

5 THE COURT: Okay. What if, at some point in the
6 trial, you go to deliberate, and you're thinking to
7 yourself, you know, I never heard this -- I heard this
8 information on the news, but I never heard this come
9 into evidence in the courtroom, nobody ever mentioned
10 that, that was -- I never heard that. Are you going
11 to be able to set aside that information that you
12 learned somewhere else and not consider it in your
13 deliberations?

14 JUROR NUMBER 147: I believe that I would, yes.

15 THE COURT: Okay. I'm going to switch gears on
16 you, what -- and I ask this very generally, what are
17 your views with regard to the death penalty?

18 JUROR NUMBER 147: I don't really have any strong
19 feelings for or against. I believe it's there for a
20 purpose, you know, it's -- like, I don't really -- I
21 don't really have any feelings for or against. I
22 couldn't say I'm all for it, or all against it, or --

23 THE COURT: Okay. Is it something that -- and we
24 know that many times we're asking you questions about
25 things that maybe you've never even thought about

1 before. Is it something that you've thought about
2 before, is it something you've discussed before?

3 JUROR NUMBER 147: I probably have discussed it
4 in general.

5 THE COURT: Okay.

6 JUROR NUMBER 147: But that's -- that's my
7 feelings, I don't really -- I believe there's probably
8 certain reasons why it is enforced, you know, it is
9 used; but I also believe there's probably good reasons
10 why it's not. You know, in certain cases maybe, it's
11 the right thing to do; and, in certain cases, maybe
12 it's not.

13 THE COURT: Okay. I'm going to tell you a little
14 bit about the process, and then the attorneys will be
15 more detailed about the process. The first part of
16 the trial is what we call the guilt phase. In the
17 guilt phase, you heard the charges the other day,
18 count one is first degree murder, if the jury returns
19 a verdict of guilty to count one, first degree murder,
20 then, and only then, because it's not applicable to
21 the other three counts, we move onto what we call the
22 penalty phase. In the penalty phase, you, as a juror,
23 will be instructed to hear evidence of aggravating
24 circumstances and mitigating circumstances, and you'll
25 be asked to make a recommendation to the Court, to me,

1 of a possible penalty of death, or life in prison
2 without the possibility of parole. Now, you've
3 already heard that the charge is first degree murder,
4 so it's presumed if we move into the penalty phase
5 that there is a guilty verdict on count one, first
6 degree murder, because that's the only way we get to
7 the second phase.

8 In that second phase, are you of the opinion that
9 death is the only appropriate penalty for first degree
10 murder?

11 JUROR NUMBER 147: No.

12 THE COURT: So you would -- if I instructed you
13 that you had to consider life in prison without the
14 possibility of parole as a possible penalty as well,
15 would you be able to consider that?

16 JUROR NUMBER 147: Yes.

17 THE COURT: Okay. Just so you know, no one in
18 here is going to ask you to say what you would do.
19 You haven't heard any of the evidence, so no one can
20 do that. But when we talk, the attorneys and myself
21 are going to say, can you consider this, can you at
22 least be open-minded enough to hear everything and
23 then make your decision. So let's say the State
24 returns a verdict -- I mean, let's say the jury
25 returns a verdict of guilty to count one, premeditated

1 murder in the first degree, are you of the opinion
2 that death is the only appropriate penalty for
3 premeditated murder in the first degree?

4 JUROR NUMBER 147: No.

5 THE COURT: Okay. You would be open to consider
6 death, or life in prison without the possibility of
7 parole?

8 JUROR NUMBER 147: Yes.

9 THE COURT: Okay. Do you -- I know the State
10 will go more in detail about how you go through the
11 process of getting to -- to help you in making your
12 decision, but do you have any questions or concerns
13 about your ability to do that?

14 JUROR NUMBER 147: No.

15 THE COURT: I note that you were sick and so you
16 wanted to be called out of order; are you not feeling
17 well? They said that you weren't feeling well and
18 that you wanted to be called out of order.

19 JUROR NUMBER 147: No.

20 THE COURT: No?

21 JUROR NUMBER 147: No. Not that I know of. I
22 didn't say that.

23 THE COURT: It says, "she hasn't been feeling
24 well since Friday."

25 JUROR NUMBER 147: That -- can I explain

1 something?

2 THE COURT: Yes.

3 JUROR NUMBER 147: When I came in, a woman and I
4 had different numbers, our numbers were switched, it
5 may have been a mistake in that. We switched our
6 numbers back, it's the right name with the right
7 number now. But she may have been the one that said
8 she wasn't feeling well.

9 MR. MOORE: Could we approach, make sure we're
10 dealing with the person we think we're dealing with?

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

14 MR. MOORE: They switched their numbers back? I
15 mean, this should be [REDACTED] but I don't want to
16 ask her name in open court.

17 MR. BROWN: [REDACTED]

18 MR. PIROLO: [REDACTED] that's what I have.

19 MR. BROWN: [REDACTED], that's who it's
20 supposed to be.

21 MR. TANNING: See if she remembers who she
22 switched with.

23 MR. PIROLO: I think we first --

24 THE COURT: Well, I can't put them on the record,
25 that's the problem.

1 MR. LANNING: The number, see if she remembers
2 the other person's number.

3 THE COURT: All right. You know what, I'm going
4 to ask --

5 MR. BROWN: Her to step forward?

6 (Thereupon, the benchside conference was briefly
7 concluded and the proceedings were had as follows:)

8 THE COURT: We don't want this to be on the
9 record, so I'm going to ask you to step up to the
10 bench. You get to pretend you're an attorney.

11 (Thereupon, a benchside conference was had before
12 the Court, with Juror Number 147 present, out of the
13 hearing of any other parties present in the courtroom
14 as follows:)

15 THE COURT: Okay. Can you tell us your name?

16 JUROR NUMBER 147: [REDACTED]

17 THE COURT: And your number's 147.

18 JUROR NUMBER 147: Yes. When I came in this
19 morning, it was 148.

20 THE COURT: So you switched with [REDACTED]?

21 JUROR NUMBER 147: Yes.

22 THE COURT: So if you have any prior information
23 -- I don't know if you do, I didn't -- it would be
24 different. Okay. So maybe it's 148 that's not
25 feeling well.

1 JUROR NUMBER 147: I would say so, yes. Because
2 it wasn't me.

3 THE COURT: Okay. I'm going to have you be
4 seated. Thank you.

5 (Thereupon, Juror Number 147 was seated, and the
6 benchside conference proceeded as follows:)

7 MR. MOORE: Judge, while we're up here, I'm just
8 -- when the Court asks about whether they could vote
9 for life or death on first degree murder, and then
10 asks whether they could vote for life or death on
11 premeditated murder, like it's -- you know, I know
12 they can go two ways with this, but that's what he's
13 charged with, so I'd ask the Court to just limit the
14 question to, could you vote life or death on first
15 degree murder, not distinguish the two.

16 THE COURT: Before I was doing premeditated and
17 you all objected, so I just changed it to first degree
18 murder; but then, later on, they were -- the jurors
19 were kind of saying, well, if it's premeditated, it
20 would be different. So I was just going that extra
21 step. I'll be happy not to do that, and let you all
22 do it. But, I mean, I did find that that was
23 happening, and so that's why I went the extra step.

24 MR. BROWN: We're good. Yeah.

25 THE COURT: I mean, I'll be happy not to do it.

1 MR. MOORE: Okay.

2 THE COURT: If you want me not to do that, I'll
3 just say first degree murder. I don't do it in every
4 case, I only do it if I think they might have an issue
5 with it. I was just trying to get more information
6 out there for you all.

7 MR. MOORE: Nevermind then.

8 THE COURT: I'm happy not to do it though. I can
9 do -- I'm happy to let you guys do it.

10 MR. MOORE: Happy, really?

11 THE COURT: Yeah, happy's not probably the
12 correct word.

13 MR. MOORE: I understand.

14 THE COURT: I'm willing. I'm willing.

15 MR. MOORE: Okay. That's all right.

16 MR. LANNING: You're doing fine.

17 THE COURT: Okay. That's great. That's
18 wonderful. We're happy.

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

21 THE COURT: Okay. All right. Questions by the
22 State?

23 MR. BROWN: Yes, Your Honor. Juror Number 147,
24 good afternoon. Let me go over -- first, I'm going to
25 go over the process that you have to go through if

1 you're selected to get to the position where you can
2 make your recommendation, and I'm going to ask you
3 some questions concerning that.

4 As the Court told you between last Thursday and
5 the conversation she's had with you today, the first
6 step is that the jury would have to return, in the
7 guilt phase, a verdict; and in order to proceed to the
8 second portion of the trial, the verdict would have to
9 be guilty of first degree murder. If it's anything
10 lesser, such as second degree murder, then sentencing
11 is entirely to the Court; and, obviously, if it's not
12 guilty, then there is no sentencing to be done,
13 period.

14 So to get to the point where the jury returns a
15 verdict of first degree murder, a guilty verdict of
16 that, there are two ways the State can prove that, one
17 is premeditated murder, the other is what's called
18 felony murder. Those terms will be explained to you,
19 and you'll have all the instructions. But if the
20 State can prove first degree murder under either
21 theory, we may actually end up proving both things,
22 but if the jury returns that verdict of first degree
23 murder, then we would reconvene, you hear additional
24 evidence, Her Honor would give you additional jury
25 instructions, and then you would go back and

1 deliberate.

2 The first issue with her instructions, she's
3 going to tell you to look at what are called
4 aggravating circumstances, and as she told you last
5 Thursday, it's a statutory list, and it's
6 circumstances which may increase the gravity of the
7 crime or the harm to the victim. You'll have a list,
8 I expect it to be more than one, three, four, five,
9 six, but you'll have a list, and it's to that list,
10 and only that list, that you can look to to justify
11 and to support the death penalty. And she's going to
12 -- the first question from her will be, in the
13 instructions, has the State proven at least one, or
14 more than one, of those aggravating circumstances
15 beyond and to the exclusion of every reasonable doubt.
16 So the same burden that you'll get for the guilt phase
17 applies, carries over, to the aggravating
18 circumstances.

19 If you find that the State has not proven any,
20 then, obviously, your recommendation has to be life,
21 because you will have found no aggravation in this
22 case. If you find the State's proven at least one,
23 and you may find, like I said, that we've proven more
24 than one, you look at those aggravating circumstances
25 that we've proven, and ask yourself, do these justify

1 the death penalty? If your answer is no, then your
2 recommendation is life. If your answer is yes, these
3 aggravating circumstances justify the death penalty,
4 you move on to the next step of the process, which is
5 to look at mitigating circumstances.

6 I don't know if you recall when the Court spoke
7 about that, but those are things concerning the
8 defendant, his life, background, character, things of
9 that nature. That would be presented to you as
10 evidence. Now, there's a burden of proof for those,
11 but it's a lower burden, it's to the greater weight of
12 the evidence, but still a burden of proof. So you
13 would take aggravating circumstances that have been
14 proven, mitigating circumstances that have been
15 proven, and the Court's going to tell you to go
16 through a weighing process.

17 Now, have you ever had to make any key, critical,
18 important decisions in your life?

19 JUROR NUMBER 147: Yes.

20 THE COURT: When you've made those decisions, do
21 you try to look at and consider all the factors that
22 are involved?

23 JUROR NUMBER 147: Yes.

24 MR. BROWN: And you look at those factors, some
25 of them are pretty darn important, you give them great

1 weight in making your decision, right?

2 JUROR NUMBER 147: Yes.

3 MR. BROWN: Other factors, you look at, you
4 consider, but you determine that they don't have much
5 importance, and you give them very little weight,
6 right?

7 JUROR NUMBER 147: Yes.

8 MR. BROWN: But you kind of go through and you
9 weigh what's important, what isn't, and come to your
10 conclusion. That's how most of us make decisions.
11 She's going to tell you it's the same process here.
12 You go through, if it's been proven, you have to
13 consider it, but you determine how much weight to
14 give, how much weight to give to an aggravator, how
15 much weight to give to a mitigator. The judge isn't
16 going to tell you, aggravator one carries "X" amount
17 of weight, mitigator one carries "Y" amount of weight.
18 You're not going to get that. Now, the attorneys, we
19 may suggest to you in arguments how much weight, but,
20 ultimately, it's your decision, and you make it
21 personally as a juror.

22 The juror sitting right next to you may have a
23 different opinion. You may give something great
24 weight, that one may give it little, and vice versa.
25 But it's a personal decision that you make, and you

1 determine how much weight to give to each aggravator
2 and to each mitigator. So you weigh the aggravation
3 versus the mitigation, and if you find that the
4 mitigation outweighs the aggravation, then your
5 recommendation has to be life. However, if you find
6 that the mitigators do not outweigh the aggravators,
7 then you're in a position where you're legally
8 justified in recommending to the Court a sentence of
9 death.

10 The Court's not going to tell you, if the State
11 proves A, B, C, and D, that you must return a death
12 recommendation. She's not going to tell you that. In
13 fact, what she's going to tell you is that you're
14 never legally required or obligated to return that
15 death recommendation. There's no mandate that you
16 have to do that. She is going to require that you go
17 through the weighing process, that you consider it,
18 and that you weigh it. And after you weigh it, if you
19 find the aggravators justify the death penalty, you
20 weigh it against the mitigation, if the mitigation
21 does not outweigh the aggravating factors, and after
22 that weighing process, you still feel the death
23 penalty is justified, that's when you can make that
24 recommendation.

25 Any questions about that process?

1 JUROR NUMBER 147: Not so far.

2 MR. BROWN: Kind of have a handle on the whole
3 aggravators, mitigators, and weighing it?

4 JUROR NUMBER 147: Yes.

5 MR. BROWN: Okay. With that, if you find that
6 the State of Florida has proven certain aggravators,
7 at least one, if not more than one, aggravator, and
8 you feel after you've weighed them against the
9 mitigators, that the aggravators justify the death
10 penalty, can you -- I'm not asking -- at this point,
11 you don't know what you will do, you don't know what's
12 involved, but if you find the aggravators justify the
13 death penalty, can you return a recommendation of
14 death?

15 JUROR NUMBER 147: If I heard and saw enough to
16 believe that that was the right way to go, I would say
17 yes.

18 MR. BROWN: Now, do you come in with any notion
19 of, or idea, that, well, maybe in this circumstance,
20 or these couple of circumstances, I could return a
21 death penalty -- people will come with, you know, a
22 mass murderer, serial killer, but if it's not one of
23 these circumstances, then, in your mind, death would
24 not be appropriate.

25 JUROR NUMBER 147: I don't think I really have an

1 idea of, you know, what would make me say yes over
2 what would make me say no.

3 MR. BROWN: Okay. So you'd be open -- as I
4 indicated, the Court's going to give you the list of
5 the statutory aggravators that may justify and can be
6 used -- the only thing that can be used to justify the
7 death penalty, are you open to that list she's going
8 to give you?

9 JUROR NUMBER 147: Yes.

10 MR. BROWN: Okay. And one of the reasons why I
11 ask that is, some people come in and their theory is,
12 well, if it's one of these two things, I don't care
13 what other aggravators there may be, if it's not A or
14 B, then that's it, I wouldn't do it.

15 JUROR NUMBER 147: Right.

16 MR. BROWN: Obviously, the law is that you have
17 to consider all the aggravators that are proven.

18 Now, is there anything in your background,
19 religious beliefs, moral beliefs, philosophical
20 beliefs, family history, whatever it may be, that
21 causes you any unnecessary anxiety, troubles, concern
22 over having to be put in that situation, and,
23 ultimately, making a life or death recommendation?

24 JUROR NUMBER 147: No.

25 MR. BROWN: Able to do it?

1 JUROR NUMBER 147: Like I said, if I found that
2 was the right way to go, yes.

3 MR. BROWN: Now, the last topic I want to cover,
4 and I ask this of every person, but as I talked about
5 a few minutes ago, if the jury returns a verdict of a
6 lesser-included, such as second degree murder, then
7 you bypass -- you wouldn't come back for that second
8 process, you wouldn't have to make a life or death
9 recommendation, because the death penalty's off the
10 table and it's entirely up to the Court. The question
11 I put forward, and, basically, it's more expressing
12 concern, is that in some way, knowing that you can
13 shortchange your obligation, or bypass that second
14 stage by saying, well, the State of Florida has proven
15 first degree, but I really don't want to be faced with
16 that decision, so I'm simply going to return a verdict
17 for second. Would you let that in any way influence
18 your verdict?

19 JUROR NUMBER 147: No. Absolutely not.

20 MR. BROWN: Do you understand -- would you agree
21 that justice is to return the verdict that the
22 evidence proves?

23 JUROR NUMBER 147: Yes. Absolutely.

24 MR. BROWN: And if the evidence proved to you
25 first degree murder, can you return first degree

1 murder?

2 JUROR NUMBER 147: Yes.

3 MR. BROWN: Thank you. Nothing further, Your
4 Honor.

5 THE COURT: Okay. Questions by the defense?

6 MR. LANNING: Good afternoon. Juror 147, if
7 there were a scale, a score for the death penalty, in
8 general, with 0 being no support for the death
9 penalty, if this were my country, there would be no
10 death penalty, and 10 being very strong support for
11 the death penalty, it should be given more frequently,
12 is there somewhere within that scale that you would
13 place yourself?

14 JUROR NUMBER 147: I think I'm right in the
15 middle of that. I don't -- I would say 5, right in
16 the middle of the scale.

17 MR. LANNING: You indicated that there are
18 probably good reasons for and good reasons against,
19 can you think of some good reasons for it?

20 JUROR NUMBER 147: Well, what I meant was, like,
21 I'm sure there's good reasons that we use that as a
22 punishment, I guess.

23 MR. LANNING: I'm sorry?

24 JUROR NUMBER 147: There's good reasons why it's
25 there for punishment purposes. And, you know, good

1 reasons why it's not used in certain circumstances. I
2 wouldn't really know -- I couldn't really say, myself,
3 what would be something to give, you know, the death
4 penalty.

5 MR. LANNING: Would -- for first degree murder,
6 would life in prison without parole also be an
7 appropriate sentence?

8 JUROR NUMBER 147: Yes.

9 MR. LANNING: In your mind, do you have any doubt
10 that life in prison without parole actually means
11 that?

12 JUROR NUMBER 147: What do you mean?

13 MR. LANNING: In years past, we had a life with
14 parole, that ended years ago; and life without parole
15 actually means life without parole, they die in
16 prison. There are people who still believe, this
17 guy's going to get out some day, and I just want to
18 make sure --

19 JUROR NUMBER 147: Okay. So what you're saying
20 is, when you say life without parole, you mean there's
21 no chance -- there's no chance --

22 MR. LANNING: No.

23 JUROR NUMBER 147: Okay. Now I'm clear on that,
24 yes.

25 MR. LANNING: All right. Now, you heard the

1 judge last Thursday go through the penalty phase
2 instructions about this weighing process. And you
3 heard Mr. Brown paraphrase that, explain to you the
4 various steps that you go through. Now, as you sit
5 here at this point, what's your understanding -- this
6 is a test, but it's not a pass or fail -- what's your
7 understanding at this point as to what you are to do,
8 assuming there's been a conviction of first degree
9 murder, there are aggravating circumstances, the
10 aggravators outweigh any mitigation that's been
11 presented, what's your understanding at this point of
12 what you are to do?

13 JUROR NUMBER 147: I don't know if I can jump to
14 a conclusion not knowing anything else. I don't think
15 I feel comfortable saying even that I would -- I guess
16 what we would have to do as a jury would be to look at
17 it, and then all of us come to a decision on what we
18 all agree with.

19 MR. LANNING: In the actual instructions, you do
20 the weighing individually. You make your own
21 decisions about the weight to be given any
22 aggravation, the weight to be given any mitigation,
23 and whether to recommend life or death. I mean, it's
24 not a -- it's not unanimous. If you get to the
25 penalty phase, it's by majority vote, so each person's

1 individual decision is critical.

2 But -- so it sounds to me like, even assuming the
3 aggravation outweighs any mitigation, you still, at
4 this point, did not say, well, I'm supposed to give
5 death, or I'm supposed to give life. Is that right?

6 JUROR NUMBER 147: Right.

7 MR. LANNING: You pass. Because the instructions
8 -- there's nothing in the instructions that says, once
9 you get to that point, that you should recommend
10 death, or shall recommend death, or must recommend
11 death. Even once you get to the end of the process,
12 all that's happened is, you got a permission slip from
13 the Court to recommend death if you chose to.

14 Also, there's nothing in the instructions that
15 require jurors to justify their opinions. Some things
16 you can't justify in words, it's just -- I mean, I'll
17 know it when I see it, it's my decision, and you're
18 being told that you get to make the decision. So you
19 go back into the jury room, and there's six people
20 saying, what's wrong with you, tell me why. And you
21 look them in the face and say, I don't have to, here's
22 the instructions, I've got the written packet, show me
23 where it says I have to tell you anything.

24 Some evidence that you may hear during this case,
25 it's -- by statute, you're limited to make the

1 recommendation of death by the aggravating
2 circumstances that are presented. You can't go beyond
3 consideration of those aggravating circumstances for a
4 death recommendation. One of those -- one area that
5 you may hear is called victim impact evidence. The
6 instruction is, "You've heard evidence about the
7 impact of this homicide on family, friends, community
8 of the decedent. The evidence was presented to show
9 the victim's uniqueness as an individual and the
10 result of loss of the decedent's death. However, you
11 may not consider this evidence as an aggravating
12 circumstance. Your recommendation to the Court must
13 be based on the aggravating circumstances and the
14 mitigating circumstances." Now, the victim impact
15 evidence can be pretty emotional, you've got friends
16 and family talking about the impact of their death.
17 Do you think you can follow the Court's instruction
18 that that evidence cannot be considered as aggravating
19 circumstances?

20 JUROR NUMBER 147: Yes.

21 MR. LANNING: Do you have an idea at this point
22 what mitigation evidence is? In general?

23 JUROR NUMBER 147: Not really.

24 MR. LANNING: Okay. Reasons, and it can be
25 anything, not to impose the sentence of death. A

1 person's youth, you know, they're young and
2 inexperienced at the time, is that something that
3 would be important to you to know when weighing a life
4 and death decision?

5 JUROR NUMBER 147: Would that be an important
6 fact for me to know?

7 MR. LANNING: Yes.

8 JUROR NUMBER 147: Oh, absolutely. Yes.

9 MR. LANNING: What about possible evidence of
10 mental illness from a mental health professional? Say
11 the defense presented evidence of experts that you
12 believe, based on their testimony, to be qualified
13 experts that Mr. Bradley suffers from mental illness,
14 is that something you could give consideration to as
15 mitigating?

16 JUROR NUMBER 147: It's an important fact.

17 MR. LANNING: Okay. What about evidence that
18 indicated brain damage from qualified experts? Are
19 you familiar with MRI?

20 JUROR NUMBER 147: Uh-huh.

21 MR. LANNING: What about PET scan?

22 JUROR NUMBER 147: Yes.

23 MR. LANNING: Would that evidence -- could you
24 give consideration to that evidence as potentially
25 mitigating?

1 JUROR NUMBER 147: I think all of those things
2 would have to be looked at, yes.

3 MR. LANNING: Now, how about evidence of drug
4 addiction? Microphones don't pick up nods.

5 JUROR NUMBER 147: Yes.

6 MR. LANNING: But, you know, some people consider
7 such evidence -- they say, I couldn't consider that as
8 potentially mitigating. I don't care what the Court
9 instructs me, I could not consider that. What's your
10 opinion?

11 JUROR NUMBER 147: I would definitely consider
12 that. That's something that's going to change who you
13 are as a person, so it definitely has to be something
14 that is considered.

15 MR. LANNING: What about if evidence were
16 presented of a history of child abuse when they were
17 growing up? Is that something that you would
18 consider?

19 JUROR NUMBER 147: Yes. It's also something that
20 changes you as a person, so yes.

21 MR. LANNING: Would you agree that the person is
22 -- the person's comprised of their history?

23 JUROR NUMBER 147: To a point, yes.

24 MR. LANNING: There will likely be evidence of
25 photographs from the scene and autopsy that are very

1 graphic in nature, as well as a video of the event
2 that took place, it's graphic. Would you have any
3 concerns about your ability to view that evidence and
4 remain fair and impartial?

5 JUROR NUMBER 147: No.

6 MR. LANNING: Can I have a moment?

7 THE COURT: Yes, you may.

8 MR. LANNING: The judge, part of her instructions
9 were that she would have to give great weight to the
10 jury's recommendation, what do you think that means?

11 JUROR NUMBER 147: She would have to see what the
12 jury came back with, and decide -- in my opinion,
13 decide if that's what she thinks is the right choice.

14 MR. LANNING: Do you think that she would lightly
15 disregard a jury recommendation?

16 JUROR NUMBER 147: No.

17 MR. LANNING: I can assure you she wouldn't. The
18 jury's recommendation is crucial to her, she can't
19 make a decision without the jury recommendation.
20 Thank you.

21 THE COURT: Okay. Number 147, you are still
22 being considered as a potential juror in this case. I
23 am going to release you for today. In fact, you're
24 going to get released through Thursday -- I mean,
25 through Wednesday for sure. Thursday morning, I'm

1 going to ask you -- what's going to happen is, you're
2 going to go downstairs, you're going to tell them you
3 got released from my courtroom, that you need to call
4 back, and they're going to give you a phone number.
5 That number's going to tell you to call between 9:00
6 and 11:00 on Thursday morning. Chances are you might
7 come back Thursday afternoon, chances are you might
8 come back Friday. We're not sure, we're not sure how
9 long this process is. If the process is going real
10 slow, you might come back later, but that's what we're
11 hoping.

12 During this recess, you must continue to abide by
13 your rules governing your service as a juror. Do not
14 discuss this case with anyone. Do not read anything
15 about the case. Avoid television, radio, and Internet
16 comments about the case. Do not conduct any
17 independent research. Now, you can tell people that
18 you're coming to the Brevard County Courthouse, that
19 you're under consideration to be a juror, what hours
20 you need to be here, but you can't tell them what the
21 case is about, can't tell them what the charges are,
22 and you can't tell them what's happened in court so
23 far. Now, later on, if you are released, when you are
24 released, you can tell people whatever you want to
25 tell them, it's up to you. But during this process,

1 and if you get selected as a juror, you must abide by
2 these rules.

3 Any questions or concerns?

4 JUROR NUMBER 147: Not at this time, no.

5 THE COURT: Okay. All right. If you'll go with
6 the court deputy, stop downstairs, get that
7 information, and you'll be on your way.

8 (Thereupon, Juror Number 147 was escorted out of
9 the courtroom by the court deputy; thereafter, voir
10 dire selection was had which was not requested to be
11 transcribed. Following voir dire, court was in recess
12 for the day 3/10/14; thereafter, court was reconvened
13 3/11/14 and the proceedings were had as follows:)

14 THE COURT: Okay. Let's bring in 156.

15 (Thereupon, Juror Number 156 was escorted into
16 the courtroom by the court deputy and the proceedings
17 were had as follows:)

18 THE COURT: Okay. Good morning, Juror Number
19 156. The first thing I want to do is thank you for
20 bring here, thank you for being patient with us with
21 regard to this process. When I spoke to you last
22 Thursday, I talked about some rules governing your
23 service as a juror. Those rules kind of came into
24 effect at the time I announced them to you, so I'm
25 going to ask you about those rules since that time.

1 Since I imposed those rules, have you read or been
2 exposed to reading newspaper headlines and/or articles
3 relating to this trial or its participants?

4 JUROR NUMBER 156: No.

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

7 JUROR NUMBER 156: No.

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

11 JUROR NUMBER 156: No.

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

15 JUROR NUMBER 156: No.

16 THE COURT: Okay. Then I'm going to talk to you
17 about your knowledge of the case prior to coming here,
18 and I'm going to talk to you about some other issues.
19 In your responses this morning, just so you know, this
20 is your opportunity to tell us information about you,
21 there are no right or wrong answers. What we ask you
22 to do is to be complete in your answer, to be honest,
23 and to be frank. We like to have a yes or no answer
24 to the questions, but we understand that sometimes the
25 appropriate response is, I don't know, and that

1 response is acceptable, too, if you don't know. Okay.

2 JUROR NUMBER 156: Okay.

3 THE COURT: So do you know anything about this
4 case, either from your own knowledge, rumor, by
5 discussions with anyone else, or from the media,
6 including radio, television, Internet, electronic
7 device, or newspaper?

8 JUROR NUMBER 156: Yes.

9 THE COURT: Okay. Tell me what information you
10 believe you know about this case.

11 JUROR NUMBER 156: Well, I know when it first
12 happened, about the shooting at all. But that's about
13 it.

14 THE COURT: Okay. So you know there was a
15 shooting, and do know it was a deputy?

16 JUROR NUMBER 156: Yes, I do.

17 THE COURT: Okay. So that would have -- you knew
18 about that information at the time of the event?

19 JUROR NUMBER 156: Yes.

20 THE COURT: How did you know about the
21 information?

22 JUROR NUMBER 156: From the television.

23 THE COURT: From watching the news on television?

24 JUROR NUMBER 156: Yes.

25 THE COURT: And since that time, have you heard

1 anything else about the case?

2 JUROR NUMBER 156: No.

3 THE COURT: Any other specifics about what you
4 heard about the case?

5 JUROR NUMBER 156: No.

6 THE COURT: Specific information.

7 JUROR NUMBER 156: Just what the TV -- just what
8 they said on the news.

9 THE COURT: Okay. Because there's been some news
10 coverage, so did you watch it many times, or did you
11 just see it a few times, or did you see it one time?

12 JUROR NUMBER 156: I saw it once or twice, that's
13 it.

14 THE COURT: Okay. Did you ever see a picture of
15 Mr. Bradley on TV?

16 JUROR NUMBER 156: No.

17 THE COURT: Okay. Tell me about your general
18 news local news watching habits. Do you have any
19 habits with regard to watching local news?

20 JUROR NUMBER 156: No. I just put it on if I
21 stay up long enough.

22 THE COURT: Okay. Because some people say, from
23 5:00 to 6:00 every night, I sit down, I watch, you
24 know, both the local and the national news. Some
25 people say, I may turn it on, I may not. Some people

1 say it's on the TV, but they're doing other things
2 while it's on the TV. Do you have any regular habits
3 with regard to watching the news?

4 JUROR NUMBER 156: No. If it's on, I'll sit and
5 watch it for a while, but I don't watch it a certain
6 time of day.

7 THE COURT: Okay. Do you have any impressions
8 about this case at this time?

9 JUROR NUMBER 156: No.

10 THE COURT: Okay. Any impressions about the
11 guilt or the innocence of the defendant?

12 JUROR NUMBER 156: No.

13 THE COURT: Okay. Can you set aside anything you
14 may have learned about this case, serve with an open
15 mind, and reach a verdict based only on the law and
16 the evidence presented in this trial, in this
17 courtroom?

18 JUROR NUMBER 156: I think I can, yes.

19 THE COURT: Okay. I'll tell you that when you
20 say, "I think I can," that's a way that people speak,
21 people say that frequently, and we don't know if that
22 means, Judge, I may be able to do it, I may not be
23 able to do it, or if it's just a form of speaking. So
24 when you say, "I think," or something like that, we're
25 probably going to ask for a more of a commitment to

1 that. So are you confident that you would be able to
2 set aside anything that you may have heard before?

3 JUROR NUMBER 156: I'd say yes.

4 THE COURT: What if you're in the -- you're
5 deliberating this case, and the case is completed, and
6 you're back in the jury deliberation room, and you
7 say, boy, I remember some information now that I heard
8 about the case, but that never came in as evidence in
9 the case, I never heard it in the courtroom, a witness
10 never testified to that, I never saw any exhibits or
11 anything with regard to that, would you be able to set
12 aside that information and not consider it in your
13 deliberations?

14 JUROR NUMBER 156: Yes.

15 THE COURT: Will you say, I remember the judge
16 telling me if I didn't hear it in the courtroom, I'm
17 not supposed to consider it? Can you do that?

18 JUROR NUMBER 156: Yes, I would.

19 THE COURT: Okay. Now I'm going to switch
20 subjects on you. I ask this as kind of an open-end
21 question, and I do that on purpose. What are your
22 views about the death penalty?

23 JUROR NUMBER 156: Well, I believe in it, but it
24 depends on the case. It depends on circumstances.

25 THE COURT: Okay. Let me tell you -- I'm going

1 to explain, briefly, the process that we go through,
2 the State and the defense may explain that more in
3 detail. But, generally, there's the first phase of
4 the trial, and it's called the guilt phase. And I
5 talked a little bit about this with you on Thursday.
6 The guilt phase, if the jury returns a guilty verdict
7 on count one, and that's for first murder, if there's
8 a guilty verdict on count one, then, and only then, do
9 we proceed to a second phase, which we call the
10 penalty phase.

11 In the penalty phase, you'll hear evidence of
12 aggravating circumstances and mitigating
13 circumstances, and I give you some detailed
14 instructions, I gave you some of those the other day,
15 about how to weigh the different circumstances and
16 assist you in coming to a recommendation to the Court.
17 But I will instruct you that the jury needs to make a
18 recommendation to the Court of a possible penalty for
19 the guilty verdict on the first degree murder charge.
20 The possible penalties for you to consider are death,
21 or life in prison without the possibility of parole.
22 Now, would you be able to consider both possible
23 penalties in this case?

24 JUROR NUMBER 156: Yes.

25 THE COURT: Now, are you of the opinion that

1 death is the only appropriate penalty for murder in
2 the first degree?

3 JUROR NUMBER 156: No.

4 THE COURT: Okay. And would you consider both
5 death and the life in prison without the possibility
6 of parole as an appropriate penalty for murder in the
7 first degree?

8 JUROR NUMBER 156: Yes.

9 THE COURT: Okay. Any reservations about that?

10 JUROR NUMBER 156: No.

11 THE COURT: Any concerns at this time?

12 JUROR NUMBER 156: No.

13 THE COURT: Okay. Questions by the State?

14 MR. BROWN: Yes, Your Honor. Thank you. Juror
15 Number 156, good morning. Let me go a little bit with
16 you through the process of what a juror has to do to
17 get to that stage of the trial where the death
18 penalty's in consideration. I know what I'm going to
19 cover the judge covered with you in the group Thursday
20 morning, but it was several days ago, and she did
21 throw a lot of information at you in a condensed
22 period of time.

23 So as she mentioned, you get to that position if
24 the jury returns a verdict of first degree murder. If
25 the jury returns a lesser charge conviction, such as

1 second degree murder, sentencing is entirely to the
2 Court, the death penalty's off the table. Obviously,
3 if the jury comes back not guilty, then there is no
4 sentencing at all. So the jury comes back with a
5 guilty verdict of first degree murder. Now, there's
6 two ways the State can prove first degree murder, one
7 is premeditated, the other is what's called felony
8 murder. And those terms will be explained to you at a
9 later date. But if either way results in a first
10 degree murder conviction, then the death penalty's
11 under consideration.

12 Then we would reconvene, you would hear
13 additional evidence, and the Court would give you a
14 new set of instructions. And in those instructions,
15 the first thing she's going to tell you to examine are
16 what are called aggravating circumstances. Now, if
17 you recall, she told you it's a statutory list of
18 circumstances which may increase the gravity of the
19 crime or the harm to the victim. And those are the
20 circumstances, and that's what you look at, and only
21 that, to determine whether or not the death penalty is
22 justified. I think when you used the term "in certain
23 circumstances," those are the circumstances you look
24 at.

25 Now, the State of Florida, we have to prove those

1 to you, and it's the same burden of proof as proving
2 if somebody's guilty, it's beyond and to the exclusion
3 of any reasonable doubt. So if you find that we
4 failed to prove any of those, then, because there
5 aren't any aggravators or special circumstances, your
6 recommendation would have to be life. If you find
7 that we've proven at least one, and I expect the list
8 to be several, maybe three, four, five, if you find
9 we've proven at least one, you may find we've proven
10 more than one, you may find that we've proven all
11 that's on the list, then you ask yourself, based on
12 that list that's been proven, do these aggravating
13 circumstances justify the death penalty? If your
14 answer is no, then your recommendation would be life.
15 If the answer is, yes, these circumstances justify the
16 death penalty, you move on to the next step of the
17 process.

18 And, if you recall, the Court talked to you about
19 mitigating circumstances. Those are circumstances
20 that come based on the defendant's life, background,
21 character, experiences, things of that nature.
22 There's a burden of proof for those, it's a lower
23 burden, it's to the greater weight of the evidence.
24 There's still a burden of proof, but it's less than
25 beyond a reasonable doubt. And just like with

1 aggravating circumstances, if one of those isn't
2 proven, you disregard it. The key is, as long as it's
3 been proven, you have to consider it. The judge is
4 going to tell you that you consider everything that's
5 been proven, and then you go through a weighing
6 process.

7 Now, in your life, have you had to make, at some
8 point along the line, some key, critical, important
9 decisions?

10 JUROR NUMBER 156: Yes.

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

14 JUROR NUMBER 156: Tried, yeah.

15 MR. BROWN: To the best of your ability. Some of
16 those factors you looked at, you found to be pretty
17 darn important to your decision, right?

18 JUROR NUMBER 156: Yes.

19 MR. BROWN: So you gave those great weight.
20 Other factors you looked at, and you said, you know,
21 this really, in the grand scheme of things, isn't that
22 important, and you gave it very little weight. Right?

23 JUROR NUMBER 156: Yeah.

24 MR. BROWN: Same process the judge is going to
25 tell you to go through here. You've got to weigh the

1 various aggravating factors versus the mitigating
2 factors, the mitigating circumstances, and you go
3 through a weighing process. Nobody here can tell you
4 -- you know, the judge is never going to tell you how
5 much weight to give to each aggravator, or to each
6 mitigator. She's not going to say "X" amount of
7 weight to aggravator one, give "Y" amount of weight to
8 mitigator one. That's a decision that you, as a
9 juror, have to make. And it's an individual decision,
10 the juror right next to you may give a different
11 amount of weight in their analysis; but you have to
12 make that. And you may look at things and say, that's
13 something I'm going to give little weight to, or you
14 may look at it and say, that's something I'm going to
15 give great weight to. And, at this point, no one's
16 going to ask you how much weight you would give to
17 something, because there's no way for you to tell,
18 because you don't know -- you haven't heard
19 everything, and you don't really know how much weight
20 you're going to give. It's all in perspective to
21 everything else. Fair?

22 JUROR NUMBER 156: Yes.

23 MR. BROWN: But what we need to know is that
24 you're willing to consider what evidence we present to
25 you, and then you determine the weight. And it's

1 entirely up to you, and you determine that when you go
2 back and deliberate.

3 So then you go through this weighing process.
4 The Court's going to tell you, if you weigh the
5 aggravators and the mitigators, and you find that the
6 mitigation outweighs the aggravation, then your
7 recommendation has to be life. On the flip side, if
8 you find the mitigation does not outweigh the
9 aggravation, then you're in a position where you're
10 legally justified in recommending to the Court the
11 death penalty.

12 Now, she's going to tell you -- or what she's not
13 going to tell you is that if the State proves A, B, C,
14 and D, that you must return a recommendation of death.
15 In fact, what she's going to tell you is that you're
16 never required, or obligated, to return that
17 recommendation of death. When you get to that point,
18 what she's going to require is that you do that
19 weighing process. After you weigh them, if you find
20 the mitigation does not outweigh the aggravation, and
21 at that point you feel that the aggravation justifies
22 the death penalty, that's when you can recommend the
23 death penalty. Do you understand the process?

24 JUROR NUMBER 156: Yes, I do.

25 MR. BROWN: Okay. Any questions about it?

1 JUROR NUMBER 156: No.

2 MR. BROWN: Okay. Do you feel comfortable in
3 your ability to go through that process?

4 JUROR NUMBER 156: Yes.

5 MR. BROWN: Okay. And with process, can you
6 fairly consider both penalties?

7 JUROR NUMBER 156: Yes, I can.

8 MR. BROWN: Do you come into court with any ideas
9 or notion or concept of, well, these one or two things
10 might be aggravating circumstances -- people would
11 say, like, a mass murderer -- but beyond that, I'm not
12 going to consider any other aggravating circumstances?
13 Are you limited to just one or two situations, or are
14 you open to the circumstances which the judge is going
15 to give you on that list? Would you be open to the
16 list?

17 JUROR NUMBER 156: Yes, I would.

18 MR. BROWN: Okay. Your Honor, I have no further
19 questions. Thank you.

20 THE COURT: Okay. Questions by the defense?

21 MR. MOORE: Good morning. Let me ask a little
22 bit more about your -- what you remember from the TV.
23 I took from what you said that most of what you
24 learned about this case was from watching TV, news
25 coverage?

1 JUROR NUMBER 156: Yes.

2 MR. MOORE: And what you were told when you came
3 into the courtroom.

4 JUROR NUMBER 156: Yes.

5 MR. MOORE: You said you heard that a deputy had
6 been shot and killed. Do you recall anything about a
7 motel or property or things taken from the motel?

8 JUROR NUMBER 156: I don't know about the
9 robbery. I don't remember anything about the hotel.
10 But I do remember about the shooting, and then the
11 chase. That's about it.

12 MR. MOORE: And the chase. Do you recall
13 anything about the deputy, Deputy Pill, pulling over a
14 car, and during that stop, being shot?

15 JUROR NUMBER 156: Yes.

16 MR. MOORE: Do you recall if there was more than
17 one defendant involved?

18 JUROR NUMBER 156: I think there were two.

19 MR. MOORE: Do you recall anything about the two
20 defendants?

21 JUROR NUMBER 156: Not much, no.

22 MR. MOORE: Do you recall --

23 JUROR NUMBER 156: Just that the gun was pulled,
24 and the officer was shot.

25 MR. MOORE: Okay. Do you recall anything about

1 who had the gun and who shot the deputy?

2 JUROR NUMBER 156: The driver had the gun, I
3 believe.

4 MR. MOORE: Do you recall whether the driver was
5 a man, or a woman?

6 JUROR NUMBER 156: Man.

7 MR. MOORE: Black, or white?

8 JUROR NUMBER 156: I don't know.

9 MR. MOORE: Do you recall what the gender, the
10 sex, of the other defendant was?

11 JUROR NUMBER 156: Female.

12 MR. MOORE: Okay. So you recall there was a man
13 and a woman involved.

14 JUROR NUMBER 156: Yes.

15 MR. MOORE: And the man was the driver.

16 JUROR NUMBER 156: Yes.

17 MR. MOORE: And the man shot the deputy.

18 JUROR NUMBER 156: Yes.

19 MR. MOORE: Now, when you watch the news, you
20 probably don't believe everything you hear, like most
21 adults, however, you come to rely on and trust to a
22 certain degree the news that you hear. Is that
23 accurate, do you think, for you?

24 JUROR NUMBER 156: Yes.

25 MR. MOORE: Do you think that the news coverage

1 that you recall of the deputy being shot and killed,
2 do you think that that was correctly reported?

3 JUROR NUMBER 156: I believe it was.

4 MR. MOORE: Do you have any reason not to believe
5 that?

6 JUROR NUMBER 156: No.

7 MR. MOORE: Do you believe that suspects were
8 arrested?

9 JUROR NUMBER 156: Yes.

10 MR. MOORE: Do you believe that one was a man and
11 one was a woman?

12 JUROR NUMBER 156: Yes.

13 MR. MOORE: Any doubt about that in your mind
14 from what you heard on the TV?

15 JUROR NUMBER 156: No.

16 MR. MOORE: Do you believe that the man shot the
17 deputy?

18 JUROR NUMBER 156: Yes.

19 MR. MOORE: Any doubt in your mind about that?

20 JUROR NUMBER 156: No.

21 MR. MOORE: All right. Do you -- you say you
22 didn't see a picture of Mr. Bradley?

23 JUROR NUMBER 156: No.

24 MR. MOORE: He was the male defendant, yes?

25 JUROR NUMBER 156: Yes.

1 MR. MOORE: Obviously. So at this point, what
2 are your feelings, what's your opinion, based upon
3 what you've heard, as to his guilt?

4 JUROR NUMBER 156: Right now, I have no opinion.

5 MR. MOORE: Okay. Do you think that the news
6 coverage you heard, you recall, which you, to a
7 degree, believe, do you think any part of that's
8 incorrect?

9 JUROR NUMBER 156: It could be. They've been
10 wrong before.

11 MR. MOORE: Well, okay, but about the things --
12 about the deputy being shot and killed.

13 JUROR NUMBER 156: Well, that's fact.

14 MR. MOORE: And suspects being arrested.

15 JUROR NUMBER 156: Yes.

16 MR. MOORE: The one of the shooter being male, do
17 you think that's probably more likely than not
18 accurate and true?

19 JUROR NUMBER 156: I'd say it was accurate.

20 MR. MOORE: You know, I don't want you to feel
21 like you're getting picked on; but, still, we're
22 talking, and as we talk, we're learning that there's
23 more information that you recall. What I'm getting at
24 is, how much would that affect your impartiality?
25 And, you know, one of the responses you gave when the

1 judge asked if you could set that aside, you said, "I
2 would say yes." Now, I hear that a couple different
3 ways, one way is, that that's just a matter of
4 speaking, like that's just something you say, and
5 there's no meaning behind it. Another way that I
6 would question you about is, when you say, I would say
7 that I could inside, I hear a "but" in there. Like,
8 but maybe I can't totally put it aside.

9 Do you follow what I'm saying?

10 JUROR NUMBER 156: Yes.

11 MR. MOORE: Okay. You see why that would be a
12 concern, right?

13 JUROR NUMBER 156: Yeah.

14 MR. MOORE: Remember, the judge said, I mean,
15 there's maybe a yes answer, yeah, I can put it aside.
16 Some people say that because that's -- yeah,
17 absolutely, no question about it. Other people say, I
18 cannot put it aside, there's no question about that.
19 Then there's this other middle ground, which is, I
20 don't know, I can't say, or maybe even have some
21 doubts about whether I can put it aside. You see what
22 I'm saying?

23 JUROR NUMBER 156: Yeah.

24 MR. MOORE: So when you say the words to all of
25 here that, I would say I could put it aside, I'd say

1 yes, which category would that fall in? Is that a yes
2 without any doubt, without question, or is that a,
3 well, I can't say 100 percent?

4 JUROR NUMBER 156: I would say yes. I could put
5 it aside.

6 MR. MOORE: Without a doubt?

7 JUROR NUMBER 156: Without a doubt.

8 MR. MOORE: On the subject of the death penalty,
9 is that something that you had thought about and maybe
10 formed an opinion about before you came into court as
11 part of this jury selection process?

12 JUROR NUMBER 156: No.

13 MR. MOORE: Have you ever discussed it casually
14 with friends, or -- you know, subjects come up, you
15 know, like abortion, death penalty, and those kind of
16 things come up in general conversation. Not every
17 day, but throughout one's life, you run into
18 situations where those come up. Has that ever come up
19 in your conversations?

20 JUROR NUMBER 156: Yes.

21 MR. MOORE: And so, as you sit here, I would put
22 you in one of two columns, one is, I'm against the
23 death penalty; and you're not in that column, because
24 you said that under certain circumstances you could
25 support the -- you could vote for death.

1 JUROR NUMBER 156: Yeah.

2 MR. MOORE: Can you think of reasons why you
3 would be in the for the death penalty column instead
4 of against? In other words, what are reasons that you
5 can think of why there should be a death penalty? I'm
6 not talking about in this case --

7 JUROR NUMBER 156: Right. Any case.

8 MR. MOORE: Generally speaking. You're in the,
9 and I think you would agree, you're in the "for"
10 category, under certain circumstances. What are
11 reasons why you would be for it?

12 JUROR NUMBER 156: If a person kills somebody,
13 they don't care about it, and no concern whatsoever.

14 MR. MOORE: No remorse, is that what you're
15 saying?

16 JUROR NUMBER 156: Correct.

17 MR. MOORE: Well, can you think of extreme cases
18 of -- you know, if we watch the news, we all can think
19 of a few of those, where you would say, you know, I
20 don't know -- I don't know all the circumstances, but
21 what I've heard makes me tend to think that is a case
22 where that guy or gal should get the death penalty.
23 Can you think of cases like that?

24 JUROR NUMBER 156: Yes.

25 MR. MOORE: And what kind of cases would those be

1 for you?

2 JUROR NUMBER 156: What do you mean?

3 MR. MOORE: Well, mass murders, torture and
4 murders of children.

5 JUROR NUMBER 156: Oh, yeah, definitely.

6 MR. MOORE: No question there.

7 JUROR NUMBER 156: Yes.

8 MR. MOORE: Would those be cases where you would,
9 without -- you would just shut off what you heard, as
10 part of a jury, and convict the person of whatever it
11 is, like torture and murder of a child, your ears
12 would be closed in mitigation?

13 JUROR NUMBER 156: No, they wouldn't be closed.
14 I would listen to everything, and weigh the odds.
15 Like I said, it depends on the case.

16 MR. MOORE: Okay. Well, I note on your
17 information sheet that you know law enforcement
18 officers.

19 JUROR NUMBER 156: Yes.

20 MR. MOORE: Now, how is that going to affect you
21 in this case, which involves the death of a police
22 officer in the line of duty?

23 JUROR NUMBER 156: (Unintelligible).

24 MR. MOORE: All right. Well, now let's talk
25 about the process which has been described to you by

1 the judge, and Mr. Brown has gone over that process as
2 well. My question is, what is your understanding at
3 this point of what your options are, what your choices
4 are, when you get to this -- if you get to this point?
5 Now, all of this is very hypothetical, right?

6 JUROR NUMBER 156: Right.

7 MR. MOORE: Except for one thing. The one thing
8 that isn't hypothetical is the fact that if you're
9 chosen to be on this jury, you will be a part of a
10 process which could result in Mr. Brandon Bradley,
11 that human being, 24-year-old man, being sentenced to
12 death and being executed. There's nothing
13 hypothetical about that, that is a fact, and you could
14 be a part of that process. So in the back of your
15 mind -- front of your mind, and in all your responses
16 to these questions, we need to put it in that context.
17 This isn't just a casual, general conversation in the
18 abstract, this is reality.

19 JUROR NUMBER 156: Right.

20 MR. MOORE: If you, as a part of the jury,
21 returned a verdict of guilty of first degree murder --
22 that's hypothetical, I'm not going to say it will
23 happen, but if it does -- then you would go to the
24 penalty phase; and if you, as a jury, find that the
25 State has proven an aggravating circumstance beyond a

1 reasonable doubt, maybe several of those, at that
2 point, what do you believe your choices will be? I'm
3 not asking you to predict what you're going to do, but
4 I'm asking you to tell me what you think you can do
5 under those circumstances. Do you understand my
6 question?

7 JUROR NUMBER 156: Yeah. It could be either life
8 in prison, or the death penalty.

9 MR. MOORE: Okay. That's exactly right. So, you
10 know, the point I want to make, which I'm sure you
11 understand, you appear to understand is, life without
12 parole is never off the table, ever. You can vote for
13 that even if you, as a jury, find multiple aggravating
14 circumstances and no mitigating circumstances,
15 hypothetically speaking. You weigh and you balance
16 and, I mean, there's just lots of aggravating
17 circumstances, you can still vote for life without
18 parole. Do you understand?

19 JUROR NUMBER 156: Yes.

20 MR. MOORE: On the other hand, if you find that
21 the State has not proven an aggravating circumstance
22 beyond a reasonable doubt, death is off the table. Or
23 if you do find aggravating circumstances, but you find
24 mitigating circumstances outweigh those, the death
25 penalty's off the table. But in contrast to that,

1 life without parole is never off the table, it's
2 always an option, always. Unless you decide
3 otherwise, but it's always on the table.

4 Do you understand -- I mean, you don't
5 understand, you have no way of knowing this, so I'm
6 going to tell you what life without parole means.
7 What's your concept of what that means? What do you
8 think?

9 JUROR NUMBER 156: There's no chance of getting
10 out.

11 MR. MOORE: Okay. That's a fact. That's the
12 law. A person sentenced to life without parole dies
13 in prison. Do you accept that?

14 JUROR NUMBER 156: Yes.

15 MR. MOORE: Without question?

16 JUROR NUMBER 156: Yes.

17 MR. MOORE: That's the law. Now let me ask you
18 about types of mitigating circumstances you may hear,
19 to see if you would be willing to consider them, or
20 not, without telling me what your consideration would
21 be, just that you're open to considering these things
22 as mitigating circumstances. Have you known anybody
23 in your lifetime who has been mentally ill, suffered
24 from mental illness?

25 JUROR NUMBER 156: No.

1 MR. MOORE: Do you think mental health is a
2 choice?

3 JUROR NUMBER 156: Yes.

4 MR. MOORE: You think that a person, let's say,
5 who's a paranoid schizophrenic chooses to be that way?

6 JUROR NUMBER 156: No.

7 MR. MOORE: So do you see how people who are
8 mentally ill may not choose to be that way?

9 JUROR NUMBER 156: Yes.

10 MR. MOORE: If you heard testimony from qualified
11 experts that Mr. Bradley suffers from mental illness,
12 is that something that you would be open to
13 considering, potentially, as a mitigating
14 circumstance?

15 JUROR NUMBER 156: Yes, I would.

16 MR. MOORE: Let me ask about drug addiction, as
17 opposed to just drug use. Do you think that drug
18 addiction is a choice?

19 JUROR NUMBER 156: Could be, yeah.

20 MR. MOORE: Do you see how drug use would
21 certainly be a choice, but drug addiction may be a
22 different situation from drug use, as far as suffering
23 from that, having to deal with that? Well, do you
24 think that some people who are addicted to drugs
25 struggle with that addiction?

1 JUROR NUMBER 156: They do.

2 MR. MOORE: Okay. You see how it may be more
3 difficult for some than others to get rid of that
4 addiction, or maybe even impossible for some people?

5 JUROR NUMBER 156: Yes.

6 MR. MOORE: If you heard testimony, heard
7 evidence, of drug abuse or drug addiction by
8 Mr. Bradley, is that something that you would, or
9 would not, be open to considering as --

10 JUROR NUMBER 156: I'd be open to consider
11 anything.

12 MR. MOORE: Well, you know, we're going through
13 this to see how you feel about these things. How
14 about physical or emotional abuse of Mr. Bradley as a
15 child, is that something you would be open to
16 considering?

17 JUROR NUMBER 156: Yes.

18 MR. MOORE: If you heard testimony from qualified
19 experts of brain damage or brain injury of
20 Mr. Bradley, is that something that you would be open
21 to considering as potentially mitigating?

22 JUROR NUMBER 156: Yes.

23 MR. MOORE: Let me explain a couple of
24 differences between what we call the guilt/innocence
25 phase and the penalty phase. Of course, in the

1 guilt/innocence phase, you're deciding guilt or
2 innocence of the charges. The big difference is, the
3 penalty phase, different issues, you're deciding what
4 the sentence is going to be, Mr. Bradley's fate,
5 basically. At the guilt/innocence phase, where you're
6 presented with the charges of -- the primary one
7 being, but not the only one, first degree murder, you,
8 as a jury, must arrive at a verdict unanimously; that
9 is, all the members of the jury must say guilty, or
10 all the members must say not guilty, or guilty of some
11 lesser charge, such as second degree murder or
12 manslaughter. But it has to be unanimous, whatever
13 your verdict is. And if the jury unanimously finds
14 guilt of first degree murder, you go to the penalty
15 phase. You don't go to the penalty phase without that
16 finding.

17 And at the penalty phase, each juror is entitled
18 to his or her own vote; in other words, it doesn't
19 have to be unanimous. It could be 11-1, it could be
20 9-3, it could be 6-6, it could be 7-5. But each juror
21 is entitled to his or her own vote at the penalty
22 phase. Do you understand?

23 JUROR NUMBER 156: Yes.

24 MR. MOORE: And you are not obligated to defend
25 your position. If others want you to persuade you to

1 join their position, you have the right to vote the
2 way you think you should vote, and you don't have to
3 justify your position. Do you accept that?

4 JUROR NUMBER 156: Yes, I do.

5 MR. MOORE: And the other side of that is, you
6 have a responsibility to accept the votes of other
7 members of the jury, they get a choice just like you
8 do, and their choice deserves the same respect that
9 yours does. So you don't have to be subjected to
10 being intimidated or browbeaten because you don't --
11 are not agreeing with others; and, likewise, you're
12 not to gang up on somebody because they don't agree
13 with you. Do you accept that?

14 JUROR NUMBER 156: Yes, I do.

15 MR. MOORE: On the position that you have
16 expressed for, I think, the first time, that you are
17 for the death penalty, with qualifications, if we look
18 at your support of the death penalty as being on a
19 scale, with 0 being no support, or you're against it,
20 or 10 being you're absolutely in favor of it, where --
21 what number would you give yourself?

22 JUROR NUMBER 156: I'd say about an 8.

23 MR. MOORE: Okay. So you are way more in favor
24 than against?

25 JUROR NUMBER 156: Yes.

1 MR. MOORE: No further questions.

2 THE COURT: Okay. Juror Number 156, you are
3 still being considered as a potential juror in this
4 case. What I am going to have you do is, go
5 downstairs and report to the jury assembly room.
6 They're going to give you a phone number to call,
7 we're going to have you call back this Thursday,
8 between 9:00 and 11:00. You may be reporting Thursday
9 afternoon, you may be reporting Friday. With all due
10 respect, it may take longer, and you may be reporting
11 past that time, but that's our goal, to try to have
12 you report back by the end of the week.

13 During this break, you must continue to abide by
14 your rules governing your service as a juror.
15 Specifically, do not discuss this case with anyone
16 else. Now, in fairness, you can tell people, your
17 family members, people that need to know, that you're
18 at the courthouse, you're serving jury duty, that you
19 have to be here from this time to this time; but what
20 you can't tell them is what case, what the charges
21 are, what's happened in the courtroom, things of that
22 nature, the specifics of your jury duty. Once you're
23 released as a juror, you're allowed to tell anyone
24 anything you choose to do so, or not tell anyone
25 anything you choose to do so, that'll be up to you.

1 But at this time you're still under those rules.
2 Don't talk to anyone about the case. Avoid reading
3 newspaper headlines and articles relating to the trial
4 and its participants. Avoid seeing or hearing
5 television, radio, or Internet comments about the
6 case. And do not conduct any research yourself.

7 Any questions or concerns?

8 JUROR NUMBER 156: No.

9 THE COURT: Okay. If you'll report downstairs,
10 I'll appreciate it.

11 (Thereupon, Juror Number 156 was escorted out of
12 the courtroom by the court deputy; thereafter, voir
13 dire selection was had which was not requested to be
14 transcribed.)

15 THE COURT DEPUTY: All rise.

16 (Thereupon, the venire of Jurors 160 through 212
17 was escorted into the courtroom by the court deputy
18 and the proceedings were had as follows:)

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

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

14 The Court realizes that service on a jury panel
15 is not always convenient. I will make every effort to
16 see that your time is not wasted. We do estimate that
17 this trial will go through the first week of April,
18 April 4th. That's our estimate, but possibly could go
19 a little longer. This is an estimate, like I said,
20 April 4th, but I must admit that this case could take
21 longer.

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

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

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

1 are going to be evicted from your home or go seriously
2 in debt if you miss five weeks of work, and your
3 employer won't pay for you to be here, we'll listen to
4 those sorts of issues; if you are a full-time student,
5 that might be good cause. However, the fact that you
6 or your boss feel that you are indispensable to your
7 job may not be enough. We're going to have to hear
8 the facts a little bit more and make a decision on a
9 case-by-case basis. Basically, the reason for being
10 excused has to border on severe.

11 Just so you know, there will be no court on March
12 24th and 25th. The hours that we generally work are
13 from 9:00 a.m. to 5:00 p.m., and we break every one
14 and a half to two hours, and we take an hour to an
15 hour and a half break for lunch.

16 Now, I am going to go row by row, I am going to
17 go ahead and ask you this question, because this is an
18 important question. I'm going to ask you other
19 questions as well, but at this time I'm just asking
20 about hardship. I'm going to talk about any medical
21 conditions that you may have in just a few moments,
22 we'll talk about other issues as well. We're going to
23 ask you a lot of questions, but the first question I'm
24 going to talk about is this hardship issue about the
25 length of the trial. Now, I do go row by row, we go

1 by numbers. So anyone in the first row, does the
2 schedule as I have presented it to you present a
3 hardship to you? Anyone in the first row? And if you
4 do, if you'll raise your hand. Number 162, yes, sir?

5 (Thereupon, voir dire selection was had which was
6 not requested to be transcribed.)

7 THE COURT: Okay. I'm going to tell you one of
8 the rules of jury service, make sure you use the
9 restroom before you come in here, because I heard
10 there's people that need to use the restroom. We've
11 gone an hour and ten minutes, I like to go longer than
12 that before I take -- we can't take a break every hour
13 and ten minutes. So I am -- after I do this, I am
14 going to take a brief recess. And, also, it's
15 difficult with this many people, getting everyone out
16 and everyone in, so that takes, in and of itself, ten
17 minutes. I am going to give you a break when we get
18 done, but make sure -- before you come in here, even
19 if they tell you I'm saying to come in, tell them you
20 need to use the restroom. Make sure you use the
21 restroom before you come in here, that's kind of a
22 general rule of jury service, just so you know.

23 Okay. Now, if you hear your name, you are
24 released from consideration as a juror in this case.
25 If you hear your name, I want you to -- or your number

1 -- I need you to go downstairs, report to the jury
2 assembly room, and they're going to take your badge
3 and give you further information, and then most likely
4 release you. For those that I'm releasing, I want to
5 thank you for being here, thank you for your service,
6 thank you for being willing to come here and serve.

7 Okay. I'm going to go through the numbers at
8 this time. Number 162, 167, 168, 169, 173, 179, 182,
9 186, 194, 191, 197, 201, 202. Now, if you did not
10 hear your name and you want me to consider a hardship,
11 and I haven't released you at this time, what that
12 means is, we want you to check and get some further
13 information for us. Also, it may mean that we want to
14 question you a little further about the information
15 that you provided. So you still have an opportunity
16 for us to hear you with regard to your issue, but we
17 want to check a little further and ask you some
18 questions regarding that.

19 Okay. At this time, I will take a break. I'm
20 not going to give you a long enough break to go
21 downstairs, with all due respect, I have some things I
22 want to get through today. If I can get through some
23 of this today, then you might not have to come back
24 tomorrow, or might not have to come back for the next
25 couple days; but you're going to have to let me get

1 through some things so that we can do that. So let's
2 take a -- so we're going to take a brief break so you
3 can go to the restroom. We're going to do it until
4 five minutes until 3:00. There's restrooms at the end
5 of this hall, and if those are full, you can just go
6 right down the stairs and there's restrooms on the end
7 of the next hall, and there's restrooms at the end on
8 each floor, two, three, and four, in case those
9 restrooms are busy.

10 During this break, you must not -- you don't know
11 what the case is about, but you don't discuss this
12 case with anyone, don't talk about your jury service;
13 and when you come back, I'm going to give you more
14 information about the case. Yes, ma'am?

15 UNIDENTIFIED SPEAKER: Can we call, like, our
16 employers to find out if we do get paid for the --

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

22 UNIDENTIFIED SPEAKER: What if we know we have a
23 conflict?

24 THE COURT: I asked about that -- if it's a
25 hardship --

1 UNIDENTIFIED SPEAKER: Not a hardship, a conflict
2 with the case.

3 THE COURT: I'm going to talk to you individually
4 about that. I don't want to discuss those issues in
5 front of other jurors.

6 UNIDENTIFIED SPEAKER: No problem. Thank you.

7 THE COURT: So there's method to why I haven't
8 asked you that question yet, but I will ask you that
9 question outside the presence of the other jurors.
10 Yes, sir, 170?

11 JUROR NUMBER 170: I have a class schedule,
12 because I go to college at Eastern Florida State on
13 Mondays through Wednesdays.

14 THE COURT: Did you hear me when I said school,
15 full-time student?

16 JUROR NUMBER 170: Well, I didn't know this was
17 going to last all day, so --

18 THE COURT: In my little thing, I said full-time
19 student. Okay, tell me about you being a full-time
20 student.

21 (Thereupon, voir dire selection was had which was
22 not requested to be transcribed.)

23 THE COURT: Okay. We're going to take a --
24 we'll take a break until 3:00, be back here at 3:00.
25 Thank you.

1 (Thereupon, the venire was escorted out of the
2 courtroom by the court deputy; thereafter, a break was
3 taken in the proceedings. Following the break,
4 proceedings were had which were not requested to be
5 transcribed.)

6 THE COURT: So let's bring them in.

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

10 THE COURT: Please be seated. Okay. Number 176,
11 what I'm going to ask you to do, if you can, is --
12 we're going to ask you some questions individually in
13 a little while, and I'm going to ask you to see if you
14 could find -- if there's anyone you can find during
15 this break. I'm going to give some general
16 information to all of you, and then we're going to
17 talk to you individually; and I'm going to ask you
18 from the time that we recess until the time that you
19 come back, see if you can find anyone to help you with
20 picking up the kids after school. Okay?

21 JUROR NUMBER 176: Okay.

22 THE COURT: All right. As this time I would like
23 to take a few moments to point out some of the court
24 personnel that you will be seeing throughout the trial
25 and what their duties are. I will also give you an

1 idea about what you are here to do.

2 First of all, I am the judge. You may hear
3 people occasionally refer to me as the Court. My job
4 is to maintain order and decide how to apply the rules
5 of law to this trial. I will also explain various
6 rules to you that you will need to know in order to do
7 your job as the jury. It is my job to remain neutral
8 on the issues of this case.

9 The staff attorney serves as the attorney for the
10 judge and performs specific assignments by the Court,
11 such as researching legal issues and drafting Court
12 orders. The court deputies are in charge of security
13 in the courthouse, and are also responsible for
14 maintaining order in the courtroom and enforcing the
15 Court's orders. They also have the charge and care of
16 the jurors during the term of this trial. If any of
17 you have a personal problem, or some other matter
18 which you feel needs to be brought to the Court's
19 attention, or to the attention of anyone involved in
20 this trial, the proper person for you to speak to
21 about that would be one of the court deputies.
22 However, the court deputy cannot answer any of your
23 questions about the case, only I can do that. The
24 deputy clerk serves as the Court's secretary in these
25 proceedings and performs several important functions

1 for the Court, including preparing all necessary
2 paperwork associated with this trial, and the
3 numbering and handling of any exhibits involved in
4 this trial.

5 Now, do any of you know me, the judge, or any of
6 the court personnel that I've pointed out? And if you
7 do, if you'll raise your hand.

8 UNIDENTIFIED SPEAKER: Excuse me?

9 THE COURT: Yes?

10 UNIDENTIFIED SPEAKER: Would you repeat that
11 question, please?

12 THE COURT: Do any of you know me, the judge, of
13 any of the courtroom personnel who I have pointed out?
14 (No response). Okay. The attorneys to whom I will
15 introduce you to have the job of representing their
16 clients; that is, they speak for their client here at
17 this trial. They have taken oaths as attorneys to do
18 their best in following the rules of their profession.
19 Now, Mr. McMasters, if counsel for the State would
20 please stand and introduce himself and your
21 co-counsel.

22 MR. MCMASTERS: Good afternoon. My name is Jim
23 McMasters, with me is Tom Brown, we're Assistant State
24 Attorneys here in Brevard County.

25 THE COURT: Okay. Mr. Moore, if counsel for the

1 defense would please stand and introduce himself and
2 everyone at the defense table, including your client.

3 MR. MCMASTERS: Yes, Your Honor. I'm Randy
4 Moore, my co-counsel is Mike Pirolo and Mark Lanning,
5 our client is Brandon Bradley, and we are being
6 assisted by Brooke Butler.

7 THE COURT: Okay. Thank you. Do any of you know
8 any of the attorneys in this matter or the defendant?
9 And if you do, if you'll raise your hand. Number 161,
10 yes, sir?

11 JUROR NUMBER 161: I don't know your name, but
12 acquaintances through (unintelligible) sports.

13 THE COURT: Okay. Is that through soccer?

14 JUROR NUMBER 161: That is correct.

15 THE COURT: Okay. So you know Mr. Pirolo through
16 soccer.

17 JUROR NUMBER 161: That is correct.

18 THE COURT: Do you have a child who plays soccer?

19 JUROR NUMBER 161: I do.

20 THE COURT: Currently playing soccer?

21 JUROR NUMBER 161: I do.

22 THE COURT: Okay. Does your -- is it a girl?

23 JUROR NUMBER 161: No, it's not.

24 THE COURT: It's a boy. Okay. Does your son
25 play on his child's soccer team?

1 JUROR NUMBER 161: No.

2 THE COURT: Okay. Do you think -- so you know
3 him from being at the field and maybe playing on
4 another soccer team.

5 JUROR NUMBER 161: That is correct, Your Honor.

6 THE COURT: Okay. Do you think that would in any
7 way affect your ability to be fair and impartial in
8 this case?

9 JUROR NUMBER 161: No, ma'am.

10 THE COURT: Okay. If Mr. Pirolo is one of the
11 attorneys questioning a witness, or presenting a
12 witness, do you think that would in any way -- you
13 would give him extra credit, or give his client extra
14 credit, because he's the attorney representing that
15 side of the case?

16 JUROR NUMBER 161: No, ma'am.

17 THE COURT: Okay. Thank you for bringing that to
18 our attention. Anyone else? (No response). I see no
19 hands. I say that so in case I missed someone, they
20 can say, no, you missed me. Okay. I also say that
21 for purposes of the record.

22 Last but not least is the jury, which we will
23 begin to select in a few moments from among all of
24 you. The jury's job will be to decide what the facts
25 are and what the facts mean. Jurors should be as

1 neutral as possible at this point, and have no fixed
2 opinion about the case. At the end of the trial, the
3 jury will give me a written verdict. A verdict is
4 simply the jury's answers to my questions about the
5 case.

6 The last thing I want to do before we begin to
7 select the jury is to explain to you the selection
8 process and how it works. Jury selection is the part
9 of the case where the parties and their attorneys have
10 the opportunity to get to know a little bit about you
11 in order to help them come to their own conclusions
12 about your ability to be fair and impartial, so that
13 they can decide who they think should be the jurors in
14 this case. How we go about this is as follows:
15 First, I'll ask you some general questions, which I
16 have begun to do. Then, each of the attorneys will
17 have more specific questions that they will ask of
18 you. After they have asked all their questions, I
19 will meet with them, and they will tell me their
20 choices for jurors. Each side can ask that I exclude
21 a person from serving on a jury if they can give me a
22 reason to believe that he or she might be unable to be
23 fair and impartial. That is what is called a
24 challenge for cause. The attorneys also have a
25 certain number of what are called peremptory

1 challenges, by which they may exclude a person from
2 the jury without giving a reason.

3 By this process of elimination, the remaining
4 persons are selected as the jury. The questions that
5 you will be asked during this process are not intended
6 to embarrass you or unnecessarily pry into your
7 personal affairs, but it is important that the
8 defendant and the attorneys know enough about you to
9 make this important decision. If a question is asked
10 that you would prefer not to answer in front of the
11 other jurors, please let me know, and we will address
12 you privately, and you can give your answer just in
13 front of the attorneys, the defendant, me, and the
14 court personnel. Sometimes people say, Judge, I want
15 to talk to you. You can't talk to me without the
16 other persons being present as well. There are no
17 right or wrong answers to the questions that will be
18 asked of you. The only thing I ask is that you answer
19 the questions as frankly and honestly and as
20 completely as you can. You have taken an oath to
21 answer all questions truthfully and completely, and
22 you must do so. Remaining silent when you have
23 information you should disclose is a violation of that
24 oath as well. If a juror violates this oath, it not
25 only may result in having to try the case all over

1 again, but may also result in civil and criminal
2 penalties against a juror personally. So, again, it
3 is very important that you be as honest and complete
4 with your answers as you possibly can. If you don't
5 understand a question, please raise your hand and ask
6 for an explanation or clarification.

7 In sum, this is a process to assist the attorneys
8 to select a fair and impartial jury. All the
9 questions they ask you are for this purpose. If, for
10 any reason, you do not think you could be a fair and
11 impartial juror in this case, you must tell us. Now,
12 from this group we are going to select 12 jurors and 3
13 alternates, a total of 15 individuals in this case.
14 Obviously, most of you will not be selected. Please
15 don't take this as an insult or any negative
16 reflection on you. It is a matter of selecting jurors
17 who can be fair and impartial in this particular case
18 and with whom both sides can be comfortable.

19 The case set for trial on this date is the State
20 of Florida versus Brandon Lee Bradley. It's case
21 number 05-2012-CF-035337. In a few minutes, I am
22 going to read to you the charges filed in this case.
23 The charges are what brought us to court, but is not
24 evidence in the case, and it is not to be considered
25 as such. The evidence will be presented during the

1 course of this trial.

2 At this time I will read the charges. Count one,
3 first degree premeditated murder of a law enforcement
4 officer with firearm. In the County of Brevard, State
5 of Florida, on March the 6th, 2012, Brandon Lee
6 Bradley did unlawfully kill a human being, Deputy
7 Barbara Pill, a law enforcement officer engaged in the
8 lawful performance of a legal duty, by shooting Deputy
9 Barbara Pill with a firearm, and said killing was
10 perpetrated by Brandon Lee Bradley from a premeditated
11 design to effect the death of Deputy Barbara Pill; and
12 during the commission of said offense, Brandon Lee
13 Bradley actually possessed a firearm, and further
14 during the commission of said felony, Brandon Lee
15 Bradley discharged said firearm, and as the result of
16 the discharge, did inflict death upon any person.

17 Count two, robbery. In the County of Brevard,
18 State of Florida, on March the 6th, 2012, Brandon Lee
19 Bradley did take money or other property valued at
20 \$300 or more from the person or custody of another,
21 Andrew Jordan, Mohammad Malik, with the intent to
22 permanently or temporarily deprive said person of said
23 property. In the course of the taking, did use force,
24 violence, assault, or putting in fear.

25 Count three, fleeing or attempting to elude, high

1 speed or wanton disregard. In the County of Brevard,
2 State of Florida, on March the 6th, 2012, Brandon Lee
3 Bradley did willfully flee or attempt to elude a law
4 enforcement officer in an authorized law enforcement
5 patrol vehicle, with agency insignia and other
6 jurisdictional markings prominently displayed on the
7 vehicle, with siren and lights activated; and during
8 the course of the fleeing or attempted eluding, did
9 drive at high speed or in any manner which
10 demonstrated a wanton disregard for the safety of
11 persons or property.

12 Count four, resisting an officer with violence.
13 In the County of Brevard, State of Florida, on March
14 the 6th, 2012, Brandon Lee Bradley did knowingly and
15 willfully resist, obstruct, or oppose an officer, or
16 officers, Deputy Barbara Pill, of the Brevard County
17 Sheriff's Office, in the execution of legal process,
18 or the lawful execution of a legal duty, by offering
19 or doing violence to the person of said officer, or
20 officers.

21 Now, you have heard the name of the decedent in
22 this case, did any of you know the decedent during her
23 lifetime? And if you did, if you'll raise your hand.
24 Number 161, yes, sir?

25 JUROR NUMBER 161: I did not know her personally,

1 but I did know her sons.

2 THE COURT: Her sons?

3 JUROR NUMBER 161: Yes.

4 THE COURT: I believe -- and who are her sons?

5 JUROR NUMBER 161: Ryan and Jeremy.

6 THE COURT: Okay. So you knew Ryan and Jeremy.

7 Do you know them now?

8 JUROR NUMBER 161: No. We used to work out at
9 the same gym. That was in '05.

10 THE COURT: Okay. Do you think that -- how close
11 of friends were you with -- I know sometimes you work
12 in the gym and you say, hey, when you see --

13 JUROR NUMBER 161: Yeah. That's essentially it.
14 I mean --

15 THE COURT: Did you do anything personally with
16 them?

17 JUROR NUMBER 161: No, ma'am.

18 THE COURT: Now, it is a possibility that one or
19 both of them may sit in on this trial once the trial
20 begins, do you think that would affect your ability to
21 serve?

22 JUROR NUMBER 161: No, ma'am.

23 THE COURT: Okay. Can you set aside that
24 relationship and be able to listen to -- make a
25 decision in this case -- what we ask you to do is make

1 a decision in this based on the evidence that you hear
2 by way of witnesses who testify at the witness stand,
3 evidence that's introduced, and the law as I instruct
4 it. Can you do that?

5 JUROR NUMBER 161: I believe so, ma'am. I mean,
6 they were more or less acquaintances, but I wanted to
7 make you aware.

8 THE COURT: Okay. I saw one other hand. 164,
9 yes, sir? Actually, it's 163. Sorry about that.
10 163, yes, sir?

11 JUROR NUMBER 163: I used to do [REDACTED] for
12 [REDACTED]

13 THE COURT: You used to do what?

14 JUROR NUMBER 163: [REDACTED]

15 THE COURT: Okay. Sometimes I don't know that
16 lingo.

17 JUROR NUMBER 163: I'm sorry. And I met her a
18 few times at a couple accident scenes when we were
19 directing traffic and stuff.

20 THE COURT: Do you think that would in any way
21 affect your ability to serve?

22 JUROR NUMBER 163: Yes.

23 THE COURT: Okay. What I'm going to do is, I'm
24 going to ask you -- when we first break, I'll talk to
25 you during our first break with regard to that. Okay.

1 Anyone else? 180?

2 JUROR NUMBER 180: I didn't know her, I know the
3 family know, the two boys and her husband.

4 THE COURT: You said you know the --

5 JUROR NUMBER 180: Yes.

6 THE COURT: Okay. And how do you know them?

7 JUROR NUMBER 180: I've taken them out as a
8 result of this whole situation for -- to social
9 events.

10 THE COURT: So you have socialized with them
11 since this occurrence?

12 JUROR NUMBER 180: Yes.

13 THE COURT: Jeremy and Ryan?

14 JUROR NUMBER 180: No, the dad and Jeremy.

15 THE COURT: The father?

16 JUROR NUMBER 180: Yes.

17 THE COURT: Because I thought you said you knew
18 the boys and the father.

19 JUROR NUMBER 180: Just the one boy.

20 THE COURT: Okay. And who would that be?

21 JUROR NUMBER 180: Jeremy.

22 THE COURT: So you socialized with Jeremy and the
23 father since this event?

24 JUROR NUMBER 180: Yes.

25 THE COURT: Okay. How would you describe your

1 friendship with them?

2 JUROR NUMBER 180: I've taken them out to Magic
3 games, and just taken them out, spent time with them.
4 So I'm very familiar with the situation.

5 THE COURT: Okay. Do you think that would affect
6 your ability to serve?

7 JUROR NUMBER 180: Absolutely. Although I would
8 be happy to serve.

9 THE COURT: Okay. But I'm assuming that would
10 make you biased in favor of the State.

11 JUROR NUMBER 180: Correct.

12 THE COURT: Okay. Did I get everyone in the jury
13 box? (No response). Anyone on the left? (No
14 response). Anyone on the right? (No response).

15 I am now going to have our deputy clerk read to
16 you a list of potential witnesses who may be called to
17 testify in the trial. Please listen carefully to the
18 names, and see if you recognize any of them. Also,
19 please understand that often many more names are
20 listed as potential witnesses than are actually called
21 at the trial. The potential witnesses in this case
22 are as follows:

23 THE CLERK: Susan Adams; Daniel Allen; Danny
24 Roger Allen; Officer Ryan S. Allen, Melbourne Police
25 Department; Officer Jennifer Amneus, Melbourne Police

1 Department; Timothy L. Barker, II; Timothy L. Barker,
2 Sr.; Sergeant Brian Barnes, Melbourne Police
3 Department; Lieutenant Bruce L. Barnett, Brevard
4 County Sheriff's Office; Leanne Bennett; Agent Harry
5 Bermudez, Brevard County Sheriff's Office; Stephanie
6 Betcher; Stephanie Bertolli; Tammy Elizabeth Brown;
7 Lisa Michelle Bryant; Agent Marlon D. Buggs, Brevard
8 County Sheriff's Office; Officer Johnny R. Bynum,
9 Melbourne Police Department; Kathleen Carper; Agent
10 Craig Carson, Brevard County Sheriff's Office in
11 Rockledge; Catherine Carswell; Regina Carey; Sergeant
12 Dennis P. Casey, Brevard County Sheriff's Office;
13 Sergeant Michael P. Casey, Melbourne Police
14 Department; Crime Scene Technician Virginia M. Casey,
15 Brevard County Sheriff's Office; Deputy Brad A. Cervi,
16 Brevard County Sheriff's Office; Officer Nicole
17 Chapman, Melbourne Police Department; Officer Kevin
18 Cincimino, Melbourne Police Department; Sergeant Marc
19 Claycomb, Melbourne Police Department; Margaret Cline,
20 Brevard County Sheriff's Office; Andrew Colbert,
21 Melbourne Fire Department; Officer Charles Colon,
22 Probation and Parole; Officer Lisa Connors, Brevard
23 County Sheriff's Office; Deputy Brett Cook, Brevard
24 County Sheriff's Office; Officer Chad Cooper,
25 Melbourne Police Department; Technician Stephanie

1 Cooper, Brevard County Sheriff's Office; Lieutenant
2 John A. Coppola, Brevard County Sheriff's Office;
3 Analyst Corey R. Crumbley, Florida Department of Law
4 Enforcement; Officer Daniel Desormier, Melbourne
5 Police Department; Arthur Dievers, III; Jeffery Jamie
6 Dieguez, Sr.; Corporal Jason C. Diogo, Brevard County
7 Sheriff's Office; Deputy Bruce Downey, Brevard County
8 Sheriff's Office; Agent Frances H. Dufresne, Brevard
9 County Sheriff's Office; Raven Durousseau, R.N.;

10 Officer Scott Dwyer, Melbourne Police Department; Keri
11 Ellison; Officer Joseph Escher, Melbourne Police
12 Department; Donna Ewing; Officer Edward P. Ferguson,
13 Melbourne Police Department; Deputy Stephen J. Fernez,
14 Brevard County Sheriff's Office; Lieutenant Alexander
15 A. Fishback, IV, Brevard County Sheriff's Office;
16 Deputy Travis Fitzgerald, Brevard County Sheriff's
17 Office; Sergeant Frank B. Flake, Brevard County
18 Sheriff's Office; Edward D. Flynn; Eric Theodore
19 Flynn; Mark Allen Foster; Lisa Fortner; Bryon Scott
20 Fox; Larry James Galvin, Jr.; Deputy Kirk Geweniger,
21 Brevard County Sheriff's Office; Terry Wayne Gibbs;
22 Dr. Bruce Goldberger; Lieutenant Jeffery Todd
23 Goodyear, Brevard County Sheriff's Office; Detective
24 Jack Gordon, Melbourne Police Department; Martha Gray;
25 Michael Paul Gregg; Casey Greene; Agent Brian

1 Guilford, Brevard County Sheriff's Office; Officer
2 Greg Guillette, Palm Bay Police Department; Jamie Lee
3 Hammond; Deputy John Hannigan, Brevard County
4 Sheriff's Office; Pamela C. Hansen; Richard Thomas
5 Hansen; Officer Roy Havener, Melbourne Police
6 Department; Ben Hay, Melbourne Fire Department;
7 Officer Juanita J. Hazelett, Melbourne Police
8 Department; Cherlyn Henley; Deputy Christopher
9 Hendrix, Brevard County Sheriff's Office; Dr. Mark
10 Herbst; James Terry Henson, III; Hope Henson; Jeffery
11 Scott Herring; Officer Dennis Higgins, Melbourne
12 Police Department; Vernice Hobbs; Deputy Jessie Harold
13 Holton, Brevard County Sheriff's Office; Officer Cyril
14 Hopping, Melbourne Police Department; Dennis Horn;
15 Richard Huckabee, Medical Examiner's Office; Emilie
16 Jill Huff; Russell C. Huff; Jeffery Humphries, Brevard
17 County Fire Rescue; Dylan James, Melbourne Fire
18 Department; Officer Robery Johnson, Melbourne Police
19 Department; Caroline Jones; Andrew J. Jordan; Yves
20 Joseph; Tsvetomila Kaneva; Officer John Kemper,
21 Melbourne Police Department; Andria Michelle Kerchner;
22 Pamela T. Kerchner; Richard Kerchner; School Resource
23 Officer Wolfgang M. Kermer; Shirley King, King
24 Reporting Service; Officer Brent Kleeberg, Melbourne
25 Police Department; Corporal Joseph Klingler, Polk

1 County Correctional Facility; Officer Howard Koff,
2 Melbourne Police Department; Officer Jeff Koeberl,
3 Melbourne Police Department; Irma Porsue (phonetic);
4 Deputy Jeffrey Krull, Brevard County Sheriff's Office;
5 Leslie Ann Lamb; Officer Charles Landmesser, Melbourne
6 Police Department; Officer Blake Lanza, Melbourne
7 Police Department; Corporal Terrance Laufenberg,
8 Brevard County Sheriff's Office; Shane Letch,
9 Melbourne Fire Department; Julie Ann Long; Lieutenant
10 Gary Loos, Melbourne Police Department; Officer Jesus
11 Lopez, Melbourne Police Department; Perry Lopreato;
12 Trista Lowman; Mohammad H. Malik; Jeffrey Markham,
13 Melbourne Fire Department; Amy Mark; Robert William
14 Marks; Agent Joseph Martin, Jr., Brevard County
15 Sheriff's Office; Julie Martin; Agent Kevin McCann,
16 Bureau of Alcohol, Tobacco, and Firearms; Gina McCray;
17 Brandon DeShawn McDade; Officer Ian McDaniels,
18 Melbourne Police Department; Dave McGuinness; Deputy
19 Linda S. McLoughlin, Brevard County Sheriff's Office;
20 Vanessa Mcnerney; Officer Kristen Meadows, Melbourne
21 Police Department; William Leonard Metzger; Officer
22 Derek Middendorf, Melbourne Police Department; Crime
23 Scene Technician Jennifer Miller, Brevard County
24 Sheriff's Office; Officer Stephen Minich, Alliance
25 Police Department; Robert Gregory Miranda; Christopher

1 Montesano; Deputy Stacy Moore, Brevard County
2 Sheriff's Office; Thomas Morrisette, Melbourne Fire
3 Department; Brianna Morton; Thomas Bryan Murphy, Jr.;
4 Keith Nelson; Detective Rory Nelson, Melbourne Police
5 Department; Tony Nelson; Sergeant Dennis Nichols,
6 Melbourne Police Department; Officer James O'Brien,
7 Melbourne Police Department; Agent Daniel Ogden,
8 Brevard County Sheriff's Office; Dr. Jacqueline
9 Olander; Officer Andrew Ortez, Melbourne Police
10 Department; Sergeant Darryl Osborne, Brevard County
11 Sheriff's Office; Amanda Paige Ozburn; Officer Kevin
12 Palmier, Melbourne Police Department; Mina Patel;
13 Jeffery L. Patterson; Larry Pearson, Melbourne Fire
14 Department; Deputy Terry Pelton, Brevard County
15 Sheriff's Office; Miguel Angel Perez, Melbourne Fire
16 Rescue; Jeremy Pill, Brevard County Sheriff's Office;
17 Steven Pill; Mary Patricia Pittman; Officer Greg
18 Pugeseck, Melbourne Police Department; Lieutenant Renee
19 Purden, Melbourne Police Department; Dr. Sajid Qaisar,
20 Office of the Medical Examiner; Officer Jefferey Rau,
21 Melbourne Police Department; Detective Angel Ready,
22 Brevard County Sheriff's Office; Agent Don Reynolds,
23 Brevard County Sheriff's Office; Agent Gregory
24 Richter, Brevard County Sheriff's Office; Detective
25 Bonnie Rink, Melbourne Police Department; Sergeant

1 Sean Riordan, Melbourne Police Department; Sergeant
2 Allie Roberts, Brevard County Sheriff's Office; Ashley
3 Roberts; Agent Kevin Roberts, Brevard County Sheriff's
4 Office; Deputy Paul Roman, Brevard County Sheriff's
5 Office; Officer Robin Romano, Melbourne Police
6 Department; Andrew Russell; Technician Michael Ryle,
7 Brevard County Sheriff's Office; Deputy Christopher
8 Sands, Brevard County Sheriff's Office; Sergeant Carl
9 Sangeleer, Brevard County Sheriff's Office; Sergeant
10 Christopher Sauro, Brevard County Sheriff's Office;
11 Agent Carl Rick Schmitt, Jr., Brevard County Sheriff's
12 Office; Detective Michael Schneider, Melbourne Police
13 Department; Jason Seaton; Eric D. Sellers; Officer
14 Trevor Shaffer, Melbourne Police Department; Officer
15 Howard Shelton, Brevard County Sheriff's Office;
16 Amanda Lacey Shetrone; Deputy Kevin Shields, Brevard
17 County Sheriff's Office; Gary Dale Shrewsbury, Jr.;
18 Officer Amy Siewert, Florida Department of Law
19 Enforcement; Deputy Wayne Simock, Brevard County
20 Sheriff's Office; Sergeant Clifton Daniel Singleton,
21 Brevard County Sheriff's Office; Dr. Susan Skolly;
22 Gregory Bernard Smith, Jr.; Officer Brian Smith,
23 Melbourne Police Department; School Resource Officer
24 Stan Smith, Melbourne Police Department; Agent Michael
25 Spadafora, Brevard County Sheriff's Office; Deputy

1 Michelle Stafford, Brevard County Sheriff's Office;
2 Deputy Aja Stake, Brevard County Sheriff's Office;
3 Officer James Starr, Brevard County Sheriff's Office;
4 Agent Brian Stoll, Brevard County Sheriff's Office;
5 Officer Ron Streiff, Melbourne Police Department;
6 Michael Sudlow, Brevard County Fire Rescue; Linda
7 Sullivan; Anthony Gus Summerford; Basia Taylor;
8 Tiffany Therese Taylor; Deputy Michael Thomas, Brevard
9 County Sheriff's Office; Deputy Albert Tolley, Brevard
10 County Sheriff's Office; Sergeant Cheryl Trainer,
11 Melbourne Police Department; Lisa Troescher; Deputy
12 James Troup, Brevard County Sheriff's Office;
13 Dr. Bartel Turk; Wilson Martin Valentin; Karen
14 Vanderveen, with Wuesthoff; Corporal Victor Velez,
15 Brevard County Sheriff's Office; Jamie Lee Vigliotti;
16 School Resource Officer Cheryl Wallschlager
17 (phonetic), Melbourne Police Department; Detective
18 Robert Walters, Melbourne Police Department; Gerard
19 Joseph Weber, Sr.; Officer Christopher Weber,
20 Melbourne Police Department; Susan Wesley; Janet
21 White; Officer Mike Whitright, Melbourne Police
22 Department; Andrew David Whittle; Alecia Williams;
23 Officer William Williams, Melbourne Police Department;
24 Dale Elaine Woodby; Dr. Joseph Wu; Sergeant Randy
25 Young, Brevard County Sheriff's Office; Dr. Patricia

1 Zapf; Paul Louis Zarpaylic; Andrea Ziarno, Brevard
2 County Fire Rescue.

3 THE COURT: Okay. Thank you, Madam Clerk. Are
4 any of you related by blood or by marriage to any of
5 the potential witnesses, or do you know any of them
6 through any business or social relationships? Now,
7 Number 161, I already talked to you. Number 163, any
8 additional information?

9 JUROR NUMBER 163: I know most of the Melbourne
10 Police guys.

11 THE COURT: Okay. That's from the riding with
12 them as --

13 JUROR NUMBER 163: Yeah, I did ride-alongs with
14 those guys.

15 THE COURT: Okay. How long did you work as a
16 v-cop?

17 JUROR NUMBER 163: About four years.

18 THE COURT: And how often did you travel with
19 them?

20 JUROR NUMBER 163: It all depended when they had
21 openings in the car, I used to go. I used to go a lot
22 with Mark when he'd go out, Wainright.

23 THE COURT: Okay. So let's say --

24 JUROR NUMBER 163: And I know the investigator
25 for the accidents, Romano.

1 THE COURT: What's his last name?

2 JUROR NUMBER 163: Romano.

3 THE COURT: Okay. And when did you do that?

4 JUROR NUMBER 163: Up until three years ago.

5 THE COURT: You did it for four years up until
6 three years ago.

7 JUROR NUMBER 163: Right. Before that, I used to
8 do marine patrol for Satellite Beach.

9 THE COURT: Okay. I don't think there was any
10 marine patrol --

11 JUROR NUMBER 163: No. But I recognized a couple
12 people from Indian Harbour, like Lisa Fornier, and a
13 couple of the others.

14 THE COURT: Okay. And you said as a volunteer
15 cop, you also met Deputy Pill.

16 JUROR NUMBER 163: Yes.

17 THE COURT: Okay. Do you think that would in any
18 way affect your ability to be fair and impartial in
19 this case?

20 JUROR NUMBER 163: Yes, ma'am.

21 THE COURT: One of the things we ask you to do,
22 and I'm going to talk about that later in greater
23 length, is to -- we talk to you about how to weigh the
24 credibility of witnesses, I talk to you about that
25 first, and then I talk to you about that you have to

1 apply those same rules to law enforcement witnesses.
2 Then, once you apply those rules, you can give them
3 whatever weight you choose to in evaluating their
4 testimony, but that you can't give law enforcement
5 extra weight just because of their profession. I call
6 it extra credit just because of their profession. You
7 have to listen to their testimony first, apply the
8 rules that I give you with regard to weighing the
9 credibility of witnesses, and then you can determine
10 what credibility or weight to give that testimony. Do
11 you think that you would be able to -- I mean, do you
12 think that you would give law enforcement witnesses
13 extra credit because of their profession?

14 JUROR NUMBER 163: Yes, ma'am.

15 THE COURT: Okay. And, also, you think this
16 would be a difficult case for you to sit on and be
17 fair and impartial due to the fact that you know
18 Deputy Pill?

19 JUROR NUMBER 163: Absolutely.

20 THE COURT: Okay. All right. Anyone else? I
21 saw another hand. Number 166, yes, sir?

22 JUROR NUMBER 166: Greg Richter is a -- he's a
23 family friend, our daughters are the same age, I got
24 him on Facebook. And then I think Steve Fernz is one
25 of his buddies, so we've been at some social functions

1 together.

2 THE COURT: And he's with Melbourne or --

3 JUROR NUMBER 166: Brevard County Sheriff's, I
4 believe, or used to be. He's not currently in the
5 country right now.

6 THE COURT: Okay. Do you think as a result of
7 that relationship that that would affect your
8 decision-making process in this case?

9 JUROR NUMBER 166: I would probably trust what he
10 had to say more than anybody else.

11 THE COURT: Okay. Would it be -- I'm not sure if
12 he's going to be called as a witness in this case or
13 not, but if he was called as a witness, you would have
14 issues -- you would accept his credibility more than
15 other witnesses?

16 JUROR NUMBER 166: Absolutely.

17 THE COURT: Okay. What if he was not going to be
18 a witness in this case?

19 JUROR NUMBER 166: Then it wouldn't be a problem.

20 THE COURT: Okay. And you said one of his
21 friends -- what's one of his friend's names?

22 JUROR NUMBER 166: Steve Fernez, I believe.

23 THE COURT: What about if Deputy Fernez was
24 called as a witness?

25 JUROR NUMBER 166: I don't know him as well, I'm

1 just trying to disclose everything. So I would
2 probably treat him like everybody else.

3 THE COURT: Okay. All right. Anyone else? 165,
4 sorry I missed you.

5 JUROR NUMBER 165: I've worked with Dr. Bartel
6 Turk at Holmes Regional.

7 THE COURT: Okay. And what's the doctor's last
8 name?

9 JUROR NUMBER 165: Turk, T-U-R-K.

10 THE COURT: And how closely did you work with
11 him?

12 JUROR NUMBER 165: I'm a bedside nurse, and he
13 was a trauma surgeon.

14 THE COURT: Okay. Did you work with him daily,
15 or occasionally?

16 JUROR NUMBER 165: Occasionally.

17 THE COURT: Okay. Do you think that would in any
18 way -- if he was called as a witness, would that in
19 any way affect your ability to serve on this jury?

20 JUROR NUMBER 165: I don't think so.

21 THE COURT: Okay. Would you weigh his testimony
22 the same as you would weigh the other witnesses, as I
23 instruct you later, or would you give him extra credit
24 because of your prior knowledge of him?

25 JUROR NUMBER 166: The same.

1 THE COURT: Okay. 171?

2 JUROR NUMBER 171: I knew -- well, this was a
3 long time ago, but I knew Cheryl Wallschlager
4 (phonetic), she was my resource officer when I was in
5 high school. That was many years ago, but -- I don't
6 know her now, that was 14 years ago.

7 THE COURT: So you -- I mean, I would assume you
8 knew who that was. Did you ever socialize with that
9 officer?

10 JUROR NUMBER 171: No.

11 THE COURT: Have you seen that officer any time
12 recently?

13 JUROR NUMBER 171: No.

14 THE COURT: Now, if that -- is that a man, or a
15 woman?

16 JUROR NUMBER 171: It's a woman.

17 THE COURT: If she was called as a witness in
18 this case, could you treat her testimony the same and
19 weigh it the same as you would weigh other witnesses?

20 JUROR NUMBER 171: Yes.

21 THE COURT: Okay. All right. Anyone else? Did
22 I miss anyone? Anyone on the left hand side? Number
23 181, yes, ma'am?

24 JUROR NUMBER 181: I know Marc Claycomb.

25 THE COURT: And I can't remember if that's law

1 enforcement, or not.

2 JUROR NUMBER 181: Yes. Melbourne.

3 THE COURT: Okay. And how do you know him?

4 JUROR NUMBER 181: Socially. He's been at social
5 gatherings and events through mutual friends.

6 THE COURT: Okay. Is that -- do you have a
7 relationship -- do you see this --

8 JUROR NUMBER 181: No, I haven't seen him for a
9 few years now.

10 THE COURT: Okay. If he was called as a witness
11 in this case, could you weigh his testimony the same
12 as you would weigh the other witnesses that were
13 called?

14 JUROR NUMBER 181: I'd probably give him
15 preferential treatment.

16 THE COURT: So you'd give him what I call extra
17 credit?

18 JUROR NUMBER 181: Yes.

19 THE COURT: Now, if he was not a witness in the
20 case, would you have that issue? Or would it be with
21 Melbourne Police Department, or would it only be if he
22 was called? Let's say another officer from Melbourne
23 Police Department was called, could you weigh their
24 testimony as I instruct you to weigh their testimony,
25 or would you give everyone with the Melbourne Police

1 Department extra credit?

2 JUROR NUMBER 181: It's hard to say. I'd
3 probably err on extra credit, because of being with
4 the police department.

5 THE COURT: Okay. Because I'm going to instruct
6 you -- I'm going to give you a big instruction on how
7 to evaluate someone's testimony, and then I'm going to
8 tell you that you can't give -- you have to evaluate
9 law enforcement testimony the same as you would any
10 other witness. Now, once you hear their testimony, if
11 you use these factors I'm going to talk to you about
12 and you determine that they're credible, then you can
13 make that determination; but you can't give them extra
14 credit just because of their profession. Do you think
15 you could do that, or not do that?

16 JUROR NUMBER 181: Probably.

17 THE COURT: You could do that?

18 JUROR NUMBER 181: Yeah.

19 THE COURT: Okay.

20 JUROR NUMBER 181: But not with Marc.

21 THE COURT: But not with Marc, okay. Okay. I
22 appreciate that. Anyone else? Did I see another hand
23 on the left side? Let's go to the right side. Any
24 hands? I see 200, yes, ma'am?

25 JUROR NUMBER 200: I know Officer Ferguson.

1 THE COURT: Okay. And how do you know Officer
2 Ferguson?

3 JUROR NUMBER 200: His family took a taekwondo
4 class, and my son was in the taekwondo class for three
5 years. So I knew him and the whole family.

6 THE COURT: Okay. Through that event?

7 JUROR NUMBER 200: They took a class -- the same
8 class that my son was in, so I (unintelligible).

9 THE COURT: Okay. And how long ago was that?

10 JUROR NUMBER 200: My son stopped his taekwondo
11 this Christmas.

12 THE COURT: Okay. And so how long was your son
13 in taekwondo?

14 JUROR NUMBER 200: For three years. And he's a
15 black belt, so he's (unintelligible).

16 THE COURT: Okay. So if Officer Ferguson was
17 called to testify in this case, could you treat his
18 testimony the same as other witnesses that my come
19 before the Court?

20 JUROR NUMBER 200: Well, I trust his judgment, so
21 that would affect me.

22 THE COURT: So it would be difficult for you if
23 he was called in the case?

24 JUROR NUMBER 200: Yes.

25 THE COURT: You would give him what I call extra

1 credit?

2 JUROR NUMBER 200: Yes.

3 THE COURT: Now, he works for -- who does he work
4 for? I can't remember if he's Brevard County, or
5 Melbourne.

6 JUROR NUMBER 200: I think it's Melbourne.

7 THE COURT: Would you have that issue with other
8 Melbourne Police Department officers, or only Officer
9 Ferguson?

10 JUROR NUMBER 200: Only him.

11 THE COURT: Okay. Anyone else? I saw another
12 hand. Number 205, yes, sir?

13 JUROR NUMBER 205: Yes, Your Honor, I'm familiar
14 with Tom Morissette, a firefighter with Melbourne.

15 THE COURT: You know, I can see you have a
16 uniform on, I cannot see what your uniform is, it's
17 just too far away from me.

18 JUROR NUMBER 205: I'm a Cocoa Beach firefighter.

19 THE COURT: Okay. So you work with some of the
20 other firefighting agencies?

21 JUROR NUMBER 205: Occasionally. We see each
22 other more at social gatherings, everyone that works
23 together in different jurisdictions.

24 THE COURT: Okay. So you know Tom Morissette.

25 JUROR NUMBER 205: I do.

1 THE COURT: Who else do you know? Anyone else?

2 JUROR NUMBER 205: No, no one else on the list.

3 THE COURT: Okay. Now, how -- and are you
4 friends with Tom Morissette?

5 JUROR NUMBER 205: More acquaintances.

6 THE COURT: Okay. Have you been with him at
7 social settings?

8 JUROR NUMBER 205: Yes, ma'am.

9 THE COURT: Okay. Would that relationship in any
10 way affect your ability to be fair and impartial in
11 this case?

12 JUROR NUMBER 205: No, ma'am.

13 THE COURT: Okay. If he was called to testify,
14 would you -- could you weigh his testimony the same as
15 you would weigh the other witnesses, or would you be
16 partial towards his testimony?

17 JUROR NUMBER 205: I would weigh it the same and
18 be impartial.

19 THE COURT: Okay. Thank you, sir. Anyone else?
20 I'm sorry I missed you. 199, yes, ma'am?

21 JUROR NUMBER 199: There's actually three on the
22 list. The first one is Andrew Colbert, I teach his
23 daughter. The second one is Cyril Hopping, with
24 Melbourne --

25 THE COURT: We can never say the first name

1 right.

2 JUROR NUMBER 199: Oh, I'm sorry.

3 THE COURT: No, we never say it right, you said
4 it right. Okay. And I had to figure out that that
5 was a man too. And who else?

6 JUROR NUMBER 199: And Kevin Palmier. I was born
7 and raised here, so I heard lots of names that sounded
8 familiar, but those are the three I know that I know.

9 THE COURT: Okay. Andrew Colbert, you teach
10 his --

11 JUROR NUMBER 199: His daughter.

12 THE COURT: And how much contact have you had
13 with him?

14 JUROR NUMBER 199: Just open house and e-mails,
15 calling him (unintelligible).

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

17 JUROR NUMBER 199: I teach second grade.

18 THE COURT: Is it a hardship for you to be here
19 if you're a second grade teacher?

20 JUROR NUMBER 199: I get -- no. I didn't think
21 so, but I don't know. It is a hardship, but not as
22 hard as some of the other people I saw, or heard. I
23 was hoping some other teacher would have raised her
24 hand before me, so --

25 THE COURT: And you teach -- where do you teach?

1 JUROR NUMBER 199: I teach at [REDACTED]

2 THE COURT: So they have to get a substitute
3 teacher for the whole time that you're here?

4 JUROR NUMBER 199: Yes, ma'am. There have been
5 people in the past that missed extensive time because
6 of jury duty.

7 THE COURT: I mean, how do you feel about that,
8 is that something that you --

9 JUROR NUMBER 199: It kind of gives me heart
10 palpitations, all the assessments I need to give for
11 the rest of the year. And it's just the crazy part of
12 the school year.

13 THE COURT: I don't think second graders take
14 FCATs, is that --

15 JUROR NUMBER 199: They don't.

16 THE COURT: Do they take any type of standardized
17 testing?

18 JUROR NUMBER 199: It's not standardized, but
19 Brevard County loads them up good.

20 THE COURT: But you're saying -- you're
21 responsible for their assessments?

22 JUROR NUMBER 199: Yes.

23 THE COURT: You know what, you have to tell me
24 whether you think it's a hardship to be here. Do you
25 think it's a hardship for you to be here?

1 JUROR NUMBER 199: Well, if it's in the true
2 timeframe -- well, I don't know, my principal's kind
3 of -- but if it's in the true timeframe, we have
4 spring break. It is a hardship, but, like I said,
5 after I heard some other people, it's not as --

6 THE COURT: I'm going to put you on the list that
7 you're going to check to see if this is a hardship.

8 JUROR NUMBER 199: Okay. Sounds good.

9 THE COURT: So why don't you ask your principal
10 what they think of this.

11 JUROR NUMBER 199: Okay. Sounds good.

12 THE COURT: Okay. But you said you know -- you
13 teach Andrew Colbert's daughter. And how do you know
14 Cyril Hopping?

15 JUROR NUMBER 199: I grew up with him. I went to
16 [REDACTED] from when we were small, and his son also
17 went through [REDACTED] I was not his teacher, but I
18 was seeing him --

19 THE COURT: So you went to [REDACTED]

20 JUROR NUMBER 199: I did.

21 THE COURT: That's a tradition.

22 JUROR NUMBER 199: It is. We don't leave home,
23 us West Melbourners.

24 THE COURT: Okay. That's pretty cool. And then
25 you know, I think you said --

1 JUROR NUMBER 199: Kevin Palmier.

2 THE COURT: Okay. And how do you know him?

3 JUROR NUMBER 199: Our moms are actually best
4 friends, so we're very, very close family friends.

5 THE COURT: Okay. If any of those three were
6 called as witnesses in this case, how would you feel
7 about them testifying?

8 JUROR NUMBER 199: I would have to say I would be
9 very partial to Kevin Palmier.

10 THE COURT: Okay. Because your moms are best
11 friends.

12 JUROR NUMBER 199: Yes.

13 THE COURT: And you can't mess with the moms of
14 the world.

15 JUROR NUMBER 199: You can't. They're meddlers
16 too.

17 THE COURT: Okay. So that would put you in an
18 awkward position?

19 JUROR NUMBER 199: Absolutely.

20 THE COURT: Plus you would consider his testimony
21 credible?

22 JUROR NUMBER 199: Absolutely.

23 THE COURT: Okay. What about the other two?
24 Could you weigh them the same, or would that be
25 difficult as well?

1 JUROR NUMBER 199: I think I could weigh them the
2 same.

3 THE COURT: Okay. All right. Anyone else? Did
4 I miss anyone on the right side? 211, yes, ma'am?

5 JUROR NUMBER 211: I'm not sure if the person
6 you're talking about is the same person I know, but I
7 only know him because he shops at my store.

8 THE COURT: And what store is that?

9 JUROR NUMBER 211: Walmart Neighborhood Market in
10 Melbourne.

11 THE COURT: So do you work there?

12 JUROR NUMBER 211: Yes, ma'am.

13 THE COURT: And you think you see him coming
14 there to shop?

15 JUROR NUMBER 211: Yes.

16 THE COURT: Would that in any way affect your
17 ability to serve on this case?

18 JUROR NUMBER 211: I don't think so.

19 THE COURT: When you say, "I don't think so,"
20 tell me what you're thinking.

21 JUROR NUMBER 211: It won't.

22 THE COURT: Okay. But you see -- does he come in
23 there -- is that a law enforcement officer, do you see
24 him in there in uniform?

25 JUROR NUMBER 211: In his uniform, yes.

1 THE COURT: Okay. What if he testified in this
2 case, could you weigh his testimony the same as
3 everyone else's?

4 JUROR NUMBER 211: Yes, ma'am.

5 THE COURT: Okay. All right. Did I miss anyone
6 with regard to that question? 166, yes?

7 JUROR NUMBER 166: This isn't really regarding
8 that question, but it's regarding the teachers, I'm a
9 teacher as well. I proctor Florida Alternative
10 Assessment for special ed kids.

11 THE COURT: Okay.

12 JUROR NUMBER 166: We have three people licensed
13 to proctor that in the school. We have a two-week
14 window, and I have five students left. I didn't know
15 if that qualified as a hardship or not, because they
16 can force the other teachers to do it, the other two.
17 But it will definitely be difficult for them to get
18 everybody finished.

19 THE COURT: And where are you a teacher at?

20 JUROR NUMBER 166: 

21 THE COURT: And is that -- do you have a class
22 besides that, or do you just do the assessments?

23 JUROR NUMBER 166: Yes, I have class as well.

24 THE COURT: And what do you teach?

25 JUROR NUMBER 166: I teach one period of

1 profound, two periods of supportive, and two periods
2 of integrated science.

3 THE COURT: What is supportive, is that a science
4 class?

5 JUROR NUMBER 166: Supportive level is IQ between
6 50 and 70, profound is IQ under 50.

7 THE COURT: Okay. So you do -- I understand now.
8 And you're saying -- do they have other teachers to
9 teach that, or are you one of the only ones?

10 JUROR NUMBER 166: There's three of us that are
11 licensed to proctor that alternative assessment, and
12 I'm one of them.

13 THE COURT: So the other two would have to make
14 up the slack?

15 JUROR NUMBER 166: Yes.

16 THE COURT: Okay. Anyone else? (No response).
17 Now, do any of you on the panel today know each other?
18 Anyone know each other? 161, who do you know?

19 JUROR NUMBER 161: It's Juror 200.

20 THE COURT: Okay. And how do you know her?

21 JUROR NUMBER 161: She works at (unintelligible)
22 my son's school.

23 THE COURT: Okay. Juror Number 200, where do you
24 work.

25 JUROR NUMBER 200: I work at [REDACTED]

1 School.

2 THE COURT: And what do you do there?

3 JUROR NUMBER 200: I'm the media assistant, and I
4 work in the aftercare.

5 THE COURT: Am I correct, is that the library?

6 JUROR NUMBER 200: Yes.

7 THE COURT: Okay. So, like I would call, a
8 library specialist?

9 JUROR NUMBER 200: I'm an assistant.

10 THE COURT: Okay. Juror Number 161, if you both
11 were called to be jurors in this case, could that
12 relationship in any way affect your decision-making
13 process?

14 JUROR NUMBER 161: I do not believe so. It's
15 just a familiar face.

16 THE COURT: Okay. Now, Juror Number 200, if you
17 were both chosen as jurors in this case, the fact that
18 you have an acquaintance with Number 161, would that
19 in any way affect your decision-making process?

20 JUROR NUMBER 200: Not really, no.

21 THE COURT: Pardon me?

22 JUROR NUMBER 200: I don't think so.

23 THE COURT: I'm going to take that as a no. You
24 said, "I don't think so," and -- because people say
25 that as kind of a form of speech; but it appears you

1 have no other relationship other than kind of knowing
2 each other through the school.

3 JUROR NUMBER 200: No.

4 THE COURT: Okay. Anyone else? Did I miss
5 anyone? Number 212, yes, sir?

6 JUROR NUMBER 212: (Unintelligible).

7 THE COURT: Okay. So Number 212 works with
8 Number 195 at [REDACTED] Number 212, how often do you
9 work together?

10 JUROR NUMBER 212: I see her every day
11 (unintelligible) on and off.

12 THE COURT: Okay. Number 212, if you were chosen
13 as a juror and Number 195 was also a juror, would that
14 in any way affect your ability to make an independent
15 decision in this case?

16 JUROR NUMBER 212: I think so.

17 THE COURT: Okay. And tell me why you think so.
18 What we ask you to do is that you be able to make a
19 decision independent of the other person and that it
20 wouldn't affect your decision-making process. Like if
21 she wanted to vote one way, and you wanted to vote the
22 other, would you --

23 JUROR NUMBER 212: We would be independent, but
24 we may discuss (unintelligible).

25 THE COURT: Well, you can discuss the case with

1 each other as long as you discuss it with all the
2 other jury members present. You just couldn't discuss
3 it outside of the courtroom. You could discuss it
4 with each other after the trial.

5 Number 195, have you ever associated with Number
6 212 outside of the courtroom?

7 JUROR NUMBER 195: No.

8 THE COURT: Okay. Do you think that would in any
9 way affect your ability to make an independent
10 decision in this case?

11 JUROR NUMBER 195: No.

12 THE COURT: Okay. I could see where it might be
13 a little uncomfortable, but would it affect your
14 ability to make a decision?

15 JUROR NUMBER 195: No.

16 THE COURT: Number 212, do you agree?

17 JUROR NUMBER 212: Yes.

18 THE COURT: Okay. Yes? Number 212?

19 JUROR NUMBER 212: Yeah, not about this, but
20 conflicts?

21 THE COURT: Okay. Yes, sir?

22 JUROR NUMBER 212: One of my family members is a
23 sheriff deputy in Orlando.

24 THE COURT: Okay. And what family member do you
25 have that's a sheriff deputy in Orlando?

1 JUROR NUMBER 212: My niece. She was just sworn
2 in last year.

3 THE COURT: Okay. You know that this involves
4 the death of a law enforcement officer. Does that
5 cause you concern in this case?

6 JUROR NUMBER 212: Yes.

7 THE COURT: And what I instruct you is that --
8 we're going to talk about the burden of proof and
9 about the State having to prove the case, but what I'm
10 concerned about is -- do you think that would make you
11 prejudiced or biased against the defense? Because
12 this case does involve the death of a law enforcement
13 officer,

14 JUROR NUMBER 212: Yes.

15 THE COURT: So would it be fair that you couldn't
16 be fair and impartial against the defendant as a
17 result of that?

18 JUROR NUMBER 212: I think so.

19 THE COURT: Tell me why you say, "I think."

20 JUROR NUMBER 212: Because, basically, I have
21 strong opinions about law enforcement. Our family
22 (unintelligible).

23 THE COURT: Okay. A lot of these things we're
24 going to talk to you about independently, when we do
25 our private session. That's one of the reasons I

1 haven't asked you that question at this time. Anyone
2 else that know each other? Is it 184?

3 JUROR NUMBER 184: Yes.

4 THE COURT: Yes, ma'am?

5 JUROR NUMBER 184: I work at [REDACTED] Corporation
6 also, and what I do is I repair computers, fix
7 computers, and I know I worked on his, that gentleman
8 over there, his computer.

9 THE COURT: Okay.

10 JUROR NUMBER 184: It's been a while back.

11 THE COURT: Okay. So you know 212 from working
12 on his computer.

13 JUROR NUMBER 184: Yes.

14 THE COURT: Okay. Have you ever socialized with
15 him outside of the [REDACTED] Corporation?

16 JUROR NUMBER 184: No.

17 THE COURT: Do you think that relationship would
18 in any way affect your ability to serve as a juror in
19 this case?

20 JUROR NUMBER 184: No.

21 THE COURT: Would you be able to make an
22 independent decision despite that relationship?

23 JUROR NUMBER 184: Yes.

24 THE COURT: Okay. Anyone else? I want to make
25 sure I didn't miss anyone. It's hard to see some of

1 your hands. Okay, no hands.

2 Now, as you have heard, the defendant is charged
3 with murder in the first degree. Murder in the first
4 degree is punishable by life in prison without the
5 possibility of parole, or death. Now, because the
6 death penalty may become an issue in this case, I want
7 to tell you how it is tried. If the jury returns a
8 verdict of guilty of murder in the first degree in
9 this case, the jury will reconvene for the purpose of
10 rendering an advisory recommendation as to which
11 sentence, death or life in prison without the
12 possibility of parole, should be imposed. At this
13 hearing, evidence of aggravating and mitigating
14 circumstances will be presented for you to consider.
15 Then both the State and the defendant will have an
16 opportunity to present argument for and against the
17 death penalty.

18 Following those arguments, I will give you
19 written instructions on the law that you are to apply
20 in weighing those circumstances in making your
21 recommendation. The final determination of which
22 sentence should be imposed is my responsibility;
23 however, under the law, I must give your
24 recommendation great weight. Many people have strong
25 feelings about the death penalty, both for it and

1 against it. The fact that you may have such feelings
2 does not disqualify you to serve as a juror, as long
3 as you are able to put those feelings aside and apply
4 the law as I instruct you. In other words, you must
5 be willing to be bound by your oath as a juror to obey
6 the laws of this state in making your recommendation.

7 If the jury returns a verdict of murder in the
8 first degree in this case, we will move into what is
9 called the penalty phase, where you will be asked to
10 then weigh the aggravating and mitigating
11 circumstances presented, listen to the arguments of
12 the attorneys, apply the law as I instruct you, and
13 fairly consider both possible penalties before making
14 your penalty recommendation. In a few moments, we
15 will be questioning you -- some of you -- we're going
16 to break you up into groups and call you on different
17 days, but we will be questioning you individually
18 about this issue.

19 Any evidence or argument at the penalty phase, if
20 we were to reach it, is presented in order that you
21 might determine, first, whether sufficient aggravating
22 circumstances exist that could justify the imposition
23 of the death penalty; and, second, whether sufficient
24 mitigating circumstances exist that outweigh any
25 aggravating circumstances found to exist. At the

1 conclusion of taking the evidence, and after argument
2 of counsel, you will be instructed on the factors in
3 aggravation and mitigation that you may consider. It
4 will be helpful for you to be familiar with some
5 definitions and rules initially.

6 An aggravating circumstance is a standard to
7 guide the jury in making the choice between the
8 alternative recommendations of life imprisonment
9 without the possibility of parole, or death. It is a
10 statutorily enumerated circumstance which increases
11 the gravity of a crime or the harm to a victim. An
12 aggravating circumstance must be proved beyond a
13 reasonable doubt before it may be considered by you in
14 arriving at your recommendation.

15 In order to even consider the death penalty as a
16 possible penalty, you must first determine that
17 sufficient aggravating circumstances have been proven.
18 The State has the burden to prove each aggravating
19 circumstance beyond a reasonable doubt. A reasonable
20 doubt is not a mere possible doubt, a speculative,
21 imaginary, or forced doubt. Such a doubt must not
22 influence you to disregard an aggravating circumstance
23 if you have an abiding conviction that it exists. On
24 the other hand, if after carefully considering,
25 comparing, and weighing all the evidence, you do not

1 have an abiding conviction that an aggravating
2 circumstance exists, or if having a conviction, it is
3 one which is not stable, but one which waivers and
4 vacillates, then the aggravating circumstance has not
5 been proved beyond every reasonable doubt, and you
6 must not consider it in rendering an advisory sentence
7 to the Court. It is to the evidence introduced in
8 this proceeding, and to it alone, that you look for
9 that proof. A reasonable doubt as to the existence of
10 an aggravating circumstance may arise from the
11 evidence, conflict in the evidence, or the lack of
12 evidence. If you have a reasonable doubt as to the
13 existence of an aggravating circumstance, you should
14 find that it does not exist. However, if you have no
15 reasonable doubt, you should find that the aggravating
16 circumstance does exist, and give it whatever weight
17 you determine it should receive.

18 A mitigating circumstance is not limited to the
19 facts surrounding the crime. It can be anything in
20 the life of the defendant which might indicate that
21 the death penalty is not appropriate for the
22 defendant. In other words, a mitigating circumstance
23 may include any aspect of the defendant's character,
24 background, or life, or any circumstance of the
25 offense that reasonably may indicate that the death

1 penalty is not an appropriate sentence in this case.
2 A mitigating circumstance need not be proved beyond a
3 reasonable doubt by the defendant. A mitigating
4 circumstance need only be proved by the greater weight
5 of the evidence, which means evidence which more
6 likely than not tends to prove the existence of a
7 mitigating circumstance. If you determine by the
8 greater weight of the evidence that a mitigating
9 circumstance exists, you may consider it established
10 and give that evidence such weight as you determine it
11 should receive in reaching your conclusion as to the
12 sentence to be imposed.

13 If a penalty phase is required, then at the
14 conclusion of the taking of the evidence, and after
15 argument of counsel, you will be instructed on the
16 factors in aggravation and mitigation that you may
17 consider. The sentence that you recommend to the
18 Court must be based upon the facts as you find them
19 from the evidence and the law. If after weighing the
20 aggravating and mitigating circumstances, you
21 determine that sufficient aggravating circumstances
22 exist, and that the mitigating circumstances do not
23 outweigh the aggravating circumstances, or in the
24 absence of mitigating circumstances, that the
25 aggravating circumstances alone are sufficient, you

1 may recommend a sentence of death be imposed rather
2 than a sentence of life in prison without the
3 possibility of parole. Regardless of your findings in
4 this respect, however, you are never compelled nor
5 required to recommend a sentence of death.

6 If, on the other hand, you determine that no
7 aggravating circumstances are found to exist, or that
8 the aggravating circumstances are outweighed by the
9 mitigating circumstances, or in the absence of
10 mitigating circumstances, that the aggravating factors
11 alone are not sufficient, you must recommend
12 imposition of a sentence of life in prison without the
13 possibility of parole rather than a death sentence.

14 Let me say at this time that all the definitions
15 that I have talked about, and will talk about, will be
16 given to you in a written form at the end of the case.
17 I know that's a lot to comprehend at this time. Let
18 me say at this time that the fact that I am talking
19 about the death penalty is not to be taken by you as
20 any indication one way or the other as to whether or
21 not this is a case which justifies a death penalty. I
22 am discussing it because it is a possibility. You are
23 not to presuppose anything.

24 As you may have noticed, there are cameras in the
25 courtroom. The media, including cameras, will be

1 allowed in the courtroom during these proceedings.
2 However, the media is not entitled to your names or
3 personal information, nor can they film or take
4 pictures of any juror. You may also have noticed that
5 you have been given a number to wear on the outside of
6 your clothing. The number is actually the number of
7 seat you are occupying. I want to be certain that we
8 are recording the answers that you give us, and the
9 number is acting as a cross-reference of your name and
10 will assist us in creating an accurate record.

11 Now, this brings me to the next issue, which is
12 your prior knowledge of this case. If you have any
13 prior knowledge about this case, you will be asked to
14 put aside anything that you may have learned about
15 this case, serve with an open mind, and reach a
16 verdict based only on the law and the evidence
17 presented at the trial. This is another issue that we
18 will question you about individually.

19 Now, at this time, I need to have a bench
20 conference with the attorneys.

21 (Thereupon, voir dire selection was had which was
22 not requested to be transcribed.)

23 THE COURT: Okay. Number 175, we were going to
24 ask -- we asked you to check to see if it was going to
25 be an issue about you being here, talked about being

1 an electronic engineer and that you were booked for
2 travel and had projects through May; were you able to
3 find out some more information?

4 JUROR NUMBER 175: Well, no, Your Honor. I
5 understood you to say you were going to call me or
6 something, and then I would have some time, so I did
7 not check anything.

8 THE COURT: Okay. We are going to have you come
9 back then, and at that time do have that information.

10 JUROR NUMBER 175: I will.

11 THE COURT: Okay. We are going to have you come
12 back, so you'll get a time before you leave here
13 today, and bring that information then. Number 178,
14 did you have an opportunity to check, or are you going
15 to do that as well?

16 JUROR NUMBER 178: No, ma'am, I'm going to do
17 that tonight.

18 THE COURT: Okay. And when you come back, have
19 that information for us. And then the other one was
20 210, where's 210?

21 JUROR NUMBER 210: I have not checked yet.

22 THE COURT: Okay. When you come back, if you'll
23 have that information as well.

24 At this time, I am going to release some jurors.
25 If you hear your name, once again, please don't take

1 that as any personal reflection on you, it's just a
2 result of the answers that we've heard. Also, I need
3 you to report to the jury assembly room downstairs,
4 and they will give you further information. Mainly
5 they're going to take your badge, thank you for being
6 here, and send you on your way, but just tell them
7 that you've been released from Judge Reinman's
8 courtroom. Okay. If you hear your number, you'll be
9 free to go. Number 163, 166, 199, 180, 200, 181, 212,
10 and 176.

11 Now give me just a few moments. Okay. 160
12 through 175, we need you to report back at 8:30
13 tomorrow morning. Don't leave yet, because I'm going
14 to give you some other instructions. 177 through 189,
15 we need you to report Wednesday, tomorrow, at 1:15.
16 190 through 204, we need you to report at 8:30
17 Thursday morning. 205 through 211, we need you to
18 report Thursday at 1:15. Now, if you do make it into
19 what we call the second pool of jurors, this is not
20 the second pool, I expect you're going to be back here
21 Friday at 8:30, and then the case is going to start,
22 hopefully, either Monday or Tuesday of the next week.

23 During this recess, you must abide by your rules
24 governing your service as a juror. Specifically --
25 now these are the rules that I'm putting in place, and

1 the first thing I'm going to ask you when you come
2 back is if you've abided by these rules.
3 Specifically, do not discuss this case among
4 yourselves, or with anyone else, or allow anyone to
5 discuss it in your presence. Do not speak to the
6 lawyers, the parties, or the witnesses about anything.
7 You must avoid reading newspaper headlines and
8 articles relating to this trial or its participants.
9 Avoid seeing or hearing television, radio, or Internet
10 comments about this trial. Do not conduct any
11 research regarding any matters concerning this case.
12 Now, what you can do is, you can tell people that
13 you're serving jury duty at the courthouse, Brevard
14 County Courthouse in Viera, Florida; and you can tell
15 them what time you expect to be here. What you can't
16 do is talk about what case you're here for, what the
17 charges are, or what you've heard in the courtroom.

18 Now, the deputies will have the numbers of when
19 you're supposed to report back. So if you have any
20 questions about when you're supposed to report back,
21 they'll be outside, and they'll give you that
22 information again if you didn't hear your numbers.
23 I'm going to do them really quick again, just so you
24 hear it. Tomorrow at 8:30, 160 to 175; tomorrow
25 afternoon, 1:15, 177 to 189; Thursday, 8:30 a.m., 190

1 to 204; Thursday at 1:15, 205 to 211.

2 Any questions or concerns? Okay. We'll be in
3 recess.

4 JUROR NUMBER 188: I got a question.
5 (Unintelligible) about what you said about not
6 watching news or talking to each other. I mean --

7 THE COURT: Okay. I'm going to talk to you about
8 that when you come back. If there's a violation --
9 with all due respect, I don't want you to talk about
10 that in front of the other jurors, it may have a
11 problem with my other jurors, so I have to discuss
12 that outside the presence of the other jurors. I
13 don't want this panel to have to be disqualified, with
14 all due respect, so when you come back, I will discuss
15 that with you as soon as I can. But those are your
16 rules governing your service as a juror. When you
17 come back, I'm going to ask you about those. If you
18 tell me that you can't follow those rules, we will
19 discuss that at that time.

20 Okay. Thank you. Court will be in recess.

21 (Thereupon, the venire was escorted out of the
22 courtroom by the court deputy; thereafter, court was
23 in recess for the day, 3/11/14. Court was reconvened
24 on 3/12/14 and voir dire selection was had which was
25 not requested to be transcribed; thereafter, court was

1 reconvened on 3/13/14 and the proceedings were had as
2 follows:)

3 THE COURT: Let's start with 190.

4 (Thereupon, Juror Number 190 was escorted into
5 the courtroom by the court deputy and the proceedings
6 were had as follows:)

7 THE COURT: Okay. Good morning, Juror 190. When
8 we spoke the other day, I talked about some rules that
9 came into effect governing your service as a juror.
10 Those rules started at that time. So I'm going to ask
11 you about what you've done since that time. Have you
12 read or been exposed to reading newspaper headlines
13 and/or articles relating to this trial or its
14 participants?

15 JUROR NUMBER 190: No.

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

18 JUROR NUMBER 190: No.

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

22 JUROR NUMBER 190: And have you discussed this
23 case with other jury members, or with anyone else, or
24 allowed anyone to discuss it in your presence?

25 JUROR NUMBER 190: No.

1 THE COURT: This morning, I'm going to ask you
2 some questions, then the State may ask you some
3 questions, and the defense may ask you some questions.
4 There are no right or wrong answers to any of the
5 questions that are asked. What we ask you is to be
6 honest, complete, and frank. Some people say, Judge,
7 can I say this? Sometimes I have to prompt people to
8 say things. You don't need to do that. There's no --
9 like I said, this is your opportunity to talk to us.
10 If there's something on your mind, you need to share
11 it with us. Also, we'll be asking you questions,
12 sometimes it solicits a response of yes or no. With
13 all due respect, we want a yes or no answer, but I
14 understand that sometimes you can't answer it yes or
15 no, and it may be an, I don't know. And if that's
16 true, then you need to answer it with, I don't know.

17 The first question I'm going to ask you is, do
18 you know anything -- this is prior to coming to court.
19 Do you know anything about this case, either from your
20 own personal knowledge, rumor, by discussion with
21 anyone else, or from the media, including radio,
22 television, Internet, electronic device, or from the
23 newspaper?

24 JUROR NUMBER 190: Do I know anything?

25 THE COURT: Yes.

1 JUROR NUMBER 190: Very little.

2 THE COURT: Okay. Tell us what information you
3 know about the case.

4 JUROR NUMBER 190: Well, I moved from out of
5 state about a year ago. And since I've been here, I
6 knew something about a shooting. At the time I don't
7 think I even knew if it was a male or female. And
8 that was about it. And I knew that they were picking
9 a jury, that was the one thing I did pick up.

10 THE COURT: Okay. Did you read that in the
11 newspaper, or saw it on television?

12 JUROR NUMBER 190: I think it was on television.

13 THE COURT: Okay. What's your normal, kind of,
14 local news watching or reading habits?

15 JUROR NUMBER 190: I watch the Today show.

16 THE COURT: Okay. And the Today show's on -- is
17 that CBS? No, it's Channel 2. I think whatever
18 Channel 2 is, is the Today show.

19 JUROR NUMBER 190: I'm not sure, I DVR it.

20 THE COURT: Okay. So you watch that. And there
21 might be some snippets of news on that? I think they
22 do a little local thing every once in a while. Is
23 that --

24 JUROR NUMBER 190: They do what the local weather
25 is, and -- there's not much local.

1 THE COURT: Okay. Anything else that you do
2 regularly?

3 JUROR NUMBER 190: As far as --

4 THE COURT: Watching news.

5 JUROR NUMBER 190: Sitcoms, that kind of stuff.

6 THE COURT: Okay. So no other news -- I mean,
7 you watch --

8 JUROR NUMBER 190: No, that's it.

9 THE COURT: Okay. What about your newspaper
10 reading habits, do you get the newspaper?

11 JUROR NUMBER 190: I do.

12 THE COURT: Is it Florida Today?

13 JUROR NUMBER 190: Yes.

14 THE COURT: Do you read that?

15 JUROR NUMBER 190: Parts of it.

16 THE COURT: Okay. Did you read anything about
17 this case in the newspaper?

18 JUROR NUMBER 190: I did not.

19 THE COURT: Mr. Bradley, have you seen him on TV
20 before?

21 JUROR NUMBER 190: No.

22 THE COURT: Okay. So is fair to say that you
23 don't have -- I mean, it sounds like you really don't
24 know a lot of information about the case.

25 JUROR NUMBER 190: I really don't.

1 THE COURT: Okay. You know that there was this
2 case that involved the death of a law enforcement
3 officer.

4 JUROR NUMBER 190: Because you told me.

5 THE COURT: Okay. You learned that because I
6 told you the other day.

7 JUROR NUMBER 190: Right.

8 THE COURT: Okay. What we ask you to do in order
9 to be considered a juror in this case, can you set
10 aside anything that you may have learned about the
11 case, serve with an open mind, and reach a verdict
12 based only on the law and the evidence presented in
13 this trial, in this courtroom?

14 JUROR NUMBER 190: Yes.

15 THE COURT: Do you have any prefixed opinions or
16 ideas about the case?

17 JUROR NUMBER 190: I don't believe so.

18 THE COURT: When you say, "I don't believe," that
19 can be a form of speech, but it can also be that
20 you're not sure, so tell me what you mean by that. A
21 lot of people say, I don't believe, I don't think, as
22 a form of speech.

23 JUROR NUMBER 190: I can't think of anything, so
24 I would have to say no.

25 THE COURT: Okay. Anything -- other than this is

1 a serious case, anything about the charges or the case
2 concern you at this time?

3 JUROR NUMBER 190: No.

4 THE COURT: Okay. Now I'm going to switch gears
5 on you, get a little more serious. Tell me -- and I
6 ask this in a very general way, I ask it this way on
7 purpose, tell me what your views are about the death
8 penalty.

9 JUROR NUMBER 190: I'm not against the death
10 penalty. And I guess I would have to say what you
11 told us yesterday, about how the law, basically,
12 mitigates or -- I forget the other word.

13 THE COURT: Aggravates.

14 JUROR NUMBER 190: Aggravates. You can make a
15 decision on what's appropriate, what the appropriate
16 sentence is, based on those factors. So I think that
17 helps a lot as far as -- as opposed to just making an
18 arbitrary decision one way or the other.

19 THE COURT: Okay. Let me tell you -- I'm going
20 to give you -- tell you something briefly about the
21 process, and the attorneys are going to get more into
22 the process.

23 There's the first phase of the trial, which is
24 the guilt phase. In the guilt phase, if the jury,
25 after deliberation, returns a verdict of guilty on

1 count one, and it only pertains to count one, and
2 count one is the first degree murder charge, if there
3 is a guilty verdict on count one, then we proceed to a
4 penalty phase. The penalty phase is where we talk
5 about the aggravating circumstances and the mitigating
6 circumstances, and we talk about that weighing
7 process.

8 In the penalty phase, as a juror, I will instruct
9 you to make a recommendation to me of a penalty of
10 death, or life in prison without the possibility of
11 parole. Now, what I ask you as a juror, is to
12 consider both penalties. No one here today is going
13 to say, in this situation, what would you do, what
14 recommendation would you make to the Court? No one's
15 going to ask you that. What they're going to talk
16 about today is, can you consider this, can you
17 consider death, or life in prison without the
18 possibility of parole. Because you don't know the
19 facts, because you haven't heard the case, it'd be
20 highly unfair to ask you what you would do. So when
21 the attorneys talk to you, they're talking about if
22 you would consider this, are you open to consider
23 this. The ultimate decision is yours, as a juror, to
24 make.

25 But what I ask you is, can you consider both

1 possible penalties? Do you think you could do that?

2 JUROR NUMBER 190: Yes.

3 THE COURT: And are you of the opinion that death
4 is the only appropriate penalty for murder in the
5 first degree?

6 JUROR NUMBER 190: No.

7 THE COURT: Okay. You would be open to consider
8 both possible penalties?

9 JUROR NUMBER 190: Yes.

10 THE COURT: Okay. All right. Questions by the
11 State?

12 MR. BROWN: Yes, Your Honor. Juror Number 190,
13 good morning. I'm going to go through in a little bit
14 of detail the process for a jury to consider death. I
15 know the Court gave some of this to you two days, but
16 she did give you a lot of information in a compressed
17 period of time, so I just want to go step by step
18 through the process to make sure you understand it and
19 don't have any questions about it.

20 First, as she talked about, obviously, for the
21 jury to consider and to make a sentencing
22 recommendation, the verdict would have to come back
23 guilty on first degree murder. If it's a guilty
24 verdict of a lesser charge, such as second degree
25 murder, or something else, death penalty's off the

1 table, sentencing is entirely up to Her Honor; and,
2 obviously, if it's not guilty, then there is no
3 sentencing at all.

4 So the jury comes back guilty of first degree
5 murder, and there's two ways for the State to prove
6 first degree murder. There is what's known as
7 premeditated murder, and the other is known as felony
8 murder. And we may prove one, the other, or both in
9 this case. Either way leads to a verdict of first
10 degree murder, and then the death penalty is under
11 consideration.

12 Now, you understand there is no automatic death
13 penalty?

14 JUROR NUMBER 190: Right.

15 MR. BROWN: And it doesn't matter what the charge
16 is, you know, it could be a mass murderer of 40
17 people, there's nothing automatic. You have to go
18 through the process and consider and compare and
19 weigh. What happens is, if the jury comes back guilty
20 of first degree murder, we would reconvene, the jury
21 would hear additional evidence, and the judge would
22 give a set of instructions.

23 In those instructions, the first thing she's
24 going to point you to is to look at and examine what
25 are known as the aggravating circumstances. And if

1 you recall, she told you those are a statutory list of
2 circumstances that may increase the gravity of the
3 crime or the harm to the victim. And it's to those
4 circumstances, and to those alone, that you look to to
5 determine whether the death penalty is justified.
6 Now, we have to prove those to you beyond and to the
7 exclusion of every reasonable doubt. It's the same
8 burden of proof as we have in the guilt phase. If you
9 look at those aggravating circumstances, and you find
10 that the State of Florida has not proven any, then
11 your verdict has to be life, because you found there
12 was no aggravation. Make sense?

13 JUROR NUMBER 190: Yes.

14 MR. BROWN: If you find that we've proven at
15 least one, you may find that we've proven more than
16 one -- I expect the list she's going to give you to be
17 more than one, maybe three, four, five, six, and you
18 may find we've proven them all -- you take whatever
19 ones that you feel the State has proved, and you look
20 at that group and ask yourself, do these justify the
21 death penalty? If your answer is no, then, obviously,
22 your recommendation is life. If your answer to that
23 question is, yes, they do justify the death penalty,
24 you move on to the second stage of the process.

25 That stage is where you examine what are called

1 mitigating circumstances. And if you recall when she
2 spoke to you all as a group, those are the
3 circumstances that come from the defendants life,
4 background, character, things of that nature. And
5 those have a burden of proof as well, it's a lower
6 burden, it's to the greater weight of the evidence.
7 And she's going to tell you to take those that have
8 been proven, both the aggravators and the mitigators,
9 you have to compare, and you have to weigh those.

10 Now, in your life, have you had to make some key,
11 critical, important decisions?

12 JUROR NUMBER 190: Have I had to?

13 MR. BROWN: Yes.

14 JUROR NUMBER 190: Yes.

15 MR. BROWN: And when you've made those decisions,
16 have you tried to look at the factors involved?

17 JUROR NUMBER 190: Like you said, I literally
18 made a list of pros and cons.

19 MR. BROWN: Right. And when you do that,
20 obviously some of those, you look at and decide
21 they're pretty darn important, right, and you give
22 them a lot of weight, great weight. Others, when
23 you're writing out your list and you examine all the
24 factors, you look and say, this really isn't that
25 important, and you give that very little weight,

1 right?

2 JUROR NUMBER 190: Correct.

3 MR. BROWN: And that's how most of us make
4 decisions, critical, important decisions. She's going
5 to tell you it's the same process here. You go
6 through, and you have to examine the aggravators and
7 the mitigators, and you determine how much weight to
8 give. She's not going to give you a chart that tells
9 you, Aggravator A gets "X" amount of weight, Mitigator
10 A gets "X" amount of weight. She's not going to tell
11 you that. We, the attorneys, may suggest to you in
12 our arguments how much weight you ought to give, but
13 it's, ultimately, entirely up to you. And there's no
14 standard as to how to assess that and how to give it
15 weight. That's a decision you, as a juror, have to
16 make; and it's you, individually, that makes that
17 decision. The juror right next to you may decide to
18 give different weight to the same aggravator than you
19 do, but to the same mitigator, maybe more or less.
20 You have to make that decision.

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22
23
24
25 (CONTINUED TO VOLUME VII)