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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**

FILED IN 14-01  
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SCOTT ELLIS

VOLUME II 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  
Court Reporter

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15 2725 Judge Fran Jamieson Way  
16 Viera, Florida 32940  
17 Appearing on behalf of the Defendant.

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25  
ALSO PRESENT: BRANDON LEE BRADLEY, Defendant

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1 MR. MOORE: How about evidence of drug abuse or  
2 drug addiction? Let me ask before you answer that  
3 question, do you think drug addiction is a choice?  
4 Taking drugs, I think we can safely say that taking  
5 the drug is a choice, but we're talking about drug  
6 addiction down the road.

7 JUROR NUMBER 17: I guess it depends on how  
8 (unintelligible) because of a choice that you made  
9 while doing the drug, or if it came about from  
10 injuries (unintelligible) addicted to drugs because  
11 they had severe mental problems. I guess that would  
12 be part of the (unintelligible).

13 MR. MOORE: Well, just in the concept of whether  
14 a -- would you say that, or would you agree that, some  
15 people who are addicted struggle with that addiction?

16 JUROR NUMBER 17: Oh, yes.

17 MR. MOORE: And that for some people it may not  
18 be a choice whether they're addicted or not?

19 JUROR NUMBER 17: Yes.

20 MR. MOORE: So then -- what I hear you saying is  
21 that you would be open to considering substance abuse,  
22 addiction, as a mitigating circumstance? You would be  
23 open to considering it?

24 JUROR NUMBER 17: Yes.

25 MR. MOORE: Have you ever heard of a neuroimaging



1 process called the MRI?

2 JUROR NUMBER 17: Yeah. I've had a few.

3 MR. MOORE: You've had those?

4 JUROR NUMBER 17: Yeah.

5 MR. MOORE: They shove you in a tube?

6 JUROR NUMBER 17: Uh-huh.

7 MR. MOORE: And how about a PET scan?

8 JUROR NUMBER 17: Yes.

9 MR. MOORE: If evidence were presented with  
10 respect to those, would you be open to considering  
11 them as potentially mitigating, whatever evidence that  
12 is? Would you be open to considering --

13 JUROR NUMBER 17: Yeah, I'd be open to  
14 considering it.

15 MR. MOORE: If the Court gave you this  
16 instruction, would you be open to considering this as  
17 potentially mitigating, the instruction is --

18 JUROR NUMBER 17: Yeah, if the Court told me --

19 MR. MOORE: Well, I'm about to read the  
20 instruction.

21 JUROR NUMBER 17: Oh, okay. I see.

22 MR. MOORE: The instruction is, "The capital  
23 felony was committed while the defendant was under the  
24 influence of extreme mental or emotional disturbance."  
25 Is that something --

1 JUROR NUMBER 17: It would be something to be  
2 considered.

3 MR. MOORE: -- to be considered? You would be  
4 open to considering that?

5 JUROR NUMBER 17: Yes.

6 MR. MOORE: Okay. The next instruction is, "The  
7 capacity of the defendant to appreciate the  
8 criminality of his conduct or perform his conduct to  
9 the requirements of the law was substantially  
10 impaired." Is that something you'd be open to  
11 considering?

12 JUROR NUMBER 17: I'd consider it, yeah.

13 MR. MOORE: Do you understand the burden for  
14 proving an aggravating circumstance would be beyond a  
15 reasonable doubt? That's been explained to you.

16 JUROR NUMBER 17: Yeah.

17 MR. MOORE: And which is much higher, or  
18 significantly higher, than the burden for proving a  
19 mitigating circumstance, which is that you are  
20 reasonably convinced, or the greater weight of the  
21 evidence.

22 JUROR NUMBER 17: Yes.

23 MR. MOORE: You see the difference in the two?

24 JUROR NUMBER 17: Uh-huh.

25 MR. MOORE: Do you accept that aggravating

1           circumstances, in number, are limited, that whatever  
2           you are instructed, that is -- those are the only  
3           aggravating circumstances you would be permitted to  
4           consider, is whatever the Court instructs you on, it'd  
5           be a limited number.

6           JUROR NUMBER 17:   Okay.

7           MR. MOORE:   With respect to mitigating  
8           circumstances, it's unlimited.  It's anything related  
9           to the defendant, his background, circumstances of the  
10          case, and maybe even circumstances that the jury  
11          thinks of that the lawyers don't think of, whatever  
12          you consider to be mitigating.  That area is wide  
13          open, there's no limit to that.  You accept that?

14          JUROR NUMBER 17:   Yes.

15          MR. MOORE:   Do you understand that in this  
16          weighing process, where you're comparing aggravating  
17          to mitigating circumstance, or circumstances, to  
18          decide what you believe to be the appropriate sentence  
19          to be imposed, that you're never required, under any  
20          circumstances, to vote for the death penalty?

21          JUROR NUMBER 17:   Yes.

22          MR. MOORE:   It's never mandatory.  Do you accept  
23          that?

24          JUROR NUMBER 17:   Yeah.

25          MR. MOORE:   Do you understand -- what is your

1 understanding of life without parole?

2 JUROR NUMBER 17: Basically that. You're not  
3 eligible for parole, you'll be in prison for the rest  
4 of your life.

5 MR. MOORE: Do you accept that? There's no early  
6 out, no release except through death.

7 JUROR NUMBER 17: Yes. I accept that.

8 MR. MOORE: You don't question that?

9 JUROR NUMBER 17: No.

10 MR. MOORE: Do you belong to a church?

11 JUROR NUMBER 17: I don't go regularly.

12 MR. MOORE: All right. Do you know if your  
13 church has a position on the death penalty?

14 JUROR NUMBER 17: I'm sure they do.

15 MR. MOORE: I mean, do you know what it is?

16 JUROR NUMBER 17: I know what it is.

17 MR. MOORE: Is it one you agree with, disagree  
18 with?

19 JUROR NUMBER 17: I don't agree.

20 MR. MOORE: Don't agree. What's the position of  
21 your church on the death penalty?

22 JUROR NUMBER 17: Their position is not for it.

23 MR. MOORE: All right. I'd like a moment, Your  
24 Honor, please.

25 THE COURT: Yes, you may.

1 MR. MOORE: How long ago did you serve on the  
2 jury that you were talking about?

3 JUROR NUMBER 17: It was back in  
4 (unintelligible).

5 MR. MOORE: Any other jury duty since then?

6 JUROR NUMBER 17: I was called once, but I wasn't  
7 selected.

8 MR. MOORE: Okay. Based upon what you recall  
9 hearing about this case from any source, do you have  
10 any feelings about the guilt or innocence of  
11 Mr. Bradley?

12 JUROR NUMBER 17: No. I think -- going back to  
13 the first time I was on a jury, the first part of the  
14 trial, I had the complete opposite feelings I had at  
15 the end of the trial. (Unintelligible) but then as  
16 the case went on, it changed. I think I would be able  
17 to withhold any judgment until the trial, itself.

18 MR. MOORE: So your position as it relates to  
19 Mr. Bradley's guilt or innocence at this point would  
20 be what?

21 JUROR NUMBER 17: Of course, you have some  
22 assumption that somebody's going to be guilty or else  
23 we wouldn't be here; but then you also realize that  
24 isn't necessarily all of it.

25 MR. MOORE: All right. And so your -- you have

1 an assumption, yourself, as to guilt or innocence at  
2 this point?

3 JUROR NUMBER 17: Not really.

4 MR. MOORE: In part?

5 JUROR NUMBER 17: Well, all I can say is,  
6 somebody's guilty (unintelligible).

7 MR. MOORE: But as far as you're concerned, are  
8 you a blank slate, or are you kind of leaning toward  
9 one way or the other? Because all you know at this  
10 point is what you heard in the media.

11 JUROR NUMBER 17: Yeah. (Unintelligible).

12 MR. MOORE: Do you find yourself leaning one way  
13 or the other?

14 JUROR NUMBER 17: If I would be, it would be very  
15 slightly for the prosecution.

16 MR. MOORE: And would that be a factor in your  
17 deliberation, would you be looking through that lens  
18 as you consider the testimony that's presented in this  
19 trial?

20 JUROR NUMBER 17: I would say no. That's why I  
21 told you in the other trial, I was swaying different  
22 ways during the trial.

23 MR. MOORE: Thank you.

24 THE COURT: Okay. Juror Number 17, what I'm  
25 going to have you do is, I'm going to have you go

1 downstairs and they're going to give you a phone  
2 number. You're still under consideration as a juror  
3 in this case. You're going to go downstairs, they're  
4 going to give you a phone number, you're going to call  
5 back Wednesday between 1:00 and 5:00. So we won't  
6 need you the rest of today and tomorrow. You may have  
7 to come back Thursday, Friday, depending on how this  
8 goes. It may even be next week, the week after that;  
9 but if it is next week, it won't be Monday, Tuesday,  
10 or Wednesday, it'll be next Thursday. We have no  
11 court Monday, Tuesday, or Wednesday.

12 So during this break -- so there is going to be a  
13 time you have to come back, we're just going to have  
14 to give you that notice on Wednesday between 1:00 and  
15 5:00. During this break, you must abide by the rules  
16 governing your service as a juror. Specifically, do  
17 not discuss this case with anyone. Avoid reading  
18 newspaper headlines or articles related to this trial  
19 or its participants; avoid seeing or hearing  
20 television, radio, or Internet comments about the  
21 trial; do not conduct any research about the trial or  
22 its participants. Now, you can tell your friends,  
23 family, significant other that you are at the  
24 courthouse, when you need to be here, what time you  
25 expect to be here, but you can't talk about what trial

1 it is or the nature of the trial.

2 Okay. Sir, if you'll go -- if you'll step  
3 outside with the court deputies, and then report  
4 downstairs.

5 (Thereupon, Juror Number 17 was escorted out of  
6 the courtroom by the court deputy.)

7 THE COURT: Okay. Now, Number 18 and Number 19  
8 have both brought up issues -- have both approached  
9 one of the court deputies and asked if they could  
10 speak to the Court about hardship issues. So we'll  
11 have 18 come in, and I'll speak to 18 about that, and  
12 then we'll take it from there.

13 (Thereupon, Juror Number 18 was escorted into the  
14 courtroom by the court deputy and the proceedings were  
15 had as follows:)

16 THE COURT: Okay. Juror Number 18, first, I want  
17 to thank you for being here, and thank you for your  
18 patience regarding this matter. You apparently  
19 approached one of the court deputies and wanted to  
20 talk to us about a potential hardship, so we'll  
21 address that issue first. What would be the potential  
22 hardship?

23 JUROR NUMBER 18: I'm a production manager, a  
24 senior production manager, for a local company that  
25 has 150 staff. I thought about it last night, I came



1 in with a level head yesterday for Judge Majeed, and I  
2 listened to him, and I came in, I thought, well, you  
3 know, I'll give it a shot; but when I left here, I had  
4 to go to work until 10:00 last night, then I got up at  
5 2:00 and went back to work. It's a little rough.

6 THE COURT: So you're saying if you were a juror  
7 in this case you would still have to work and perform  
8 duties outside of the courtroom.

9 JUROR NUMBER 18: Yes, ma'am.

10 THE COURT: Is there anyone else that can perform  
11 those duties for you?

12 JUROR NUMBER 18: No, ma'am. We just got bought  
13 out probably about a year ago, and my boss just got  
14 fired last Wednesday, and I had a new guy that just  
15 came in, and he knows nothing. So I'm in the process  
16 of having to train him and do my job. I have three  
17 supervisors, but crisis -- when I left here yesterday,  
18 we were missing orders, and we're starting our busy  
19 season.

20 THE COURT: Okay. Senior production manager,  
21 what type of company?

22 JUROR NUMBER 18: [REDACTED]

23 THE COURT: Okay. And you're over, what'd you  
24 say, 150 employees?

25 JUROR NUMBER 18: Yes, ma'am.

1 THE COURT: If you weren't available, what would  
2 happen?

3 JUROR NUMBER 18: We missed orders yesterday  
4 because I was not there.

5 THE COURT: Okay. I mean, would you get -- would  
6 you lose your job?

7 JUROR NUMBER 18: It could come to that, yes.

8 THE COURT: Okay. With regard to the hardship  
9 issue, questions by the State.

10 MR. BROWN: Briefly, Your Honor. Juror Number  
11 18, and I obviously understand your situation to a  
12 degree, would it be weighing on you to an extent that  
13 it would be a distraction for you sitting in a trial  
14 that's going to go five weeks?

15 JUROR NUMBER 18: Yes, sir. Because I'd worried  
16 about the orders that aren't getting out.

17 MR. BROWN: Okay. Worried about keeping your  
18 job?

19 JUROR NUMBER 18: Yes, sir.

20 MR. BROWN: Thank you. Nothing further, Your  
21 Honor.

22 THE COURT: Okay. Questions by the defense?

23 MR. MOORE: May we approach?

24 THE COURT: Yes, you may.

25 (Thereupon, a benchside conference was had before

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

3 MR. MOORE: I think she's indicated that it would  
4 be interfering, and we would not object if she were  
5 stricken for cause.

6 MR. BROWN: Agreed.

7 THE COURT: Okay. So Number 18 I will strike for  
8 -- I'll strike it for hardship. Okay. Thank you.

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

11 THE COURT: Okay. Juror Number 18, I am going to  
12 release you from consideration, so you're released  
13 from the panel. What I'm going to ask you to do is to  
14 go downstairs, report to the jury assembly room, and  
15 tell them that you've been released from Judge  
16 Reinman's courtroom, and they'll give you further  
17 instructions.

18 JUROR NUMBER 18: Thank you.

19 THE COURT: Okay. Thank you.

20 (Thereupon, Juror Number 18 was escorted out of  
21 the courtroom by the court deputy; thereafter, Juror  
22 Number 19 was escorted into the courtroom by the court  
23 deputy and the proceedings were had as follows:)

24 THE COURT: Okay. Juror Number 19, you  
25 approached one of the court deputies and said that you

1 wanted to talk to us with regard to a possible  
2 hardship issue. If you could tell me what your  
3 concerns are.

4 JUROR NUMBER 19: Yes, thank you. I have shared  
5 custody of my sons, and every other week I'm  
6 responsible for taking them to college and to high  
7 school and to a job. Also, I'm a caretaker to my mom,  
8 who doesn't drive. She's 76. I take her to get  
9 groceries and medications and to doctor's appointments  
10 during the day. I'm also a musician, and I play  
11 mostly early evenings from -- averaging from 4:00 to  
12 8:00. It's different every place I play, I play many  
13 different places. And if this lasts five weeks, I  
14 don't know -- it would be a severe financial burden on  
15 my family. Also, the places that I play, it's taken  
16 me a couple years to get into these places, and it's  
17 very competitive. So if I did not play there for five  
18 weeks, I could possibly lose my spot, and that would  
19 very much affect my ability to continue to make money.

20 THE COURT: Okay. When we asked this yesterday,  
21 you didn't bring that to our attention.

22 JUROR NUMBER 19: I'm very sorry. I was  
23 intimidated. I didn't know what to say, because it  
24 didn't seem like what I had fit with those other  
25 things.

1 THE COURT: Okay. So you said yesterday you  
2 didn't bring it up because you wanted to try to serve  
3 if you could.

4 JUROR NUMBER 19: Yes.

5 THE COURT: Okay. After you heard Judge Majeed's  
6 speech, you weren't inclined to bring that up? Did  
7 you hear Judge Majeed's speech downstairs?

8 JUROR NUMBER 19: Yes.

9 THE COURT: Okay. I heard that you have custody  
10 of your sons every other week.

11 JUROR NUMBER 19: Yes.

12 THE COURT: So they live with you one week, and  
13 then live with their mother one week?

14 JUROR NUMBER 19: Yes, ma'am.

15 THE COURT: And how old are the sons?

16 JUROR NUMBER 19: 16 and 20.

17 THE COURT: And the 20 year old, where does the  
18 20 year old go to school?

19 JUROR NUMBER 19: Eastern -- used to be BCC.

20 THE COURT: That's okay, you can say BCC. It's  
21 still BCC to me. And do they drive, do they have  
22 cars?

23 JUROR NUMBER 19: My oldest sometimes uses his  
24 mom's car, but he does not have his own car, and the  
25 youngest does not have his own car. My oldest has

1           been using his mom's car, but his mom's new husband is  
2           going to move to Virginia this Friday, leaving them  
3           with one car, so that would be a concern also.

4           THE COURT:   Okay.   And then your 76-year-old  
5           mother?

6           JUROR NUMBER 19:   Yes.

7           THE COURT:   Does she live with you?

8           JUROR NUMBER 19:   No.   She lives in a trailer.  
9           She does have a car, but she does not drive very well  
10          or very often.

11          THE COURT:   Okay.   So you have to help take care  
12          of her.

13          JUROR NUMBER 19:   Most definitely.

14          THE COURT:   And you normally do that in the day  
15          because you don't work in the day.

16          JUROR NUMBER 19:   Correct.

17          THE COURT:   And then you're a --

18          JUROR NUMBER 19:   Entertainer/musician.

19          THE COURT:   You're an entertainer by trade.

20          JUROR NUMBER 19:   Yes, ma'am.

21          THE COURT:   And you talked about a financial  
22          hardship, because you're concerned that you wouldn't  
23          be able to do those jobs because they start early  
24          afternoon.

25          JUROR NUMBER 19:   That's correct.

1 THE COURT: Or, I'm sorry, I should say early  
2 evening. And how would that affect your ability to  
3 pay your bills, if you weren't able to do that  
4 employment?

5 JUROR NUMBER 19: I couldn't pay my bills.

6 THE COURT: Okay. With regard to the issue of  
7 hardship, questions by the State?

8 MR. BROWN: No, Your Honor.

9 THE COURT: With regard to that issue, questions  
10 by the defense.

11 MR. MOORE: No.

12 THE COURT: Do you wish to approach?

13 MR. BROWN: No. No objection.

14 THE COURT: Okay. Number 19, we will release you  
15 from your service as a juror in this case. What I  
16 need you to do is to go downstairs and report to the  
17 jury assembly room, tell them you've been released  
18 from Judge Reinman's courtroom, and they'll give you  
19 further information.

20 JUROR NUMBER 19: Thank you very much.

21 THE COURT: Okay. Thank you.

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

1 THE COURT: Okay. Juror Number 20, thank you for  
2 being here, and thank you for being patient with this  
3 process. When you all left yesterday, I gave you some  
4 instructions, so I'm just going to follow up on those.  
5 Have you read or been exposed to any newspaper  
6 headlines or articles related to this trial or its  
7 participants?

8 JUROR NUMBER 20: No.

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

11 JUROR NUMBER 20: No.

12 THE COURT: Have you done any research with  
13 regard to this trial or its participants?

14 JUROR NUMBER 20: No.

15 THE COURT: And have you talked to anyone about  
16 this case?

17 JUROR NUMBER 20: No.

18 THE COURT: What's going to happen this morning  
19 is, I'm going to ask you a few questions, then the  
20 State will have the opportunity to question you, and  
21 the defense will have an opportunity to question you.  
22 So the first question I'm going to ask at this time  
23 is, what are your views about the death penalty?

24 JUROR NUMBER 20: (Unintelligible).

25 MR. MOORE: Ma'am, can you speak louder, please?



1 JUROR NUMBER 20: I think we should have it  
2 (unintelligible).

3 THE COURT: Okay. So you would say that you are  
4 for the death penalty?

5 JUROR NUMBER 20: Correct.

6 THE COURT: Okay. I'm going to talk to you a  
7 little bit about the process. We have the first phase  
8 of the trial, which is the guilt phase. In the event  
9 the defendant is found guilty of count one, which is  
10 the first degree premeditated murder count, then we  
11 move into the second phase, which we refer to as the  
12 penalty phase. In the penalty phase, you would be  
13 asked, as the jury, to make a recommendation to the  
14 judge of possible penalties of death, or life in  
15 prison without the possibility of parole. Are you of  
16 the opinion that the death penalty is the only  
17 appropriate penalty for murder in the first degree?

18 JUROR NUMBER 20: Yes.

19 THE COURT: Okay. Is that opinion so strong that  
20 you would not consider life in prison without the  
21 possibility of parole under any circumstance?

22 JUROR NUMBER 20: I could probably consider it.  
23 Depends what I heard about the case.

24 THE COURT: Okay. So you would give that the  
25 consideration?

1 JUROR NUMBER 20: Correct.

2 THE COURT: If I were to instruct you that it  
3 would be part of your job to consider life as a  
4 possible penalty, would you be able to do that?

5 JUROR NUMBER 20: Yes.

6 THE COURT: Okay. And, ma'am, what do you know  
7 about this case, either from your own personal  
8 knowledge, rumor, or discussion with anyone else, or  
9 from the media, radio, television, Internet,  
10 electronic device, or newspaper? What do you know  
11 about this case?

12 JUROR NUMBER 20: Just when it happened, the  
13 deputy was on duty, and she was shot. Just pretty  
14 much the basic, I mean --

15 MR. MOORE: Repeat, please.

16 JUROR NUMBER 20: It was just pretty much that  
17 the deputy was on duty, and she was in pursuit, and  
18 she was shot.

19 THE COURT: You learned that, you said, at the  
20 time of the event?

21 JUROR NUMBER 20: Correct.

22 THE COURT: And what source did you learn that  
23 from?

24 JUROR NUMBER 20: The news.

25 THE COURT: From the television, watching it on

1 the news?

2 JUROR NUMBER 20: Correct.

3 THE COURT: Okay. Can you set aside anything  
4 that you have learned about this case, serve with an  
5 open mind, and reach a verdict based only on the law  
6 and the evidence presented at the trial?

7 JUROR NUMBER 20: I'm not sure.

8 THE COURT: Okay. And when you say you're not  
9 sure, tell me why you say that.

10 JUROR NUMBER 20: Because a few of my good  
11 friends are in law enforcement, and anyone that  
12 intentionally hurts a law enforcement officer, I don't  
13 think I can be very impartial.

14 THE COURT: Okay. All right. Well, I'm going to  
15 give the attorneys an opportunity to question you, so  
16 questions by the State.

17 MR. BROWN: Judge, can we approach?

18 THE COURT: Yes.

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

22 MR. BROWN: Judge, we'll stipulate.

23 MR. MOORE: Yeah, we'll stipulate.

24 THE COURT: You just want a longer lunch break.  
25 I'm only kidding. Okay.

1 MR. BROWN: I can try, but --

2 THE COURT: That was only a joke. Okay. Thank  
3 you.

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

6 THE COURT: Okay. Juror Number 20, you are going  
7 to be released from consideration for this panel.  
8 What I'm going to ask you to do, if you will go  
9 downstairs, report to the jury assembly room, and tell  
10 them that you've been released from Judge Reinman's  
11 courtroom. Mostly what they're going to do is take  
12 your badge and thank you for your service, and then  
13 you can be on your way.

14 JUROR NUMBER 20: All right. Thank you.

15 THE COURT: Okay. Thank you.

16 (Thereupon, Juror Number 20 was escorted out of  
17 the courtroom by the court deputy and the proceedings  
18 were had as follows:)

19 THE COURT: Okay. I think if I'm correct, I  
20 don't have any other jurors out there. Okay,  
21 Mr. Brown?

22 MR. BROWN: I actually stood up too quick. I'm  
23 sorry.

24 THE COURT: Okay. What we'll do is, we'll go  
25 ahead and take a lunch break until 1:15. Any matters

1 that we need to discuss before we take a lunch break?

2 MR. MOORE: No.

3 THE COURT: Okay. Court will be in recess until  
4 1:15. Thank you.

5 (Thereupon, a recess was taken in the  
6 proceedings.)

7 THE COURT: Please be seated. We can bring in  
8 Mr. Bradley.

9 (Thereupon, the defendant was escorted into the  
10 courtroom by the court deputy and the proceedings were  
11 had as follows:)

12 THE COURT: We can go back on the record in the  
13 case of State of Florida versus Brandon Lee Bradley.  
14 Any preliminary matters that we need to discuss before  
15 we continue to individual questions of the jury?

16 MR. BROWN: No, Your Honor.

17 THE COURT: Having heard none, then I'll bring in  
18 -- we can go ahead and bring in -- oh, they're not up  
19 yet?

20 THE COURT DEPUTY: Let me go check.

21 THE COURT: Okay. Let me know when you're ready,  
22 we'll be ready for Juror Number 21.

23 THE COURT DEPUTY: They're up.

24 THE COURT: Okay. We can bring in Number 21.

25 (Thereupon, Juror Number 21 was escorted into the

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

3 THE COURT: Okay. Juror Number 21, the first  
4 thing I want to do is thank you for being here, and  
5 thank you for your patience with regard to this  
6 process. I previously issued some rules with regard  
7 to this case, and your service as a juror, so I'm  
8 going to ask you about those first. Have you read or  
9 been exposed to reading any newspaper headlines or  
10 articles related to this trial since the trial began?

11 JUROR NUMBER 21: No.

12 THE COURT: Have you seen or heard television or  
13 Internet comments about the trial?

14 JUROR NUMBER 21: No.

15 THE COURT: Have you conducted any research about  
16 this matter or any of its participants?

17 JUROR NUMBER 21: No.

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

21 JUROR NUMBER 21: No.

22 THE COURT: Okay. The first question I'm going  
23 to ask is, what are your views about the death  
24 penalty?

25 JUROR NUMBER 21: I agree with it in extreme

1 cases.

2 THE COURT: Okay. Are you of the opinion that  
3 death is the only appropriate penalty for murder in  
4 the first degree?

5 JUROR NUMBER 21: It depends on the  
6 circumstances.

7 THE COURT: Okay. So is that -- so would you  
8 consider life in prison without the possibility of  
9 parole as a possible penalty?

10 JUROR NUMBER 21: Yes.

11 THE COURT: Let me just discuss the process with  
12 you. There will be what we call the first phase of  
13 the trial, which is the guilt phase. In the event the  
14 jury returns a guilty verdict on count one, which is  
15 first degree premeditated murder, then we proceed into  
16 the second phase of the trial, and that is what we  
17 call the penalty phase. In the penalty phase, you  
18 will be asked to consider and make a recommendation to  
19 the Court of the death penalty, or life in prison  
20 without the possibility of parole. If I were to  
21 instruct you that you would need to consider those --  
22 both of those as possible penalties to the charge of  
23 first degree murder, would you be able to do that?

24 JUROR NUMBER 21: Yes.

25 THE COURT: Okay. In this case -- prior to

1 coming here, did you know anything about the case,  
2 either from your own personal knowledge, rumor, by  
3 discussions with anyone else, or from the media,  
4 television, radio, Internet, electronic device, or  
5 newspaper?

6 JUROR NUMBER 21: News.

7 THE COURT: Okay. You knew something from the  
8 news. What information do you believe that you knew  
9 about the case?

10 JUROR NUMBER 21: Just what was -- I watch  
11 Channel 9 News, and it's whatever they put on there.

12 THE COURT: Okay. So that would have been from  
13 watching the news on Channel 9. How often do you  
14 watch the news?

15 JUROR NUMBER 21: It's my morning routine, I get  
16 up, get a cup of coffee, and watch the news.

17 THE COURT: Okay.

18 JUROR NUMBER 21: Until this started, then I  
19 changed my routine.

20 THE COURT: Okay. And so when you get a cup of  
21 coffee and watch the news, how long would you watch  
22 the news each morning, on average?

23 JUROR NUMBER 21: From 5:30 to 6:00.

24 THE COURT: Okay. So for 30 minutes?

25 JUROR NUMBER 21: Yes.



1 THE COURT: Okay. And you saw some things about  
2 this trial on the news.

3 JUROR NUMBER 21: Yes.

4 THE COURT: So what -- tell me what you believe  
5 you know about the case.

6 JUROR NUMBER 21: I don't necessarily believe  
7 everything I hear on the news, because I understand  
8 that each news station, or whatever, has their own  
9 agenda, so they put out what they want you to believe.  
10 So, I mean, the facts that they put on -- I just -- I  
11 don't know specifically what I knew, I just, you know,  
12 watched the news.

13 THE COURT: Okay. Can you tell me, just  
14 basically, what you heard?

15 JUROR NUMBER 21: Two people tried to rob the  
16 hotel, and they went up John Rodes Boulevard, and they  
17 were stopped on the -- and there was a --

18 THE COURT: Okay. The death of a police officer.

19 JUROR NUMBER 21: Yes.

20 THE COURT: Okay. Did you watch anything else  
21 that had to do with coverage of this case?

22 JUROR NUMBER 21: Not other than what -- no.

23 THE COURT: Okay. Other than those -- other than  
24 what you just told me, is there anything else that you  
25 learned from the news?

1 JUROR NUMBER 21: No. Just those basic facts.

2 THE COURT: Okay. If you were chosen as a juror  
3 for this case, would you be able to set aside anything  
4 that you may have learned about the case, serve with  
5 an open mind, and reach a verdict based only on the  
6 law and the evidence presented at this trial?

7 JUROR NUMBER 21: I believe so.

8 THE COURT: Okay. When you say "I believe so," I  
9 assure you that both the attorneys are going to want a  
10 yes or no answer.

11 JUROR NUMBER 21: Yes.

12 THE COURT: And some people talk like that,  
13 that's their normal -- they say "I think" or "I  
14 believe," but they're going to want a "yes" or "no".  
15 So can you do that?

16 JUROR NUMBER 21: Yes.

17 THE COURT: Okay. All right. Then I'll open the  
18 floor to questions by the State.

19 MR. BROWN: Thank you, Your Honor. Juror Number  
20 21, good afternoon. You indicated concerning the  
21 death penalty that you agree with it in "extreme  
22 cases."

23 JUROR NUMBER 21: Right.

24 MR. BROWN: When you use the term "extreme  
25 cases," what do you mean by that?

1 JUROR NUMBER 21: If somebody just went out for  
2 fun, like some of those school shooting situations,  
3 when you hurt an innocent person, somebody who can't  
4 defend themselves, or a child, or a similar situation.  
5 Those people deserve the death penalty. And there's  
6 other situations, if somebody can't defend themselves,  
7 they don't have a weapon.

8 MR. BROWN: Okay. Let me go through the process  
9 with you a little bit about how a jury would get to  
10 the point of making a recommendation for the death  
11 penalty. I know the Court explained this a little bit  
12 yesterday morning, but it's been over a day now, so  
13 we'll go back through it with you. The first step for  
14 the jury would be their guilty verdict, they have to  
15 decide if the defendant's guilty of first degree  
16 murder. Obviously, if you decide he's not guilty,  
17 then there's no sentencing to worry about at all. If  
18 you convict him of a lesser-included crime, such as  
19 second degree murder, the death penalty's off the  
20 table, and the sentencing is left to the Court. Do  
21 you understand that?

22 JUROR NUMBER 21: Yes.

23 MR. BROWN: If you return a verdict of first  
24 degree murder, then you would come back, and we would  
25 have the second phase of this trial, what we call the

1 penalty phase. And you hear the evidence, the judge  
2 will give you your instructions, and then you go back  
3 and deliberate. What she's going to tell you is --  
4 the first step is, she's going to give you what are  
5 called aggravating circumstances. Maybe one, or maybe  
6 more than one; but there will be a list of factors, or  
7 considerations, for you to look at. Those aggravating  
8 circumstances are what you can base your  
9 recommendation of the death penalty on in this case.  
10 The State of Florida, we have to prove those to you  
11 beyond any reasonable doubt. So if we prove one, or  
12 more than one, then you would look at the aggravating  
13 circumstance, or circumstances if there's more than  
14 one, and ask yourself, do those justify the death  
15 penalty? Like I said, Your Honor will lay them out  
16 for you, give one, two, three, whatever number there  
17 are. If you look at them and say, no, these do not  
18 justify the death penalty, then obviously your  
19 recommendation would be life.

20 If you find that they do justify the death  
21 penalty, you then go on to the next step, which is to  
22 look at the mitigating evidence, mitigating factors,  
23 that the defense presents. As the Court told you,  
24 those are things concerning the defendant, his  
25 background, things of that nature. There's a burden

1 of proof for that, it's lower, it's to the greater  
2 weight of the evidence. So, again, you would look at  
3 that evidence, if something's not proven, you  
4 disregard it. You take whatever mitigation, if any,  
5 that's been presented and proven to you, and you have  
6 to weigh that and analyze it. Just like you have to  
7 make decisions at work and at home on an every day  
8 basis, correct?

9 JUROR NUMBER 21: Correct.

10 MR. BROWN: In this particular circumstance, you  
11 would look at everything that's been admitted, that  
12 you find that's been proven to you, and you consider  
13 it all. You don't just not consider something, you  
14 consider everything. Just like in an ordinary  
15 decision that you make in your everyday life, you look  
16 at all the factors, some factors you're going to say,  
17 this is very important, you're going to weigh it  
18 heavily; other factors you look at and say, well, this  
19 isn't very important to me, I'm going to give this  
20 very little weight. Something you do on a regular  
21 basis, right?

22 JUROR NUMBER 21: Right.

23 MR. BROWN: Same thing here. You weigh the  
24 aggravators, then you weigh the mitigators. If the  
25 mitigators outweigh the aggravators, then your

1 recommendation would be life. Make sense?

2 JUROR NUMBER 21: Yes.

3 MR. BROWN: If the mitigation does not outweigh  
4 the aggravators, then you're in a position where you  
5 can legally recommend to the Court the sentence of  
6 death. And what the Court's going to tell you is,  
7 she's not going to tell you, if you do A, B, and C,  
8 you automatically have to return a recommendation of  
9 death. If you find the aggravators are proven, they  
10 outweigh the mitigators, and you feel the death  
11 penalty is justified, that's when you can recommend a  
12 sentence of death; but you're never obligated to. Do  
13 you understand?

14 JUROR NUMBER 21: Yes.

15 MR. BROWN: Knowing that system and kind of that  
16 process you go through, consider everything, compare  
17 it, go through that weighing process, how do you feel  
18 about that? What do you think about that?

19 JUROR NUMBER 21: What do you mean?

20 MR. BROWN: How do you feel about the whole  
21 process, weighing it, being put in that position to  
22 make that decision?

23 JUROR NUMBER 21: It's not something I would do  
24 lightly. You know, it's a possibility, from the way  
25 you explained it, of life in prison, or the death

1 penalty. I mean, that's a very serious thing for  
2 someone to have to consider.

3 MR. BROWN: And if you feel it's justified, can  
4 you recommend a sentence of death?

5 JUROR NUMBER 21: I believe so. I -- yes. Yes.  
6 Sorry.

7 MR. BROWN: That's okay. When saying that term,  
8 "I believe," as Your Honor indicated, some people say  
9 it as a matter of speaking, others mean it to -- it  
10 just indicates some doubt, and we need to know  
11 definitely --

12 JUROR NUMBER 21: I understand.

13 MR. BROWN: So you believe you can, if it's  
14 justified, vote for the death penalty?

15 JUROR NUMBER 21: Yes.

16 MR. BROWN: Now, did you come into court, or do  
17 you have a preconceived notion -- I know we talked a  
18 little bit about what you said for extreme cases, but  
19 do you have a notion in your mind that those are the  
20 only types of things that are there that, for you,  
21 would allow you to consider the death penalty?

22 JUROR NUMBER 21: I would rely, pretty much, on  
23 the facts in the case. That would determine my  
24 decision on life, or death.

25 MR. BROWN: Okay. As I told you, Your Honor's

1 going to give you a list of aggravating circumstances.

2 JUROR NUMBER 21: Right.

3 MR. BROWN: Are you open to other factors that  
4 she may list that, if proven, could be found to  
5 support and justify the death penalty?

6 JUROR NUMBER 21: Yes.

7 MR. BROWN: Okay. So you're not limiting  
8 yourself just to the ones you've thought of off the  
9 top of your head?

10 JUROR NUMBER 21: No.

11 MR. BROWN: Okay. One other issue, obviously, as  
12 we've talked, if you sit on the jury and return a  
13 verdict of, let's say, second degree murder, you never  
14 get to that issue of recommending life or death to the  
15 Court. Do you understand that?

16 JUROR NUMBER 21: Yes.

17 MR. BROWN: And part of my concern here is, for  
18 everybody, that no one goes back there and thinks,  
19 well, I really don't want to have to make that  
20 decision, so I'm just going to sidestep it and come  
21 back with a lesser charge. Do you think that would  
22 affect you at all in thinking in those terms?

23 JUROR NUMBER 21: I don't think so. No. I'm  
24 sorry.

25 MR. BROWN: That's all right.



1 JUROR NUMBER 21: I guess that's just the way I  
2 speak. I never realized I did it until now.

3 MR. BROWN: It's probably more common than not.  
4 But do you see the -- your duty as a juror is to find  
5 the defendant guilty of whatever it is that he's been  
6 -- that the proof is there for. Do you understand?

7 JUROR NUMBER 21: Yes.

8 MR. BROWN: And if the proof is there for first  
9 degree murder, your duty would be to come back with a  
10 verdict of guilty for first degree murder, rather than  
11 going to something lesser to compromise, or to make it  
12 easier. Do you agree with that?

13 JUROR NUMBER 21: Yes. And also, if you didn't  
14 -- if it wasn't proven that he did it, he should be  
15 found not guilty, by the same token.

16 MR. BROWN: Correct. Right. So you should come  
17 back with the verdict that the evidence dictates.

18 JUROR NUMBER 21: Yes.

19 MR. BROWN: And that should be your only verdict,  
20 is whatever the evidence dictates, right?

21 JUROR NUMBER 21: Right.

22 MR. BROWN: Thank you. Nothing further, Your  
23 Honor.

24 THE COURT: Okay. Questions by the defense.

25 MR. MOORE: You understand that when the judge

1 was saying that we, the lawyers, want a yes or no  
2 answer, what is meant by that is only if that is your  
3 answer.

4 JUROR NUMBER 21: Yes.

5 MR. MOORE: When an answer is sometimes, "I think  
6 I can," or "I believe I can," sometimes, the way I  
7 hear it would be, I'll try, but I'm not sure whether I  
8 can. I have some doubts. So what we want is your  
9 answer, and not a yes or no necessarily, if it's  
10 something else. If you have any doubts about your  
11 ability to do the things you're being asked to do,  
12 it's imperative that we know about it because of  
13 what's at stake here. Okay?

14 JUROR NUMBER 21: Yes.

15 MR. MOORE: Now, in trying to recall what you  
16 heard about this case, your morning routine of  
17 watching Channel 9 News for 30 minutes, do you recall  
18 seeing anything specifically about Brandon Bradley,  
19 our client? You see Mr. Bradley over there  
20 (indicating). Do you recall seeing him on TV or  
21 learning anything specifically about him?

22 JUROR NUMBER 21: I believe what I remember was a  
23 mugshot.

24 MR. MOORE: Sir?

25 JUROR NUMBER 21: A mugshot. At some point in

1 some of the news reports.

2 MR. MOORE: So what do you take from that, what  
3 does a mugshot mean to you?

4 JUROR NUMBER 21: A picture they took when he was  
5 arrested.

6 MR. MOORE: Okay. And you understand that much  
7 of what we're asking you is hypothetical, can you do  
8 this, can you do that.

9 JUROR NUMBER 21: Right.

10 MR. MOORE: But the one aspect of this which is  
11 not hypothetical is that you understand this process  
12 could lead to the finding of guilt and the sentence of  
13 death being imposed upon Brandon Bradley, that person  
14 (indicating), not just a hypothetical person.

15 JUROR NUMBER 21: Yes.

16 MR. MOORE: We've got to be clear that we're  
17 talking about a real live human being and his life.

18 JUROR NUMBER 21: Yes, sir.

19 MR. MOORE: Did you have an opinion about the  
20 death penalty before you came in the courtroom today?

21 JUROR NUMBER 21: Yes.

22 MR. MOORE: And on a scale from 1 to 10, with 10  
23 being the strongest support for the death penalty and  
24 0 being you're against it, where would you put  
25 yourself on that continuum?

1 JUROR NUMBER 21: 7, 8.

2 MR. MOORE: Is that an opinion that you've always  
3 held?

4 JUROR NUMBER 21: Yes.

5 MR. MOORE: Do you belong to a church?

6 JUROR NUMBER 21: Yes.

7 MR. MOORE: Does your church have a position on  
8 the death penalty?

9 JUROR NUMBER 21: Yes.

10 MR. MOORE: What is that position?

11 JUROR NUMBER 21: When you take a life, you may  
12 have to give up your life, if there's evidence,  
13 personally.

14 MR. MOORE: And you agree with that, and that is  
15 your opinion as well?

16 JUROR NUMBER 21: Yes.

17 MR. MOORE: Would your religious beliefs -- would  
18 you incorporate that opinion, would they be what you  
19 would look to, that you would follow, in trying to  
20 decide guilt or innocence, or what the penalty should  
21 be in this case?

22 JUROR NUMBER 21: I would use my religious  
23 beliefs with the facts in the case, and if I determine  
24 there's reasonable doubt (unintelligible).

25 MR. MOORE: What if the Court instructed you that

1 your opinion must be based entirely on the facts here  
2 in this courtroom alone and the law that she gives  
3 you, that you haven't heard yet, and that alone can be  
4 the basis for your opinion? That would then exclude  
5 your religious beliefs if they're inconsistent with  
6 the law that she gives you. Do you understand what  
7 I'm asking?

8 JUROR NUMBER 21: Kind of.

9 MR. MOORE: Okay. So if the law that she gave  
10 you to guide you, deciding guilt or innocence, and  
11 then if found guilty, what the sentence should be, if  
12 you found that to be inconsistent with your religious  
13 beliefs, what would you do in that situation?

14 JUROR NUMBER 21: My understanding is, the laws  
15 in the beginning of our country were based on the 10  
16 Commandments, and that's kind of what I believe. So I  
17 don't see how my religious beliefs would necessarily  
18 be different than what the law is.

19 MR. MOORE: What if they -- what if they turn out  
20 to be? What if, in your opinion, you hear the law  
21 that's been read to you -- you know, we're talking  
22 hypothetically here, so it's vague, but at some point  
23 you will, it'll be read to you -- and you're thinking,  
24 you know, that's not the system of my teaching, the  
25 teachings of my church, so I've got to go with my

1 spiritual beliefs, what the church teaches me. I  
2 mean, do you think that that would be a factor in your  
3 deliberations?

4 JUROR NUMBER 21: I also believe in  
5 (unintelligible). We read the Bible, we glean from it  
6 what we glean from it, with the basic truth. So I  
7 would have the ability to -- I might have to rethink  
8 my beliefs, if they don't line up with the law.

9 MR. MOORE: Well, we're not asking you to do  
10 that.

11 JUROR NUMBER 21: That's kind of the way I  
12 understood the question.

13 MR. MOORE: That's not my intention. That's not  
14 what I'm meaning, I'm not asking you to reevaluate  
15 your spiritual beliefs.

16 JUROR NUMBER 21: Okay.

17 MR. MOORE: What I'm asking is, if you find --  
18 and you know what your spiritual beliefs are.

19 JUROR NUMBER 21: Right.

20 MR. MOORE: You don't know what the law is at  
21 this point. At some point the Court will instruct you  
22 on what the law is. If you compare the two and you  
23 say, you know, I think that the law might lead me in  
24 this direction, but my spiritual beliefs lead me in  
25 another direction, I've got to go with what I believe

1           spiritually. That's what I'm asking, which direction  
2           would you go in; and if you found that there was an  
3           inconsistency between your spiritual beliefs and the  
4           law, what would you do?

5           JUROR NUMBER 21: I would want to follow the  
6           rules of this Court, and that would be very important  
7           to me, so I would have to, at that point, follow the  
8           law.

9           MR. MOORE: Could you do that? Or do you think  
10          -- and if you have any -- this is another one of  
11          those, you know, I think I could, but maybe I have  
12          some doubts about it, one of those -- potentially, one  
13          of those situations. Do you think that you may have a  
14          conflict there, or you may have some difficulty there  
15          -- or do you have any doubts about what you would do  
16          if there was a conflict between your spiritual beliefs  
17          and the law? There's only -- you know what, there's  
18          no right or wrong answer. There's only what you  
19          think. And if you don't know, if you have doubts,  
20          then that's a perfectly valid answer. That's what I'm  
21          trying to get at here, what you really think. You  
22          don't know is a valid answer.

23          JUROR NUMBER 21: My word is all I have, and we  
24          raise our right hand, we're supposed to follow the  
25          rules of the Court, I would have to do that.

1 MR. MOORE: Could you do that?

2 JUROR NUMBER 21: I would have to do that.

3 MR. MOORE: Well, again, you know, blame it on  
4 the lawyer in me, but, you know, I try to look behind  
5 meanings, right, and if the way I put it is, "can  
6 you," and the way somebody answers is, "I would have  
7 to," that doesn't necessarily mean that they can. The  
8 law says people should do a lot of things, but that  
9 doesn't mean that they do those things. So if you  
10 feel picked on, I think you understand where I'm  
11 coming from, how important this is.

12 JUROR NUMBER 21: I understand.

13 MR. MOORE: I'm not asking you if you feel like  
14 you have to, I'm asking you if you think you can.

15 JUROR NUMBER 21: Yes.

16 MR. MOORE: Without any doubt?

17 JUROR NUMBER 21: Yes.

18 MR. MOORE: Okay. So you'd -- if there's a  
19 conflict between the law and your spiritual beliefs,  
20 you would do what?

21 JUROR NUMBER 21: I would follow the law.

22 MR. MOORE: There's no doubt in your mind?

23 JUROR NUMBER 21: No doubt in my mind.

24 MR. MOORE: You said "extreme cases," death  
25 penalty in "extreme cases," and you gave examples.



1 You didn't include a homicide including the death of a  
2 police officer on that list. If you had time, maybe  
3 you would have, but is that one of those extreme  
4 cases?

5 JUROR NUMBER 21: I guess, if I were to qualify  
6 it, extreme cases for me would be somebody who can't  
7 defend themselves.

8 MR. MOORE: Now, are you talking about when you  
9 give examples of extreme cases, cases where a death  
10 sentence would be automatic for you? I mean, if it's  
11 a case involving a defenseless child who can't defend  
12 herself, and, in that case, it would be -- all the  
13 mitigating circumstances in the world wouldn't  
14 mitigate that homicide, you would automatically go for  
15 death.

16 JUROR NUMBER 21: If the facts proved that that  
17 person did it, there would be no situations that would  
18 excuse that.

19 MR. MOORE: And how about a case like the one  
20 that's before the Court, which involves the death of a  
21 police officer? Is that one of those cases where  
22 there wouldn't be any mitigation in your mind for that  
23 homicide?

24 JUROR NUMBER 21: I don't know the facts.

25 MR. MOORE: Okay. Well, I'm asking -- I know you

1 don't have the facts. I'm asking a hypothetical  
2 question, because of the type of homicide involved.  
3 Is it one that could be potentially mitigated for you,  
4 or not?

5 JUROR NUMBER 21: The answer you're going to want  
6 me to give? I'm not certain.

7 MR. MOORE: No, sir. I want your honest to God  
8 answer.

9 JUROR NUMBER 21: I'm not certain. I'm not  
10 certain.

11 MR. MOORE: So if I hear what you're saying, you  
12 tell me if I'm not getting this right, that because  
13 this case involves the homicide of a police officer,  
14 that you're not sure, or you maybe have some doubts,  
15 about whether the defense could present mitigation  
16 sufficient in your mind to justify a life without  
17 parole sentence.

18 JUROR NUMBER 21: One more time.

19 MR. MOORE: Sure. Okay. Assume there's a  
20 conviction for first degree murder of a police  
21 officer, so then we go to the penalty phase. Now, you  
22 got a feeling for what that's all about, you look to  
23 see if there are aggravating circumstances, and you  
24 look to see if there are mitigating circumstances, and  
25 you weigh and you compare. Are you saying that

1 because this case -- and let's say, hypothetically, it  
2 involves a conviction of first degree murder of a  
3 police officer -- are you saying that this is one of  
4 those cases where you're not sure whether mitigating  
5 circumstances would be enough to warrant a sentence of  
6 life without parole?

7 JUROR NUMBER 21: Yes, that's what I am saying.

8 MR. BROWN: Your Honor, I'm going to object to  
9 that question. May we approach?

10 THE COURT: Yes, you may.

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

14 MR. BROWN: Judge, I'm going to object, because I  
15 think that's asking for an ultimate opinion. The way  
16 the question is phrased (unintelligible).

17 THE COURT: Can you talk a little louder, please?  
18 The noise is louder than you.

19 MR. BROWN: Death of a police officer, whether  
20 that could be mitigated to the point of recommending a  
21 life sentence. Well, obviously, he should be saying  
22 he's not sure, but I think that's asking for the  
23 ultimate -- comment on what his ultimate verdict would  
24 be, his ultimate recommendation would be.

25 MR. MOORE: But didn't Mr. Brown ask that when he

1 said, "if there's sufficient evidence of a first  
2 degree murder conviction, would you be able to vote  
3 for death." It was okay when he asked it that way.  
4 I'm just turning it around and saying, well, look,  
5 suppose there's a conviction for this crime, is it  
6 possible that there wouldn't be enough mitigation to  
7 mitigate it, to support a life without parole. That's  
8 what got the objection. I mean, it's just the other  
9 side of the coin, exactly.

10 MR. BROWN: I'm not going into specifically --  
11 listing a specific aggravator, and then asking what  
12 his recommendation would be for that. My question was  
13 phrased very generally in that, if you found that  
14 aggravators were proven that outweighed the  
15 mitigators, could you recommend the death penalty?  
16 That's a fair question. It's an appropriate question.  
17 He's asking for a specific comment concerning an  
18 aggravator --

19 MR. MOORE: No. Mitigation. Mitigation. I  
20 didn't mention an aggravator, I just said --

21 MR. BROWN: Well, he mentioned an aggravator, the  
22 death of a law enforcement officer --

23 MR. MOORE: I did not describe it as an  
24 aggravator, I said a crime involving the death of a  
25 law enforcement officer.

1 MR. BROWN: But it is an aggravator. Whether he  
2 used the term that it is, it is. So --

3 MR. MOORE: But I can't get into it --

4 THE COURT: Okay. The objection is overruled.  
5 You can ask the question.

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

8 MR. MOORE: Let me repeat that. Well, the  
9 purpose of this discussion is, let's say the jury,  
10 hypothetically, has found guilt of first degree  
11 murder, premeditated murder of a police officer; is  
12 that -- you mentioned some extreme cases where, for  
13 you, death would be automatic, is this one of those  
14 cases?

15 JUROR NUMBER 21: How specific can I be in  
16 answering his question? Is it appropriate for me to  
17 answer this question --

18 THE COURT: There's no right or wrong answer, so  
19 you just need to answer it how you feel you can answer  
20 it.

21 MR. MOORE: From the heart.

22 JUROR NUMBER 21: From my heart, if a person was  
23 put into a situation, even if they have  
24 (unintelligible) and they were not given the ability  
25 to defend themselves, sneak up behind them and shoot

1           them in the back of the head, I believe that is --  
2           that would warrant a death penalty if they were found  
3           guilty. If there was a situation where there was a  
4           shootout, for instance, there could be mitigating  
5           circumstances where it may be life. Does that answer  
6           your question?

7           MR. MOORE: I think -- let me clarify. It sounds  
8           like you're saying for this type of case, if there  
9           were a conviction of death of a police officer, there  
10          would not be mitigating circumstances, in your mind,  
11          to justify life without parole.

12          JUROR NUMBER 21: I didn't say that. I don't  
13          know the facts of the case. What I'm saying is, if  
14          the situation was that a person did not have the  
15          ability to defend themselves, even though they were  
16          (unintelligible), sneaking up behind them and taking  
17          their life, that would be a situation where I would  
18          believe -- because they did it because they wanted to,  
19          okay. If there was a fight, if there was a gun  
20          battle, if there was a back and forth, there may be a  
21          situation where I could find those mitigating  
22          circumstances.

23          MR. MOORE: Okay. But there -- so can we agree  
24          that you're saying that there are some types of  
25          homicides for which, as far as you're concerned, there

1 is no mitigation, that the sentence should be the  
2 death penalty --

3 JUROR NUMBER 21: Correct.

4 MR. MOORE: -- and you would not consider any  
5 mitigation, or if any were offered, you would reject  
6 it, you would find that death is the appropriate  
7 sentence.

8 JUROR NUMBER 21: Correct.

9 MR. MOORE: And one of those would be a -- you  
10 mentioned a couple, one would be where the victim  
11 doesn't have a chance to defend him or herself?

12 JUROR NUMBER 21: Correct.

13 MR. MOORE: One of those situations. And, for  
14 you, there would be no room for mitigation because  
15 that's one that automatically would be punishable by  
16 death.

17 JUROR NUMBER 21: They killed somebody because  
18 they wanted to.

19 MR. MOORE: Okay. Can you think of types -- can  
20 you think of circumstances that, in your mind, would  
21 mitigate a first degree murder? Do you know what I --  
22 do you know what I mean by that? I don't want to  
23 assume you know what I'm talking about when I'm  
24 familiar with the terms, and you're just beginning to  
25 learn them. So if I am assuming too much, you will

1 let me know.

2 JUROR NUMBER 21: Can you define mitigating? I  
3 believe I understand, but --

4 MR. MOORE: I think you probably do, but  
5 aggravating circumstances -- first of all, it has to  
6 be found -- aggravating circumstances has to be found,  
7 at least one, before you can vote for death. You  
8 don't have to find any mitigating circumstances, you  
9 can find all the aggravating circumstances in the  
10 world and no mitigating circumstances, and you don't  
11 have to vote for death, you can still vote for life.

12 JUROR NUMBER 21: Right.

13 MR. MOORE: As to mitigating circumstances,  
14 that's one that suggests that life without parole is  
15 the appropriate sentence.

16 JUROR NUMBER 21: A mitigating circumstance would  
17 be an accidental -- I mean, two people got in a fight,  
18 one of the people ended up being killed. That would  
19 be something -- if I went over to your house, I  
20 planned to beat the crap out of you, you died in the  
21 process; from what I understand, that would be first  
22 degree?

23 MR. MOORE: Well, let me back up a step. If it's  
24 an accident, then we're out of the realm of being a  
25 first degree murder. A first degree murder punishable



1 by death has to be proven to be premeditated, or a  
2 felony murder.

3 JUROR NUMBER 21: So if I come to your house to  
4 fight you and I kill you, is that first degree?

5 MR. MOORE: Bad example.

6 JUROR NUMBER 21: Okay.

7 MR. MOORE: For a lot of reasons.

8 JUROR NUMBER 21: Well, I mean -- I didn't mean  
9 -- you're the one standing there, not that I have  
10 anything against you.

11 MR. MOORE: Okay. So we're talking about the  
12 only types of -- the only homicides, the only crimes,  
13 that are punishable in the state of Florida by death  
14 are first degree premeditated murder. Not an  
15 accidental death, reckless endangerment, but first  
16 degree premeditated murder --

17 MR. BROWN: I object to that.

18 MR. MOORE: -- and felony murder.

19 MR. BROWN: And felony murder.

20 MR. MOORE: Okay. You with me?

21 JUROR NUMBER 21: Uh-huh.

22 MR. MOORE: So accidental -- you know, talking  
23 accidental, death is off the table, we don't even deal  
24 with it.

25 JUROR NUMBER 21: All right.

1 MR. MOORE: So what I'm asking is, can you think  
2 of first degree premeditated murder or felony murder,  
3 which will be defined for you, if either of those --  
4 if there's a conviction for either of those, can you  
5 think of mitigating circumstances that would mitigate  
6 a first degree premeditated, or felony murder; that  
7 is, support life without parole as an appropriate  
8 sentence. Can you think of mitigating circumstances?  
9 Anything that you can think of, circumstances in a  
10 person's life, that would mitigate, or take the edge  
11 off, so to speak.

12 JUROR NUMBER 21: No.

13 MR. MOORE: How about mental health? Do you  
14 believe that a person who is mentally ill chooses to  
15 be mentally ill?

16 JUROR NUMBER 21: No.

17 MR. MOORE: If you heard evidence of mental  
18 illness, is that a circumstance that you would be open  
19 to considering as potentially mitigating?

20 JUROR NUMBER 21: Yes.

21 MR. MOORE: All right. How about brain damage or  
22 brain injury, if you heard evidence of that, is that a  
23 circumstance you would consider and are open to  
24 considering as mitigating?

25 JUROR NUMBER 21: Yes.

1 MR. MOORE: How about drug abuse or drug  
2 addiction, and let me ask this first: Do you believe  
3 that people who are addicted to drugs choose to be?  
4 Is that a choice, drug addiction?

5 JUROR NUMBER 21: My answer to that would be,  
6 they chose one day to start using drugs.

7 MR. MOORE: Different question. Of course if a  
8 person picks up a drink or smokes a joint, that's a  
9 choice.

10 JUROR NUMBER 21: Right.

11 MR. MOORE: Down the road, a person becomes  
12 addicted, and is that -- at that point, has that  
13 person chosen to be addicted? Can that person  
14 unchoose, or choose not to be addicted?

15 JUROR NUMBER 21: No.

16 MR. MOORE: Okay. You recognize that some people  
17 struggle with addiction and drug abuse?

18 JUROR NUMBER 21: Yes.

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

22 JUROR NUMBER 21: Yes.

23 MR. MOORE: Do you understand that life without  
24 parole means life without parole?

25 JUROR NUMBER 21: Yes.

1 MR. MOORE: Never get out. No early out, no good  
2 time, no gain time, no probation, no parole. You die  
3 in prison. That's what that means. You don't  
4 question that in any way?

5 JUROR NUMBER 21: No.

6 MR. MOORE: You understand that when the Court  
7 says that she gives great weight to the jury's  
8 recommendation of a sentence -- you remember when she  
9 said that?

10 JUROR NUMBER 21: Yes.

11 MR. MOORE: That means that it's impossible for  
12 her to impose a sentence without that input of the  
13 jury. Do you understand?

14 JUROR NUMBER 21: Yes.

15 MR. MOORE: That's how essential it is. It's not  
16 like she can say, oh, that's nice, and ignore it, and  
17 do what she wants to do. She can't do it. You accept  
18 that?

19 JUROR NUMBER 21: Yes.

20 MR. MOORE: You accept how important and critical  
21 your decision is in the judge being able to make her  
22 decision?

23 JUROR NUMBER 21: Yes.

24 MR. MOORE: If the judge read this instruction as  
25 a potential mitigating circumstance, could you accept

1 this and follow it and consider it, without saying  
2 where it would lead you.

3 JUROR NUMBER 21: Oh, yeah.

4 MR. MOORE: Okay. If she instructed you, "the  
5 capital felony was committed while the defendant was  
6 under the influence of extreme mental or emotional  
7 distress," is that something you would be open to  
8 considering as potentially mitigating?

9 JUROR NUMBER 21: Yes.

10 MR. MOORE: How about, "the capacity of the  
11 defendant to appreciate the criminality of his conduct  
12 or conform his conduct to the requirements of the law  
13 was substantially impaired." Is that a circumstance  
14 that you would be open to considering?

15 JUROR NUMBER 21: Yes.

16 MR. MOORE: How about physical or emotional abuse  
17 in one's life, is that -- if presented evidence of  
18 that, is that a circumstance, potentially, that you  
19 would consider or be open to considering as  
20 mitigating?

21 JUROR NUMBER 21: Yeah.

22 MR. MOORE: Do you understand that -- well, you  
23 probably don't, let me explain it. At the guilt or  
24 innocence phase, where the jury is trying to decide  
25 guilt or innocence of the crimes charged, the jury's

1 verdict has to be unanimous, everybody's got to agree  
2 on guilty or not guilty. Then, if there's a finding  
3 of guilt of first degree murder, then there's the  
4 penalty phase, the sentencing phase, and in that  
5 proceeding, the verdict does not have to be unanimous.  
6 Do you understand that?

7 JUROR NUMBER 21: Okay. I did not know that.

8 MR. MOORE: I didn't expect you to. I'm saying  
9 that that's the way it works. And you have the right  
10 to vote your conscience, what you think is right; and  
11 you are never required to vote for death under any  
12 circumstance. That is your choice. That is what you  
13 believe is the correct vote. Do you understand?

14 JUROR NUMBER 21: Yes.

15 MR. MOORE: Do you accept that?

16 JUROR NUMBER 21: Yes.

17 MR. MOORE: Can you accept that you have the  
18 right to have your view, your vote, respected and have  
19 people not browbeat you or intimidate you, and you can  
20 stick with what you think is your correct vote?

21 JUROR NUMBER 21: Yes.

22 MR. MOORE: And by the same token, can you give  
23 that respect to other people and their opinions?

24 JUROR NUMBER 21: Yes.

25 MR. MOORE: I'd like to have a moment.

1 THE COURT: Yes, you may.

2 MR. MOORE: I don't have any other questions.

3 THE COURT: Okay. Juror Number 21, I'm going to  
4 give you some instructions --

5 MR. MOORE: Judge, can we approach?

6 THE COURT: Yes.

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

10 MR. MOORE: Your Honor, I move to strike Juror 21  
11 for cause. Without getting into specifics -- well, he  
12 did a little bit -- but he indicated there are types  
13 of first degree murder for which there would be no  
14 mitigation, and he would automatically vote for death;  
15 and one of those is where the victim is defenseless  
16 and not able to defend him or herself. Now, it  
17 doesn't matter how close or how far that comes from  
18 this fact situation, the fact that he has identified  
19 certain types of homicides where he would not under  
20 any circumstance consider mitigating factors takes him  
21 -- makes him ineligible to sit on the jury, because  
22 he's foreclosed being able to follow the law engaging  
23 in the second part of the jury proceeding where, if  
24 he's found guilty of first degree murder, he would  
25 then have to -- he is required to look for aggravators

1 and required to at least consider mitigating  
2 circumstances. But he's already shut the door on  
3 considering mitigating circumstances in certain types  
4 of first degree murder cases, so he can't sit on the  
5 jury.

6 MR. PIROLO: Judge, to add to that part, he also  
7 said that the person could be armed, but still be  
8 defenseless.

9 MR. LANNING: The only cases that he felt are  
10 premeditated murder (unintelligible) death would  
11 involve self-defense or accidental. Neither of which  
12 are premeditated murder.

13 THE COURT: Okay. Response from the State?

14 MR. BROWN: Judge, he responded when asked  
15 numerous times, would he consider the various  
16 mitigation that they put out to him, and he indicated  
17 throughout his entire questioning that he would  
18 consider the mitigation, he would consider the mental  
19 health, he would consider the addiction, he would  
20 consider physical abuse. He also indicated in my  
21 questioning that, would you consider everything that's  
22 been proven to you? And he said yes. Whatever  
23 mitigation's provided, would you consider it? And he  
24 says yes. You give it whatever weight you want to  
25 give it, but you have to consider it; and he certainly



1       agreed to that. I think the issue comes down to the  
2       way the question was phrased, you now, almost -- are  
3       there situations where you would give the death  
4       penalty? Well, yeah, I'd probably give the death  
5       penalty in the following things, you know, A, B, and  
6       C. But then when asked, would you consider mitigation  
7       that relates to this? Well, yeah, I'd consider that,  
8       and I'd consider that. I don't there's -- he's always  
9       indicated that he would follow the law. They hit him  
10      pretty hard on following the law. He said he would  
11      absolutely follow the law. I covered it with him, he  
12      said he would consider mitigation, the Court's going  
13      to instruct him to consider mitigation. But to put a  
14      question out there, it's an unfair type of question, I  
15      don't believe he's answered it to the level that he  
16      should be stricken for cause.

17           MR. MOORE: How does that square with this man  
18      taking the position that despite all that, there are  
19      cases where he would not consider any mitigating  
20      circumstances? I think the best could be said that he  
21      has doubt. He agreed that he would consider  
22      mitigating circumstances, however, in certain cases he  
23      would not. That's what he said. There is no way that  
24      those two positions can be squared. And it shows, at  
25      very best, that he is doubtful -- that there is doubt

1 in his ability to consider mitigating circumstances;  
2 and I would go further than that, that there's no  
3 doubt that he will not consider it, because that's  
4 what he said. And there's nothing unfair about asking  
5 him if there are certain cases where you would not  
6 consider mitigating circumstances, and he says, yes,  
7 there were; and he agreed that that would be an  
8 automatic for him. He gave examples.

9 MR. BROWN: Judge, the way the question was  
10 phrased was whether it could be mitigated to a life  
11 sentence, and that's -- there's nothing you can lead  
12 into --

13 THE COURT: And here's --

14 MR. MOORE: No, no. The question was, can you  
15 consider mitigating circumstances? And he said no.  
16 In certain types of cases. That's the way it was put,  
17 that's the way it was answered.

18 THE COURT: For one, I'm not sure everyone  
19 understands what the word mitigation means. When you  
20 did talk about mitigation, I mean, you asked him that  
21 in the very beginning before you talked about  
22 mitigating circumstances. When you asked him about  
23 mitigating circumstances, he said he would consider  
24 all those, and he also said he would follow the law.  
25 I'm not sure -- you know, the way the question was

1 phrased, with all due respect, I'm not sure he  
2 understood the question, because when you did ask him  
3 further, he said that he would consider all those  
4 things.

5 MR. MOORE: I asked him about the mitigation  
6 first, we went into that.

7 THE COURT: Yeah, but you asked him about  
8 mitigations, and you don't talk about what mitigators  
9 are. I'm not sure he --

10 MR. MOORE: I did. I asked him about mental  
11 health, I asked him about -- I asked him about all of  
12 them.

13 THE COURT: No, you asked in the very beginning,  
14 and then you went through all those; and when you went  
15 through all those, he said that he would consider  
16 every one of those.

17 MR. MOORE: But it was after that that I asked  
18 him, are there certain cases where you would not  
19 consider mitigation? And he said yes. And I said,  
20 are there certain types of cases where it would be  
21 automatic -- a death sentence would be automatic? And  
22 he said yes, and he listed the types, a defenseless  
23 kid, a person that can't defend him or herself --

24 THE COURT: If you want to take an opportunity --  
25 like I said, if you want to take -- I'm not sure he

1 knows what mitigation is, I'm not sure the majority of  
2 people know what mitigation means until you start to  
3 explain it. If you want to discuss that with him,  
4 I'll give you an opportunity to do that.

5 MR. MOORE: Go over it again? Well, sure, I'll  
6 take that opportunity.

7 THE COURT: Well, not go over it again, but --

8 MR. MOORE: I've already explained it.

9 THE COURT: You talk -- you throw the word  
10 mitigation out there, and nobody explains what  
11 mitigation is.

12 MR. MOORE: I explained that it makes a life  
13 without parole sentence more likely, more appropriate,  
14 that's what I said. Beyond --

15 THE COURT: But then you give specific  
16 circumstances, and he agreed to all of those specific  
17 circumstances.

18 MR. MOORE: Except in those specific  
19 circumstances which he identified, where he would not  
20 consider mitigating circumstances.

21 THE COURT: If you want to question him, I'll  
22 give you an opportunity to question him again with  
23 regard to specific -- what he talked about earlier  
24 with regard to mitigation, because I'm not sure he  
25 knew what mitigation meant when you said that. Once

1       you start giving examples, then people -- you ask them  
2       what's a mitigating circumstance and nobody can give  
3       you an example of what is really a mitigating  
4       circumstance; and then once you start talking about  
5       it, then they all say they agree to it. So I think it  
6       would be appropriate, now that he has some information  
7       about what -- some specific examples of mitigation  
8       that he --

9               MR. MOORE: Did I not give those to him, Your  
10       Honor? I thought I said mental health and drugs  
11       and --

12              THE COURT: You did those after you asked him  
13       that question.

14              MR. MOORE: Okay. Okay.

15              THE COURT: So I'll give you an opportunity to  
16       question him again.

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

19              MR. MOORE: I gave you some examples of potential  
20       mitigating circumstances, and you indicated that you  
21       understood my examples and would be willing to at  
22       least consider them, without committing to whether you  
23       would accept them or what weight you would give to  
24       them. Would you be open to considering them?

25              JUROR NUMBER 21: Yes.

1 MR. MOORE: Now, we also talked about certain  
2 types of extreme cases where, for you, the death  
3 sentence would be appropriate; and we even talked  
4 about it in terms of, let's say, a defenseless child,  
5 or a person who's defenseless, even if armed, that  
6 person's defenseless, where, for you, the sentence of  
7 death would an appropriate sentence, not only  
8 appropriate, but automatic in your mind; is that  
9 correct?

10 JUROR NUMBER 21: Yes.

11 MR. MOORE: Now, after we talked about those  
12 mitigating circumstances I brought up, are you saying  
13 that those extreme cases you're talking about are  
14 cases where you would not be open to considering  
15 mitigating circumstances, or would you be willing to  
16 be open to considering those mitigating circumstances?  
17 I mean, are those so extreme for you that you would  
18 say, I'm closed to hearing mitigating circumstances in  
19 certain types of cases. As far as I'm concerned,  
20 because of the extreme nature of this first degree  
21 murder, that person's going to have the death penalty,  
22 as far as I'm concerned. What's your position?

23 JUROR NUMBER 21: They would have to be extreme  
24 mitigating circumstances for me to consider. I  
25 mean --

1 MR. MOORE: Because a little while ago, if I  
2 heard you correctly, you indicated there are certain  
3 types of extreme first degree murders where you would  
4 not consider mitigating circumstances, not at all, for  
5 you. I mean, the door is closed, and the only  
6 sentence that you could conceive of and would vote for  
7 would be death. Are there such cases in your mind?

8 JUROR NUMBER 21: Yes.

9 MR. MOORE: And the examples that you gave, are  
10 those still valid examples, like a defenseless person?  
11 Is that one of those extreme cases?

12 JUROR NUMBER 21: Yes.

13 MR. MOORE: And in that case, are you saying --  
14 now, again, no right or wrong answer, just your  
15 answer, whatever you think in your heart of hearts.  
16 In that type of extreme case, and others that you can  
17 probably think of, would your mind be closed to  
18 considering mitigating circumstances in those cases?

19 JUROR NUMBER 21: Yes.

20 MR. MOORE: Is there any doubt in your mind that  
21 that is your position?

22 JUROR NUMBER 21: No.

23 MR. MOORE: No further questions.

24 THE COURT: Okay. If --

25 MR. BROWN: Judge, may I follow up on that?

1 THE COURT: I'll allow you to follow up on that.

2 MR. BROWN: Juror Number 21, I want to make sure  
3 the parameters of the question are understood. If we  
4 have a situation that, to use your term, is an extreme  
5 case, and that's the homicide that's been convicted,  
6 are you saying that mitigation that would be presented  
7 to you, whatever mitigation evidence there is, defense  
8 counsel talked about addiction, mental health,  
9 physical abuse, things of that nature, are you saying  
10 that you simply would not consider it at all, or are  
11 you saying that it's a question of, it's got to be a  
12 lot of mitigation that would overcome that aggravating  
13 circumstance to get you to vote for life, or are you  
14 simply saying that if it's an extreme circumstance,  
15 I'm not going to look at mitigation? You see what I  
16 mean?

17 JUROR NUMBER 21: I'm trying to think of my  
18 answer. In my mind, if you snuck up on somebody and  
19 killed them, you did it because you wanted to, it  
20 would have to be some astronomical mitigating  
21 circumstance to change my view on the death penalty in  
22 that case.

23 MR. BROWN: Okay. Thank you. No further  
24 questions, Your Honor.

25 THE COURT: Okay. Can we have a bench



1 conference?

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

5 MR. MOORE: I'm renewing my request to strike him  
6 for cause. He's back and forth, depending on who's  
7 asking the question, between I would not consider any,  
8 there's no doubt in my mind, to it would take  
9 astronomical. So, I mean, there's no reconciling the  
10 two. I think, at best, it's an equivocal answer; and,  
11 at best, there's doubt about his ability to be open to  
12 mitigating circumstances. But he's already taken the  
13 position twice with me that he would not consider  
14 mitigating circumstances in certain types of homicide  
15 cases. There's no doubt in his mind. And I asked him  
16 specifically, is there any doubt in your mind about  
17 your ability and would you shut out mitigating  
18 circumstances, and he said, yes, there's no doubt in  
19 my mind. That's what he said to me.

20 THE COURT: Okay. Response from the State?

21 MR. BROWN: Judge, while I think what he  
22 certainly means and what he's interpreting the  
23 question is, he's not looking at consideration versus  
24 how he's weighing it. He's answering the question of,  
25 if it's an extreme case, there better be an extreme

1 amount of mitigation, otherwise he's voting for death;  
2 and that's what I believe he said. But, with  
3 discretion being the better (unintelligible), I will  
4 not object to him being struck for cause.

5 THE COURT: Okay. Number 21 will be struck for  
6 cause.

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

9 THE COURT: Okay. Juror Number 21, at this time  
10 I am going to release you from the panel. You can --  
11 well, I thank you for your service, I'm going to have  
12 you go downstairs, report to the jury assembly room,  
13 and tell them that you have been released from Judge  
14 Reinman's courtroom, and then they will give you  
15 further information. Mostly what they're going to do  
16 is take your badge and thank you for being here, and  
17 then you'll be free to go about your business.

18 JUROR NUMBER 21: Okay. Thank you.

19 THE COURT: Thank you, sir.

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

24 THE COURT: Okay. Juror Number 22, first of all,  
25 I want to thank you for being here, thank you for your

1 patience with regard to this process. The other day I  
2 gave some rules that you needed to follow while we  
3 were on recess, so I'm going to follow up with you on  
4 that at this time. Have you been exposed -- and this  
5 is since we've been on recess. Have you been exposed  
6 to reading newspaper headlines and/or articles related  
7 to this trial or its participants?

8 JUROR NUMBER 22: No.

9 THE COURT: Have you seen any television, radio,  
10 or Internet comments about the trial?

11 JUROR NUMBER 22: No.

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

14 JUROR NUMBER 22: Since we started? No.

15 THE COURT: Yes. And have you discussed with any  
16 jurors, potential jurors, or with anyone else, or  
17 allowed anyone to discuss this case in your presence?

18 JUROR NUMBER 22: No.

19 THE COURT: Okay. My first question I'm going to  
20 ask is a general question: What are your views about  
21 the death penalty?

22 JUROR NUMBER 22: I'm in favor of it.

23 THE COURT: Okay. Are you of the opinion that  
24 death is the only appropriate penalty if there is  
25 murder in the first degree?

1 JUROR NUMBER 22: No.

2 THE COURT: Okay. So you would be -- would you  
3 be able to consider life in prison with the  
4 possibility of parole as a --

5 MR. MOORE: Judge, you said with the possibility  
6 of parole.

7 THE COURT: Okay. Life in prison with no  
8 possibility of parole, I apologize. Life in prison  
9 with no possibility of parole as a penalty under any  
10 circumstances, under some circumstances?

11 JUROR NUMBER 22: Yes, I guess I would. Yeah.

12 THE COURT: Okay. I'll explain the process to  
13 you, and I'll follow up with that. In the event there  
14 is -- we have the first phase of the trial, which we  
15 call the guilt phase, and in the event there is a  
16 guilty verdict as to count one, which is first degree  
17 premeditated murder, then we move into a second phase.  
18 The second phase is called the penalty phase; and, as  
19 a juror in the penalty phase, you would be asked to  
20 make a recommendation to the Court of death, or life  
21 in prison without the possibility of parole. Would  
22 you be able to consider both those possible penalties  
23 if I instructed you, as a juror, were required to do  
24 so?

25 JUROR NUMBER 22: I could try to do that.

1 THE COURT: Okay. So if I -- if I instructed you  
2 that you were to consider life in prison without the  
3 possibility of parole as a penalty, would you be able  
4 to follow that instruction?

5 JUROR NUMBER 22: Yes.

6 THE COURT: Okay. Now, do you know anything  
7 about this case, and this would be prior to coming  
8 here, either from your own personal knowledge, rumor,  
9 by discussion with anyone else, or from the media,  
10 radio, television, Internet, electronic device, or  
11 newspapers?

12 JUROR NUMBER 22: Yes.

13 THE COURT: Okay. And what information do you  
14 believe you know about the case?

15 JUROR NUMBER 22: I know that a police officer  
16 was killed by two people in a car, that she died.

17 THE COURT: Okay. And anything else?

18 JUROR NUMBER 22: That he is believed to be the  
19 shooter, and I believe she has gotten -- I can't think  
20 of the terminology I want -- has pleaded, or whatever,  
21 so she can be used as a -- she can be a testimony  
22 against him.

23 THE COURT: Okay. There's no right or wrong  
24 answer, so just tell us what you know. Anything else?

25 JUROR NUMBER 22: That's probably about it.

1 THE COURT: And how would you have gained this  
2 information?

3 JUROR NUMBER 22: I read it in the newspaper when  
4 it first came out, and just hearing talk through  
5 coworkers at work.

6 THE COURT: Okay. So the primary source of your  
7 information would be from the newspaper?

8 JUROR NUMBER 22: Yes.

9 THE COURT: And what newspaper is that?

10 JUROR NUMBER 22: Florida Today.

11 THE COURT: Okay. Have you heard anything on any  
12 news channels?

13 JUROR NUMBER 22: No.

14 THE COURT: And then you say you might have  
15 discussed it at work.

16 JUROR NUMBER 22: Yeah.

17 THE COURT: What would have been the discussions  
18 at work?

19 JUROR NUMBER 22: You know, I'm pretty sure they  
20 just talked about, can you believe that two kids  
21 killed this police officer, and ransacked a hotel, and  
22 stuff like that.

23 THE COURT: Okay. So you just talked about  
24 something about a hotel, what information do you know  
25 about that?

1 JUROR NUMBER 22: That they just ransacked it  
2 prior to her being killed.

3 THE COURT: Okay. Anything else that you can  
4 think of that you know? Like I said, just take your  
5 time, just take a deep breath. There's no right or  
6 wrong answers.

7 JUROR NUMBER 22: No.

8 THE COURT: Okay. One of the things, as a juror,  
9 the instruction that I would give you is that you  
10 would have to set aside what you may have learned  
11 about this case, serve with an open mind, and reach a  
12 verdict based only on the law and the evidence  
13 presented in this trial. Can you do that?

14 JUROR NUMBER 22: I would hope I could.

15 THE COURT: Okay. There's -- we can't -- like I  
16 said, there's no right or wrong answer, so if you say,  
17 I may be able to do it, but I may not be able to do  
18 it, we just need to know that. And you said, I hope I  
19 could do that. If I say, this is the instruction that  
20 I give you and that's what I need you to do, can you  
21 do that?

22 JUROR NUMBER 22: Yes. I think I could.

23 THE COURT: Okay. I know you say "I think," some  
24 people say "I think" as a matter of speech, you'd be  
25 surprised how many people say that when they mean I

1 really can, some people say "I think" meaning, I'm not  
2 really sure. And every time you say "I think," I'll  
3 guarantee both attorneys are going to follow up on  
4 that word. That's a word that can have some different  
5 meanings.

6 MR. MOORE: As the Court stressed, there is no  
7 right or wrong answer.

8 THE COURT: I've done that. Yeah, I've said it.  
9 There is no right or wrong answer.

10 JUROR NUMBER 22: I can't say 100 percent that  
11 what I've read would not influence me. You know, I've  
12 already, I mean --

13 THE COURT: You said that you can't 100 percent?

14 JUROR NUMBER 22: I can't probably 100 percent,  
15 no.

16 THE COURT: Would not influence you in what way?

17 JUROR NUMBER 22: You know, the case, what was in  
18 the paper, we -- you know, we've all -- I have an  
19 idea, you know, what I thought had happened, and  
20 possibly what I would think, he might already be  
21 guilty. You know, I know that everyone is given a  
22 chance, but -- and I know not everything you read in  
23 the paper is right, but there was two people in that  
24 car, she died, someone had to kill her. So you can't  
25 -- I mean, in my mind, it's already there.



1 THE COURT: Okay. Questions by the State.

2 MR. BROWN: No, Your Honor.

3 MR. MCMASTERS: Stipulate.

4 THE COURT: Okay. All right. Number 22, at this  
5 time I will release you from your service as a juror  
6 on this panel. What I'm going to ask you to do is to  
7 go downstairs, to speak to the -- report to the jury  
8 assembly room, and then they'll give you some general  
9 information and release you. Okay. Thank you. Nice  
10 to see you.

11 (Thereupon, Juror Number 22 was escorted out of  
12 the courtroom by the court deputy and the proceedings  
13 were had as follows:)

14 THE COURT: Okay. Just for the record, Number 22  
15 will be struck for cause. Okay. We can bring in  
16 Number 23.

17 (Thereupon, Juror Number 23 was escorted into the  
18 courtroom by the court deputy and the proceedings were  
19 had as follows:)

20 THE COURT: Okay. Number 23, the first thing I  
21 want to do is thank you for being here, and thank you  
22 for your patience with regard to this process. Last  
23 time I met with you all, I talked about some rules  
24 governing your service as a juror, so I'm going to  
25 talk about those for just a minute. Since this

1 process started, have you read any newspaper headlines  
2 or articles related to this trial or its participants?

3 JUROR NUMBER 23: No, ma'am.

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

6 JUROR NUMBER 23: No, ma'am.

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

10 JUROR NUMBER 23: No, ma'am.

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

14 JUROR NUMBER 23: No, ma'am.

15 THE COURT: Okay. What I'm going to do is, I'm  
16 going to ask you some questions, then the State will  
17 have an opportunity to ask you some questions, and  
18 then the defense will have an opportunity to ask you  
19 some questions. My first question, what are your  
20 views about the death penalty?

21 JUROR NUMBER 23: I agree with the death penalty.

22 THE COURT: Okay. So you would say that you are  
23 for the death penalty?

24 JUROR NUMBER 23: Yes, ma'am.

25 THE COURT: Okay. Is that opinion -- your

1 opinion that you're for the death penalty, do you  
2 believe that's the only appropriate penalty for murder  
3 in the first degree?

4 JUROR NUMBER 23: Yes, ma'am.

5 THE COURT: Okay. And is that opinion so strong  
6 that you would not consider life in prison without the  
7 possibility of parole as a penalty under any  
8 circumstances?

9 JUROR NUMBER 23: I would not consider life in  
10 prison without parole.

11 THE COURT: Okay. And if there was a conviction  
12 of murder in the first degree?

13 JUROR NUMBER 23: It would be -- I would vote for  
14 death.

15 THE COURT: Okay. I'm just going to explain the  
16 process with you, and then I'll ask that question  
17 again. In this case, there are two phases, there's a  
18 guilt phase and a penalty phase. The guilt phase is  
19 the first part of the trial; and in the event the  
20 defendant is found guilty of count one, which is  
21 premeditated murder in the first degree, then we move  
22 on to the second phase. The second phase would be  
23 that the jury would be required to make a  
24 recommendation to the Court of a penalty, possible  
25 penalties are death, or life in prison without the

1 possibility of parole. Now, having said that, I'm  
2 just going to ask you again, if there was a conviction  
3 on count one of guilty of premeditated first degree  
4 murder, are you of the opinion that the death penalty  
5 would be the only appropriate penalty, or would you  
6 consider -- if I instructed you that you needed to  
7 consider life in prison without the possibility of  
8 parole as a penalty, could you do that?

9 JUROR NUMBER 23: No, I couldn't.

10 THE COURT: Okay. And questions by the State.

11 MR. BROWN: No questions.

12 THE COURT: Questions by the defense.

13 MR. MOORE: No questions. Stipulate.

14 THE COURT: Okay. Ma'am, at this time I want to  
15 thank you for your service, I am going to release you  
16 from the panel. I need you to report downstairs to  
17 the jury assembly room, and tell them that you've been  
18 released from Judge Reinman's courtroom. Mostly what  
19 they're going to do is take your little badge, they  
20 want to make sure they get the plastic thing, and then  
21 you'll be released from service.

22 JUROR NUMBER 23: Okay.

23 THE COURT: Okay. Thank you.

24 (Thereupon, Juror Number 24 was escorted out of  
25 the courtroom by the court deputy and the proceedings

1 were had as follows:)

2 THE COURT: Okay. I just want to make sure the  
3 record's clear, so I'm going to put it on the record  
4 that Number 23 is released for cause. Okay. We can  
5 bring in Number 25.

6 (Thereupon, Juror Number 25 was escorted into the  
7 courtroom by the court deputy and the proceedings were  
8 had as follows:)

9 THE COURT: Okay. Number 25, the first thing I  
10 want to do is thank you for being here, and thank you  
11 for your patience regarding this process. When I last  
12 recessed, I gave -- I announced some rules governing  
13 your service as a juror, so I'm going to go over those  
14 rules at this time. Have you read -- and this is  
15 since this case has started. Have you read or been  
16 exposed to reading newspaper headlines and/or articles  
17 related to this trial or its participants?

18 JUROR NUMBER 25: Only before.

19 THE COURT: Only before. Okay. I'll talk to you  
20 about that in just a few moments. And have you seen  
21 or heard television, radio, or Internet comments about  
22 the trial?

23 JUROR NUMBER 25: No.

24 THE COURT: And have you conducted or been  
25 exposed to any research regarding any matters

1 concerning this case?

2 JUROR NUMBER 25: I have not been exposed to any  
3 research in any matters in this case.

4 THE COURT: Okay. Have you done any research?

5 JUROR NUMBER 25: I have not done any research.

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

9 JUROR NUMBER 25: No.

10 THE COURT: Okay. I'm going to ask you some  
11 questions, and then the State and the defense have an  
12 opportunity to ask you questions as well. My first  
13 question is a pretty general question, what are you  
14 views about the death penalty?

15 JUROR NUMBER 25: It is a necessary evil that we  
16 have to have.

17 THE COURT: Okay. So I would assume if someone  
18 asked you if you were for the death penalty or opposed  
19 to the death penalty you would say that you are for  
20 the death penalty? Would that be correct? And  
21 there's no right or wrong answers, so feel free to  
22 respond. This is your one opportunity where you get  
23 to talk.

24 JUROR NUMBER 25: I am for the death penalty.

25 THE COURT: Okay. I'm going to talk to you a

1 little bit about the process, and then I'm going to  
2 ask you some other questions. In this case we have  
3 two phases, the first phase is called the guilt phase.  
4 In that guilt phase, the jury would be asked to find  
5 the defendant guilty or not guilty of certain charges  
6 which you've already heard. Count one is premeditated  
7 first degree murder. In the event the defendant was  
8 found guilty of that count by the jury, then we would  
9 move into the second phase of this trial process. The  
10 second phase is called the penalty phase. In the  
11 penalty phase, the jury is asked to make a  
12 recommendation to the Court for a penalty, that  
13 penalty is either death, or life in prison without the  
14 possibility of parole. If there was a guilty verdict  
15 on count one, and if we moved into the penalty phase,  
16 are you of the opinion that death is the only  
17 appropriate penalty for murder in the first degree,  
18 and is that opinion so strong that you would not  
19 consider life in prison without the possibility of  
20 parole as a penalty under any circumstances? And  
21 that's a very long question.

22 JUROR NUMBER 25: Can I ask something? Or can I  
23 say something?

24 THE COURT: You can answer that question any way  
25 you like.

1 JUROR NUMBER 25: Okay. In my family, there's  
2 been law enforcement officers that served, I served in  
3 Vietnam, my brother served in (unintelligible), and  
4 we've had exchanges of firearms on us; and as a result  
5 of that, me being in a situation where I had to defend  
6 myself, deadly force is okay. It has been okay, will  
7 be okay. And to answer your question, death penalty  
8 (unintelligible).

9 THE COURT: Okay. If I were to instruct you that  
10 you are to consider life in prison without the  
11 possibility of parole as a possible penalty, would you  
12 able to follow my instruction? There's no right or  
13 wrong answers, it's what you feel that you can do.

14 JUROR NUMBER 25: Is it wrong to say I pretty  
15 much have my mind made up about this case?

16 THE COURT: No. In fact, what we appreciate is  
17 the candor. We want you to tell us how you feel. So  
18 it's not wrong to say anything.

19 JUROR NUMBER 25: Okay.

20 THE COURT: When you say you've made up your mind  
21 with regard to this case, tell me what you know about  
22 the case and tell me what your mind says.

23 JUROR NUMBER 25: I know there was an exchange of  
24 fire between the officer and the defendant, the  
25 defendant should have laid his arms down, he should



1 have surrendered. He did not, he fired, she's dead.  
2 There's only one thing that can be done here, and it's  
3 have a trial, and finish -- can I say what my opinion  
4 is?

5 MR. MOORE: I couldn't hear the last part. You  
6 said, have a trial, and what's after that?

7 THE COURT: He said, can I say -- like I said,  
8 there's no right or wrong answers, and you can say  
9 whatever you wish to say. He just couldn't hear you.

10 JUROR NUMBER 25: Okay. You have the trial, do  
11 what we're doing, and there's a sentence that I  
12 believe that I'd render, if I could say it.

13 THE COURT: You can say it.

14 JUROR NUMBER 25: It's guilty and it's death.  
15 I'm sorry.

16 THE COURT: Okay. There's nothing to be sorry  
17 about. That's just -- we just need to know -- we need  
18 you to be honest with us, and have candor such as what  
19 you've done. So there's nothing -- there's no  
20 apologies -- I'm not going to accept your apology  
21 because there's no apology needed. Okay. Does the  
22 State wish to inquire?

23 MR. BROWN: No, Your Honor.

24 THE COURT: Questions by the defense.

25 MR. MOORE: No. Stipulate.

1 THE COURT: Okay. All right. Number 25, I want  
2 to thank you for your service, I am going to release  
3 you from serving on this jury. What I need you to do  
4 is to report downstairs to the jury assembly room,  
5 they're going to give you some short information, and  
6 they're going to send you on your way. Thank you,  
7 sir.

8 (Thereupon, Juror Number 25 was escorted out of  
9 the courtroom by the court deputy and the proceedings  
10 were had as follows:)

11 THE COURT: Okay. Just for the record, Number 25  
12 will be released for cause. Okay. Let's bring in  
13 Number 29. I'm going to go close to 3:00, and then  
14 I'm going to take a break.

15 (Thereupon, Juror Number 29 was escorted into the  
16 courtroom by the court deputy and the proceedings were  
17 had as follows:)

18 THE COURT: Okay. Juror Number 29, first, I  
19 would like to thank you for being, and thank you for  
20 being patient with us regarding this process. The  
21 first thing I'm going to talk to you about is, when we  
22 last recessed, I announced some rules that jurors have  
23 to follow as a result of their service, and these  
24 rules pertain to when you started on this panel. So  
25 I'm going to ask you, have you read or been exposed to

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

3 JUROR NUMBER 29: The only thing I overheard was  
4 a little bit of a newscast last night on the TV.

5 THE COURT: Okay.

6 JUROR NUMBER 29: As far as since yesterday, or  
7 the day before.

8 THE COURT: Yeah, we're going to talk about prior  
9 to that in just a minute. When you heard that, what  
10 did you do?

11 JUROR NUMBER 29: I kind of walked out of the  
12 room, just about the jury selection, the first day.

13 THE COURT: Okay. Did it talk about anything  
14 other than the commencement or the first day of jury  
15 selection?

16 JUROR NUMBER 29: No.

17 THE COURT: Okay. Have you seen anything else by  
18 way of television, radio, or Internet comments about  
19 the trial since we started?

20 JUROR NUMBER 29: No.

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

24 JUROR NUMBER 29: No.

25 THE COURT: And have you discussed this case with

1 any other potential jurors or with anyone else, or  
2 allowed anyone to discuss it in your presence?

3 JUROR NUMBER 29: No.

4 THE COURT: Okay. I'm going to ask you some  
5 questions, and then the defense and the State will  
6 have an opportunity to ask you some questions as well.  
7 The first question I ask is a pretty general question,  
8 what are your views about the death penalty?

9 JUROR NUMBER 29: I'm for it.

10 THE COURT: Okay. I'm going to explain to you  
11 how the process works, and then I'm going to ask you  
12 some more specific questions about that. We have two  
13 phases as part of this trial, we have the guilt phase,  
14 and we have the penalty phase. In the guilt phase,  
15 you would make a -- or you would render a verdict of  
16 guilty or not guilty. In that phase, in the event  
17 that the defendant is found guilty of count one, which  
18 is premeditated first degree murder, then we would  
19 move, and only then, into the second phase, which is  
20 called the penalty phase. In the penalty phase, you,  
21 as a juror, would be required to make a recommendation  
22 to the Court of penalties. There are two possible  
23 penalties, one is death, or life in prison without the  
24 possibility of parole. Now, are you of the opinion  
25 that death is the only appropriate penalty for murder

1 in the first degree, and is that opinion so strong  
2 that you would not consider life in prison without the  
3 possibility of parole as a penalty under any  
4 circumstances?

5 JUROR NUMBER 29: I could consider both.

6 THE COURT: You could consider both.

7 JUROR NUMBER 29: Yes.

8 THE COURT: So if I instructed you that it was  
9 part of your job to consider both possible penalties,  
10 you're saying that you could do that?

11 JUROR NUMBER 29: Yes.

12 THE COURT: Okay. Do you know anything about  
13 this case, either from your own personal knowledge,  
14 rumor, by discussion with anyone else, or from the  
15 media, radio, television, Internet, electronic device,  
16 or newspaper?

17 JUROR NUMBER 29: Yes, from what I can recollect  
18 from the news a couple years ago.

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

21 JUROR NUMBER 29: I know there was a robbery,  
22 some items, or whatever, were stolen from a hotel on  
23 192, I know a female police officer was shot on John  
24 Rodes Boulevard. I just kind of remember the  
25 headlines in the news from back then.

1 THE COURT: Okay. You say, "from back then," do  
2 you mean when the event occurred?

3 JUROR NUMBER 29: Yes. Right after.

4 THE COURT: Okay. Have you heard anything  
5 recently?

6 JUROR NUMBER 29: I heard a newscast last week  
7 before I showed up here that was talking about the  
8 trial and jury selection.

9 THE COURT: Okay. And the information that you  
10 may have learned, what source did that come from?

11 JUROR NUMBER 29: It would have to be the TV  
12 news, because I don't read the paper.

13 THE COURT: Okay. So it would have been on the  
14 TV?

15 JUROR NUMBER 29: Yes.

16 THE COURT: Okay. Is there anything else that  
17 you -- any other information that you believe you know  
18 about this case?

19 JUROR NUMBER 29: No, ma'am.

20 THE COURT: All right. Questions by the State.

21 MR. BROWN: Thank you, Your Honor. Juror Number  
22 29, good afternoon. As far as the issues of what you  
23 heard, saw on the TV, and things of that nature,  
24 obviously, if you're selected as a juror, you're going  
25 to have to base your verdict on facts and evidence

1 that you hear in the courtroom.

2 JUROR NUMBER 29: Okay.

3 MR. BROWN: Any problem at all in doing that?

4 JUROR NUMBER 29: No.

5 MR. BROWN: Okay. Now, concerning the death  
6 penalty, I'm going to go over a little bit with you  
7 the process of how it is that we get to the point as a  
8 juror of considering it to make your sentencing  
9 recommendation. I know Her Honor covered this  
10 yesterday, but it was over a day ago, so let me just  
11 cover it real quick with you to make sure you  
12 understand the process.

13 You only consider the death penalty if there's a  
14 verdict for first degree murder. Obviously, if you  
15 come back not guilty, there's no sentencing issue;  
16 come back with a charge of lower than first degree  
17 murder, of a lesser included, such as second degree  
18 murder, then death penalty's off the table, sentencing  
19 is left to the Court. Do you understand that?

20 JUROR NUMBER 29: Yes.

21 MR. BROWN: Now, if you come back -- if you sit  
22 on the jury, and you come back with a verdict for  
23 first degree murder, you come back again, you hear  
24 additional evidence, and then Her Honor would instruct  
25 you on the instructions for what we call the penalty

1 phase of the trial. What she's going to tell you is,  
2 the first step is to look at all the aggravating  
3 circumstances, and she will provide a list to you of  
4 potential aggravating circumstances that may have been  
5 proven in this case. In there would be something you  
6 would think would aggravate the case to justify the  
7 death penalty. Make sense?

8 JUROR NUMBER 29: Okay.

9 MR. BROWN: The State of Florida has to prove at  
10 least one of those to you beyond any reasonable doubt.  
11 If the State fails to prove any of those aggravating  
12 circumstances, then your recommendation has to be for  
13 life in prison.

14 JUROR NUMBER 29: Okay.

15 MR. BROWN: If the State has proven to you at  
16 least one, they can prove more than one, but at least  
17 one, then you look at that circumstance or  
18 circumstances, you look at what's been proven, and you  
19 say, does this or do these justify the death penalty.  
20 If you say, I don't think these aggravating  
21 circumstances justify the death penalty, then you  
22 recommend life. If you feel that they do justify the  
23 death penalty, then you go on to the second phase,  
24 that's where you look at the mitigation evidence  
25 that's been provided to you. As the Court told you



1 yesterday, the mitigation evidence has to do with the  
2 defendant, his background, things of that nature.  
3 Make sense this far?

4 JUROR NUMBER 29: Makes sense.

5 MR. BROWN: Okay. Now, mitigation evidence  
6 that's presented to you, that has to also be proven,  
7 although it is a lower burden, it's to the greater  
8 weight of the evidence. So mitigation evidence will  
9 be provided, you will look at it and say, what's been  
10 proven to me as far as the mitigation, concerning the  
11 defendant's background, character, all sorts of  
12 things. Obviously, if something has not been proven,  
13 you disregard it. You look at mitigation evidence  
14 that you feel has been proven to you, and you consider  
15 all of that. And the Court's going to tell you to go  
16 through a weighing process, where you take the  
17 aggravators that have been proven, and you take all  
18 the mitigation evidence that's been proven to you, and  
19 you consider everything, you weigh it. And like in  
20 the ordinary course of your life, when you've had  
21 decisions to make, you look at all the factors, right?

22 JUROR NUMBER 29: Yes.

23 MR. BROWN: You look at everything that's out  
24 there. Some factors you look at and say, you know,  
25 this is pretty important, I'm giving this great

1 weight; other factors you look at and say, I don't  
2 consider this very important at all, I'm going to give  
3 it little weight. You know, you go through that  
4 process in your normal life, make decisions. You  
5 consider everything, and you decide how much weight to  
6 give. That's what you do here. You consider the  
7 aggravating factors that have been proven, you  
8 consider the mitigating factors that have been proven  
9 to you. You consider it all, and you determine the  
10 weight. If you look at it and say, the mitigation  
11 outweighs the aggravators, then you come back with a  
12 recommendation of life in prison. Make sense?

13 JUROR NUMBER 29: Yeah.

14 MR. BROWN: If you find that the aggravators are  
15 not outweighed by the mitigators, then you're in a  
16 position where you can legally recommend to the Court  
17 a recommendation of the death penalty. Make sense?

18 JUROR NUMBER 14: Yes.

19 MR. BROWN: Even at that point, the Court's going  
20 to tell you, you're not required to recommend the  
21 death penalty. She's not going to tell you, if you  
22 find A, B, and C, then you must recommend the death  
23 penalty, that's not going to happen. So you have to  
24 find the aggravators, compare it to the mitigators,  
25 see which outweighs which. If the mitigation does not

1           outweigh the aggravators, then if you feel the  
2           aggravators justify the death penalty, you could  
3           recommend a sentence of death. You see how it's a  
4           step-by-step process. What do you think about the  
5           process?

6           JUROR NUMBER 29: I guess it works. I mean --

7           MR. BROWN: Okay. Can you accept it?

8           JUROR NUMBER 29: Yeah, I think so. Well, to a  
9           point, you know, mitigating factors kind of bother me.

10          MR. BROWN: Okay. Well --

11          JUROR NUMBER 29: As far as upbringing and stuff.

12          MR. BROWN: Well, again, the issue comes down to,  
13          just like the aggravators, you determine how much  
14          weight you're going to give to a particular mitigator.  
15          The issue is, if it's presented to you, can you  
16          consider it?

17          JUROR NUMBER 29: Yes.

18          MR. BROWN: Okay. You're not going to  
19          immediately shut down and say, you know, that type of  
20          mitigation, I'm not even going to look at it, listen  
21          to it, consider it in any way whatsoever. You agree  
22          that if it's presented and proven to you, you would at  
23          least consider it? You may give it little weight, you  
24          may give it great weight, but, as a juror, that's kind  
25          of what you have to do.

1 JUROR NUMBER 29: Yes.

2 MR. BROWN: Okay. Just like in the guilt phase,  
3 when a witness testifies, or in the penalty phase, you  
4 may believe them, or disbelieve them. You decide how  
5 much weight to give to that testimony. Same thing in  
6 the penalty phase, you decide how much weight to give  
7 to the aggravators, you decide how much weight to the  
8 mitigators. Okay?

9 JUROR NUMBER 29: All right.

10 MR. BROWN: So you have to at least be willing to  
11 consider, even if it's not going to be much weight,  
12 can you consider what's presented to you?

13 JUROR NUMBER 29: Yes.

14 MR. BROWN: And with that process, do you feel  
15 that if aggravating factors are proven to you and they  
16 outweigh the mitigation, and the death penalty is  
17 justified, can you recommend the death penalty?

18 JUROR NUMBER 29: Yes.

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

21 THE COURT: Okay. Questions by the defense.

22 MR. MOORE: Given all you heard about this case,  
23 what you think you know about it, which is a fair  
24 amount, before you came in the courtroom, do you feel  
25 like if you want to look at the scales of justice just

1 even Steven, you have two empty trays, and there's  
2 nothing on either one of them, do you feel like, given  
3 what you know, that there may be a little bit in one  
4 of those trays, let's say the guilt tray?

5 JUROR NUMBER 29: Yes.

6 MR. MOORE: Okay. And to what degree do you  
7 think? You've already decided, at least to a degree,  
8 the issue of guilt. And, again, there are no right or  
9 wrong answers. Nobody's accusing, and nobody's going  
10 to take issue with what you say.

11 JUROR NUMBER 29: I'd say probably 40, 50  
12 percent.

13 MR. MOORE: Is that going to be a factor in your  
14 deliberations in this case, the fact that you're going  
15 into this -- I mean, you're not like a blank slate.

16 JUROR NUMBER 29: Right.

17 MR. MOORE: You have -- would it be fair to say,  
18 and if you disagree with me on this, you'll tell me,  
19 that you have a preconceived idea of guilt, at least  
20 to a degree? And is that going to be a factor for you  
21 as you listen to the testimony, as you go back to  
22 deliberate, the fact that you've already decided up to  
23 a degree about the issue of guilt?

24 JUROR NUMBER 29: I'd say it would take more  
25 convincing to go the other way.

1 MR. MOORE: Okay. Do you understand that the  
2 State has to do all the convincing in this case?  
3 Defense doesn't have to, legally, convince you of  
4 anything; however, is that a legal principle, or a  
5 law, that you could follow, if the State has the  
6 burden of proof? Here we are, and you've already  
7 decided that the scale is a little bit more than even  
8 towards the State's side; is that going to be an issue  
9 for you in trying to listen to the evidence in this  
10 case and embrace it? Do you think that that would be  
11 something that would be a part of your deliberations?  
12 And if you don't know, you don't know. I mean,  
13 there's no right or wrong answers, just whatever you  
14 think.

15 JUROR NUMBER 29: I think I could consider the  
16 evidence.

17 MR. MOORE: Okay. Could you -- are you confident  
18 that you could completely tune out whatever you have  
19 heard, whether it's from the TV, or discussions with  
20 coworkers, neighbors, could you tune all that out and  
21 can you say 100 percent that it will not enter into  
22 your deliberations, it will not affect your  
23 deliberations?

24 JUROR NUMBER 29: I'd like to say yes, but --

25 MR. MOORE: Okay. Sounds like the "but" is that

1           you can't.

2                   JUROR NUMBER 29: I'm not sure.

3                   MR. MOORE: Sir?

4                   JUROR NUMBER 29: I'm not 100 percent sure.

5                   MR. MOORE: Okay. So if the Court instructed you  
6 that your verdict had to be based strictly upon the  
7 evidence you hear in court and the law that she reads  
8 to you, are you saying you're not 100 percent sure  
9 that you can follow that instruction?

10                   JUROR NUMBER 29: No, I can follow the  
11 instruction. Yeah. I can follow that.

12                   MR. MOORE: So a moment ago, where you were not  
13 100 percent about tuning that out, and now you are 100  
14 percent you could tune it out? I'm just trying to  
15 understand.

16                   JUROR NUMBER 29: Yeah, I know. I'm trying to  
17 check my feelings about it.

18                   MR. MOORE: I understand.

19                   JUROR NUMBER 29: I'm going to say that it would  
20 have to be proved to me beyond a shadow of a doubt for  
21 me to say guilty. Is that what you're asking?

22                   MR. MOORE: Would the defense have to be a part  
23 of proving something in the guilt or innocence phase  
24 of the -- the first part of the trial, where you're  
25 trying to decide guilt or innocence of the crimes

1 charged, would you be looking to the defense to prove  
2 innocence? Or would you put the entire burden on the  
3 State and not be influenced in any way by what you  
4 heard outside the courtroom? Sometimes you just can't  
5 be absolutely sure about the answer to the question;  
6 and if that's the case, then that's your answer.

7 JUROR NUMBER 29: I'm not sure.

8 MR. MOORE: I'm sorry?

9 JUROR NUMBER 29: I'm not sure.

10 MR. MOORE: Let me ask about the death penalty  
11 for a minute. Do you belong to a church?

12 JUROR NUMBER 29: No.

13 MR. MOORE: Do you -- in response to the Court's  
14 question about the death penalty, you said you're for  
15 it, which tells me that you had that opinion before  
16 you came into the courtroom.

17 JUROR NUMBER 29: Oh, yes.

18 MR. MOORE: And have had that for some time.

19 JUROR NUMBER 29: Yes.

20 MR. MOORE: And how long would you say you've  
21 held that opinion?

22 JUROR NUMBER 29: Most of my adult life.

23 MR. MOORE: On a scale from 1 to 10, 10 being the  
24 strongest support for the death penalty, and 0 being  
25 against it, what number would you give yourself?



1 JUROR NUMBER 29: 9.

2 MR. MOORE: Are there certain types of first  
3 degree murders where they are, in your mind, set apart  
4 and especially deserving of the death penalty?

5 JUROR NUMBER 29: Oh, that's a tough one.

6 MR. MOORE: Well, I'll give an example, involving  
7 kids, for example.

8 JUROR NUMBER 29: Oh, definitely. A child or --

9 MR. MOORE: Here I ask a question and I answer  
10 it, so you -- what your answer is. That would be an  
11 example?

12 JUROR NUMBER 29: Pretty much anybody, I think --

13 MR. MOORE: Sir?

14 JUROR NUMBER 29: Pretty much anyone in a murder  
15 situation would.

16 MR. MOORE: Does that mean that any time there's  
17 a first degree murder that, in your opinion, right off  
18 the bat, as far as you're concerned, death is the  
19 appropriate sentence?

20 JUROR NUMBER 29: No. You know, it's just a hard  
21 one for me to say.

22 MR. MOORE: Well, let me put this in context,  
23 we're not talking about a process in the abstract, you  
24 know. I'm sure I don't need to point it out, but I'm  
25 going to, that we're talking about a process that

1       could lead to that man (indicating) being sentenced to  
2       death, that man (indicating) being put to death. So  
3       it's a little easier, I think, out there, just talking  
4       about it with friends and talking about the death  
5       penalty and, yeah, I could do that, I believe in it.  
6       But when you're talking about a real, live, breathing  
7       person, then it is hard, it's tough. So are there  
8       types of first degree murders that, in your mind,  
9       cannot be mitigated?

10            JUROR NUMBER 29: Yeah.

11            MR. MOORE: What would be some --

12            JUROR NUMBER 29: The seriousness, or the  
13       heinousness of the crime. I would say the heinousness  
14       of the crime, the seriousness of the crime, the  
15       intent, I guess. You know, it's just hard to say.

16            MR. MOORE: Well, in a premeditated first degree  
17       murder, the intent is there. There's also a felony  
18       murder also as well, both punishable by death. So  
19       intent is -- are there -- let me ask it like this:  
20       Are there -- would you say that most murders, for you  
21       -- and we're just discussing, but, for you, is it the  
22       case that most murders would not be mitigated in your  
23       mind, there's no mitigation for most murders, that  
24       most of them should be punishable by death?

25            JUROR NUMBER 29: Yes.

1 MR. MOORE: All right. And so when we talk about  
2 this process, where -- let's say you're part of the  
3 jury, the jury's found guilty of first degree murder,  
4 then you go to the second part and you look for  
5 aggravating circumstances, you look for mitigating  
6 circumstances; are you saying that that is a process  
7 that, in your heart of hearts, you really can't do?  
8 Because you believe -- and there's no right or wrong  
9 here -- that most first degree murders should be  
10 punishable by death. Tough questions.

11 JUROR NUMBER 29: That's a tough one to answer.

12 MR. MOORE: Yes, sir.

13 JUROR NUMBER 29: I'd say the -- it'd be a tough  
14 call to make not to recommend it (unintelligible).

15 MR. MOORE: Which is what?

16 JUROR NUMBER 29: (Unintelligible).

17 MR. MOORE: Would you -- as we sit here now, from  
18 what you know, which is limited to what you've seen on  
19 TV, do you think it would be difficult, if not  
20 impossible, for you -- if Mr. Bradley were found  
21 guilty of first degree murder, would it be difficult,  
22 if not impossible, for you to vote for life without  
23 parole?

24 JUROR NUMBER 29: No, it would not be impossible.

25 MR. MOORE: All right. Would you -- let's talk

1 about -- do you understand life without parole means  
2 life without parole?

3 JUROR NUMBER 29: Yes.

4 MR. MOORE: It means no early out, no good time,  
5 no gain time, no early release, you die in prison.

6 JUROR NUMBER 29: Right.

7 MR. MOORE: Do you accept that?

8 JUROR NUMBER 29: Yes.

9 MR. MOORE: Do you understand when the Court  
10 instructs you that she gives great weight to the  
11 jury's sentencing recommendation, that means that she  
12 cannot take the next step, she cannot move to  
13 sentencing without the recommendation of the jury, she  
14 can't just sentence him herself. Do you understand  
15 that?

16 JUROR NUMBER 29: Yes.

17 MR. MOORE: Do you understand the importance of  
18 that recommendation to her in guiding her in  
19 sentencing?

20 JUROR NUMBER 29: Yes, sir.

21 MR. MOORE: Let me ask about specific potential  
22 mitigating circumstances. Have you known anybody by  
23 acquaintance or friendship or a relationship, related,  
24 family, who has suffered from a mental illness?

25 JUROR NUMBER 29: No.

1 MR. MOORE: What is your opinion of the mental  
2 health profession, psychologists, psychiatrists, what  
3 they do, whether they help people or not?

4 JUROR NUMBER 29: Oh, they help people.

5 MR. MOORE: Do you think the psychologist or  
6 psychiatrist provides a legitimate service?

7 JUROR NUMBER 29: To some people, yes.

8 MR. MOORE: If you were provided with evidence  
9 and testimony of mental illness, is that something  
10 that you would consider, be open to considering, or  
11 not, as potentially mitigating?

12 JUROR NUMBER 29: Yes.

13 MR. MOORE: Sir?

14 JUROR NUMBER 29: Yes.

15 MR. MOORE: How about brain injury, brain damage,  
16 is that evidence, if offered to you, that you would be  
17 open to considering as potential mitigating  
18 circumstances?

19 JUROR NUMBER 29: I guess I could. I mean, I've  
20 never really considered it.

21 MR. MOORE: It's time to give it some thought.

22 JUROR NUMBER 29: Yes.

23 MR. MOORE: You could?

24 JUROR NUMBER 29: Yes.

25 MR. MOORE: How about drug addiction or drug

1 abuse? First of all, do you think --

2 JUROR NUMBER 29: No.

3 MR. MOORE: Sir?

4 JUROR NUMBER 29: No.

5 MR. MOORE: Do you think drug addiction is a  
6 choice?

7 JUROR NUMBER 29: Initially, yes.

8 MR. MOORE: Starting to use drugs is a choice,  
9 certainly; but how about a person who becomes  
10 addicted, once that person's addicted, do you believe  
11 that person can choose to be addicted, or not be  
12 addicted?

13 JUROR NUMBER 29: No, they can't.

14 MR. MOORE: You recognize that some people  
15 struggle with drug addiction and drug abuse?

16 JUROR NUMBER 29: Yes.

17 MR. MOORE: Do you feel that if evidence was  
18 offered to you of drug abuse or drug addiction that  
19 you would be open to considering that as a mitigating  
20 circumstance, or would not?

21 JUROR NUMBER 29: I would have a hard time  
22 considering that as a mitigating circumstance.

23 MR. MOORE: If evidence were presented to you of  
24 physical or emotional abuse, is that something that  
25 you potentially could consider as being a mitigating

1           circumstance?

2                   JUROR NUMBER 29: I suppose I could. I mean,  
3           it's --

4                   MR. MOORE: Do you understand that -- well, let  
5           me ask a couple more questions about the potential  
6           mitigating circumstances. Let me ask you this: If  
7           the judge read this instruction to you, would you  
8           consider this, potentially, as a mitigating  
9           circumstance, and the instruction is, "the capital  
10          felony was committed while the defendant was under the  
11          influence of extreme mental or emotional distress."  
12          Is that something you would be open to considering as  
13          potentially mitigating? Want me to read it again?

14                   JUROR NUMBER 29: No. I'm just trying to -- I  
15          guess it would be. It would have to be.

16                   MR. MOORE: Sir?

17                   JUROR NUMBER 29: It would have to be if I'm  
18          instructed to consider it.

19                   MR. MOORE: Could you? Would you?

20                   JUROR NUMBER 29: Yes, I could. I would.

21                   MR. MOORE: How about this instruction, is this  
22          something you could consider as potentially  
23          mitigating, "the capacity of the defendant to  
24          appreciate the criminality of his conduct or to  
25          conform his conduct to the requirements of the law is

1 substantially impaired." Is that something you could  
2 consider as a mitigating circumstance?

3 JUROR NUMBER 29: Depends on the impairment. I  
4 mean --

5 MR. MOORE: Just as a general --

6 JUROR NUMBER 29: If it's self-induced, then I  
7 would say no. I mean, I really don't know.

8 MR. MOORE: Would you -- as to drug abuse and  
9 drug addiction, is that something you would consider  
10 an aggravating factor; in other words, going against  
11 Mr. Bradley, a factor that maybe suggests that the  
12 death penalty is more appropriate?

13 JUROR NUMBER 29: No. I just find that it's --  
14 to me, drug addiction's not an excuse. That's all I  
15 can say.

16 MR. MOORE: How about the other things, are those  
17 -- in your mind, are those excuses, or do you consider  
18 them to be explanations of --

19 JUROR NUMBER 29: They would carry more weight  
20 than addiction, to me.

21 MR. MOORE: So the other items where you  
22 indicated that you could consider as mitigating,  
23 that's what you meant, you're not saying you would  
24 consider them as excuses, you would consider them as  
25 potentially mitigating.



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JUROR NUMBER 29: Yes, sir.

MR. MOORE: You understand that there are -- and you may not, I'll just explain it -- a limited number of aggravating circumstances, which the Court will read to you, and that those are the only aggravating circumstances you can consider. Do you understand that? Do you accept that?

JUROR NUMBER 29: Yes.

MR. MOORE: As for mitigating circumstances, there is no limit to those. Anything to do with the defendant, his background, circumstances of the case, even matters that the jury thinks of that the lawyers didn't think of, whatever you consider mitigating, there's no limit to mitigating circumstances. Do you accept that, that there are no limit to the mitigating circumstances?

JUROR NUMBER 29: Yes.

MR. MOORE: Do you accept that there are different burdens of proof for the two? For the aggravating circumstances, the burden of proof is beyond a reasonable doubt.

JUROR NUMBER 29: Yes.

MR. MOORE: And as to the mitigating circumstances, it's to the greater weight of the evidence, or that you're reasonably convinced. It's

1 not a reasonable doubt, it's just, I see that, I find  
2 that.

3 JUROR NUMBER 29: It's more of a subjective  
4 decision.

5 MR. MOORE: Okay.

6 JUROR NUMBER 29: I mean, is that what you're  
7 trying to tell me?

8 MR. MOORE: Well, what I'm saying is that the  
9 burden of proof is the greater weight of the evidence,  
10 or reasonably convinced, that's the standard. So you  
11 accept that the mitigating circumstances are proved by  
12 a lesser burden?

13 JUROR NUMBER 29: Yes.

14 MR. MOORE: Okay. Do you understand that  
15 regardless of what you determine to be the outcome of  
16 this weighing process of aggravating and mitigating  
17 circumstances, you're never required to vote for  
18 death?

19 JUROR NUMBER 29: Yes.

20 MR. MOORE: The State can prove all the  
21 aggravating circumstances in the book, and the defense  
22 not prove any mitigating circumstances, and you're  
23 never required to vote for death.

24 JUROR NUMBER 29: Yes, I understand that.

25 MR. MOORE: You understand that -- well, sitting

1 at the guilt or innocence phase, where you're trying  
2 to decide the first part of the trial, guilt or not,  
3 of the crimes charged, the jury's verdict has to be  
4 unanimous.

5 JUROR NUMBER 29: Yes.

6 MR. MOORE: The second part, assuming a finding  
7 of guilt for first degree murder, the penalty part,  
8 each juror is entitled to his or her own vote, and it  
9 does not have to be unanimous. Do you understand that  
10 and accept that?

11 JUROR NUMBER 29: Yes.

12 MR. MOORE: Okay. Do you understand that you  
13 have the right to your vote, whatever it is, and have  
14 that vote respected?

15 JUROR NUMBER 29: Yes.

16 MR. MOORE: And then, likewise, everybody else in  
17 the jury has a right to their vote and to have their  
18 vote respected and accepted.

19 JUROR NUMBER 29: Yes.

20 MR. MOORE: All right. And that you have the  
21 right not to have people try to intimidate you or to  
22 change your mind, you have the right to stick with  
23 whatever you believe the correct vote is; and then you  
24 owe that courtesy to the other members of the jury.  
25 Do you accept that?

1 JUROR NUMBER 29: Yes, I do.

2 MR. MOORE: When the judge was discussing  
3 mitigating -- the death penalty with you, you said  
4 that mitigating factors bothered you, and I'd like to  
5 know what you meant by that.

6 JUROR NUMBER 29: Well, certain mitigating  
7 factors, like --

8 MR. MOORE: You said upbringing.

9 JUROR NUMBER 29: Upbringing, childhood, drugs,  
10 you know, I --

11 MR. MOORE: Well, what do you mean by upbringing?

12 JUROR NUMBER 29: Well, I mean --

13 MR. MOORE: I don't know what mean, that's why  
14 I'm asking. You used the word.

15 JUROR NUMBER 29: Well, your upbringing, how you  
16 were raised, how you were -- I guess childhood  
17 influences, I don't know.

18 MR. MOORE: Okay. Is that something that you  
19 would not consider as mitigating? I know it depends  
20 on what those factors are.

21 JUROR NUMBER 29: Depends what those  
22 circumstances are, I guess.

23 MR. MOORE: Sure. I mean, using that example of  
24 mitigating circumstances bothering you, you mentioned  
25 upbringing, so I'm just trying to get out what you

1           meant by that.

2                   JUROR NUMBER 29: Well, you know, the environment  
3 you were raised in. We can all overcome our  
4 environments, I guess is what I'm trying to say.

5           MR. MOORE: Do you believe that's true of  
6 everyone?

7                   JUROR NUMBER 29: I'd like to say that's true of  
8 everyone.

9           MR. MOORE: Do you accept that people are a  
10 product of their environments, which would include  
11 upbringing, that the --

12                   JUROR NUMBER 29: Yes.

13           MR. MOORE: -- situations in which they're raised  
14 have an influence in how a person turns out?

15                   JUROR NUMBER 29: Yes.

16           MR. MOORE: Do you agree that there are certain  
17 factors like that over which a person has no control  
18 which could affect the way a person turns out?

19                   JUROR NUMBER 29: To a point.

20           MR. MOORE: Thank you, sir. No more questions.

21           THE COURT: Okay. Juror Number 29, I'm going to  
22 excuse you from service for today, you are still being  
23 considered as part of this jury pool. I'm going to  
24 have you go downstairs, talk to them, they're going to  
25 give you a phone number, and they're going to have you

1 call back on Wednesday between 1:00 and 5:00. They're  
2 going to give you that information downstairs. At  
3 that time, we will give you further information as to  
4 when you will be expected to come back. That will  
5 either be Thursday, Friday, or possibly next week. If  
6 it is next week, it won't be Monday, Tuesday, or  
7 Wednesday because we don't have court on Monday,  
8 Tuesday, or Wednesday. During this break for you, you  
9 do need to continue to abide by your rules governing  
10 your service as a juror; specifically, do not discuss  
11 this case with anyone, do not -- avoid reading  
12 newspaper headlines, articles, or anything about this  
13 case or its participants, don't watch the TV, radio,  
14 or Internet comments, and do not conduct any  
15 independent research. Now, you can tell people that  
16 you are going to the Brevard County Courthouse, what  
17 time you're expected to be here, but you cannot talk  
18 about what case that you're here for or the specifics  
19 of the case. Okay. Sir, at this time you'll be  
20 released from the courtroom, and you can go  
21 downstairs.

22 JUROR NUMBER 29: One thing though --

23 THE COURT: Yes?

24 JUROR NUMBER 29: Yesterday I didn't think it'd  
25 be a problem, and I'm not sure if it is, but I'm

1 currently -- I am trying to work and get my FAA  
2 medical certificate back, I fly for a living.

3 THE COURT: Okay.

4 JUROR NUMBER 29: I got a letter 10 days ago, and  
5 I'm trying to get some medical tests done, and I've  
6 only got 60 days to reply. I've got tests scheduled  
7 for next week Monday -- I'm trying to get them  
8 rescheduled for Monday, Tuesday, Wednesday next week.

9 THE COURT: Yes. Do that.

10 JUROR NUMBER 29: But if I don't, then I've only  
11 got -- like I said, I've only got until April 5th to  
12 respond, or they'll deny my medical.

13 THE COURT: Try to get -- there's other dates  
14 too.

15 JUROR NUMBER 29: Beg your pardon?

16 THE COURT: There's Monday, Tuesday, Wednesday.  
17 There's also March the 24th and the 25th; and then  
18 this trial, if it goes -- perhaps we'll be done by  
19 March 28th. I'm not sure of that.

20 JUROR NUMBER 29: Okay. Well, I'm trying to get  
21 it worked out.

22 THE COURT: Okay. Try to do Monday, Tuesday,  
23 Wednesday of next week, and the 24th and the 25th.

24 JUROR NUMBER 29: Okay.

25 THE COURT: Okay. If that doesn't happen, then

1 let us know.

2 JUROR NUMBER 29: Okay.

3 THE COURT: Thank you, sir.

4 (Thereupon, Juror Number 29 was escorted out of  
5 the courtroom by the court deputy and the proceedings  
6 were had as follows:)

7 THE COURT: Okay. We're going to take a few  
8 minutes break. We'll take a 10-minute break. So  
9 we'll be in recess for 10 minutes. Thank you.

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

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

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

16 THE COURT: Okay. We can go on the record. Is  
17 there any preliminary matters we need to address  
18 before I bring in the next numbered juror?

19 MR. BROWN: Not from the State, Your Honor.

20 MR. MOORE: No.

21 THE COURT: Okay. We can go ahead and bring in  
22 Number 30.

23 (Thereupon, Juror Number 30 was escorted into the  
24 courtroom by the court deputy and the proceedings were  
25 had as follows:)



1 THE COURT: Okay. Number 30, good afternoon.

2 JUROR NUMBER 30: Good afternoon. Can I say  
3 something before we get started?

4 THE COURT: Yes, you may.

5 JUROR NUMBER 30: I found out yesterday afternoon  
6 after we were dismissed that my job is not paying me  
7 my salary or my pay, so five weeks is a long time for  
8 me to go without a paycheck.

9 THE COURT: Okay.

10 JUROR NUMBER 30: I'd like to be excused.

11 THE COURT: Okay. You say you found that out  
12 yesterday that you weren't going to get paid if you  
13 were a member of the jury.

14 JUROR NUMBER 30: Right.

15 THE COURT: And where are you employed?

16 JUROR NUMBER 30: BJB Electronics.

17 THE COURT: And is that a full-time job for you?

18 JUROR NUMBER 30: Yes.

19 THE COURT: And is that your only employment?

20 JUROR NUMBER 30: Yes.

21 THE COURT: And you're saying if you were here  
22 for five weeks you would not get paid.

23 JUROR NUMBER 30: Right.

24 THE COURT: And how would that affect you?

25 JUROR NUMBER 30: Well, I wouldn't be able to

1 make my mortgage payment, pay any of my bills.

2 THE COURT: So you're saying it would be a  
3 financial hardship for you.

4 JUROR NUMBER 30: Yes, ma'am.

5 THE COURT: Okay. Would that -- would thinking  
6 about being here and the possibility of not being able  
7 to meet your financial obligations, would that affect  
8 your ability to serve?

9 JUROR NUMBER 30: Absolutely.

10 THE COURT: Okay. And how would that affect your  
11 ability to serve?

12 JUROR NUMBER 30: Well, eight months ago my  
13 ex-husband stopped paying me my alimony, when he found  
14 out he had pancreatic cancer. I put my house up for  
15 sale because I couldn't afford to keep it without my  
16 alimony. So what I've done the past seven, eight  
17 months is use all my savings to make my payments, and  
18 live on the salary that I'm making. My house is up  
19 for sale, I thought I had a closed sale, but it fell  
20 through because of something that was going on with  
21 their previous credit, so it's back on the market. In  
22 order for me to sell it, I mean, it's been very  
23 consuming, just thinking about where I'm going to go,  
24 how much am I going to have to live on, and so forth.  
25 My ex passed away on Sunday, so there's no chance

1           there of anything happening, as far as any back  
2           alimony or anything. So financial stress right now  
3           has been pretty severe for me.

4           THE COURT: Okay.

5           MR. MOORE: Stipulate.

6           MR. BROWN: Agreed.

7           THE COURT: Okay. Number 30, at this time I will  
8           excuse you from your service on this panel. I'm going  
9           to ask you to go downstairs and talk to -- report to  
10          the jury assembly room. They'll give you some short  
11          information, and tell them that you've been released  
12          from Judge Reinman's courtroom. Okay?

13          JUROR NUMBER 30: Okay. Thank you very much.

14          (Thereupon, Juror Number 30 was escorted out of  
15          the courtroom by the court deputy and the proceedings  
16          were had as follows:)

17          THE COURT: Just for the record, Number 30 has  
18          been released due to hardship. Okay. We can bring in  
19          Number 34.

20          (Thereupon, Juror Number 34 was escorted into the  
21          courtroom by the court deputy and the proceedings were  
22          had as follows:)

23          THE COURT: Okay. Number 34, first of all, I  
24          want to thank you for being here, and thank you for  
25          your patience with this process. When we recessed the

1 other day, I gave some instructions about your rules  
2 for service on this jury, and I need to just follow up  
3 on some of those instructions; and this pertains to  
4 since I gave you these instructions. Have you been  
5 exposed to reading newspaper headlines and/or articles  
6 related to this trial or its participants?

7 JUROR NUMBER 34: No, ma'am.

8 THE COURT: And has anyone -- have you seen or  
9 heard television, radio, or Internet comments about  
10 the trial?

11 JUROR NUMBER 34: No, ma'am.

12 THE COURT: And have you conducted or been  
13 exposed to any research regarding any matters  
14 concerning this case?

15 JUROR NUMBER 34: No, ma'am.

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

19 JUROR NUMBER 34: I'm a little unclear about  
20 that. I did have to tell someone, my ex-wife, because  
21 we have kids that we had to get to and from -- that I  
22 was -- but I didn't talk about the case.

23 THE COURT: Okay. You are allowed --

24 JUROR NUMBER 34: Just that I wasn't going to be  
25 able to help -- my daughter takes dance, and I said I

1 wouldn't be able to help because I knew today would --  
2 I knew I couldn't yesterday or today.

3 THE COURT: Just so you know, and I'll just  
4 clarify that for you, you're allowed to say that  
5 you're here, and what times you expect to be here, you  
6 just can't talk about what case or the nature of the  
7 charges or the nature of the case.

8 JUROR NUMBER 34: Okay.

9 THE COURT: Or anything that happens with regard  
10 to the case. Okay. I'm going to ask you a general  
11 question, and then I'm going to talk to you a little  
12 bit, and then the State will have an opportunity to  
13 speak with you, and the defense will have an  
14 opportunity to speak with you. What are your general  
15 views about the death penalty?

16 JUROR NUMBER 34: My general views are that I  
17 support the death penalty; but being perfectly honest  
18 with myself, I don't know if I could be comfortable  
19 with my decision to recommend that.

20 THE COURT: Okay. You said, "I support the death  
21 penalty, but to be perfectly honest," what was the  
22 last part of that?

23 JUROR NUMBER 34: If it was in my hands, and I  
24 had to be the one recommending the death penalty, I  
25 would struggle with that. I would have to look long

1 and hard and decide if that is something I could  
2 really bring myself to do.

3 THE COURT: Okay. It's easy to talk about the  
4 death penalty when you're somewhere else ---

5 JUROR NUMBER 34: Right.

6 THE COURT: -- but it's hard when you have to  
7 really talk about it as being a possibility. Would  
8 you agree with that?

9 JUROR NUMBER 34: Yes, ma'am.

10 THE COURT: Okay. I'm going to talk to you a  
11 little bit about the process. There's two phases to a  
12 trial, the guilt phase and the penalty phase. In the  
13 guilt phase, that's the first part of the trial, in  
14 the event there is a guilty verdict by the jury as to  
15 count one, that would be the premeditated first degree  
16 murder charge, if there is a guilty verdict to that  
17 count, then we would proceed into the second phase of  
18 the trial, and that is the penalty phase. In the  
19 penalty phase, the jury would be asked to make a  
20 recommendation as to a penalty, and that would be a  
21 recommendation as to death, or life in prison without  
22 the possibility of parole. That would be the -- what  
23 you would be requested to do, is to make a  
24 recommendation to the Court. So if I instructed you  
25 that you were to consider the death penalty and to

1 consider life in prison without the possibility of  
2 parole as a penalty, would you be able to follow my  
3 instruction and consider both penalties?

4 JUROR NUMBER 34: I believe so. Yes.

5 THE COURT: Okay. I'm going to just help you a  
6 little bit with that, whenever you say, "I believe,"  
7 or "I think," you're going to get more questions from  
8 the State and the defense. People say "I believe" and  
9 "I think" as a matter of speaking, but they're going  
10 to ask you to define that more. Sometimes people say  
11 it just because it's a form of speech; other times,  
12 people say it because they're not sure. There's no  
13 right or wrong answers here this afternoon. All we  
14 ask you to do is to be candor, and tell us what you  
15 think. So having said that, would you be able to  
16 follow my instructions with regard to a recommendation  
17 and consider both possible penalties?

18 JUROR NUMBER 34: Yes, ma'am.

19 THE COURT: Okay. I'm going to ask you about  
20 your knowledge of the case. Do you know anything  
21 about this case -- and this would be prior to the  
22 other day -- either from your own personal knowledge,  
23 rumor, by discussion with anyone else, or from the  
24 media, radio, television, Internet, electronic device,  
25 or newspapers?

1 JUROR NUMBER 34: Yes.

2 THE COURT: Okay. What information do you  
3 believe that you know about the case?

4 JUROR NUMBER 34: I know about what happened and  
5 some of the opinions on the person that is responsible  
6 for the actions.

7 THE COURT: Okay. Can you -- tell me what you  
8 believe you know.

9 JUROR NUMBER 34: I believe that I know that a  
10 police officer was murdered and an individual was  
11 picked up for that crime; and by what they were  
12 presenting on TV, that that person was caught  
13 (unintelligible).

14 THE COURT: Okay. Do you understand that  
15 sometimes the news media is not always accurate in  
16 their reporting?

17 JUROR NUMBER 34: I do.

18 THE COURT: Okay. And how did you gain this  
19 information?

20 JUROR NUMBER 34: This is going back a long time.  
21 I haven't really kept up with this case particularly  
22 as of recent, other than it was brought to my  
23 attention when I knew I had jury duty, before I knew  
24 what I was coming out for, they said, oh, do you know  
25 that they're picking this trial this week? I said,



1 no, I didn't. And I honestly believed, what are the  
2 chances that I would even be paneled for it, because  
3 I've come to jury duty quite often, it seems like I'm  
4 in the system, and usually I come here and --

5 THE COURT: It seems like once your name -- you  
6 get called once, you get called more than once.

7 JUROR NUMBER 34: Right. Yes. And then I come  
8 down here, I sit down in the room downstairs until  
9 about 2:00, and then they say, thank you for your  
10 service; and that's how it's been.

11 THE COURT: So you said you heard something near  
12 the time of the event?

13 JUROR NUMBER 34: Yes.

14 THE COURT: And then you heard something the  
15 other day.

16 JUROR NUMBER 34: Yes.

17 THE COURT: Where would you have gained the  
18 information about what you heard at the time of the  
19 event?

20 JUROR NUMBER 34: It would have been on  
21 television.

22 THE COURT: And what about the other day, you  
23 were discussing that -- it sounds like you were  
24 discussing that with someone; is that --

25 JUROR NUMBER 34: No. I wasn't particularly

1 discussing it with anybody, I -- I knew that I had  
2 jury duty, and then this person brought to my  
3 attention that this trial was up for jury panel. And  
4 I never really gave it a second thought, because I  
5 figured there wasn't really a chance.

6 THE COURT: Okay. So what you would be asked to  
7 do is to set aside anything you may have learned about  
8 this case, serve with an open mind, and reach a  
9 verdict based only on the law and the evidence  
10 presented at the trial. Can you do that?

11 JUROR NUMBER 34: I don't know.

12 THE COURT: Okay. What are your concerns?  
13 There's no right or wrong answers.

14 JUROR NUMBER 34: Just things I've heard about  
15 it; and, quite honestly, they went away in my memory,  
16 but now that it's here, and this is happening, it's  
17 kind of coming back up about what I had heard and  
18 thought at the time.

19 THE COURT: Okay. Tell me what you believe you  
20 heard and what's causing you concern.

21 JUROR NUMBER 34: As I said before, when I saw  
22 the coverage and, you know, some people that were  
23 talking about it and how it had happened; and I  
24 thought, you know, what was presented was accurate.

25 THE COURT: Okay. And if I tell you that as a

1 juror, I'll give you instructions, and one of the  
2 instructions is that you've got to -- even though  
3 you've heard things, even though you have some  
4 information about that, can you kind of set that  
5 aside, start with a clean slate, so to speak, and base  
6 your decision on this case only on the witnesses that  
7 are called from the witness stand, the evidence that's  
8 introduced at the trial, and the law as I instruct  
9 you. That's what you are requested to do, can you do  
10 that? Or will you say, I have these ideas in my head,  
11 and I'm not going to be able to get those out of my  
12 head for purposes of making a decision?

13 JUROR NUMBER 34: I would hope that I would be  
14 able to look at the evidence and decide.

15 THE COURT: Okay. When you say, "I hope I  
16 could," you're going to have to help us a little bit  
17 more by saying, "I can do that," or "Judge, I just  
18 can't set that aside for purposes of this trial and do  
19 that."

20 JUROR NUMBER 34: I can do that.

21 THE COURT: Okay. Questions by the State.

22 MR. BROWN: Juror Number 34, good afternoon. Let  
23 me pick up on the issue of what you heard previously.  
24 None of us expect, necessarily, people to come in here  
25 not having heard anything about a case that there's

1           been a lot of publicity. But the issue is, can you  
2           set that aside and base your verdict totally on the  
3           facts and evidence that you hear in this courtroom and  
4           from Her Honor's instructions.

5           JUROR NUMBER 34: Yes.

6           MR. BROWN: Okay. Now, you hesitated there a few  
7           other times. Do you have a doubt -- do you have a  
8           question about your ability to do that?

9           JUROR NUMBER 34: Yes. And, quite honestly, I  
10          have a question about if I were to be on the jury,  
11          this being five weeks, if it were to come down to  
12          that. I have a disability, and today was not the best  
13          of days.

14          MR. BROWN: Okay.

15          JUROR NUMBER 34: Yesterday was fine, so it's  
16          kind of --

17          MR. BROWN: Can you give us a little detail on  
18          your medical situation?

19          JUROR NUMBER 34: I have multiple sclerosis.

20          MR. BROWN: Okay.

21          JUROR NUMBER 34: I have some really good days,  
22          there's others that are not so good.

23          MR. BROWN: Okay. I apologize for my ignorance  
24          as far as the disease and what happens, but on a bad  
25          day, what is your situation?

1 JUROR NUMBER 34: It's very chronic fatigue, I  
2 have pain on the left side of my body in general.  
3 Like today, one of the things, if you were to ask me  
4 what (unintelligible) could we make, yesterday I went  
5 to the bathroom one time, today I've gone six times.  
6 So it kind of comes and goes. And if it's, you  
7 know --

8 MR. BROWN: Is the pain -- can it get to a level  
9 where it's going to distract you and affect your  
10 ability to sit as a juror for what could be a five  
11 week trial? Between the pain, the fatigue, the other  
12 symptoms that you have.

13 JUROR NUMBER 34: The fatigue would be the worst  
14 part. I've had this disease since -- I found out in  
15 2005, and it'll never be cured. I'm trying to live  
16 with it the best I can.

17 MR. MOORE: Judge, can we approach?

18 THE COURT: Yes, you may.

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

22 MR. MOORE: I do not object for a cause  
23 challenge.

24 THE COURT: Okay. I assume the State's making  
25 the --

1 MR. BROWN: Yes. I think, clearly -- I think,  
2 first, certainly, his medical situation would --

3 MR. MOORE: I agree.

4 MR. BROWN: But also his knowledge of the case, I  
5 think, is --

6 THE COURT: Okay. Then Number 34 will for struck  
7 for hardship.

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

10 THE COURT: Okay. Sir, at this time I am going  
11 to release you from service on this jury. What I'm  
12 going to have you do is, go downstairs, tell them that  
13 you have been released from Judge Reinman's courtroom,  
14 and they'll talk to you briefly and send you on your  
15 way.

16 JUROR NUMBER 34: Okay. Where downstairs do --

17 THE COURT: I'm sorry. Report to the jury  
18 assembly room, where you reported to this morning.

19 JUROR NUMBER 34: Okay.

20 THE COURT: Thank you, sir.

21 (Thereupon, Juror Number 34 was escorted out of  
22 the courtroom by the court deputy; thereafter, Juror  
23 Number 36 was escorted into the courtroom by the court  
24 deputy and the proceedings were had as follows:)

25 THE COURT: Okay. Juror Number 36, good

1 afternoon. First of all, I want to thank you for  
2 being, and I want to thank you for your patience with  
3 regard to this process. The other day when we  
4 recessed, I announced some rules that govern your  
5 service as a juror, and I'm just going to go over  
6 those at this time. Have you -- and this would be  
7 since I announced the rules -- have you read or been  
8 exposed to reading newspaper headlines and/or articles  
9 relating to this trial or its participants?

10 JUROR NUMBER 36: No, I have not.

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

13 JUROR NUMBER 36: No, I have not.

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

17 JUROR NUMBER 36: No.

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

21 JUROR NUMBER 36: No.

22 THE COURT: Okay. Sir, I'm going to ask you some  
23 questions, and then the State's going to have an  
24 opportunity to ask some questions, and then the  
25 defense is going to have an opportunity to ask some

1 questions. My first question is kind of a general  
2 question, what are your views about the death penalty?

3 JUROR NUMBER 36: Depending on the crime,  
4 depending on the evidence, it could be applicable, it  
5 could not be.

6 THE COURT: Okay. So you're not against the  
7 death penalty, but you don't have any -- but you're  
8 not opposed to the death penalty.

9 JUROR NUMBER 36: Okay. I agree.

10 THE COURT: Would you agree with that?

11 JUROR NUMBER 36: I would agree with that.

12 THE COURT: Okay. Let me tell you a little bit  
13 about how this trial -- what's going to happen in this  
14 trial. There's going to be two phases of the trial,  
15 the guilt phase, which is the beginning part, and  
16 then, if we get to it, the second phase, which is what  
17 we call the penalty phase. In the first phase, the  
18 guilt phase, in the event the jury returns a verdict  
19 of guilty on count one, which is the premeditated  
20 murder of the first degree, then, in that event, we  
21 would proceed to the penalty phase. In the penalty  
22 phase, you would be asked, as a juror, to make a  
23 recommendation to the Court as to the penalty, and  
24 your choices are the death penalty, or the penalty of  
25 life in prison without the possibility of parole. If



1           you were to -- if you were a juror in this case and we  
2           were to get to the penalty phase, would you follow my  
3           instructions and consider both penalties?

4                     JUROR NUMBER 36:  Yes, I would.

5           THE COURT:  And are you of the opinion that death  
6           is the only appropriate penalty for murder in the  
7           first degree, and is that opinion so strong that you  
8           would not consider life in prison without the  
9           possibility of parole as a penalty under any  
10          circumstances?

11                    JUROR NUMBER 36:  I don't know anything about the  
12           law, but I think if you gave the jury the  
13           instructions, you would tell us if there would have to  
14           be certain criteria that would have to be met for it  
15           to fall under either the death penalty or life, and I  
16           would follow those instructions.

17           THE COURT:  Okay.  All right.  I'm going to ask  
18           you about your knowledge of the case.  Do you know  
19           anything about this case, either from your own  
20           personal knowledge, rumor, by discussion with anyone  
21           else, or from the media, radio, television, Internet,  
22           electronic device, or newspaper?

23                    JUROR NUMBER 36:  I remember hearing back a  
24           couple years ago when it happened.

25           THE COURT:  Okay.  So you heard something about

1 it at the time of the event?

2 JUROR NUMBER 36: Yes.

3 THE COURT: And what -- can you tell me what you  
4 believe you know about the case?

5 JUROR NUMBER 36: Just that a police officer was  
6 shot. She went to a call, and she was shot.  
7 Basically, that was it. I don't really read the  
8 newspaper or watch TV.

9 THE COURT: Okay. So where would you have gained  
10 that information?

11 JUROR NUMBER 36: Well, that was on the news. I  
12 mean, I did -- I do watch the news once in a while.

13 THE COURT: Okay. So what you would be  
14 instructed to do, if you were chosen as a juror for  
15 this case, is to set aside anything that you may have  
16 learned about this case, serve with an open mind, and  
17 reach a verdict based only on the law and the evidence  
18 presented at this trial.

19 JUROR NUMBER 36: I believe I could do that.

20 THE COURT: You could do that. Okay. Thank you,  
21 sir. Questions by the State.

22 MR. BROWN: Yes, Your Honor. Thank you. Juror  
23 Number 36, good afternoon. Sir, let me go over, kind  
24 of, the process with you in general terms, and how a  
25 juror gets to the point he can consider the

1 recommendation of life or death. I know the Court  
2 covered this yesterday, but that was yesterday, and  
3 you've had a lot of time in between and there were a  
4 number of things covered yesterday. Obviously, the  
5 first step is that the jury would need to return a  
6 verdict for first degree murder, guilty of first  
7 degree murder. If it's a not guilty verdict, then  
8 we're not concerned -- we're not going to proceed to  
9 any sentencing; and if it's a conviction for something  
10 lesser, such as second degree murder or another  
11 charge, then the death penalty's off the table, and  
12 it's solely to the Court for sentencing. Do you  
13 understand?

14 JUROR NUMBER 36: Yes, sir.

15 MR. BROWN: Now, if the jury comes back with a  
16 first degree murder conviction, then we would  
17 reconvene, additional evidence is put forward, and  
18 then the judge will give you the instructions to tell  
19 you how to evaluate and what to look at. The first  
20 thing the judge is going to start with is what are  
21 called aggravating circumstances, or aggravating  
22 factors. They come from the case, itself, and various  
23 things, but the Court will give you a list of maybe as  
24 few as one, likely will be more than one aggravating  
25 factor, and it's to those factors you're to look to,

1 to determine whether or not a death penalty is  
2 justified in the case. You understand that?

3 JUROR NUMBER 36: Yes, sir.

4 MR. BROWN: Now, the State of Florida, we have to  
5 prove those to you beyond any reasonable doubt. If we  
6 prove one, or more than one, then you look at whatever  
7 ones we've proven, it may be just one, or all of the  
8 ones listed, you look at those and ask yourself, do  
9 these justify the death penalty? The Court's not  
10 going to tell you that if you find aggravator number  
11 one and three and four, that you give the death  
12 penalty. She's going to say, these are the factors  
13 you can look to that can justify, in your mind, the  
14 death penalty. Do you understand that?

15 JUROR NUMBER 36: Yes, sir.

16 MR. BROWN: So if you look at the aggravating  
17 factors, and you say, these don't justify the death  
18 penalty, then you make a life recommendation. But if  
19 you look at those and you say, these factors justify  
20 the death penalty, then you move on to step two in the  
21 analysis, that's where you look at what's called the  
22 mitigating factors, the mitigating circumstances or  
23 evidence. As the Court told you yesterday, that's the  
24 evidence that's concerning the defendant, his  
25 background, things about him. Those have to be proven

1 to you as well, though it's a lower burden of proof,  
2 it's to the greater weight of the evidence. So if  
3 evidence is presented, you find -- concerning  
4 mitigation, you say, that's not proven to me, you  
5 disregard it. Evidence that they present that you  
6 find is proven, then you are to consider it. You look  
7 at all the aggravators that are proven, you look at  
8 any of the mitigation evidence that's been proven, and  
9 you consider it all. You go through what the Court's  
10 going to tell you is a weighing process. It's like  
11 when you have to make a decision throughout your life,  
12 faced with a major decision, you look at all the  
13 factors that are involved in that decision, right?

14 JUROR NUMBER 36: Right.

15 MR. BROWN: Some of those factors you look at and  
16 say, this is a very important factor, this is key and  
17 critical, I give this factor great weight; other  
18 factors you look at and say, I don't consider this too  
19 important, I'm going to give it very little weight.  
20 You still look at everything, you consider everything,  
21 but you weigh and say, great weight, most important,  
22 least important, little weight. You kind of go  
23 through that process. Do you understand that?

24 JUROR NUMBER 36: Yes, sir.

25 MR. BROWN: So you consider everything, you

1 determine the weight. No one can tell you what weight  
2 to give to anything. So then you take the  
3 aggravators, then you take that mitigation, those  
4 mitigating factors, and you ask yourself, does the  
5 mitigation outweigh the aggravating factors here? If  
6 your answer is that it outweighs it, then you would  
7 recommend life in prison. If it does not outweigh the  
8 aggravators, now you've gotten to a situation where  
9 you can legally recommend to the Court that the Court  
10 impose the death penalty. Do you understand that?

11 JUROR NUMBER 36: Yes, sir.

12 MR. BROWN: The Court's going to tell you that  
13 you are never obligated, even at that point, you're  
14 not required to recommend the death penalty. She's  
15 not going to say, if you find A, B, and C, you must  
16 recommend the death penalty. But if you find that the  
17 aggravators exist, they justify the death penalty, the  
18 mitigation doesn't outweigh those aggravators, then if  
19 you feel the death penalty is justified, that's when  
20 you recommend it to the Court. Do you understand the  
21 process?

22 JUROR NUMBER 36: Yes, sir.

23 MR. BROWN: Given that process, can you recommend  
24 the death penalty to the Court if you feel it's  
25 justified?

1 JUROR NUMBER 36: Yes, sir.

2 MR. BROWN: Is there anything in your background,  
3 philosophical beliefs, moral beliefs, religious  
4 beliefs, or family background that causes you any  
5 concern or hesitation of inability to be able to make  
6 that type of a recommendation?

7 JUROR NUMBER 36: No, sir.

8 MR. BROWN: How do you feel about being asked to  
9 sit on a jury where you may have to make that type of  
10 a recommendation?

11 JUROR NUMBER 36: (Unintelligible). You never  
12 know.

13 MR. BROWN: You feel confident in your ability to  
14 do it?

15 JUROR NUMBER 36: I do.

16 MR. BROWN: Okay. Let me ask about one other  
17 topic. Obviously, you go back to the guilt phase, to  
18 deliberate and return a verdict, if you return a  
19 verdict that's less than first degree murder, such as  
20 second degree murder, you would avoid having to make  
21 that life or death recommendation.

22 JUROR NUMBER 36: Okay.

23 MR. BROWN: So my question is, with that fact,  
24 sitting back and saying, you know, if I just go down  
25 to second, I can avoid having that pressure, having to

1 make that decision, would that affect your  
2 deliberations at all?

3 JUROR NUMBER 36: No, I don't think so.

4 MR. BROWN: You would return the verdict that the  
5 evidence tells you to return?

6 JUROR NUMBER 36: I would do my best, yes.

7 MR. BROWN: If that was -- if the evidence  
8 convinced you of first degree murder, you would return  
9 it for first, not go second to simply avoid having to  
10 make that decision?

11 JUROR NUMBER 36: That's correct.

12 MR. BROWN: Thank you. No further questions,  
13 Your Honor.

14 THE COURT: Thank you. Questions by the defense.

15 MR. MOORE: Yes. You were asked if you  
16 understood the various points you would not be asked  
17 -- you would not be required to return a vote for  
18 death, or however the question was put. Do you  
19 understand that at no point are you ever required to  
20 vote for death?

21 JUROR NUMBER 36: Yes.

22 MR. MOORE: It doesn't matter. They can present  
23 all the aggravating circumstances in the world, and no  
24 mitigating circumstances are presented,  
25 hypothetically, and you would never be required to



1 vote for death. Life without parole is always an  
2 option.

3 JUROR NUMBER 36: Yes. Sure.

4 MR. MOORE: And life without parole means that  
5 the defendant sentenced to life without parole never  
6 gets out alive. Do you accept that? Do you  
7 understand that?

8 JUROR NUMBER 36: Yes, I do.

9 MR. MOORE: There's no -- you've heard about good  
10 time, gain time, early release, probation, parole, but  
11 there's none of that with a life without parole  
12 sentence. Do you accept that?

13 JUROR NUMBER 36: Yes.

14 MR. MOORE: Now, you indicated that you are not  
15 opposed to the death penalty, which is sort of a way  
16 of saying are in favor of it in a way; and what are  
17 the reasons why -- well, let me ask this, what are the  
18 reasons why you're not opposed to the death penalty?

19 JUROR NUMBER 36: I believe in certain instances,  
20 certain crimes, maybe a death penalty is warranted,  
21 maybe a life sentence would be warranted, depending on  
22 what the crime was.

23 MR. MOORE: Okay. Can you think of certain types  
24 of crimes that you would put in the death is warranted  
25 category?

1 JUROR NUMBER 36: I don't know, maybe  
2 premeditated murder maybe. I don't know.

3 MR. MOORE: Well, given this is a learning  
4 process for people sitting in that chair and you  
5 haven't had experience with this, people cannot be  
6 sentenced to death, death is not even on the table,  
7 unless the person has been found guilty of  
8 premeditated murder or felony murder.

9 JUROR NUMBER 36: Okay.

10 MR. MOORE: So that's a given. I mean, if you  
11 get to the point where you're deliberating what the  
12 sentence should be, death or life, then it's presumed  
13 that person's been found guilty of first degree  
14 murder. So can you -- you don't have to get into, you  
15 know, what you remember, but over the last couple of  
16 years, 10 years, 15 years there have been some very  
17 high profile cases where some people would say, well,  
18 that's a death case for sure.

19 JUROR NUMBER 36: Ted Bundy's the first thing  
20 that comes to mind.

21 MR. MOORE: There's an example. All right. Can  
22 you think of other examples where you would say, death  
23 would be -- I don't know anything about that case  
24 except what the charges are and some facts that I  
25 heard in the media, but I would say death is right on

1 the money, that would be an appropriate sentence for  
2 that case. Can you think of cases like that?

3 JUROR NUMBER 36: Not off the top of my head. I  
4 mean, maliciousness --

5 MR. MOORE: Multiple, serial murders, you  
6 mentioned Ted Bundy. Death of a child?

7 JUROR NUMBER 36: Absolutely.

8 MR. MOORE: How about the death of a police  
9 officer?

10 JUROR NUMBER 36: They're a human being just like  
11 anybody else.

12 MR. MOORE: They are indeed. That's not the  
13 issue for purposes of our discussion.

14 JUROR NUMBER 36: No, I understand that. I'm  
15 trying to answer your question. Just because it's a  
16 police officer doesn't mean it should be --

17 MR. MOORE: Automatic.

18 JUROR NUMBER 36: Right. They're just a human  
19 being like anybody else.

20 MR. MOORE: Can you think of -- all right. Let  
21 me just dwell a little bit on what aggravating  
22 circumstances are, what mitigating circumstances are.  
23 You sort of have a handle on them, it's been explained  
24 to you somewhat. You'll become much more familiar by  
25 the end of this process, by the end of this trial. An

1           aggravating circumstance is something the State has to  
2           prove before you can even consider the death penalty.  
3           If they don't prove that, that aggravating  
4           circumstance, then you can't consider -- you have to  
5           say no to death. Mitigating circumstances, on the  
6           other hand, it is possible if there were no mitigating  
7           circumstances proven, you could still vote for life,  
8           you're never required to vote for death.

9           JUROR NUMBER 36: I understand.

10          MR. MOORE: Okay. So an aggravating  
11          circumstance, look at it this way, is a circumstance  
12          which suggests that death might be the more  
13          appropriate sentence for first degree murder.  
14          Mitigating circumstances is a circumstance that  
15          suggests life without parole might be the more  
16          appropriate sentence. Follow me?

17          JUROR NUMBER 36: Yes.

18          MR. MOORE: Okay. Can you think -- let's say,  
19          assume a conviction of guilt, first degree murder, can  
20          you think of circumstances which, in your mind, would  
21          mitigate a first degree murder and suggest a sentence  
22          of life as being the appropriate sentence?

23          JUROR NUMBER 36: Maybe if the police officer was  
24          maybe using undue force on somebody and the defendant  
25          decided it was self-defense. I mean, that would come

1 out in the evidence.

2 MR. MOORE: All right. What if -- do you believe  
3 that people who are mentally ill choose to be that  
4 way? Do you believe that choice is a factor in mental  
5 illness?

6 JUROR NUMBER 36: No, I don't believe it's a  
7 choice.

8 MR. MOORE: If you were offered evidence of  
9 mental illness, would those factors, those  
10 circumstances, be ones that you might consider as  
11 mitigating?

12 JUROR NUMBER 36: I guess I could.

13 MR. MOORE: You sound hesitant. Again, there's  
14 no right or wrong answer. I'm just trying to get at  
15 what your thoughts are on that. Are you open to that  
16 for sure, or not?

17 JUROR NUMBER 36: I'm open to the -- I guess I'd  
18 listen and make my decision on it.

19 MR. MOORE: Would you -- just as a proposition,  
20 just as a hypothetical, do you believe that mental  
21 illness, if evidence were presented of that, that that  
22 is something you could at least consider as a  
23 mitigating circumstance, or not?

24 JUROR NUMBER 36: I guess I could possibly  
25 consider it.

1 MR. MOORE: Okay. How about evidence of brain  
2 damage or brain injury, is that, if evidence were  
3 presented of that, something that you could consider,  
4 potentially, as a mitigating circumstance?

5 JUROR NUMBER 36: I guess it sounds reasonable.

6 MR. MOORE: Okay. So is that a, yes, you could  
7 consider it, or, no, you wouldn't?

8 JUROR NUMBER 36: Depending on what it was, yes,  
9 I could.

10 MR. MOORE: You couldn't?

11 JUROR NUMBER 36: Like I -- I would either accept  
12 it, or throw it out.

13 MR. MOORE: Would you be open to it, you wouldn't  
14 be, you know, I'm not going to listen to any of this.

15 JUROR NUMBER 36: No, I'd listen to it.

16 MR. MOORE: Have you ever heard of a neuroimaging  
17 test called an MRI?

18 JUROR NUMBER 36: Yes.

19 MR. MOORE: PET scan?

20 JUROR NUMBER 36: I've heard the term, yes.

21 MR. MOORE: If you were offered evidence of those  
22 tests performed, and the results of those offered and  
23 explained by experts, is that something you could  
24 consider, potentially, as a mitigating circumstance?

25 JUROR NUMBER 36: Potentially, yes.

1 MR. MOORE: How about drug abuse and drug  
2 addiction, is that something you could, or could not,  
3 consider, potentially, as a mitigating circumstance?

4 JUROR NUMBER 36: No, I'd probably have to throw  
5 that one out.

6 MR. MOORE: Do you believe that people who are  
7 drug addicted choose to be drug addicted? Is that a  
8 choice? Is drug addiction a choice?

9 JUROR NUMBER 36: It starts out, yes.

10 MR. MOORE: Starting to use drugs would be a  
11 choice, but down the road when the person's addicted,  
12 do you believe that people who find themselves in that  
13 situation can choose not to be addicted?

14 JUROR NUMBER 36: They can choose to get help.

15 MR. MOORE: But do you see that some people  
16 struggle with drug addiction?

17 JUROR NUMBER 36: Yes, I've lived with that, yes.

18 MR. MOORE: More than others?

19 JUROR NUMBER 36: Yes.

20 MR. MOORE: Tell me about that.

21 JUROR NUMBER 36: Well, I have a family member,  
22 so that's --

23 MR. MOORE: Who has struggled with that?

24 JUROR NUMBER 36: Doesn't want any help.

25 MR. MOORE: All right. So as a hypothetical at

1 this point, you're saying that that is something that  
2 you could not consider, drug addiction or drug abuse?

3 JUROR NUMBER 36: I'd probably have to rule that  
4 out. Well, I consider (unintelligible).

5 MR. MOORE: What if you were presented with  
6 evidence of physical or emotional abuse? Is that  
7 something that you could, or could not, consider as a  
8 mitigating circumstance?

9 JUROR NUMBER 36: I could probably consider it.

10 MR. MOORE: Do you believe that people are the  
11 sum total of their life experiences? That people are  
12 influenced and shaped by their environments, by the  
13 experiences that they have in their lives, and that  
14 contributes to the person they turn out to be?

15 JUROR NUMBER 36: I believe that they're the  
16 person they chose to be, yes.

17 MR. MOORE: Well, what I'm asking about is, do  
18 you believe that there are influences and factors in  
19 life over which we have no control that can affect our  
20 lives, all of us, in ways that we perhaps don't have  
21 any control over?

22 JUROR NUMBER 36: Yes.

23 MR. MOORE: So life experiences and life factors,  
24 are those matters that you could take into account,  
25 could take into consideration in determining for



1 yourself whether there are mitigating circumstances?  
2 Depending on what they are, it's all hypothetical.

3 JUROR NUMBER 36: Yes.

4 MR. MOORE: You're open to that?

5 JUROR NUMBER 36: Yes, sir.

6 MR. MOORE: If the Court read this instruction to  
7 you, is this something that you could or could not  
8 consider as a potential mitigating circumstance, "the  
9 capital felony was committed while the defendant was  
10 under the influence of extreme mental or emotional  
11 disturbance." Is that something that you could  
12 consider as a potentially mitigating circumstance?  
13 Want me to read it again?

14 JUROR NUMBER 36: Is that something to be  
15 considered, yes.

16 MR. MOORE: Okay. Another one is, "the capacity  
17 of the defendant to appreciate the criminality of his  
18 conduct or to perform his conduct to the requirements  
19 of the law was substantially impaired." Could you  
20 consider that as a potentially mitigating  
21 circumstance?

22 JUROR NUMBER 36: I don't know, that would be a  
23 tough one.

24 MR. MOORE: Sir?

25 JUROR NUMBER 36: That would be a tough one. I

1 don't know if I could consider that one or not.

2 MR. MOORE: Now, in the guilt/innocence part of  
3 the trial, that is, the first part, that's where, here  
4 are the charges, here's the evidence, here's the law,  
5 and go back and decide whether there is guilt, and, if  
6 so, of what, or innocence, or not guilty. Whatever  
7 that verdict is, that verdict has to be unanimous.  
8 All members of the jury have to agree whether it's  
9 guilty or not guilty. If guilt is found of first  
10 degree murder and you go to the second part, which is  
11 the sentencing part of the trial, the issue is life  
12 without parole, or death. In that part of the trial,  
13 the recommendation to the Court does not have to be  
14 unanimous. Each juror has the right to vote what he  
15 or she feels is the appropriate vote. There's no  
16 requirement that you all agree in order to reach a  
17 verdict. Do you accept that?

18 JUROR NUMBER 36: Yes.

19 MR. MOORE: Do you accept that you have the right  
20 to have your vote and have your vote respected by  
21 other jurors?

22 JUROR NUMBER 36: Sure.

23 MR. MOORE: And that, likewise, they have the  
24 right to have their votes respected and not be  
25 browbeaten or intimidated in an attempt to get them to

1 conform or agree with the rest of the votes?

2 JUROR NUMBER 36: Absolutely.

3 MR. MOORE: And you can extend that courtesy to  
4 them?

5 JUROR NUMBER 36: Yes, sir.

6 MR. MOORE: May I have a minute?

7 THE COURT: Yes, sir.

8 MR. MOORE: Okay. We're talking about  
9 environmental factors, or factors beyond one's  
10 control, what sort of factors can you think of in  
11 one's life that a person might not have control of  
12 that might be beyond one's control?

13 JUROR NUMBER 36: Wow. Tough question.

14 MR. MOORE: Well, the weather would be one, to  
15 start with a ridiculous extreme.

16 JUROR NUMBER 36: I can't think of any. I'm  
17 sorry.

18 MR. MOORE: But you do acknowledge that there are  
19 aspects of one's life over which we have no control as  
20 to the effects that that has on us, or that they even  
21 happen or not?

22 JUROR NUMBER 36: I don't know. I guess I've  
23 always -- I was raised to believe that I'm in control  
24 of my destiny.

25 MR. MOORE: Let me ask you this --

1 JUROR NUMBER 36: Life is just wonderful every  
2 day, and just --

3 MR. MOORE: Life is wonderful every day?

4 JUROR NUMBER 36: Sure it is. Sure it is.

5 MR. MOORE: That's great. I commend for your  
6 positive energies.

7 JUROR NUMBER 36: Thank you very much.

8 MR. MOORE: Let's just take hypothetically two  
9 identical twins, and they are separated at birth, and  
10 one is raised in an affluent home with everything that  
11 person has ever wanted or needed, and goes to Oxford  
12 on a Rhodes Scholar, and has a -- every day is  
13 wonderful. And then the other identical twin is  
14 abducted and taken to some third world country and is  
15 abused and has just the opposite life of neglect,  
16 abuse. Would you expect them to turn out the same  
17 way?

18 JUROR NUMBER 36: In their own worlds probably,  
19 yes.

20 MR. MOORE: No. But I'm talking about, you bring  
21 them back together after, let's say, 30 years.

22 JUROR NUMBER 36: Well, each one has its own  
23 space in the world. It's going to be two different  
24 spaces, so it's two different personalities.

25 MR. MOORE: Right. And what I'm getting at is

1 not so much their being optimistic about and accepting  
2 the worlds that they're brought up in, but effects of  
3 the worlds on them, and the end product. Would you,  
4 after 30 years of those separate upbringings, would  
5 you expect them to be identical in every respect even  
6 though genetically they are?

7 JUROR NUMBER 36: No, they wouldn't be.

8 MR. MOORE: And why would they, in your mind, not  
9 be?

10 JUROR NUMBER 36: One had a very easygoing life,  
11 and the other one had a tough life.

12 MR. MOORE: So you see the effects of which,  
13 perhaps, a person has no control and which would have  
14 a significant impact on that person's life?

15 JUROR NUMBER 36: I guess from that aspect I  
16 would understand that.

17 MR. MOORE: Where would you put yourself on a  
18 scale from 1 to 10 as far as the strength of your  
19 belief in the death penalty? Let's say a 10 is the  
20 strongest support you can have for the death penalty,  
21 and a 0 is that you're against it. What number would  
22 you give yourself?

23 JUROR NUMBER 36: 6, 7.

24 MR. MOORE: Is that an opinion that you've had,  
25 you think, before you stepped in this courtroom today?

1 JUROR NUMBER 36: Didn't think about it.

2 MR. MOORE: Many people don't. But, you know,  
3 your life when you get to be sort of our generation --

4 JUROR NUMBER 36: Based on cases I've heard, I  
5 mean -- don't ask me which ones they are -- cases I've  
6 heard that, you know, the jury found life in prison,  
7 and I can understand that. Then there's cases where  
8 they've recommended death, and I understand that. So  
9 each case has its own facts.

10 MR. MOORE: But have you -- and I would guess  
11 that you have at this point in your life -- just had  
12 discussions with people about the death penalty and  
13 whether we should have it or whether we should not,  
14 just generally speaking, those discussions that you've  
15 had. So you can say -- or can you say, before you  
16 stepped foot in the courtroom today, that you had an  
17 opinion about where you stood on the death penalty?

18 JUROR NUMBER 36: Yeah. I think it has place.

19 MR. MOORE: I understand that.

20 JUROR NUMBER 36: That's my belief. Before I  
21 stepped in the courtroom.

22 MR. MOORE: Right. What I'm asking is, you had  
23 that belief before you came in here today?

24 JUROR NUMBER 36: Sure.

25 MR. MOORE: That's what I was asking.

1 JUROR NUMBER 36: Sure.

2 MR. MOORE: Thank you, sir.

3 THE COURT: Okay. Sir, at this time you're going  
4 to be released for today, but you are still a part of  
5 this panel. We won't need you tomorrow, and we won't  
6 need you -- we won't need you tomorrow. What we're  
7 going to have you do is, you're going to go downstairs  
8 to the jury assembly room, they're going to give you a  
9 phone number, you're going to call that phone number  
10 between 1:00 and 5:00 tomorrow, and they're going to  
11 give you further information about when you're going  
12 to report next. It may be Thursday, Friday, it may be  
13 next week, the week after that. But if it is next  
14 week, it will not be Monday, Tuesday, Wednesday. The  
15 earliest it would start next week would be Thursday,  
16 and that's March the 6th. During this recess, you  
17 must continue to abide by your rules governing your  
18 service as a juror; specifically, do not discuss this  
19 case with anyone, do not speak to anyone about it,  
20 lawyers, parties, or witnesses, avoid reading  
21 newspaper headlines and articles about the trial or  
22 its participants, avoid hearing television, radio, or  
23 Internet comments about this trial, and do not conduct  
24 any research about the trial or its participants.  
25 Okay. At this time I'll release you until we see you

1 next. Thank you, sir.

2 (Thereupon, Juror Number 36 was escorted out of  
3 the courtroom by the court deputy; thereafter, Juror  
4 Number 37 was escorted into the courtroom by the court  
5 deputy and the proceedings were had as follows:)

6 THE COURT: Okay. Juror Number 37, first thing I  
7 want to do is thank you for being here, and thank you  
8 for your patience with this process. When we recessed  
9 before, there were some rules that I discussed with  
10 you, and I want to make sure those rules have been  
11 followed. Have you -- and this is since I gave you  
12 this information. Have you read or been exposed to  
13 reading newspaper headlines or articles related to the  
14 trial or its participants?

15 JUROR NUMBER 37: No, ma'am.

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

18 JUROR NUMBER 37: No, ma'am.

19 THE COURT: Have you conducted any research  
20 regarding this trial or its participants?

21 JUROR NUMBER 37: No, ma'am.

22 THE COURT: And have you discussed the trial with  
23 any other potential jurors or anyone else?

24 JUROR NUMBER 37: As far as length of the  
25 trial --



1 THE COURT: You can discuss about being here,  
2 that you're here, you're being considered for a jury,  
3 but you can't discuss what the case is or the  
4 circumstances of the case.

5 JUROR NUMBER 37: Okay. No, I did not.

6 THE COURT: Okay. First, I'm going to talk to  
7 you about some things, and then the State will have an  
8 opportunity to ask you questions and the defense will  
9 have an opportunity to ask you some questions. My  
10 first question is, a pretty general question, what are  
11 your views about the death penalty?

12 JUROR NUMBER 37: Well, I've been doing a lot of  
13 soul searching since -- the last couple days, and I  
14 always felt that I was against it. But under these  
15 circumstances, I'm not too sure how I feel about it.  
16 If I was -- I don't know, I don't know how I feel. I  
17 don't know if that answers the question or not.

18 THE COURT: Okay. So before --

19 JUROR NUMBER 37: I feel like even --

20 THE COURT: There's no right or wrong answers, so  
21 say however you feel.

22 JUROR NUMBER 37: I feel like it's up to the Lord  
23 to take care of him later, if it has to be this way.  
24 That's the first time I've ever felt that way.

25 THE COURT: Okay.

1 JUROR NUMBER 37: Does that make sense to you?

2 THE COURT: Yeah. It's definitely different when  
3 you think about it as in the abstract, and then when  
4 you're called to be here, it can affect you in  
5 different ways.

6 JUROR NUMBER 37: Exactly.

7 THE COURT: Okay. I'm going to talk to you a  
8 little bit about the process, and I know you may know  
9 some of this, but I feel obligated to go through this,  
10 and then we'll -- they'll ask you some more questions  
11 related to that.

12 We have the guilt phase of the trial, which is  
13 the first part of the trial. If the jury returns a  
14 verdict of guilty on count one, and it's only count  
15 one, that is the premeditated first degree murder  
16 charge, then we would proceed into the second phase,  
17 and the second phase is the penalty phase.

18 JUROR NUMBER 37: I understand.

19 THE COURT: At that time, the jury would be asked  
20 to make a recommendation to the judge of the possible  
21 penalty of either death, or life in prison without the  
22 possibility of parole. So are you opposed to the  
23 death penalty such that you would not consider it as a  
24 penalty under any circumstances?

25 JUROR NUMBER 37: Under any circumstances? I

1 can't say that.

2 THE COURT: Okay. So if I instructed you that  
3 you are to consider the death penalty in this case as  
4 a possible penalty, would you be able to do that?

5 JUROR NUMBER 37: Yes.

6 THE COURT: Now, you talked about something about  
7 this case, so I assume you know something about this  
8 case, most people do. Do you know anything about the  
9 case, either from your own personal knowledge, rumor,  
10 by discussions with anyone else, or from the media,  
11 radio, television, Internet, electronic device, or  
12 newspaper?

13 JUROR NUMBER 37: Of course.

14 THE COURT: Okay. And what information do you  
15 believe that you know about the case?

16 JUROR NUMBER 37: That there was a video that it  
17 happened, and I'm -- I don't think I'd make a very  
18 good juror because, I mean, I have followed this -- I  
19 work in the system, and I feel like -- I wanted to say  
20 this before when you were questioning, but I didn't  
21 want to have a mistrial.

22 THE COURT: Thank you for those concerns.

23 JUROR NUMBER 37: I feel like I would not be a  
24 good juror. I really -- I feel like he did it, and  
25 I've been in the system too long, I'm very jaded. I'm

1 part of -- I know all the police officers and -- I've  
2 worked in it too long, and I don't feel like I would  
3 make a good juror.

4 THE COURT: Okay. Let me just ask, I know you've  
5 been in the system, but the question becomes, and I'll  
6 have another question, can you set aside anything that  
7 you may have learned about this case, serve with an  
8 open mind, and reach a verdict based only on the  
9 evidence that you hear at the trial and the law as I  
10 instruct you?

11 JUROR NUMBER 37: No.

12 THE COURT: Okay. You think that you just --

13 JUROR NUMBER 37: I really do. I'm sorry. I  
14 feel really bad that I feel that way, but I have to be  
15 honest.

16 THE COURT: There's no right or wrong answers,  
17 and there's no reason to feel bad.

18 JUROR NUMBER 37: Well, I would hope I would be  
19 more open-minded, but I'm not in this case.

20 THE COURT: There's no right or wrong answers.  
21 Now, I assume from what you're saying that you would  
22 lean -- have more favoritism towards the prosecution.

23 JUROR NUMBER 37: A lot. Yes, ma'am.

24 THE COURT: Okay. And you're saying that you  
25 can't -- you wouldn't be able to set that aside and be

1 fair and impartial to the defendant.

2 JUROR NUMBER 37: I don't think I could be.

3 THE COURT: Okay.

4 JUROR NUMBER 37: I just really -- I tried to  
5 convince myself I could, but I can't. It's been going  
6 on too long, I know way too much, and I just couldn't.

7 THE COURT: Okay.

8 MR. BROWN: Stipulate.

9 THE COURT: Okay. Number 37, thank you for your  
10 service. I am going to release you. I'm going to  
11 have you go downstairs and report to the jury assembly  
12 room; and, basically, they'll take your badge and send  
13 you on your way. But you are released from service  
14 for Judge Reinman's courtroom. Okay. Thank you.

15 JUROR NUMBER 37: Sorry.

16 THE COURT: That's okay. Have a good day.

17 (Thereupon, Juror Number 37 was escorted out of  
18 the courtroom by the court deputy and the proceedings  
19 were had as follows:)

20 THE COURT: Okay. I'm just going to put on the  
21 record because I need to say it at some point, Number  
22 37 is released for cause. Now, if I'm right, that  
23 brings me to Number 40, so we can bring in Number 40.

24 (Thereupon, Juror Number 40 was escorted into the  
25 courtroom by the court deputy and the proceedings were

1 had as follows:)

2 THE COURT: Okay. Juror Number 40, thank you for  
3 being here, and thank you for your patience with  
4 regard to this process. When we recessed before, I  
5 gave some instructions, and I'm going to ask you about  
6 those instructions. And that means since I've given  
7 you those instructions. Have you read or been exposed  
8 to reading newspaper headlines and/or articles related  
9 to this trial or its participants?

10 JUROR NUMBER 40: No.

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

13 JUROR NUMBER 40: No.

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

17 JUROR NUMBER 40: No.

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

21 JUROR NUMBER 40: No.

22 THE COURT: Okay. I'm going to ask you some  
23 questions, then the State will have an opportunity to  
24 ask you some questions, and then the defense will have  
25 an opportunity to ask you some questions. My first

1 question is a pretty general question, what are your  
2 views about the death penalty?

3 JUROR NUMBER 40: My personal views?

4 THE COURT: Yes, sir.

5 JUROR NUMBER 40: I have strong feelings about  
6 it.

7 THE COURT: Do have strong feelings for the death  
8 penalty, or against the death penalty?

9 JUROR NUMBER 40: Against it.

10 THE COURT: Against the death penalty. So if  
11 people were to speak of it, they would say you're  
12 opposed to the death penalty?

13 JUROR NUMBER 40: I don't see what society will  
14 accomplish by doing so.

15 THE COURT: Okay. By having the death penalty,  
16 or carrying out the death penalty.

17 JUROR NUMBER 40: Right.

18 THE COURT: Okay. I'm going to tell you a little  
19 bit about the process, I'm going to come back and ask  
20 you some questions. We have two phases to the trial,  
21 we have the guilt phase and the penalty phase. In the  
22 guilt phase, which is the first part, what the jury is  
23 asked to do is to find the defendant either guilty or  
24 not guilty of certain charges. If the defendant is  
25 found guilty of count one, and that is the

1 premeditated first degree murder, if there is a guilty  
2 verdict as to count one, then we would move into the  
3 penalty phase, which would be the second part of the  
4 trial. In the penalty phase, the jury is asked to  
5 make a recommendation to the Court of a penalty. A  
6 possible penalty would be death, or life in prison  
7 without the possibility of parole. Now, there's a  
8 process that you would go through in order to make  
9 that decision, and the Court gives you instructions on  
10 how to do that; but are you opposed to the death  
11 penalty such that you would not consider it as a  
12 penalty under any circumstances?

13 JUROR NUMBER 40: I don't know how to answer  
14 that.

15 THE COURT: There's no right or wrong answers,  
16 but we just ask you to be truthful and offer candor to  
17 the Court, and that's the only job that you're asked  
18 to do here today.

19 JUROR NUMBER 40: Are you asking me, would I have  
20 -- would I be able to vote for the death penalty?

21 THE COURT: I'm asking you, if I instruct you  
22 that as part of your job as a juror that you are to  
23 consider death as a possible penalty, would you be  
24 able to consider it, death as a possible penalty?

25 JUROR NUMBER 40: I don't think I would be able



1 to consider it.

2 THE COURT: Okay. And so what I asked you before  
3 is, are you opposed to the death penalty such that you  
4 would not consider it as a penalty under any  
5 circumstance?

6 JUROR NUMBER 40: I don't know (unintelligible).

7 THE COURT: Okay. Are there some circumstances  
8 that you think may justify the death penalty, or are  
9 there no circumstances that would justify the death  
10 penalty?

11 JUROR NUMBER 40: Honestly, I don't the  
12 justification for it. I see no circumstances that  
13 would justify the death penalty.

14 THE COURT: Okay. Questions by the State. Okay.  
15 Bench conference.

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

19 MR. BROWN: Sorry, Judge, we should have asked.  
20 I'm sorry.

21 THE COURT: That's okay. I'm just trying to make  
22 the record clear as to what we're doing.

23 MR. BROWN: At this time, based on his responses  
24 to the questions, the State would make a motion for  
25 cause.

1 MR. MOORE: I cannot oppose it.

2 THE COURT: Okay. So Number 40 will be released  
3 due to cause.

4 MR. MOORE: Judge, do you mind if I make an  
5 observation. You haven't touched those chocolates  
6 sitting in --

7 THE COURT: Oh, do you want one?

8 MR. MOORE: Oh, no, that's -- I'm just calling  
9 your bluff.

10 THE COURT: No, no, you know what, it'd be hard  
11 to eat chocolate in front of that camera that's  
12 standing in front of me, that's my only concern.

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

15 THE COURT: Okay. Juror Number 40, we are going  
16 to release you from service as a juror in this case.  
17 What I'm going to have you do is, go downstairs,  
18 report to the jury assembly room, they're just going  
19 to talk to you briefly, and tell them you've been  
20 released from Judge Reinman's courtroom, and they'll  
21 send you on your way. Thank you, sir, for being here.  
22 We appreciate it. We appreciate your candor. Thank  
23 you.

24 (Thereupon, Juror Number 40 was escorted out of  
25 the courtroom by the court deputy; thereafter, Juror

1 Number 42 was escorted into the courtroom by the court  
2 deputy and the proceedings were had as follows:)

3 THE COURT: Okay. Juror Number 42, first, I want  
4 to thank you for being here, and then I want to thank  
5 you for your patience with regard to this process.  
6 When we broke the other day, I talked about some rules  
7 governing your service as a juror, so I'm going to go  
8 over that at this time. And these rules kind of  
9 pertain to when I issued the rule. Have you read  
10 anything about -- have you read or been exposed to any  
11 newspaper headlines and/or articles relating to this  
12 trial or its participants?

13 JUROR NUMBER 42: No.

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

16 JUROR NUMBER 42: No.

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

20 JUROR NUMBER 42: No.

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

24 JUROR NUMBER 42: No.

25 THE COURT: Okay. Sir, what I'm going to do is

1 I'm going to ask you some questions, then the State  
2 will have an opportunity to ask you some questions,  
3 and then the defense will have an opportunity to ask  
4 you some questions. So the first question I'm going  
5 to ask you is pretty general, what are your views  
6 about the death penalty?

7 JUROR NUMBER 42: I don't believe there's a case  
8 where every person is -- should have the death  
9 penalty, you know; and it's not one of those things  
10 that I feel it's a right that anyone should be put to  
11 death for just any crime that they've done.

12 THE COURT: If I were to instruct you that you  
13 had to consider that as a possible penalty, could you  
14 do that?

15 JUROR NUMBER 42: Yes.

16 THE COURT: Okay. I'm going to tell you a little  
17 bit about how the trial works. We have the first part  
18 of the trial, which is the guilt phase, and in the  
19 event in the first part of the trial that the jury  
20 returns a verdict of guilty as to count one, count one  
21 is premeditated murder in the first degree, in the  
22 event there's a guilty verdict as to count one, then  
23 we move to the second phase of the trial, which would  
24 be the penalty phase. And in the penalty phase, the  
25 jury is instructed to make a recommendation to the

1 Court of possible penalties, and the penalty would be  
2 death, or life in prison without the possibility of  
3 parole. So what I'm asking you to do, I'm asking if  
4 you can do it, and there's no right or wrong answers  
5 in here, could you consider both those possible  
6 penalties, death is one, the second one is life in  
7 prison without the possibility of parole, can you  
8 consider, and you'll be given some guidance about what  
9 -- how to consider those penalties, but could you give  
10 both penalties -- would you consider both penalties if  
11 you were selected to be on the jury?

12 JUROR NUMBER 42: Yes.

13 THE COURT: Okay. Do you have any questions or  
14 concerns about that?

15 JUROR NUMBER 42: No.

16 THE COURT: Okay. Do you know anything about  
17 this case, either from your own personal knowledge,  
18 rumor, by discussions with anyone else, or from the  
19 media, radio, television, Internet, electronic device,  
20 or newspaper? I'm trying to throw everything in  
21 there.

22 JUROR NUMBER 42: Very minimal, just from when it  
23 happened; but, other than that, I didn't keep track of  
24 it. I didn't try to stay on top of it to know what  
25 was going on because I had to relations to the case

1 any whatsoever.

2 THE COURT: Okay. So you know some information  
3 about the case, mostly when it happened, at the time  
4 of the event. What information do you think you know  
5 about the case?

6 JUROR NUMBER 42: I just knew that there was a  
7 car chase and a fatality out of it. I didn't really  
8 get too in depth in any of it.

9 THE COURT: Okay. And anything else that you can  
10 think of? Any other information?

11 JUROR NUMBER 42: No.

12 THE COURT: And where would you have gotten that  
13 information?

14 JUROR NUMBER 42: It was on the news for that  
15 day.

16 THE COURT: Okay. And would that -- so the  
17 source would have been news on the television?

18 JUROR NUMBER 42: Yes, ma'am.

19 THE COURT: Okay. Do you think you could set  
20 aside anything that you may have learned about this  
21 case, serve with an open mind, and reach a verdict  
22 based only on the law and the evidence presented at  
23 the trial?

24 JUROR NUMBER 42: Yes.

25 THE COURT: Okay. And questions or concerns

1 about your ability to do that?

2 JUROR NUMBER 42: No.

3 THE COURT: Okay. Questions by the State.

4 MR. BROWN: Thank you, Your Honor. Juror Number  
5 42, good afternoon. When the Court was talking to you  
6 about your opinions on the death penalty and your  
7 views on it, I couldn't quite hear what you said  
8 concerning something along the lines of, not sure, and  
9 about a right to a death penalty.

10 JUROR NUMBER 42: There is no right to a death  
11 penalty, as far as what I believe. I mean, if someone  
12 is deserving of it, and that case -- where it's as far  
13 as that's where the verdict would come out to, then  
14 yes. But I don't feel as if anyone is deserving of it  
15 right off the bat.

16 MR. BROWN: So it's not automatic?

17 JUROR NUMBER 42: No.

18 MR. BROWN: Would you consider it in a case?

19 JUROR NUMBER 42: Yes.

20 MR. BROWN: Okay. And could you, if you thought  
21 it was justified, return a recommendation of the death  
22 penalty?

23 JUROR NUMBER 42: If it was justified, then I  
24 would have to do what is right.

25 MR. BROWN: Okay. And do you come in with any

1 preconceived ideas or notions about what, in your  
2 mind, is the type of case that would justify the death  
3 penalty?

4 JUROR NUMBER 42: No.

5 MR. BROWN: Let me explain to you a little bit  
6 about the process and how it works for a jury to get  
7 to the point where it can consider the death penalty.  
8 First, obviously, is the jury has to determine if the  
9 defendant's guilty or not, and they have to return a  
10 verdict of guilty of first degree murder. Do you  
11 understand that?

12 JUROR NUMBER 42: Yes.

13 MR. BROWN: If they return a verdict of a lesser  
14 charge, say second degree murder, or something else,  
15 then the death penalty would be off the table. If  
16 they return the verdict for first degree murder, we  
17 would reconvene, and then evidence from both sides  
18 would be presented to the jury concerning that  
19 sentencing; and then the Court would instruct you on  
20 how to evaluate the evidence and the process to go  
21 through. First thing the Court's going to tell you  
22 is, she would give to you a list, maybe one, probably  
23 longer than one, of what are known as aggravating  
24 circumstances. These are circumstances coming from  
25 the case that would, by their nature, justify the



1 imposition of the death penalty. And she will give  
2 those to you. Are you open to what she would give you  
3 to use to see if you think the death penalty is  
4 justified?

5 JUROR NUMBER 42: Yes.

6 MR. BROWN: Okay. Now, the State of Florida has  
7 to prove those to you beyond and to the exclusion of  
8 every reasonable doubt. Just like proving guilt, we  
9 have to prove the aggravators beyond and to the  
10 exclusion of all reasonable doubt. So she would give  
11 you the list of aggravators, you would analyze those,  
12 and determine whether or not the State has proven at  
13 least one of those aggravators, or more than one. The  
14 key is that we have to prove at least one to you, and  
15 then you take whatever aggravator, or aggravators,  
16 that have been proven, you look at those and say, do  
17 these justify the death penalty?

18 Obviously, if you looked and you say, they do  
19 not, then your recommendation would be life in prison.  
20 If you feel they do justify the death penalty, then  
21 you go on to step two of the analysis. That's where  
22 you look at the mitigation evidence that's presented.  
23 As the Court indicated to you yesterday, that can be  
24 about, basically, the defendant, himself, his  
25 background, things of that nature, evidence about the

1 defendant. That also has to be proven to you, it's a  
2 lower burden of proof, it's to the greater weight of  
3 the evidence. Obviously, if mitigation evidence is  
4 presented and you feel it's not proven, then you  
5 disregard it, you don't consider it because it's not  
6 proven. All the mitigation evidence that's been  
7 presented to you, defendant's background, things of  
8 that nature, that you feel is proven, then you have to  
9 consider all of that.

10 The Court's going to tell you that you have to go  
11 through a weighing process. Kind of like decisions  
12 you've had to make in your lifetime, you look at all  
13 the factors involved when you have to make an  
14 important decision, try to examine everything,  
15 consider everything. Some factors you consider much  
16 more important than others, right? The ones that you  
17 consider important, you gave them greater weight in  
18 your decision process. Other factors, you look at and  
19 consider, you look at them, but you decide that they  
20 carry little weight. Same thing you're going to do  
21 here, you consider everything that's been proven, you  
22 may elect to give something great weight, medium  
23 weight, or you may elect to give it little weight at  
24 all. No one can tell you how much weight to give  
25 something, we just want to make sure you're going to

1 consider what's been put before you. Agreed?

2 JUROR NUMBER 42: Yes.

3 MR. BROWN: Okay. So you take that mitigation  
4 evidence, that mitigation circumstances, and you weigh  
5 that against the aggravators that you found. If the  
6 mitigation outweighs the aggravators, then your  
7 recommendation would be for life. If the mitigation  
8 does not outweigh the aggravators, then at that point  
9 you're in a position where you can legally render to  
10 the Court a recommendation for the death penalty.

11 Now, even at that point, Court's going to tell  
12 you you're not required to, she's not going to say, if  
13 you find A, B, C, then you must return a  
14 recommendation of death. The Court's never going to  
15 tell you that. You have to go through the process,  
16 find if we've proven the aggravators, find if they  
17 justify the death penalty, weigh that with the  
18 mitigation evidence that's been presented, see if the  
19 mitigation outweigh the aggravators; and after you've  
20 done that weighing process, do those aggravators  
21 justify the death penalty?

22 How do you feel about that process?

23 JUROR NUMBER 42: It's an analysis that needs to  
24 be done.

25 MR. BROWN: Can you do it?

1 JUROR NUMBER 42: Yes.

2 MR. BROWN: How do you feel about being put in a  
3 position where you have to spend the next five weeks,  
4 maybe longer, in court and, ultimately, maybe asked  
5 the question and have to make the recommendation to  
6 the Court for life, or death?

7 JUROR NUMBER 42: I feel as if I've been asked to  
8 come forth and state my purpose of whether or not it's  
9 on the table for it, and somebody's life obviously  
10 depends on it, and be able to take all the evidence  
11 and everything you need to be able to say no or yes.  
12 So I would be here until the end, from the very  
13 beginning, if I was on that jury.

14 MR. BROWN: And if after listening to the  
15 evidence, if we've proven the aggravators, and you  
16 feel the death penalty is justified, can you return a  
17 recommendation for death?

18 JUROR NUMBER 42: If needed.

19 MR. BROWN: When you say "if needed," what do you  
20 mean by that?

21 JUROR NUMBER 42: That if everything's there and  
22 the circumstances support it, then that's what would  
23 be returned.

24 MR. BROWN: Okay. So if it's justified, you  
25 would return it?

1 JUROR NUMBER 42: Yes.

2 MR. BROWN: Knowing that if you're selected as a  
3 juror and would have to deliberate on the guilt phase,  
4 and that if you come back first degree, then you're  
5 going to be back and facing the question of what  
6 recommendation to make, but if you were to come back  
7 with a lesser charge, say second degree, you can avoid  
8 that situation, you can avoid having to make that  
9 decision. Would you let the fact that you could go to  
10 a second degree murder charge, or other lesser charge,  
11 and avoid that situation, would that affect your  
12 verdict at all?

13 JUROR NUMBER 42: No. I mean, the evidence has  
14 to prove everything, and if it's not there, it's not  
15 there.

16 MR. BROWN: If the evidence proved to you that it  
17 was first degree murder, would you consider going to  
18 second degree simply to avoid having to make the  
19 decision of a recommendation of life or death?

20 JUROR NUMBER 42: Well, I wouldn't be going home  
21 and making the decision, it would be the whole jury  
22 group and --

23 MR. BROWN: Right.

24 JUROR NUMBER 42: Just going to avoid it to avoid  
25 it, no.

1 MR. BROWN: Can you assure us that you'll return  
2 the verdict that the evidence tells you that you  
3 should return?

4 JUROR NUMBER 42: Yes.

5 MR. BROWN: Okay. Regardless of returning a  
6 first, that means you have to come back. It would be  
7 justice to return the verdict that the evidence tells  
8 you to return?

9 JUROR NUMBER 42: Yes.

10 MR. BROWN: Okay. Judge, I have no further  
11 questions.

12 THE COURT: Okay. Questions by the defense.

13 MR. MOORE: Just to put things in a little bit  
14 sharper focus, when you mentioned a moment ago that  
15 somebody's life is at stake in the outcome here, it's,  
16 specifically, that gentleman right there (indicating),  
17 and whether he lives or dies could be the outcome of  
18 this process. Do you understand that? It's not just  
19 a hypothetical somebody, it's that person right there  
20 (indicating), Brandon Bradley. To put a face on the  
21 somebody who this case is about, that man sitting over  
22 there.

23 JUROR NUMBER 42: That became fully understood  
24 when she read the charges.

25 MR. MOORE: Yes. Good. Good. I wanted to make

1 that clear. Now, would it be accurate for me to say,  
2 or guess, that you may not have thought where your  
3 position is on the death penalty before you came into  
4 this courtroom? Had you thought about it to the point  
5 where you thought, well, yeah, I'm for it, or, I'm not  
6 opposed to it, before you ever got involved in this  
7 process in here?

8 JUROR NUMBER 42: No.

9 MR. MOORE: Okay. And so I like to try to keep  
10 things simple, it makes -- it's a very complex issue,  
11 but I think there's some things about it that can be  
12 simplified; and, in my mind, I put people in your  
13 situation, at least on the issue of the death penalty,  
14 in one of two categories, you're for it, or you're  
15 against it. Now, since you're not against it, then I  
16 put you in the column that you're for it. And so why  
17 would you be -- wind up in that column? In other  
18 words, your position is that you're not against it,  
19 why are you not against it? What are the reasons why  
20 you're not against it, as opposed to being against it?

21 JUROR NUMBER 42: Every crime deserves its  
22 punishment, and with the evidence that's given, if  
23 somebody has done something that has justified that  
24 they deserve that punishment, then that's what they  
25 will get.

1 MR. MOORE: Okay. Let me put it in a little more  
2 personal terms, not just, that would be a good  
3 justification why Florida has chosen to have the death  
4 penalty. But for you, you personally, what would be a  
5 reason why you think that the death penalty is  
6 something that we should have?

7 JUROR NUMBER 42: Why do I think that it's  
8 something that we should have here in Florida? That's  
9 not up to me to decide. I mean, the justice system is  
10 the one that's put it in place. Either they use it  
11 because it's there, or they don't.

12 MR. MOORE: Okay. But why is it that you,  
13 personally, are not opposed to it? I'm not talking  
14 about justifying the state having it or not having it,  
15 but why, personally, for you, is your position that  
16 you're not opposed to it?

17 JUROR NUMBER 42: Well, like I said, every crime  
18 has its punishment, and that being one of them, then  
19 it -- if I was in the shoes where they ruled that I  
20 deserve that punishment, then that would be what I  
21 got. And there would be no fighting, no appealing.  
22 I've done it, I admitted it, then it would be on  
23 somebody else. So if I'm going to say that -- if I  
24 had done something where I'm in the shoes that that  
25 punishment needed to be handed to me, then those



1 people will give me the same benefit of the doubt that  
2 that's what was going to happen.

3 MR. MOORE: Okay. And so you believe that you  
4 could set a judgment in a process that could lead to  
5 the execution of Mr. Bradley?

6 JUROR NUMBER 42: Yes.

7 MR. MOORE: On a scale from 1 to 10, with 10  
8 being the strongest support that you could have for  
9 the death penalty, and 0 being no support, or you're  
10 against it, what number would you give yourself?

11 JUROR NUMBER 42: I mean, I would be at a 5.  
12 Either it's there -- I couldn't 100 percent all the  
13 way to say that, yes, this is going to happen, they  
14 deserve it no matter what, or, no, it shouldn't be  
15 there.

16 MR. MOORE: Right. Nobody suggested it should  
17 be. I'm trying to find out where you are.

18 JUROR NUMBER 42: I would be right in the middle.

19 MR. MOORE: Have you ever had a different  
20 position on that? Let's say at some point in your  
21 life where you were for it, not in question, or maybe  
22 at some point in your life you were against it without  
23 any question?

24 JUROR NUMBER 42: Under different circumstances.

25 MR. MOORE: That's not what I'm asking. What I'm

1 getting at is, have you ever had a change of heart  
2 about the death penalty, or is this how you've always  
3 felt?

4 JUROR NUMBER 42: I don't think so, no.

5 MR. MOORE: Do you belong to a church?

6 JUROR NUMBER 42: Yes.

7 MR. MOORE: Do you know what your church teaches  
8 about the death penalty?

9 JUROR NUMBER 42: We don't discuss those types of  
10 things at the church I go to.

11 MR. MOORE: Can you think in your mind about --  
12 let me strike that. This is all new to you, right,  
13 and you're worrying about this stuff for the first  
14 time in your life, but we're trying to see where you  
15 are with these concepts and how you feel about them,  
16 the concept of aggravating circumstances, mitigating  
17 circumstances. If you look at it this way, an  
18 aggravating circumstance is one that suggests that a  
19 sentence of death is the more appropriate sentence,  
20 you understand that.

21 JUROR NUMBER 42: Yeah.

22 MR. MOORE: And mitigating circumstances are ones  
23 that suggest that a life without parole is the more  
24 appropriate sentence. And so it's been explained to  
25 you that the State has to prove at least one

1           aggravating circumstance before you can even talk  
2           about the death penalty.  If they don't get to the  
3           point of proving that, then death is off the table,  
4           and it's got to be a life vote.  Do you understand?

5                    JUROR NUMBER 42:  Yes.

6           MR. MOORE:  With respect to the mitigating  
7           circumstances, it's -- in a hypothetical situation,  
8           where we'll say the State's proven a whole bunch, all  
9           there are, all that exist of aggravating  
10          circumstances, and the defense doesn't prove any  
11          mitigating circumstances, you are never required to  
12          vote for death, ever, at any point.  Do you understand  
13          that?

14                   JUROR NUMBER 42:  Yes.

15          MR. MOORE:  Life without parole is always an  
16          option, regardless of what you decide in that weighing  
17          process.

18                   JUROR NUMBER 42:  Right.

19          MR. MOORE:  And the burden of proving a  
20          mitigating circumstance is by the greater weight of  
21          the evidence, or if you're reasonably convinced that  
22          it exists, as opposed to -- if you have to find an  
23          aggravating circumstance, it's got to be beyond a  
24          reasonable doubt.  Do you accept that there are two  
25          different burdens of proof for the two different

1 concepts?

2 JUROR NUMBER 42: Yes.

3 MR. MOORE: Can you think of a mitigating  
4 circumstance, some factor in the defendant's  
5 background or life or the circumstances of a  
6 particular case that you would consider a mitigating  
7 circumstance; that is, something about that person,  
8 something about his background, something about the  
9 case which would suggest that the sentence for that  
10 first degree murder, appropriately, would be life  
11 without parole? Do you understand what I'm asking?

12 JUROR NUMBER 42: Yes, I know. If you're saying  
13 -- you're asking me if there was a reasonable doubt  
14 that -- there's more than one reasonable doubt that it  
15 should be, as far as the death penalty goes. I'm not  
16 going to say that's the first thing I'm going to jump  
17 to --

18 MR. MOORE: Sure.

19 JUROR NUMBER 42: -- or anything like that. I  
20 mean --

21 MR. MOORE: Okay. Well, first of all, you  
22 understand that life without parole means just that?

23 JUROR NUMBER 42: Yes.

24 MR. MOORE: That person never gets out alive.

25 JUROR NUMBER 42: Right.

1 MR. MOORE: Any question about that in your mind?

2 JUROR NUMBER 42: No.

3 MR. MOORE: What if you heard evidence of mental  
4 illness? We're talking about potential mitigating  
5 circumstances. Does that -- mental illness, is that  
6 something that you, if you heard evidence of it, and  
7 you were reasonably convinced that it exists, is that  
8 something you would be open to considering as a  
9 potentially mitigating circumstance?

10 JUROR NUMBER 42: It would take the beyond a  
11 reasonable doubt for mental illness, yes.

12 MR. MOORE: Well, again -- I'm glad that you  
13 mentioned that, because it's a different burden of  
14 prove. If we're talking about aggravating  
15 circumstances, those have to be proven beyond a  
16 reasonable doubt. Those things that support the death  
17 penalty, beyond a reasonable doubt, that's the level  
18 of proof. But for a mitigating circumstance, it's  
19 that you're reasonably convinced, or, yeah, I think  
20 that happened. Now, I may have some doubts, but it's  
21 reasonable for me to assume that they have proved  
22 that. Does that make -- do you understand what I'm  
23 saying? In other words, we don't have to prove  
24 mitigating circumstances beyond a reasonable doubt.  
25 Do you understand?

1 JUROR NUMBER 42: Yes.

2 MR. MOORE: And so if you found that you were  
3 reasonably convinced by the evidence of mental  
4 illness, is that something that you would be open to  
5 considering as a mitigating circumstance?

6 JUROR NUMBER 42: Yes.

7 MR. MOORE: All right. If you were to hear  
8 testimony from mental health experts, psychologists,  
9 psychiatrists, people like that, would you be open to  
10 considering their testimony?

11 JUROR NUMBER 42: Yes.

12 MR. MOORE: Or would you not want to hear their  
13 testimony in a case like this?

14 JUROR NUMBER 42: I want to hear it. If it was  
15 here and was presented, yes.

16 MR. MOORE: Okay. All right. How about evidence  
17 of brain injury or brain damage, is that -- if there  
18 were evidence presented of that, and you were  
19 reasonably convinced of that --

20 JUROR NUMBER 42: If there was a black and white  
21 (unintelligible).

22 MR. MOORE: Okay. I mean, if there's evidence  
23 that you find that you're reasonably convinced that it  
24 shows evidence of brain damage or brain injury, is  
25 that something you'd be open to considering as

1 mitigating?

2 JUROR NUMBER 42: Yes.

3 MR. MOORE: How about this, we're talking about  
4 drug abuse, drug addiction, do you believe that drug  
5 addiction is choice?

6 JUROR NUMBER 42: I do believe it's a choice,  
7 yes.

8 MR. MOORE: Do you believe that some people  
9 struggle with addiction more than others?

10 JUROR NUMBER 42: Yes.

11 MR. MOORE: Do you believe that people who are  
12 caught in the throes of addiction necessarily are  
13 going to choose to be unaddicted?

14 JUROR NUMBER 42: No.

15 MR. MOORE: So if you were presented evidence of  
16 drug addiction or drug abuse, would you be open to  
17 considering that potentially as a mitigating  
18 circumstance?

19 JUROR NUMBER 42: Yes.

20 MR. MOORE: If you were to hear evidence of  
21 physical or emotional abuse, is that something that  
22 you would be open to considering as potentially  
23 mitigating?

24 JUROR NUMBER 42: Yes.

25 MR. MOORE: If the judge read this instruction to

1           you as a potential mitigating circumstance, would you  
2           be able to accept this and follow it as a mitigating  
3           circumstance, or at least be open to considering it,  
4           "the capital felony was committed while the defendant  
5           was under the influence of extreme mental or emotional  
6           distress." Is that something that you would be open  
7           to considering?

8                     JUROR NUMBER 42: Yes.

9           MR. MOORE: Okay. Here's another, "the capacity  
10          of the defendant to appreciate the criminality of his  
11          conduct or perform his conduct with the requirements  
12          of the law were substantially impaired." Is that  
13          something that you would be open to considering,  
14          potentially, as mitigating?

15                    JUROR NUMBER 42: Yes.

16          MR. MOORE: Do you have any feelings on the issue  
17          of guilt at this point, or innocence, of this  
18          defendant?

19                    JUROR NUMBER 42: At this point now?

20          MR. MOORE: Given all that you know, which is  
21          very little, as you put it, what you heard in the  
22          media and all the time we spent asking questions, so  
23          that would be your position, you don't have a feeling  
24          one way or the other?

25                    JUROR NUMBER 42: Right.



1 MR. MOORE: But I -- you accept that at this  
2 point Mr. Bradley's presumed innocent?

3 JUROR NUMBER 42: At this point.

4 MR. MOORE: If you had to vote right now, what  
5 would your vote be?

6 JUROR NUMBER 42: I couldn't vote right now,  
7 because I haven't heard anything.

8 MR. MOORE: Well, if he's presumed innocent, then  
9 you'd have to say he's innocent at this point.

10 JUROR NUMBER 42: Correct.

11 MR. MOORE: Of course, you know, there's more to  
12 it than that, but that's presumption. We'll get to  
13 that later in a little more detail. But in the  
14 process of -- if you get to the point of deliberating  
15 on the sentence in the penalty phase, we call it the  
16 penalty phase of the process, each juror has the right  
17 to an individual vote, which is different from the  
18 guilt -- the first part of the trial, the  
19 guilt/innocence part, where you're just dealing with  
20 the charges. Here are the charges, here's the  
21 evidence, here's the law, now the jury can go back and  
22 deliberate and decide if there's guilt or innocence,  
23 and, if there's guilt, of what. In that part of the  
24 trial, the jury's recommendation has to be unanimous,  
25 all of the jurors have to agree. Either all agree

1 that it's not guilty, or all agree that it's guilty.  
2 Now, the penalty part of the trial, each juror has the  
3 right to his or her own vote, and you do not have to  
4 all agree. You have the right to your decision. Do  
5 you understand?

6 JUROR NUMBER 42: Yes.

7 MR. MOORE: And that you have the right to have  
8 your vote, whatever it is, respected, and not have  
9 people browbeat you or try to intimidate you to join  
10 them, or getting you to agree with their point of  
11 view. Do you understand?

12 JUROR NUMBER 42: Yes.

13 MR. MOORE: And can you extend that same courtesy  
14 to your fellow jurors, respect their points of view?

15 JUROR NUMBER 42: Yes.

16 MR. MOORE: Okay. If they disagree with you,  
17 that's their right, we'll let that go, they have the  
18 right to their own opinion. Can you do that?

19 JUROR NUMBER 42: Yes.

20 MR. MOORE: A moment?

21 THE COURT: Yes.

22 MR. MOORE: I don't have anymore questions.

23 THE COURT: Okay. Juror Number 42, you are still  
24 a part of this panel, but you don't need to be here  
25 tomorrow. What we're going to do is, we're going to

1 send you downstairs to the jury assembly room, and  
2 they're going to give you a phone number to call, and  
3 you're going to call between 1:00 and 5:00 on  
4 Wednesday, that's tomorrow, and they'll give you some  
5 further instructions about when to report next. It  
6 may be Thursday, it may be Friday, it may be next  
7 week. If it is next week, it will not be Monday,  
8 Tuesday, or Wednesday. It'll be Thursday or Friday.  
9 During this recess, you must continue to abide by the  
10 rules governing your service as a juror.  
11 Specifically, do not discuss this case with anyone, do  
12 not read any -- avoid reading newspaper headlines and  
13 articles relating to this trial or its participants,  
14 avoid seeing or hearing television, radio, or Internet  
15 comments about the case, and do not conduct any  
16 independent research about this case or its  
17 participants. Now, what you can tell people, you can  
18 tell people you have jury service, I'm going to the  
19 Brevard County Courthouse in Viera, I'm expected to be  
20 there at this time, I may be there until this time;  
21 but what you can't talk about is the trial, what trial  
22 you're here for, and what the facts and circumstances  
23 are for that trial. You can talk about the where and  
24 the when, but just not the what.

25 All right. At this time if you'll go downstairs,

1 they'll give you that information, and you can be on  
2 your way. Thank you.

3 (Thereupon, Juror Number 42 was escorted out of  
4 the courtroom by the court deputy; thereafter, Juror  
5 Number 43 was escorted into the courtroom by the court  
6 deputy and the proceedings were had as follows:)

7 THE COURT: Okay. Number 43, the first thing I  
8 want to do is thank you for being here, thank you for  
9 your service, and thank you for being patient with us  
10 regarding this process. It's been a long day for us  
11 as well. When you recessed, I told you about some  
12 rules that you have to abide by to govern your service  
13 as a juror, so I'm going to speak to you about that  
14 first. Have you been -- and this is since I gave you  
15 those rules. Have you been exposed to reading  
16 newspaper headlines or articles relating to this trial  
17 or its participants?

18 JUROR NUMBER 43: No.

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

21 JUROR NUMBER 43: Last night, I did see the news,  
22 that they were just picking jurors. That's all I  
23 really saw.

24 THE COURT: Okay. Did you try to avoid that, did  
25 it come on and you --

1 JUROR NUMBER 43: It was so quick. I was even in  
2 the other room, so it was sort of in passing. My wife  
3 says, hey, it's -- they're picking jurors, that's  
4 where you were. That's all I heard.

5 THE COURT: Okay. Does she know you're here for  
6 this case, or she just knows you're here?

7 JUROR NUMBER 43: She knows I'm here for this  
8 case.

9 THE COURT: Okay. Did she assume that, or did  
10 you tell her that?

11 JUROR NUMBER 43: She knew that. She just knew  
12 it.

13 THE COURT: Okay. All right. Well, in the  
14 future, you can tell her -- if she knows, you can't  
15 discuss the facts or circumstances with her or anyone  
16 about the case, okay? Have you done any research  
17 regarding any matters concerning this trial?

18 JUROR NUMBER 43: No, I haven't.

19 THE COURT: And have you discussed the case with  
20 any of the potential jurors, or with anyone else?

21 JUROR NUMBER 43: No.

22 THE COURT: Okay. Other than your wife maybe  
23 coming to that conclusion, or -- did you discuss  
24 anything in detail with her? Did you discuss  
25 anything?

1 JUROR NUMBER 43: No. As a matter of fact, I  
2 told her, I can't discuss anything with you.

3 THE COURT: Okay. All right. I'm going to ask  
4 you some other questions, and then the State's going  
5 to be able to ask you some questions, and then the  
6 defense can ask you some questions. My first question  
7 is pretty general, what are your views about the death  
8 penalty?

9 JUROR NUMBER 43: I'm in favor of it.

10 THE COURT: Okay. I'm going to tell you a little  
11 bit about the process, and then I'm going to come back  
12 to you on that issue. There's two parts of the trial,  
13 the first part is called the guilt phase, the second  
14 part is called the penalty phase, if we get to the  
15 second part. In the first part, the guilt phase, if  
16 the jury returns a verdict of guilty to count one, and  
17 count one is the premeditated first degree murder  
18 charge, if there's a guilty verdict, then we proceed  
19 to the penalty phase. And in the penalty phase, as a  
20 juror, you will be asked to make a recommendation to  
21 the judge about a penalty; and the possible penalties  
22 that you are instructed to consider are death, or life  
23 in prison without the possibility of parole. Now, you  
24 have said that you are in favor of the death penalty.

25 JUROR NUMBER 43: Right.

1 THE COURT: Are you of the opinion that death is  
2 the only appropriate penalty for murder in the first  
3 degree, and is that opinion so strong that you would  
4 not consider life in prison without the possibility of  
5 parole under any circumstances?

6 JUROR NUMBER 43: It depends on the  
7 circumstances.

8 THE COURT: Okay. If I were to instruct you that  
9 you have to consider both possible penalties, and  
10 we're going to give you further instructions on how to  
11 consider them, would you be able to do that?

12 JUROR NUMBER 43: Probably.

13 THE COURT: Okay. You say "probably," so tell me  
14 -- there's no right or wrong answers in here. In  
15 fact, this is the one opportunity where you get to  
16 tell us whatever you want, and there's no right or  
17 wrong answers. So tell me your concerns for the  
18 "probably."

19 JUROR NUMBER 43: Well, my feeling is that the  
20 taxpayers keep too many people on death row. I think  
21 it's a waste of everybody's money, and I think most of  
22 them should get the death penalty, it's what they  
23 deserve. That's my general feeling about that.

24 THE COURT: Okay. Obviously, if -- it's a  
25 different issue once there is a death row sentence, or

1 death penalty sentence, there's a -- that's a  
2 different issue. So for here, you'd have to not  
3 consider that, because that's not where we're at in  
4 these proceedings. What I ask you to do is, you're  
5 going to be given detailed instructions, and the  
6 attorneys will talk to you a little more about that,  
7 about how you weigh aggravating circumstances against  
8 mitigating circumstances to determine what the penalty  
9 should be, they'll talk to you more about that in a  
10 few moments. But if you're saying -- and I'm asking,  
11 can you follow my instructions as to this weighing  
12 process and consider life in prison without the  
13 possibility of parole as an option under certain  
14 circumstances?

15 JUROR NUMBER 43: Yes.

16 THE COURT: Okay. And I'll let the attorneys  
17 question you more about that. So what do you know  
18 about this case, either from your own personal  
19 knowledge, rumor, by discussions with anyone else, or  
20 from the media, radio, television, Internet,  
21 electronic device, or newspapers?

22 JUROR NUMBER 43: I really have just seen the TV,  
23 what happened. All I know is that a gentleman took a  
24 police officer's life with a gun when she approached  
25 the vehicle.



1 THE COURT: Okay. That's what you -- the  
2 information that you believe you know from the -- is  
3 that from television?

4 JUROR NUMBER 43: Yes.

5 THE COURT: And the news accounts on the  
6 television?

7 JUROR NUMBER 43: That's the only thing that I  
8 remember seeing.

9 THE COURT: Okay. And while newspapers and  
10 television and the media report certain information,  
11 perhaps some of that's not always fully reported, or  
12 not always accurate, can you consider -- would you  
13 consider that?

14 JUROR NUMBER 43: It would take a lot for me to  
15 consider that that did not happen.

16 THE COURT: Okay. Can you set aside what you  
17 learned about the case and serve with an open mind and  
18 reach a verdict based on the law and on the evidence  
19 that's presented at this trial?

20 JUROR NUMBER 43: Yes, I can do that, but I think  
21 the evidence is going to show his guilt.

22 THE COURT: Okay. And you think that because of  
23 what you've heard and what you've seen?

24 JUROR NUMBER 43: Well --

25 THE COURT: See, when you walk in here, you've

1 kind of got to say -- you know, most people in our  
2 discussions have not come here and not known something  
3 about this case, with all due respect. So what we ask  
4 you to do is, okay, you heard that, you know that's  
5 out there, but for the purposes of this case, you have  
6 to set that aside and give the defendant a clean slate  
7 and wait until you -- you know, the State has the  
8 burden of proof, so let the State prove their case and  
9 follow my instructions as to how to reach your  
10 verdict, both in the guilt phase and the penalty  
11 phase.

12 JUROR NUMBER 43: Honestly, I find it very hard  
13 for me to separate what I've seen from my actions in  
14 this case if I were to be a juror.

15 THE COURT: Okay. And that's -- there's no right  
16 or wrong answers, we just ask you to be candor -- to  
17 have candor with the Court. Even if I say, hey,  
18 that's your instruction and that's what you have to  
19 do? Can you do it?

20 JUROR NUMBER 43: I would try to do it, of  
21 course.

22 THE COURT: Well, if you say you can't do it,  
23 that's not a wrong answer.

24 JUROR NUMBER 43: Well, I don't know if I can't  
25 do it until I try. I'm giving you the gist of how I

1 feel about the case depending on what I've seen so  
2 far. That's what I've seen so far, and I have a  
3 strong tendency to believe that's what happened.

4 THE COURT: Okay.

5 JUROR NUMBER 43: In other words, I can't see any  
6 other way it could have happened, in my mind. I don't  
7 think there's going to be any circumstances that will  
8 prove that that did not happen. If there are other  
9 circumstances, it's going to be amazing to me. It  
10 would blow my mind if it didn't happen the way they  
11 said it did.

12 THE COURT: Okay. I guess what we ask you to do  
13 is say, okay, you may know that's out there, we're not  
14 saying that you don't know that, but would you be --  
15 can you walk in here and say, the State has the burden  
16 of proof, they have to prove it beyond and to the  
17 exclusion of every reasonable doubt, and I'm going to  
18 read what that means to you, and I'm going to read  
19 different instructions; are you going to make the  
20 State prove their burden?

21 JUROR NUMBER 43: Yes. I would say, yes, I  
22 would.

23 THE COURT: Okay. Or are you going to say, no,  
24 here's the scale of justice, and the State already --  
25 I've already tipped it a little bit in their favor, or

1 maybe even a lot in their favor, based on what I  
2 already know?

3 JUROR NUMBER 43: Well --

4 THE COURT: Because, remember, the defendant has  
5 the presumption of innocence and doesn't have to prove  
6 anything.

7 JUROR NUMBER 43: Right. Well, I know how the  
8 system works. Like I said, I just find it very  
9 difficult to separate myself from those feelings that  
10 I have after seeing what I've seen and heard what I've  
11 heard. I mean, I'm -- like anyone else, I can sit  
12 there and listen to the evidence, and if the evidence  
13 proves that he's not guilty, then --

14 THE COURT: What if you heard something not  
15 inside this courtroom and the State -- you never heard  
16 anything about that in the trial, and you never -- the  
17 State never proved that as a fact, could you not  
18 consider that?

19 JUROR NUMBER 43: Yeah.

20 THE COURT: You could for purposes of reaching  
21 your verdict in this case?

22 JUROR NUMBER 43: I could.

23  
24  
25 (CONTINUED TO VOLUME III)