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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-XXXX-XX

ORIGINAL

STATE OF FLORIDA,
Plaintiff,

vs.

BRANDON LEE BRADLEY
Defendant.

SCOTT ELLIS
2014 JUL 25 P 12:26
FILED IN TYP-01
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BREVARD CO. FL.

VOLUME IV 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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1 They would have to be proven to you as well, but
2 it's to a lower burden, it's to the greater weight of
3 the evidence. So if some of that evidence presented,
4 if it's not proven, you disregard it, you don't
5 consider it. All the mitigation evidence that's
6 proven to you, if you feel it's met that standard of
7 proof, you look at all of that, and you consider it.

8 The Court's then going to tell you to go through
9 a weighing process. It's kind of like an ordinary
10 decision that you have to make in the course of your
11 life, work or whatever, a serious decision, you
12 consider and look at all the factors, all the
13 circumstances, you consider everything, right?

14 JUROR NUMBER 58: Right.

15 MR. BROWN: Same thing you have to do here. You
16 would go through and you would weigh in your decision
17 process, like in your personal life, those factors and
18 those things you consider most important, and you give
19 them the greatest weight. You look at other factors,
20 things you consider, and you say, these really aren't
21 that important at all, and you give them little weight
22 in this decision, right?

23 JUROR NUMBER 58: Right.

24 MR. BROWN: You do the same thing here. You look
25 at the aggravators, and you look at the mitigators.

1 You determine, personally, how much weight to give.
2 Considering everything that's been proven, but you
3 determine the weight. Some things you may look at and
4 say, I just don't find this to be that important, you
5 assign little weight; the things you find more
6 important, you assign greater weight. Fair enough?
7 You consider all, but you determine the weight.
8 Nobody's going to ask you or tell you how much weight
9 you're going to give to something. Fair enough?

10 JUROR NUMBER 58: Yes.

11 MR. BROWN: So you go through that weighing
12 process, and the question for you would be, does the
13 mitigation outweigh the aggravation, the aggravating
14 circumstances. If the answer is yes, then you would
15 vote for life; if the answer is no, the mitigation
16 does not outweigh the aggravators, then you're in a
17 position where you legally can return a recommendation
18 for the death penalty to the Court.

19 The Court's going to tell you that you're never
20 legally required to. The Court's not going to say, if
21 you find A, B, C, and D, then you must return a
22 recommendation for the death penalty. The Court's not
23 going to tell you that. But when you find those
24 aggravators that justify the death penalty, mitigation
25 doesn't outweigh it, then, if you feel it's justified,

1 that's when you can legally recommend to the Court a
2 sentence of death. Are you comfortable with that
3 process?

4 JUROR NUMBER 58: Sure.

5 MR. BROWN: Knowing that process, do you think --
6 if you feel that the aggravators have been proven that
7 justify the death penalty, and it's an appropriate
8 penalty, can you recommend the sentence of death?

9 JUROR NUMBER 58: I can.

10 MR. BROWN: Now, one other area I just want to
11 cover briefly, whether it may affect you, or if you
12 see it from other jurors back there, obviously, as I
13 told you, if the verdict comes back for less than
14 first degree murder, death penalty's off the table,
15 and you will not be making a sentencing
16 recommendation. Do you understand that?

17 JUROR NUMBER 58: Sure.

18 MR. BROWN: And the concern or question that I
19 have is, knowing that, sitting back there and saying,
20 first degree is proven, but I really don't want to go
21 to the next step, would that influence you at all to
22 return a verdict of a lesser charge simply to avoid
23 facing the next step?

24 JUROR NUMBER 58: No. It would be based on
25 whatever evidence was presented.

1 MR. BROWN: So if the evidence proves first
2 degree murder, you would return that verdict?

3 JUROR NUMBER 58: If that's what the evidence
4 shows, yes.

5 MR. BROWN: Your Honor, I have no further
6 questions.

7 THE COURT: Okay. Questions by the defense?

8 MR. PIROLO: Good afternoon. How are you?

9 JUROR NUMBER 58: Good.

10 MR. PIROLO: I want to start of by saying, first
11 of all, there are no wrong answers, so don't be
12 nervous about saying anything.

13 JUROR NUMBER 58: Sure.

14 MR. PIROLO: The only answer that's the wrong
15 answer is if it's something that's not true, or if you
16 don't tell us something, if you're holding something
17 back. Just feel free to be honest.

18 JUROR NUMBER 58: Okay.

19 MR. PIROLO: What I also want to explain to you
20 is, the way the process works is, we have to pick the
21 jury and get into the death penalty questions before,
22 obviously, ever getting into any facts over guilt or
23 innocence, or coming to a decision over guilt or
24 innocence. So my only concern is, do you in any way
25 feel that, well, we're talking about the death penalty

1 already, he must be guilty of first degree murder
2 or --

3 JUROR NUMBER 58: Do I feel that way?

4 MR. PIROLO: Right.

5 JUROR NUMBER 58: No.

6 MR. PIROLO: Okay. You understand that it's just
7 the way the process is, this is what we got to do.

8 JUROR NUMBER 58: Absolutely.

9 MR. PIROLO: Based on what you heard regarding
10 the media, you told us earlier that you heard a couple
11 things, and some were from -- your husband told you,
12 correct?

13 JUROR NUMBER 58: He heard that something had
14 happened close to my work.

15 MR. PIROLO: And have you formed an opinion as to
16 guilt or innocence based on what you heard from your
17 husband and/or the media?

18 JUROR NUMBER 58: No.

19 MR. PIROLO: Do you have any -- well, what does
20 life without parole mean to you?

21 JUROR NUMBER 58: What does it mean to me? It
22 would be -- that person would be incarcerated for the
23 remainder of their life without any release on any
24 kind of parole. There's no possibility that they
25 would get out.

1 MR. PIROLO: Do you have any doubts about this?
2 Someone who's sentenced to life without the
3 possibility of parole dies in prison, do you have any
4 doubts about that?

5 JUROR NUMBER 58: No.

6 MR. PIROLO: You accept --

7 JUROR NUMBER 58: I accept it at face value,
8 that's what I understand it to be. I'm not an
9 authority on it, so I don't know if that could
10 possibly change. I don't know.

11 MR. PIROLO: Can you -- earlier, I believe it was
12 during the questioning of the State, the term
13 "ordinary decision" came up in weighing things, like
14 you would in your everyday life. Do you acknowledge
15 that this would not be just any ordinary decision?

16 JUROR NUMBER 58: No, it's not an ordinary
17 decision at all.

18 MR. PIROLO: Do you consider all life being
19 sacred?

20 JUROR NUMBER 58: Absolutely.

21 MR. PIROLO: Do you believe that a person, any
22 person, is a product of life experiences?

23 JUROR NUMBER 58: Yes.

24 MR. PIROLO: Aside from the DNA, we can't pick
25 who our mom and dad are, can you think of other things

1 in the course of someone's life that shapes that
2 person as they grow up?

3 JUROR NUMBER 58: It happens every day.

4 MR. PIROLO: What kinds of things occur in
5 someone's life that shape the person they become, who
6 they are?

7 JUROR NUMBER 58: Well, most anything. The
8 people that they're around, the loss of somebody close
9 to them, different influences in their life. I mean,
10 there's so many things that can change or influence
11 what happens to you or what direction you go. And
12 things change on a moment's notice. Nothing is
13 impossible to happen, anything can happen.

14 MR. PIROLO: I'm going to throw some questions at
15 you regarding the death penalty. Specifically, I know
16 you said earlier you're sort of on the fence. If I
17 gave you -- not opposed to it, you're not -- if we
18 gave you a scale, a 1 to 10 scale, or even 0 to 10,
19 with 10 being a strong supporter of the death penalty,
20 0 being not a supporter of all, maybe even oppose it,
21 where would you put yourself on that scale?

22 JUROR NUMBER 58: I honestly think it's a
23 case-by-case situation. That's really hard to say,
24 because -- again, I believe there's a place for it,
25 and at the same time, it depends on the circumstances,

1 it depends on whether or not I feel it would be
2 appropriate. So I don't know if that kind of, sort of
3 answers your question. I really do believe it's a
4 case-by-case situation based on the situation and the
5 facts and gravity. A lot of things come into play, so
6 to say -- it depends on the circumstance.

7 MR. PIROLO: I've got a follow-up question, but I
8 want to kind of back up for a little bit before I get
9 to the follow-up question. You've heard now from the
10 Judge and the State how the process goes. We have a
11 guilt or innocence portion of the trial. If, and only
12 if, the jury comes back with a guilty verdict of first
13 degree premeditated murder, then we move to the second
14 part. Do you understand that?

15 JUROR NUMBER 58: I do, yes.

16 MR. PIROLO: If the jury as a whole has a
17 unanimous verdict, 12-0, either of not guilty or of
18 second degree murder or manslaughter, you're thanked
19 for your time, you're released, there's nothing that
20 you need to do beyond that. We only get to this phase
21 if there's a guilty verdict of first degree murder.
22 Do you understand that?

23 JUROR NUMBER 58: Yes.

24 MR. PIROLO: Okay. Once we get into that phase,
25 then we would start weighing the aggravators and the

1 mitigators. But before we get to that, can you think
2 of a type of first degree murder where you would say,
3 the death penalty is almost automatic?

4 JUROR NUMBER 58: No.

5 MR. PIROLO: What about the death of a child?

6 JUROR NUMBER 58: Again, it depends on all the
7 circumstances.

8 MR. PIROLO: And, in our case, the death of a law
9 enforcement officer, still need --

10 JUROR NUMBER 58: Same thing.

11 MR. PIROLO: Okay. Do you understand in the
12 first phase, the verdict has to be unanimous?

13 JUROR NUMBER 58: Correct.

14 MR. PIROLO: All 12 have to agree for not guilty
15 or guilty of first degree murder or whatever. The
16 second phase is not unanimous. It means the vote can
17 be 12-0, it could be 7-5, it could be anything. Do
18 you understand now, if you didn't before, that the
19 second vote does not have to be unanimous?

20 JUROR NUMBER 58: I do know that.

21 MR. PIROLO: Now, it's an extremely important
22 decision because the judge cannot impose a sentence
23 without your recommendation. She's got to give your
24 recommendation great weight. The law tells the judge
25 what they have to do with the recommendation.

1 It starts with aggravating circumstances. The
2 State has to prove to you at least one aggravating
3 circumstance beyond a reasonable doubt. You
4 understand that as well, correct?

5 JUROR NUMBER 58: Yes.

6 MR. PIROLO: If they haven't proven any
7 aggravating circumstances to you, it's a life
8 sentence, a life recommendation. Do you understand
9 that?

10 JUROR NUMBER 58: Yes.

11 MR. PIROLO: If, and only if, they prove at least
12 one aggravating circumstance, then we move onto the
13 next step, and that's considering and weighing
14 mitigating circumstances. You understand that even
15 after weighing all the mitigating circumstances, say
16 you find no mitigating circumstances, you still are
17 not required to return a death recommendation. Even
18 if the State's proven to you one or more aggravating
19 circumstances, and no mitigating circumstances have
20 been proved to you, you're not required to return a
21 death recommendation. Do you understand that?

22 JUROR NUMBER 58: Yes.

23 MR. PIROLO: Would you feel compelled in any way
24 to return a death recommendation just because they
25 proved at least one aggravator and no mitigators were

1 proved?

2 JUROR NUMBER 58: No.

3 MR. PIROLO: Now, if you -- we're going to get to
4 mitigating circumstances in a minute, but the
5 aggravating circumstances are limited in number, what
6 can be presented to you. By law, it's just a list of
7 them, and you can't go outside of that list.

8 Mitigating circumstances are unlimited, and it's more
9 than just the background of Mr. Bradley. Some of it
10 would be things having to do with his background, life
11 experiences growing up, household environment, things
12 like that, but it's much more than that. Do you
13 understand that?

14 JUROR NUMBER 58: Yes.

15 MR. PIROLO: As I said before, State's got to
16 prove the aggravating circumstances beyond and to the
17 exclusion of every single reasonable doubt. Do you
18 understand that?

19 JUROR NUMBER 58: Yes.

20 MR. PIROLO: Mitigating circumstances, we don't
21 have that burden, it's a much lesser burden, it's a
22 reasonably convinced burden. So if you find -- if
23 you're reasonably convinced that we've proven to you
24 one or more mitigating circumstances, then you take
25 those and weigh them against the aggravating

1 circumstances. If you find the mitigation outweighs
2 the aggravation, then it would be a life
3 recommendation. Do you understand that?

4 JUROR NUMBER 58: Yes.

5 MR. PIROLO: Now, you seem to be a pretty
6 intelligent person, do you understand the terms
7 "aggravators" or "aggravation," and "mitigation"?

8 JUROR NUMBER 58: Yes.

9 MR. PIROLO: Okay. Aggravation makes things
10 worse, mitigation sort of lessens it, right?

11 JUROR NUMBER 58: Correct.

12 MR. PIROLO: If you're selected as a juror -- and
13 I want to get to this instruction, because we always
14 have concern on this, but there's something that you
15 may hear during the penalty phase that's called the
16 impact evidence, or victim impact statement. The jury
17 -- the judge will instruct you that it is not an
18 aggravating circumstance, and not to treat it as an
19 aggravator. But let me read you this first, and then
20 I have a question that goes with it. The instruction
21 you'd be given will read, "you have heard evidence
22 about the impact of this homicide on the family,
23 friends, and community of Deputy Pill. This evidence
24 is presented to show the victim's uniqueness as an
25 individual; however, you may not consider this

1 evidence as an aggravating circumstance." Now, my
2 question is, if you've heard friends, family,
3 co-workers give a statement about Deputy Pill's life
4 and what her life meant to them, could that impact you
5 in such a way that you would turn it into an
6 aggravator, even though the Court's telling you it's
7 not an aggravating circumstance?

8 JUROR NUMBER 58: No.

9 MR. PIROLO: You'd be able to set aside -- and
10 you would agree that statements like that could be
11 very emotional, and even with the emotions coming from
12 friends, family, and co-workers would still not treat
13 it -- you'd set it aside in terms of aggravating
14 circumstances and not count it or weigh it as an
15 aggravating circumstance, correct? Yes?

16 JUROR NUMBER 58: Yes. I'm sorry.

17 MR. PIROLO: We just need you to -- because this
18 is for the record -- it's okay.

19 JUROR NUMBER 58: I'm sorry.

20 MR. PIROLO: It's okay. You're doing fine. And
21 I told you before, when it comes to the aggravators,
22 the State has to prove at least one for you to even
23 consider -- to continue considering the death penalty.
24 My question is, is there a number of aggravators that,
25 let's say, the State proves to you, that at some

1 point, you just turn off the mitigation?

2 JUROR NUMBER 58: No. I think you have to
3 understand it all to make an informed decision.
4 You're talking about somebody else's life as well.

5 MR. PIROLO: Okay. Just hypothetically speaking,
6 say you hear and you find that the State proved beyond
7 a reasonable doubt five aggravators. That's
8 hypothetically, just throwing a number at you, five.
9 Can you still then go to the next step and start to
10 listen to and consider the mitigation?

11 JUROR NUMBER 58: You'd have to, yes.

12 MR. PIROLO: No wrong answers.

13 JUROR NUMBER 58: I know. I come from an
14 analytical background, so I know you have to listen to
15 everything and look at everything before you make a
16 decision.

17 MR. PIROLO: If you were presented photographs
18 that would be considered highly graphic, would the
19 photographs on their own turn you off to whatever
20 mitigation that may follow?

21 JUROR NUMBER 58: No.

22 MR. PIROLO: How about videotapes, something
23 graphic on a videotape, would actually seeing
24 something turn you off and say, I just can't consider
25 mitigation after seeing that?

1 JUROR NUMBER 58: No.

2 MR. PIROLO: All right. We've talked about --
3 we're going to switch over to the mitigation. We
4 talked about that it's unlimited, we talked about the
5 burden is less than beyond a reasonable doubt, it's
6 reasonably convinced. You have to be reasonably
7 convinced that these mitigators exist. Could you be
8 open -- well, let me start off by this, do you think
9 mental illness is someone's choice?

10 JUROR NUMBER 58: No.

11 MR. PIROLO: In the arena of psychologists,
12 psychiatrists, neuropsychologists, neuropsychiatrists,
13 do you find those studies, those professionals, as
14 legitimate, their practice being legitimate?

15 JUROR NUMBER 58: Yes.

16 MR. PIROLO: And can you -- are you open to and
17 would you consider any type of evidence that's
18 presented to you concerning mental illness?

19 JUROR NUMBER 58: Yes.

20 MR. PIROLO: And would be open to and consider
21 any evidence that was presented to you in terms of MRI
22 -- do you know what an MRI is?

23 JUROR NUMBER 58: I do.

24 MR. PIROLO: If there was a qualified expert that
25 testified regarding the readings or images from an

1 MRI, explained them to you --

2 JUROR NUMBER 58: Yeah, if they explained them to
3 me where I could understand them.

4 MR. PIROLO: Right. Someone's actually going to
5 explain them to you --

6 JUROR NUMBER 58: Right. I don't read MRI's.

7 MR. PIROLO: You'd be open to that, and you'd
8 consider that kind of --

9 JUROR NUMBER 58: As part of the evidence?

10 MR. PIROLO: Yes.

11 JUROR NUMBER 58: Sure.

12 MR. PIROLO: All right. How about a PET scan,
13 have you ever heard of a PET scan?

14 JUROR NUMBER 58: I've heard of it, yes.

15 MR. PIROLO: Same question, if a qualified expert
16 testifies and explains to you what's depicted on that,
17 can you consider that as well?

18 JUROR NUMBER 58: Yes.

19 MR. PIROLO: Could you be open to considering
20 brain damage or brain injury as a mitigating
21 circumstance?

22 JUROR NUMBER 58: Yeah.

23 MR. PIROLO: Again, qualified expert --

24 JUROR NUMBER 58: Qualified -- yeah, sure.

25 MR. PIROLO: How about -- I'm going to ask about

1 two topics, drug abuse and drug addiction. Do you
2 think drug addiction is a choice, as opposed to drug
3 abuse?

4 JUROR NUMBER 58: No, it's not.

5 MR. PIROLO: Would you be open and would you be
6 able to consider drug addiction as a mitigating
7 circumstance?

8 JUROR NUMBER 58: Depending on the circumstance.

9 MR. PIROLO: Let me flip it around. If you heard
10 evidence of drug addiction, would you consider that as
11 an aggravator? If you heard someone was addicted to
12 whatever the drugs are?

13 JUROR NUMBER 58: Again, it just depends on the
14 circumstance. A lot of factors would come into play.
15 In some cases, it may not be an aggravator.

16 MR. PIROLO: If the Court did not instruct you
17 that the drug addiction would be an aggravator, would
18 you still consider it as an aggravator?

19 JUROR NUMBER 58: I'm sorry, what was that?

20 MR. PIROLO: If the Court -- you didn't get
21 instruction on drug addiction being an aggravator --
22 now we're going back to earlier, that the aggravators
23 are limited. The mitigation is unlimited. Now, if
24 the Court never instructs you that drug addiction is
25 an aggravator, would you still consider it to be an

1 aggravator, even though the Court doesn't tell you
2 it's an aggravator?

3 JUROR NUMBER 58: I don't --

4 MR. PIROLO: No wrong answers here.

5 JUROR NUMBER 58: Again, these are hypothetical,
6 and without all the information, it's hard to give you
7 a definitive answer.

8 MR. PIROLO: How about physical and emotional
9 abuse, would you be open -- would you consider that as
10 a mitigating circumstance?

11 JUROR NUMBER 58: Yes.

12 MR. PIROLO: Now, I'll read you two potential
13 instructions that may be read to you if you're
14 selected on this jury. I'm going to follow each one
15 by saying, would you be able to consider this as
16 mitigation. First one, "the capital felony was
17 committed while the defendant was under the influence
18 of extreme mental or emotional disturbance." Would
19 you be able to consider that as a mitigating
20 circumstance?

21 JUROR NUMBER 58: Possibly, yes.

22 MR. PIROLO: Next one, "the capacity of the
23 defendant to appreciate the criminality of his conduct
24 or to conform his conduct to the requirements of the
25 law was substantially impaired." Could you consider

1 as a mitigating circumstance a circumstance like that?

2 JUROR NUMBER 58: I believe so.

3 MR. PIROLO: Do you consider mitigating
4 circumstances as explanations for someone's conduct,
5 or do you look at it as an excuse?

6 JUROR NUMBER 58: I think in some cases they are
7 excuses, and in other cases they are explanations.

8 MR. PIROLO: Would certain mitigators, to you,
9 be, by themselves, considered just excuses, and some
10 explanations? Would you explain that a little bit
11 more? What -- and this is all hypothetical, it's
12 really hard to just --

13 JUROR NUMBER 58: Yeah, it really is.
14 (Unintelligible). You know, in some cases they are
15 excuses; but, in other cases, they're not. There are
16 circumstances that, in some cases, have contributed to
17 it.

18 MR. PIROLO: If you're selected in this process,
19 and we get to the second phase, hypothetically
20 speaking, we get there, when you and 11 other people
21 are in a room, do you feel that your vote and
22 recommendation would be affected by someone else?
23 Could someone else twist your arm to voting one way?

24 JUROR NUMBER 58: No.

25 MR. PIROLO: And with the same respect, would you

1 respect someone else's decision, even if you don't
2 agree with it, would you hold yourself back from
3 bullying them or --

4 JUROR NUMBER 58: Sure.

5 MR. PIROLO: All right. And you understand that
6 the -- that portion, that recommendation, does not
7 have to be unanimous?

8 JUROR NUMBER 58: Yes.

9 MR. PIROLO: Judge, can I have a minute?

10 THE COURT: Yes, you may.

11 MR. PIROLO: I want to -- earlier on we talked
12 about life without parole, what are your thoughts
13 about someone spending the rest of their natural life
14 in prison?

15 JUROR NUMBER 58: What are my thoughts on it? I
16 think it's horrible that somebody has to spend the
17 rest of their life in prison. But in some
18 circumstances, that -- I mean, if that's what's
19 required by the court system, then that's it.

20 MR. PIROLO: We were talking about the drug abuse
21 and drug addiction, you said that possibly -- you're
22 not sure because we're not there yet -- but you could
23 potentially view it as an aggravating circumstance.
24 If you're told that drug abuse and drug addiction is
25 never an aggravating circumstance, what does that mean

1 for you?

2 JUROR NUMBER 58: If I'm told that it's not, then
3 I wouldn't be considering it as an aggravator. I'm
4 being told by the Court to consider it that way,
5 right, or not to consider it?

6 MR. PIROLO: Drug addiction and drug abuse is
7 never an aggravator. Does that help you out with
8 that, or is it still troubling for you?

9 JUROR NUMBER 58: No, it's not an aggravator,
10 it's not to be considered an aggravator, then you
11 can't consider it as an aggravator.

12 MR. PIROLO: Do you have any doubts about your
13 ability not to consider the drug abuse as an
14 aggravating circumstance?

15 JUROR NUMBER 58: No.

16 MR. PIROLO: Remember that scale I asked you
17 about earlier, to give us a number? I'm going to be
18 difficult about that.

19 JUROR NUMBER 58: The death penalty number? You
20 want that, really?

21 MR. PIROLO: After talking about this a little
22 bit more, do you think you could put yourself
23 somewhere on that scale? Remember, 10 is strongly
24 agree with the death penalty, 0 is strongly oppose it.
25 Can you put yourself anywhere in there? Let me ask

1 you this --

2 JUROR NUMBER 58: I'm going to go 5, I'm going to
3 go middle of the road, because I honestly think it
4 depends on the situation. If we come back with that
5 as a verdict, it needs to be warranted. But I
6 wouldn't just hand it out whenever.

7 MR. PIROLO: Can you tell us why in a
8 circumstance you would be for the death penalty?

9 JUROR NUMBER 58: I mean, I -- I never -- I don't
10 know. I never -- I've never been in a situation where
11 I've had to make that decision, and I would have to go
12 with the instructions of the Court and based on all
13 the evidence and, you know, so many things come into
14 play.

15 MR. PIROLO: Could you give us a reason why you'd
16 be opposed to the death penalty?

17 JUROR NUMBER 58: If I didn't feel it was proven.

18 MR. PIROLO: You mean the --

19 JUROR NUMBER 58: The charge. You know, maybe it
20 wasn't quite proven to where I felt strong enough --
21 again, it's the evidence that's presented.

22 MR. PIROLO: Right. You understand you never get
23 to that phase if the charge isn't proven?

24 JUROR NUMBER 58: Right. Okay.

25 MR. PIROLO: We only start considering the

1 aggravating circumstances if first degree premeditated
2 murder is proven beyond a reasonable doubt.

3 JUROR NUMBER 58: Right.

4 MR. PIROLO: Is there another reason why you'd be
5 opposed to the death penalty?

6 JUROR NUMBER 58: One of the circumstances of the
7 situation. Less aggravators. Not as many
8 aggravators.

9 MR. PIROLO: Your Honor, I have no further
10 questions.

11 THE COURT: Okay. Juror Number 58, you're going
12 to be released for today. You are still being
13 considered as a potential juror for this case. What
14 I'm going to have you do is, you're going to go
15 downstairs, they're going to give you more information
16 about what I'm just about to tell you. You're going
17 to go downstairs, you're going to report to the jury
18 clerk, tell them that -- when you go downstairs,
19 they're going to give you a phone number, they're
20 going to tell you to call this phone number next
21 Wednesday between 1:00 and 5:00, and then you're going
22 to need to report back. Most likely, you will report
23 back either -- that next Wednesday is the 5th of
24 March, most likely you will report back the next day,
25 which is the 6th, or the following day, the 7th. And

1 then we'll continue with the second phase of the
2 questioning of the jury. So you'll be in recess from
3 now until that time period. During this recess, you
4 must continue to abide by your rules governing your
5 service as a juror. Specifically, do not discuss this
6 case with anyone. Do not speak to the lawyers, the
7 parties, or the witnesses. Avoid reading newspaper
8 headlines and articles relating to this trial or its
9 participants. Avoid seeing or hearing television,
10 radio, or Internet comments about this case. Do not
11 conduct any independent research yourself concerning
12 this case or any of its participants. Any questions
13 or concerns?

14 JUROR NUMBER 58: No.

15 THE COURT: Okay. We'll have you report
16 downstairs, but you're released for today. Thank you.

17 (Thereupon, Juror Number 58 was escorted out of
18 the courtroom by the court deputy; thereafter, Juror
19 Number 61 was escorted into the courtroom by the court
20 deputy and the proceedings were had as follows:)

21 THE COURT: Good afternoon, Juror Number 61.

22 JUROR NUMBER 61: Good afternoon.

23 THE COURT: The first thing I want to do is thank
24 you for being here, and thank you for being patient
25 with this process. When we broke on our recess, I

1 told you there were some rules governing your service
2 as a juror. Those rules start then. Those rules --
3 so I'm going to ask you about that. Since that time,
4 have you read or been exposed to reading any newspaper
5 headlines and/or articles related to this trial or its
6 participants?

7 JUROR NUMBER 61: No.

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

10 JUROR NUMBER 61: No.

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

14 JUROR NUMBER 61: No.

15 THE COURT: Have you discussed with any other
16 jurors or with anyone else, or allowed anyone to
17 discuss this case in your presence?

18 JUROR NUMBER 61: No.

19 THE COURT: Okay. The first question I'm going
20 to ask you -- how this process is going to work is,
21 I'm going to ask you some question, then both the
22 defense and the State will have an opportunity to ask
23 you some questions. The first question I'm going to
24 ask you is, what are your views about the death
25 penalty?

1 JUROR NUMBER 61: The death penalty?

2 THE COURT: Yes, sir.

3 JUROR NUMBER 61: Honestly, someone that takes an
4 innocent life, woman, grandma, you know, has
5 grandchildren, I mean, why waste people's time and
6 taxpayers' money to prolong something for 15 years
7 that, you know -- someone didn't get a chance at life
8 or whatnot, so the death penalty, absolutely.

9 THE COURT: Okay. So if I were to ask you if you
10 were for or against the death penalty, as a general
11 term, you would say you are for the death penalty?

12 JUROR NUMBER 61: For sure, yes.

13 THE COURT: Okay. In this case, how the process
14 works is, there's kind of two phases. There's the
15 first phase, which is called the guilt phase, then
16 there's the second phase, which is called the penalty
17 phase. In the guilt phase, we do that first, if there
18 is a guilty verdict on count one, and in this case
19 count one is premeditated murder of the first degree,
20 then, and only then, do we move on to the second
21 phase, which is the penalty phase. And in the penalty
22 phase, you, as a juror, will be asked to make a
23 recommendation to the Court of the possible penalties,
24 and the penalties for you to consider would be death,
25 or life in prison without the possibility of parole.

1 So the question I'm going to ask you at this time, and
2 I'll instruct you that you have to consider both those
3 penalties, and then I give you some instructions about
4 how you consider those and what circumstances you
5 consider with regard to both, and give you some
6 guidance with regard to that; but are you of the
7 opinion that death is the only appropriate penalty for
8 murder in the first degree, and is that opinion so
9 strong that you would not consider life in prison
10 without the possibility of parole under any
11 circumstances?

12 JUROR NUMBER 61: This case here, or just in
13 general?

14 THE COURT: Well, it appears from what you're
15 saying that you know some things about this case; is
16 that correct?

17 JUROR NUMBER 61: Absolutely.

18 THE COURT: Okay. Most people do know something
19 about the case. Where would you have gained that
20 information? From reading, talking to someone,
21 newspapers?

22 JUROR NUMBER 61: The day it happened, I live
23 right down the road.

24 THE COURT: Okay. From the day it happened, you
25 say you live right down the road. So did you -- down

1 the road from where?

2 JUROR NUMBER 61: John Rodes.

3 THE COURT: Okay. And so did you learn about the
4 case -- I mean, have you watched TV? Have you talked
5 about it with your friends? Tell me -- and if all of
6 those, tell me what they are.

7 JUROR NUMBER 61: TV, news, friends.

8 THE COURT: Okay. Friends -- so you've discussed
9 it with friends, and you've heard the news accounts.

10 JUROR NUMBER 61: Correct.

11 THE COURT: Okay. And what information do you
12 believe that you know about this case?

13 JUROR NUMBER 61: What information about it?

14 THE COURT: Yes. Be specific as to what you
15 believe you know.

16 JUROR NUMBER 61: I know something happened at
17 EconoLodge, then shot and killed a cop, a woman, a
18 grandmother.

19 THE COURT: Okay.

20 JUROR NUMBER 61: (Unintelligible).

21 THE COURT: Okay. And what you are asked to do
22 if you are a juror is to set aside anything that you
23 may have learned about the case, serve with an open
24 mind, and reach verdict based only on the law and the
25 evidence presented in this courtroom at this trial.

1 Can you do that?

2 JUROR NUMBER 61: No.

3 THE COURT: Okay. So from what you're saying, it
4 sounds like you have a specific opinion about this
5 case.

6 JUROR NUMBER 61: Absolutely. All the evidence
7 is there.

8 THE COURT: Okay. Can you tell me -- and I'm
9 just going to go through the process, and I have to
10 put it all on the record, can you tell me what that
11 opinion is?

12 JUROR NUMBER 61: Guilty.

13 THE COURT: That the defendant is guilty.

14 JUROR NUMBER 61: Right.

15 THE COURT: Okay. Can you set that aside -- if I
16 tell you that that's your job as a juror, can you set
17 that aside and come into this courtroom with kind of
18 clean slate for purposes of determining this case?

19 JUROR NUMBER 61: No, not somebody that takes
20 innocent life. I'm pretty close-minded on that.

21 THE COURT: Okay. Is there anything I can do or
22 instruct you that would make you feel differently?

23 JUROR NUMBER 61: No, ma'am.

24 THE COURT: Okay. Questions by the State?

25 MR. BROWN: No, Your Honor.

1 THE COURT: Stipulation?

2 MR. PIROLO: Stipulation.

3 THE COURT: Okay. With regard to that, Juror
4 Number 61, I am going to release you from being
5 considered for this panel. Hold on a second. I want
6 to thank you for being here, thank you for your time
7 and your patience. I'm going to have you report
8 downstairs to the jury assembly room, they'll just
9 briefly meet with you, and then they'll send you on
10 your way. Okay. Thank you, sir.

11 (Thereupon, Juror Number 61 was escorted out of
12 the courtroom by the court deputy and the proceedings
13 were had as follows:)

14 THE COURT: Okay. For the record, Juror Number
15 61 has been released for cause. We can bring in
16 Number 62. And then after this, we'll take a break.

17 MR. BROWN: Judge, Number 62 was the woman who
18 had a business trip and was going to check at lunch.

19 THE COURT: I didn't have that on my list. Okay.
20 I wrote it down on my sheet of paper though, so you
21 are right.

22 (Thereupon, Juror Number 62 was escorted into the
23 courtroom by the court deputy and the proceedings were
24 had as follows:)

25 THE COURT: Okay. Number 62, first of all, I

1 want to thank you for being here, thank you for your
2 time, thank you for your patience with this process.
3 One of the things we talked about earlier with you,
4 specifically, was that you were supposed to be out of
5 town for two weeks on a conference. You're a resource
6 teacher, that it was a conference kind of paid for by
7 the school board, and that you were going to check to
8 see what your options were with regard to that. Do
9 you have any other information about that?

10 JUROR NUMBER 62: Yes. They can either transfer
11 both ticket and conference, or cancel.

12 THE COURT: And it would be okay?

13 JUROR NUMBER 62: Not ideal, but okay.

14 THE COURT: Okay. Are you okay with that?

15 JUROR NUMBER 62: Yes.

16 THE COURT: Okay. I mean, there's no right or
17 wrong answers in here, and you're allowed to say, no
18 way, Jose, Judge, I ain't doing that. What we want to
19 know is -- you know, obviously, this is -- those of
20 us, especially in here, consider that this is a duty
21 as a citizen of the United States, but we also want
22 you to be here and not be here where we're chaining
23 you to the chair, and also be here and, you know -- be
24 here in mind and spirit as well.

25 JUROR NUMBER 62: I will be.

1 THE COURT: Okay. All right. I appreciate that.
2 Now, during the recess, I gave some rules, and they
3 apply to when the recess started. The rules talked
4 about not being exposed to different things, so I need
5 to ask you about those. Since those rules have been
6 in place, have you read or been exposed to reading
7 newspaper headlines and/or articles related to this
8 trial or its participants?

9 JUROR NUMBER 62: No.

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

12 JUROR NUMBER 62: No.

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

16 JUROR NUMBER 62: No.

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

20 JUROR NUMBER 62: No.

21 THE COURT: Okay. The first question I'm going
22 -- in this process, I'm going to ask you some
23 questions, then each of the attorneys will have an
24 opportunity to ask you some questions as well. The
25 first question I'm going to ask you is a pretty

1 general question, what are your views about the death
2 penalty?

3 JUROR NUMBER 62: I think, in theory, I'm against
4 it, but it's never affected me personally, so it's
5 just -- it's something I've never thought about to a
6 great degree.

7 THE COURT: Okay. So if I were to instruct you
8 that as a possible penalty in this case that you were
9 to consider death as a possible penalty, would you be
10 able to follow that instruction?

11 JUROR NUMBER 62: I hesitate, because honestly --
12 I would like to think I would, but it would be hard.

13 THE COURT: Okay. And so I'm going to explore
14 that a little further, let me tell you a little bit
15 about how the process works. There's two possible
16 phases to this trial. There's the guilt phase, which
17 is the first part. In the guilt phase, in the event
18 of count one -- and it only pertains to count one, in
19 the event of count one, the jury comes back with a
20 guilty verdict as to that count, which is first degree
21 premeditated murder, then we move on to the second
22 phase, which would be the penalty phase. And in the
23 penalty phase, I will give you instructions about what
24 your job is as a juror. And in those instructions, I
25 do tell you that in the penalty phase, you must

1 consider as a possible penalty the death penalty and
2 life in prison without the possibility of parole as a
3 penalty. Those are your options. So are you opposed
4 to the death penalty such that you could not consider
5 it as a penalty under any circumstances?

6 JUROR NUMBER 62: No. I can consider it.

7 THE COURT: Okay. All right. Then I'm going to
8 ask you about your knowledge of this case. Do you
9 know anything about this case, either from your own
10 personal knowledge, rumor, by discussion with anyone
11 else, or from the media, radio, television, Internet,
12 electronic device, or newspaper?

13 JUROR NUMBER 62: Yes.

14 THE COURT: Okay. What information do you
15 believe you know about this case?

16 JUROR NUMBER 62: What I received is primarily
17 from the media.

18 THE COURT: From the media. And from what media?

19 JUROR NUMBER 62: Florida Today, WESH 2 news.

20 THE COURT: Okay. Newspaper and news reports.
21 And what specific information do you think you know?

22 JUROR NUMBER 62: I remember when the event
23 happened. I remember episodes afterwards, there was a
24 sign for the deputy, there was an issue on that. I
25 heard about the girlfriend pleading. I mean, I watch

1 the news, so I --

2 THE COURT: Okay. So how often do you watch the
3 news?

4 JUROR NUMBER 62: Every day.

5 THE COURT: Okay. And how long do you watch the
6 news every day?

7 JUROR NUMBER 62: Anywhere from an hour to two
8 hours.

9 THE COURT: Okay. Is it like you sit there and
10 watch it, or is it on TV and you're doing other
11 things, or do you watch it?

12 JUROR NUMBER 62: I watch -- I'm doing other
13 things in the morning, I sit down and watch it in the
14 evening.

15 THE COURT: Okay. So probably an hour in the
16 morning, hour in the evening?

17 JUROR NUMBER 62: Easily.

18 THE COURT: Okay. So the question becomes, can
19 you set aside anything that you may have learned about
20 this case, you have to put that aside, serve with an
21 open mind, and reach a verdict in this case based only
22 on the law as I instruct you and the evidence which
23 would be presented in this courtroom at this trial?
24 Can you do that?

25 JUROR NUMBER 62: Yes.

1 THE COURT: Okay. All right. Questions by the
2 State?

3 MR. BROWN: Yes, Your Honor. Juror Number 62,
4 good afternoon. I want to talk to you a little bit
5 about the death penalty itself. You said that, in
6 theory, you're against it, can you expand on that a
7 little bit for me, please?

8 JUROR NUMBER 62: The thought of having someone
9 killed, I mean, it's a human being, so it's something
10 to think about.

11 MR. BROWN: Right. And, obviously, if you're
12 selected in this case and you sit on the jury, you
13 come back first degree murder, then you're going to be
14 faced with that situation. You're going to have to
15 make a recommendation to the Court for either a
16 sentence of life in prison without parole, or the
17 death penalty. And during the entire time that you're
18 here, throughout the guilt phase and throughout the
19 penalty phase, the person who the State has accused of
20 murdering Deputy Pill will be seated over at that
21 table. So you're going to be seeing that person every
22 day. Then, at the end of it, assuming we get to that
23 stage, you're going to be asked to make a
24 recommendation, and we're going to ask you to consider
25 and vote to impose the death penalty. How do you feel

1 about your being in that situation? Not just in
2 general, you, personally, sitting in that situation.

3 JUROR NUMBER 62: I think I'll be able to
4 understand the evidence, take it, and then make the
5 appropriate recommendation based on what I've heard.

6 MR. BROWN: Okay. Could you vote for the death
7 penalty?

8 JUROR NUMBER 62: Yes.

9 MR. BROWN: Okay. Now, you said earlier that it
10 would be hard to consider, you'd like to think that
11 you would. Can you -- is there a doubt in your mind
12 as far as your ability to vote for the death penalty?

13 JUROR NUMBER 62: Based on what I've heard, no.

14 MR. BROWN: Okay. When you say, based upon what
15 you've heard --

16 JUROR NUMBER 62: Based on the explanations of
17 it.

18 MR. BROWN: Do you come in with a concept of,
19 well, this type of case, with a particular set of
20 circumstances, I can vote for the death penalty there,
21 but nothing else?

22 JUROR NUMBER 62: I don't think so.

23 MR. BROWN: Okay. Some people (unintelligible),
24 someone who's a mass murderer, and then they say, only
25 that, but nothing below that.

1 JUROR NUMBER 62: Well, yeah, it would be
2 circumstantial, depending on the case.

3 MR. BROWN: Okay. Let me go through a little bit
4 the process that you have to go through to get to be
5 in that situation. First, obviously, the jury returns
6 a verdict of first degree murder. If that's the case,
7 then we would reconvene, evidence will be presented
8 from both sides, and then the Court would give you a
9 set of instructions. The first thing the Court's
10 going to tell you is, you have to look at -- and she
11 will give you a list of maybe one, maybe more than
12 one, three, four, five, whatever it is -- of what are
13 called aggravating circumstances. Basically, those
14 are statutory lists that increases the gravity of the
15 crime or the harm to the victim. It aggravates it
16 from first degree murder to something above. And it's
17 from that list, if the State of Florida proves those,
18 where you can, based on those aggravators, vote for
19 the death penalty. Now, the State of Florida has to
20 prove them to you beyond any reasonable doubt. If
21 they're not proven, and there are no aggravators,
22 obviously, your recommendation would be life.

23 If the State of Florida proves them, then you
24 look at those aggravators, those are the ones that you
25 can statutorily use to justify the death penalty, and

1 you look at those aggravators and ask yourself, do
2 these justify the death penalty? If they do, then you
3 go to the next phase, which is that you look at the
4 mitigation evidence. That's evidence presented
5 concerning the defendant's background, life, a broad
6 range of things from there. You look at that
7 evidence, and that has to be proven to you as well,
8 it's a lower burden, it's to the greater weight of the
9 evidence. If something's not proven, you disregard
10 it; if it's proven, then you consider it.

11 Then you have to go through a weighing process,
12 and you ask yourself, does the mitigation outweigh the
13 aggravating circumstances. And then if you find that
14 the mitigation outweighs it, your recommendation would
15 be life. If you find that the mitigation does not
16 outweigh the aggravators, then you're in a position
17 where you legally can recommend the death penalty to
18 the Court. The Court's going to tell you that you're
19 not legally required to, she's not going to say, if
20 you find A, B, C, that you must return a
21 recommendation of death. But it's when you get to
22 that point that you find the aggravators, they justify
23 the death penalty, it's not outweighed by the
24 mitigators, that you can, at that point, if you feel
25 it's justified, make that recommendation. Do you

1 understand the process?

2 JUROR NUMBER 62: Yes.

3 MR. BROWN: Again, knowing that's the process, do
4 you come in with, in your own mind, a set of, well,
5 I'd only consider certain aggravators, only a few
6 things to me, in my mind, would justify the death
7 penalty? Do you find yourself in that situation?

8 JUROR NUMBER 62: No, because I'm aware of
9 (unintelligible).

10 MR. BROWN: Okay. Do you think any aggravators
11 -- can you think of anything out there, in your mind,
12 that would justify the death penalty?

13 JUROR NUMBER 62: That could justify the death
14 penalty?

15 MR. BROWN: In your mind, would justify the death
16 penalty.

17 JUROR NUMBER 62: Yes.

18 MR. BROWN: How do you feel about being put in
19 this situation where you might have to make that
20 decision and recommend life or death?

21 JUROR NUMBER 62: It's a huge burden for anyone.
22 One that I wouldn't necessarily want to run to.

23 MR. BROWN: Do you feel comfortable with being in
24 that situation?

25 JUROR NUMBER 62: Yes.

1 MR. BROWN: And you indicated that, in theory,
2 you're opposed to the death penalty, how would you
3 feel after the fact if you recommended the death
4 penalty? How would you balance that with your
5 internal feelings that are against it?

6 JUROR NUMBER 62: If I came to that, then all the
7 evidence before me would have to convince me to do so.

8 MR. BROWN: If you were selected, as we talked
9 about, the jury would have to come back with a verdict
10 of guilty of first degree murder to advance to that
11 stage. If the jury were to come back with a lesser
12 charge, such as second degree murder or something
13 else, then you wouldn't go to that stage, you wouldn't
14 have to make that decision. Do you think that in any
15 way would influence your verdict as far as first
16 degree murder or something lower?

17 JUROR NUMBER 62: I think the evidence will be
18 what it is. It will lead to the ultimate conclusion,
19 based on the instructions from the judge.

20 MR. BROWN: Right. I guess where I'm going with
21 that is, knowing in the back of your mind that first
22 has been proven, but if I just come back with second,
23 I'm not going to be put in that uncomfortable
24 situation, I'm not going to be forced to have to make
25 a life or death recommendation, would that affect you

1 at all?

2 JUROR NUMBER 62: I don't think so, because the
3 evidence will be the evidence.

4 MR. BROWN: Okay. You would agree that if you're
5 selected, you're supposed to and should return the
6 verdict that the evidence speaks to.

7 JUROR NUMBER 62: Yes.

8 MR. BROWN: If the State has proven first degree
9 murder, then your duty would be to return the verdict
10 for the crime that the State's proven.

11 JUROR NUMBER 62: Yes.

12 MR. BROWN: And not compromise down to a lesser
13 charge simply because it might be easier on you.

14 JUROR NUMBER 62: Yes.

15 MR. BROWN: Okay. You can see where the State
16 might have that concern, right?

17 JUROR NUMBER 62: Uh-huh.

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

19 THE COURT: Questions by the defense?

20 MR. PIROLO: Good afternoon, Juror Number 62. I
21 want to start by saying that there are no wrong
22 answers. So the only wrong answer, I tell people, is
23 holding it inside and not telling us about it. If
24 you're thinking something or feeling something, just
25 let us know. Okay? It's not a decision that you take

1 lightly, or that you're going to take lightly,
2 correct?

3 JUROR NUMBER 62: Correct.

4 MR. PIROLO: If we wind up getting to this part
5 of the trial, you have to come back with a
6 recommendation of life, or death. A fellow human
7 being, right?

8 JUROR NUMBER 62: Right.

9 MR. PIROLO: You understand what I was just
10 talking about, it's not just some person out there,
11 that person we're talking about in this case is,
12 Mr. Bradley, Brandon Bradley, he's sitting next to me.

13 JUROR NUMBER 62: Yes.

14 MR. PIROLO: Now, based on what you've heard in
15 the media, have you come to a conclusion as to guilt
16 or innocence? Have you reached an opinion based on
17 what you've heard on the news?

18 JUROR NUMBER 62: Again, when you hear something
19 on the news, unless it personally affects you, you
20 don't really think about it, honestly. But then
21 knowing I was coming for jury duty, seeing the
22 headline for it on Sunday, I thought the possibility
23 might be here, so I thought, well, everything I've
24 heard in the media is that he is guilty, based on what
25 I've heard. But I also know that the media twists --

1 everything I've ever known personally that came out in
2 the media was wrong.

3 MR. PIROLO: Okay. What is your opinion, as you
4 sit here today -- do you have an opinion?

5 JUROR NUMBER 62: I don't think I have an
6 opinion.

7 MR. PIROLO: "Think," or --

8 JUROR NUMBER 62: Well, I know what I've heard.
9 I haven't seen any evidence other than what the news
10 has said. So my conclusion, it would seem like he is
11 guilty, based on what I've heard, but, again, I'm not
12 in a situation where I'm hearing evidence and making a
13 judgment.

14 MR. PIROLO: Would the State be starting off at
15 this whole trial with the upper hand, since you've
16 come in with those feelings?

17 JUROR NUMBER 62: Probably.

18 MR. PIROLO: Would you say you're biased against
19 Mr. Bradley?

20 JUROR NUMBER 62: No.

21 MR. PIROLO: Now, I mean, biased based on what
22 you've heard, would you consider yourself already
23 voting for guilty?

24 JUROR NUMBER 62: No.

25 MR. PIROLO: But you would agree that at least

1 the State is starting with the upper hand?

2 JUROR NUMBER 62: Yes.

3 MR. PIROLO: I'm going to get back to that in a
4 minute, but I just want to ask you, part of the news
5 stories that you've heard as well, you said it was the
6 day of the event?

7 JUROR NUMBER 62: Yes.

8 MR. PIROLO: Portions of stories that heard. You
9 said you heard something about a girl taking a plea?

10 JUROR NUMBER 62: Most recently, yes.

11 MR. PIROLO: Okay. Do you remember any other
12 stories regarding -- that you remember Brandon
13 Bradley's name during this time period and what those
14 stories were about?

15 JUROR NUMBER 62: As I said, when the event
16 happened, there were stories subsequently about Deputy
17 Pill's husband, I heard those on the news. It's been
18 a couple years, so not really anything until this came
19 about, talking about the jurors, that it was going to
20 take a while to seat a jury.

21 MR. PIROLO: Getting back to the statement you
22 made that the State may have the upper hand, do you
23 have a doubt as to whether you could be fair and
24 impartial?

25 JUROR NUMBER 62: No.

1 MR. PIROLO: You have no doubt?

2 JUROR NUMBER 62: No doubt.

3 MR. PIROLO: You can set all that aside? Or your
4 feelings aside?

5 JUROR NUMBER 62: Yes.

6 MR. PIROLO: Because it troubles me when you say
7 the State's got an upper hand.

8 JUROR NUMBER 62: Well, because I've heard their
9 side in the media, I haven't heard the other side.

10 MR. PIROLO: You've heard the media's position on
11 it.

12 JUROR NUMBER 62: Yes.

13 MR. PIROLO: Do you have any doubt -- well, what
14 does life without parole mean to you?

15 JUROR NUMBER 62: In terms of the person, I think
16 it means they have an opportunity to redeem
17 themselves, honestly.

18 MR. PIROLO: Do you have any doubt as to whether
19 or not that person is going to get out?

20 JUROR NUMBER 62: Well, it seems like they
21 wouldn't, it's without the possibility of parole.

22 MR. PIROLO: That's in fact what it means, is
23 that life without parole means life without parole,
24 that person dies in prison.

25 I'm going to go back to something you said

1 earlier, that you heard a side, you heard something
2 that's portrayed from the media, what if you're
3 selected in this case and you don't hear another side?
4 Will you still render -- can you still be fair and
5 impartial, or based on what you've heard in the media,
6 based on things that you hear at trial, does the
7 State's upper hand keep adding up?

8 JUROR NUMBER 62: If I don't hear another side
9 here in court?

10 MR. PIROLO: Right. The judge will instruct you
11 that there is -- the whole burden's on the State, the
12 State has to prove their case beyond and to the
13 exclusion of all reasonable doubt. The defendant
14 doesn't have to prove or disprove anything. The
15 defendant has the absolute right to remain silent. So
16 if you don't hear another side to it, can you still
17 remain fair and impartial? Or are you wanting to hear
18 something from the other side because you're coming in
19 giving the prosecution, sort of, a leg up?

20 JUROR NUMBER 62: Honestly, I would probably want
21 to hear something.

22 MR. PIROLO: Judge, can I have just a moment?

23 THE COURT: Yes, you may.

24 MR. PIROLO: Does Mr. Bradley sit here presumed
25 innocent, in your mind? The law says he is, the judge

1 says he is, but in your mind, hearing what you've
2 heard, coming in with the State having a leg up?

3 JUROR NUMBER 62: No.

4 MR. PIROLO: He's not presumed innocent?

5 JUROR NUMBER 62: No.

6 MR. PIROLO: That's something that, obviously,
7 the Court instructs you on, he's got that presumption,
8 you appreciate that, but that's just something inside
9 of you, just cannot presume --

10 JUROR NUMBER 62: I would have to constantly
11 remind myself of that.

12 MR. PIROLO: But you -- right now, you cannot
13 presume him innocent?

14 JUROR NUMBER 62: No.

15 MR. PIROLO: All right. May we approach?

16 THE COURT: Yes, you may.

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

20 MR. PIROLO: I'm going to move for cause, before
21 I start asking anymore questions. She's indicated
22 she's formed an opinion based on what she's heard in
23 the media, she said the State would have a leg up,
24 that she cannot presume him innocent, she's presuming
25 that he's guilty in her mind. Even if the Court says

1 that he is presumed innocent, that he's not in her
2 mind, he is guilty, he's sitting here guilty.

3 MR. BROWN: The trouble I have is that we've
4 gotten ahead of ourselves. We haven't instructed her
5 on the presumption of innocence, on that whole burden
6 of proof. And so if you ask most people on the street
7 whether they can presume a defendant innocent right
8 when they walk in, most people on the street are
9 either going to say no, or I haven't heard anything,
10 or anything like that. She hasn't been instructed on
11 that, so I think it's a little unfair to -- it's not a
12 fair question at this time until she's instructed by
13 the Court.

14 THE COURT: I mean, I'd be happy to give her that
15 instruction and have her answer that question.

16 MR. BROWN: I mean, if she hears the Court tell
17 her that, and at that point she says she just couldn't
18 be --

19 THE COURT: Because I know Mr. Pirolo said, and
20 the judge instructs you that's what you have to do,
21 and she did say after that that she couldn't. But I
22 can give her that -- I mean, I'd be happy to give her
23 that instruction and then ask her the question myself.

24 MR. BROWN: Right. I would ask that --

25 THE COURT: Because, before, she said she could

1 follow my instructions even with regard to the death
2 penalty, so I don't know if she's -- I mean --

3 MR. MOORE: My recommendation, that would be a
4 good way to go, read that instruction, and then we'll
5 follow up with questions.

6 MR. BROWN: Right. I would ask at this point --
7 I would stipulate with her, but I would ask that if
8 counsel is going to get into this with future jurors,
9 that we have the Court instruct them. Because I think
10 it's unfair to the juror --

11 THE COURT: Well, just anytime it comes up, make
12 an objection, come forward, and I'll give them an
13 instruction --

14 MR. PIROLO: The problem is, I asked --

15 THE COURT: -- just like the defense did that.
16 I mean, I think with all fairness to Mr. Pirolo, it
17 just kind of came up, and some of this does come up
18 sometimes. Okay. So we have a stipulation?

19 MR. BROWN: Yes.

20 THE COURT: Okay.

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

23 THE COURT: Okay. Number 62, I am going to
24 release you from your service as a juror in this case.
25 I'm going to ask you to go downstairs, report to the

1 jury assembly room, and they'll give you some further
2 information. They're mostly going to take your badge
3 and just send you on your way. But I do want to thank
4 you for being here, thank you for your patience, thank
5 you for being a part of this process.

6 (Thereupon, Juror Number 62 was escorted out of
7 the courtroom by the court deputy and the proceedings
8 were had as follows:)

9 THE COURT: Okay. Why don't we take a ten-minute
10 break. It's 3:35, be back here at 3:45, and we'll
11 continue with the process. So court will be in recess
12 for ten minutes. Thank you.

13 (Thereupon, a recess was taken in the
14 proceedings.)

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

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

19 THE COURT: Okay. We can go back on the record.
20 Unless I hear something else, we'll bring in Juror
21 Number 63. Are we good to go?

22 MR. MOORE: Yes.

23 THE COURT: Okay. We'll bring in Juror Number
24 63.

25 (Thereupon, Juror Number 63 was escorted into the

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

3 THE COURT: Okay. Juror Number 63, first, I want
4 to thank you for being here, and thank you for your
5 patience with regard to this process. It does take
6 some time, but we appreciate you being patient with
7 us. I assure you everyone's working hard. Before the
8 recess, I talked to you about some rules, so I need to
9 talk to you about those, and these rules come into
10 effect when I announced them. So have you read or
11 been exposed to reading newspaper headlines and/or
12 articles related to this trial or its participants?

13 JUROR NUMBER 63: No, ma'am.

14 THE COURT: And have you seen or heard
15 television, radio, or Internet comments about this
16 trial?

17 JUROR NUMBER 63: No, ma'am.

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

21 JUROR NUMBER 63: No, ma'am.

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

25 JUROR NUMBER 63: No, ma'am.

1 THE COURT: I'm going to ask you some questions,
2 then the State's going to have an opportunity to ask
3 you some questions, and then the defense is going to
4 have an opportunity to ask you some questions. My
5 first question is a real general question, what are
6 your views about the death penalty?

7 JUROR NUMBER 63: I support the death penalty
8 when, you know, all the evidence proves that it should
9 happen.

10 THE COURT: Okay. So if someone were to say that
11 you're for or against the death penalty, with that
12 caveat, you would have to say that you're for the
13 death penalty.

14 JUROR NUMBER 63: Yes.

15 THE COURT: Let me tell you what happens in this
16 case. There's two phases, there's the first phase,
17 which is the guilt phase, and in the event the jury
18 returns a verdict on count one, which is the only
19 count that's applicable, returns a verdict of guilty
20 to premeditated murder in the first degree, then, and
21 only then, do we move on to the second phase. The
22 second phase is what we call the penalty phase, and in
23 the penalty phase, the jury is asked to make a
24 recommendation to the judge, which would be me, of two
25 possible penalties, and that would be the penalty of

1 death, or life in prison without the possibility of
2 parole. Now, if you are for the death penalty, are
3 you of the opinion that death is the only appropriate
4 penalty for murder in the first degree, and is that
5 opinion so strong that you would not consider life in
6 prison without the possibility of parole under any
7 circumstances?

8 JUROR NUMBER 63: No.

9 THE COURT: Okay. So you're saying you would
10 consider --

11 JUROR NUMBER 63: I would consider other options.

12 THE COURT: Okay. So if I instruct you that as
13 part of your duties as a juror, you're to consider
14 both penalties, the death penalty and the life
15 sentence, would you be able to do that?

16 JUROR NUMBER 63: Yes, ma'am.

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

23 JUROR NUMBER 63: Media.

24 THE COURT: Okay. And what information do you
25 think you know about the case?

1 JUROR NUMBER 63: I just know what the biased
2 media presents, so I only know what I read in, I
3 think, last Sunday's paper.

4 THE COURT: Okay. And you say Sunday's paper,
5 would that be Florida Today?

6 JUROR NUMBER 63: Yes, ma'am.

7 THE COURT: So you read -- I believe there was a
8 two-page spread, you read that spread?

9 JUROR NUMBER 63: Yes, ma'am.

10 THE COURT: The only reason why I know this is
11 because my mother told me. So you read that spread?

12 JUROR NUMBER 63: Yes, ma'am.

13 THE COURT: Okay. And so did you -- before that,
14 did you know anything?

15 JUROR NUMBER 63: Only when it first happened.
16 And then after that, I don't follow the news that
17 frequently, because it's so full of nothing good.

18 THE COURT: Okay. So when you said "biased
19 media," you understand that media presents things,
20 but, in fairness, it might not always be 100 percent
21 accurate or 100 percent complete?

22 JUROR NUMBER 63: Correct.

23 THE COURT: Okay. What we ask you to do in this
24 case is, if you were to be selected as a juror in this
25 case, can you serve with an open mind and reach a

1 verdict based only on the law and the evidence
2 presented in this trial?

3 JUROR NUMBER 63: Yes, ma'am.

4 THE COURT: Okay. What I tell you to do as part
5 of your duties as a juror, you have to set that aside
6 -- and we're going to talk about the presumption of
7 innocence later, and we're going to talk about the
8 State having the burden of proof, and that burden of
9 proof is beyond and to the exclusion of every
10 reasonable doubt. Can you set aside what you've
11 learned and give the defendant the presumption of
12 innocence, which you will be instructed that you need
13 to do?

14 JUROR NUMBER 63: Yes, ma'am.

15 THE COURT: Okay. So at this time you can
16 consider the defendant to be not guilty?

17 JUROR NUMBER 63: Yes, ma'am.

18 THE COURT: Okay. All right. Questions by the
19 State?

20 MR. BROWN: Yes, Your Honor. Juror Number 63,
21 good afternoon. Let me start with going over the
22 process as a juror to get to the point where you would
23 be able to consider the death penalty. I know the
24 judge went through it this morning, but she gave you
25 an awful lot of information in a short period of time.

1 Obviously, the first step would be, if you're selected
2 as a juror, the jury comes back with a verdict of
3 guilty of murder in the first degree. If they come
4 back with a lesser, second degree or something else,
5 or not guilty, obviously, not guilty, you don't
6 proceed to a sentencing phase at all, if there's a
7 lesser, death penalty's off the table, and it's solely
8 up to the judge for sentencing. Do you understand
9 that?

10 JUROR NUMBER 63: Yes, sir.

11 MR. BROWN: So jury comes back with guilty of
12 first degree murder, then we would reconvene, and we
13 would have what's called the penalty phase. That's
14 where additional evidence would be provided to the
15 jury, and the judge would then give you a set of
16 instructions. The first step of those instructions
17 would instruct you to look at what are known as
18 aggravating circumstances. The judge will give you
19 the ones that may apply in this case, and it may be
20 one, will likely be more than one that she's going to
21 read to you. Those are circumstances that would
22 either increase the gravity of the crime or the harm
23 that was done to the victim. Aggravating
24 circumstances are the things you can look for, and
25 only to those, to decide whether the death penalty is

1 justified in this case. So she would give you that
2 list of aggravating circumstances. The State has to
3 prove those to you beyond and to the exclusion of
4 every reasonable doubt.

5 Obviously, if we fail to prove any, your
6 recommendation would have to be life in prison. If we
7 prove at least one, or if we prove more than one, it
8 has to be at least one, but we can prove more than
9 one, then you look at those aggravating circumstances
10 that have been proven and ask yourself, do these
11 justify the death penalty? If you find that they do,
12 you advance in the proceeding, or your analysis, and
13 that's to look at the mitigation circumstances that
14 have been provided.

15 The Court talked to you a little bit about those
16 this morning, they're basically items that come from
17 the defendant, his background, life history, things of
18 that nature, but it's going to be items and evidence
19 that surrounds and concerns the defendant, himself.
20 That also has a burden of proof, it's a lesser burden,
21 it's to the greater weight of the evidence. So these
22 things are presented, if you don't find they're
23 proven, you disregard them. You take all the
24 mitigation evidence that's been proven to you, that's
25 been testified to and proven to you, and you consider

1 all that. Just like you consider all the aggravating
2 circumstances that have been proven, you consider all
3 the mitigation that's been proven.

4 Now, during your lifetime, you've probably had to
5 make key, critical decisions in your personal life,
6 work history, you've made important decisions?

7 JUROR NUMBER 63: Yes, sir.

8 MR. BROWN: When you make those decisions, you
9 typically look at all the factors involved.

10 JUROR NUMBER 63: Yes, sir.

11 MR. BROWN: You look at everything. And then you
12 go through a weighing process, you find some of those
13 factors are very important, you give them great
14 weight. Other factors you look at, well, this isn't
15 very important at all, I'm going to give it little
16 weight. Right?

17 JUROR NUMBER 63: Yes.

18 MR. BROWN: But you consider everything, and then
19 you decide how much weight to give to everything to
20 arrive at your decision.

21 JUROR NUMBER 63: Correct.

22 MR. BROWN: Same process that you go through
23 here. Everything that's been proven, you consider.
24 You may decide to give something -- find it very
25 important, give it great weight, you may find

1 something to be not important to you, and you give it
2 little weight. You consider it, but you give it
3 little weight. No one can tell you -- the Court's not
4 going to tell you, we can't tell you how much weight
5 -- this is how much weight you give to this, that's a
6 decision for you to make. We can recommend it, but
7 it's a decision for you to make. You just simply have
8 to agree that you will consider everything, how much
9 weight you give it is entirely up to you. Do you
10 understand?

11 JUROR NUMBER 63: Yes, sir.

12 MR. BROWN: So you go through that weighing
13 process, and the question that you have to ask
14 yourself is, does the mitigation evidence outweigh the
15 aggravating factors, the aggravating circumstances?
16 And those are the ones we talked about, gravity of the
17 crime, harm to the victim. If the mitigation
18 outweighs the aggravators, then your recommendation
19 would be life. If you find that the mitigation does
20 not outweigh the aggravating circumstances, then
21 you're in a position where you legally can recommend
22 to the Court that you feel the appropriate sentence
23 would be the death penalty. Do you understand that?

24 JUROR NUMBER 63: Yes, sir.

25 MR. BROWN: Now, the Court's not going to tell

1 you if you find A, B, C, and D, that you must return a
2 recommendation for death. The Court's actually going
3 to tell you that you're never required to. So it's
4 not, I'll do whatever the law tells me, if it's A, B,
5 and C, then that's what I must do. The Court's not
6 going to tell you. Do you understand?

7 JUROR NUMBER 63: Yes, sir.

8 MR. BROWN: It's a situation where you find the
9 aggravators, find the mitigators, weigh them, and if
10 the mitigation does not outweigh the aggravators, and
11 you feel that the death penalty is justified, that's
12 when you recommend the sentence of death. Any
13 questions about that process?

14 JUROR NUMBER 63: No, sir.

15 MR. BROWN: Can you follow it?

16 JUROR NUMBER 63: Yes.

17 MR. BROWN: Do you understand it?

18 JUROR NUMBER 63: I understand what you're
19 saying, yes.

20 MR. BROWN: So given that process, that procedure
21 that you have to go through, can you recommend a
22 sentence of death if you feel it's justified?

23 JUROR NUMBER 63: Yes, sir.

24 MR. BROWN: Now, the last topic I want to cover,
25 and it may not apply to you, but I cover this with

1 everybody, in case you may be back there and somebody
2 else may voice this type of concern, but, obviously,
3 if you were to return a verdict of something less than
4 first degree murder, say second degree, you would not
5 have to be in the position of recommending a sentence
6 to the Court, you wouldn't have to make that decision
7 of life or death, do you think that in any way would
8 affect your deliberation in deciding whether the
9 defendant is guilty of first degree murder?

10 JUROR NUMBER 63: I'm sorry, I don't understand
11 what you're asking.

12 MR. BROWN: Knowing that if you were to come back
13 with a lesser charge, that you wouldn't be in the
14 position of having to decide life or death, would that
15 fact cause you to say, well, you know, even though
16 they've proven first, it's easier for me to just go
17 second, I'm going to go with second.

18 JUROR NUMBER 63: No, I wouldn't do that.

19 MR. BROWN: You agree that you ought to return a
20 verdict for what the evidence proves?

21 JUROR NUMBER 63: Yes, sir.

22 MR. BROWN: Can you see why the concern we have
23 for that?

24 JUROR NUMBER 63: Absolutely.

25 MR. BROWN: And that's why I just wanted to make

1 sure that you would assure us that you're going to
2 return the verdict that the evidence speaks to.

3 JUROR NUMBER 63: Yes, sir.

4 MR. BROWN: Thank you. No further questions,
5 Your Honor.

6 THE COURT: Okay. Questions by the defense?

7 MR. PIROLO: Thank you, Your Honor. Good
8 afternoon, Juror Number 63. How are you? I just want
9 to let you know there are no wrong answers you can
10 give. We just -- if you're thinking of something, you
11 have a feeling about something, just let us know.
12 Okay?

13 JUROR NUMBER 63: Okay.

14 MR. PIROLO: I want to start -- you indicated
15 earlier -- you described the media as being biased.

16 JUROR NUMBER 63: Yes.

17 MR. PIROLO: Okay. And I know you read an
18 article, I believe, on Sunday in Florida Today. And
19 you also had said you heard stuff, or read something,
20 when it first happened. Do you remember any of those
21 things you read or saw when it first happened?

22 JUROR NUMBER 63: When it first happened, I just
23 remember seeing the blurb go across the TV, and then I
24 said, oh, I can't watch this. So, you know, at that
25 point I just didn't follow it, I had no desire to

1 follow it.

2 MR. PIROLO: Do you remember what the blurb said?

3 JUROR NUMBER 63: You know, it's been so long
4 ago, and I --

5 MR. PIROLO: Okay.

6 JUROR NUMBER 63: All I know is, I remember it
7 was a deputy that was shot, I think, and then, after
8 that, oh, I just want to be done with this, and turned
9 the channel.

10 MR. PIROLO: And then, when you were reading the
11 Florida Today, did that spark your memory back to
12 having seen that on the TV?

13 JUROR NUMBER 63: A little bit.

14 MR. PIROLO: Did you form any opinions when you
15 read that article?

16 JUROR NUMBER 63: No, sir. It probably raises
17 more questions of how does this happen, what happened,
18 those kinds of questions.

19 MR. PIROLO: Okay. So as you sit here today, you
20 don't have any opinions as to guilt or innocence?

21 JUROR NUMBER 63: No, sir.

22 MR. PIROLO: You've heard the judge mention this
23 a couple times already, the fact of life without
24 parole, do understand that life without parole means
25 that if someone is sentenced to life without parole,

1 they never leave prison, they die in prison.

2 JUROR NUMBER 63: Yes. I understand that.

3 MR. PIROLO: And Mr. Brown mentioned earlier
4 important decisions, do you acknowledge that if you're
5 chosen for this, this would be an extremely important
6 decision?

7 JUROR NUMBER 63: Absolutely.

8 MR. PIROLO: If you get to this point, you're
9 literally considering life or death of somebody.

10 JUROR NUMBER 63: Yes.

11 MR. PIROLO: It's not just any person, but it's
12 Mr. Brandon Bradley, this individual sitting here
13 (indicating). You indicate that you support the death
14 penalty.

15 JUROR NUMBER 63: Yes.

16 MR. PIROLO: Can you give us -- if I'd say, on a
17 scale of 0 to 10, 10 being you are extremely
18 supportive of the death penalty, 0 being don't really
19 support it, maybe almost opposing it, where would you
20 put yourself?

21 JUROR NUMBER 63: Like I said, with the
22 circumstances and all that, but I'd say I'm probably
23 at a 7.

24 MR. PIROLO: In what circumstances
25 (unintelligible).

1 JUROR NUMBER 63: Well, (unintelligible) what
2 happens, what happened when it was happening, all this
3 stuff that has to do with what these people did, is
4 important. You have to have all the facts before you
5 make a decision.

6 MR. PIROLO: Sitting here right now, you give me
7 a lot of concern based on what you just said.

8 JUROR NUMBER 63: Okay.

9 MR. PIROLO: You said "what these people did."

10 JUROR NUMBER 63: I'm talking about in general --
11 no matter what the circumstances, whether it's this,
12 or what's going on down the hallway that way, or going
13 on down the hall -- whatever is presented is how you
14 form your opinion, your decision, your opinion. I
15 don't mean right here, I'm just talking in general.

16 MR. PIROLO: Okay. Can you tell us why you
17 support the death penalty?

18 JUROR NUMBER 63: I believe in -- I guess part of
19 my belief is an eye for an eye. If that is what is
20 qualified, if that is what is proven, that's the price
21 you pay. But you have to prove, first, what happened,
22 why it happened -- you know, what I'm saying is, just
23 give me everything I need to know to make that
24 decision, if it doesn't deserve the eye for an eye.

25 MR. PIROLO: Could you think of first degree

1 murders that -- let me start off this way, can you
2 think of first degree murders where you would deem the
3 death penalty very deserving, almost automatic?

4 JUROR NUMBER 63: (Unintelligible), is that what
5 you're asking me?

6 MR. PIROLO: Well, some people will say the death
7 of a child, if someone intentionally meant to do it,
8 intentionally did it, killed a child, no doubt --

9 JUROR NUMBER 63: Oh, absolutely, the death of a
10 child. No doubt.

11 MR. PIROLO: Okay. All right. Can you think of
12 any other ones like that? What about the death of a
13 police officer? Is that one --

14 JUROR NUMBER 63: Like I said, the mitigating
15 circumstances -- I know law enforcement officers, I'm
16 not going to base an opinion based on that I have --
17 that I know someone that was in law enforcement. You
18 can't base that decision on that.

19 MR. PIROLO: The position you hold right now,
20 that you do support the death penalty, have you always
21 had that view, have you considered it a lot before
22 today?

23 JUROR NUMBER 63: Truthfully, it's not something
24 that I think about on a daily basis. There's certain
25 times, like I said, with what you -- you know, things

1 that I've read, things that I've seen in the past, and
2 I'm talking a long time ago, that I said, that person
3 deserved to die, that person deserved that sentence.
4 But that's reading books, you know, not any specific,
5 you know, case, it was just a book, that happened in
6 the book, and I thought they were right.

7 MR. PIROLO: What book are you talking about?

8 JUROR NUMBER 63: Oh, I don't remember. I love
9 to read fiction, I love to read nonfiction. I can't
10 give you a specific title.

11 MR. PIROLO: Okay.

12 JUROR NUMBER 63: I read a lot. You should see
13 my library at home.

14 MR. PIROLO: All right. You understand, the
15 judge has already stressed it to you, the decision
16 that you make -- you only get to the second part of
17 this trial if, and only if, the jury comes back with a
18 guilty verdict of first degree murder. That's the
19 only time we consider the death penalty. You
20 understand that once -- if the State has not shown you
21 any aggravating circumstances, they've got to show you
22 the aggravating circumstances, prove them to you,
23 beyond a reasonable doubt. Each one, if there's more
24 than one, that they're trying to present to you has to
25 be proven beyond a reasonable doubt. If they fail to

1 do that, you don't even consider the death penalty
2 then, it's a life recommendation.

3 JUROR NUMBER 63: Right.

4 MR. PIROLO: You only start considering, and
5 consider, the death penalty if at least one of the
6 aggravating circumstances has been proven beyond a
7 reasonable doubt. Then we start looking at the
8 mitigating circumstances. And the State can only
9 present a limited number of aggravating circumstances
10 to you. By law, this is a list, and they can only go
11 with what's on that list. Mitigating circumstances
12 are unlimited. It can be anything to do with the
13 person's background, Mr. Bradley's background, how he
14 grew up, where he grew up, any -- we'll get into some
15 more specifics as well. And mitigating circumstances,
16 you understand, don't have to be proven to you beyond
17 a reasonable doubt, it's less of a burden, it's
18 reasonably convinced. You've got to be reasonably
19 convinced that this mitigating circumstance has been
20 proven to you. And you kind of understand why the
21 burden is much higher for an aggravating circumstance,
22 and less for mitigating, because, again, we're dealing
23 with life or death of a fellow human being.

24 JUROR NUMBER 63: Right.

25 MR. PIROLO: You understand that, say, the

1 State's proven to you at least one aggravating
2 circumstance, or more, and no mitigating circumstances
3 have been proven to you, this judge, no other judge,
4 will ever tell you that you have to vote for death.
5 You can still recommend life. Do you understand that?

6 JUROR NUMBER 63: Yes.

7 MR. PIROLO: Do you accept that?

8 JUROR NUMBER 63: Yes, sir.

9 MR. PIROLO: Let me get to the mitigating
10 circumstances, then I want to come back to the
11 aggravating and ask you a question. I told you before
12 that they are unlimited, the burden is reasonably
13 convinced, can you tell us something that you would
14 think you want to hear about the person's background
15 to consider mitigating circumstances?

16 JUROR NUMBER 63: I guess just their basic
17 history, how were they in school, you know, what
18 happened during school, what happened in their
19 interactions with other people.

20 MR. PIROLO: Would you be open, and would you
21 consider, physical and emotional abuse, if that was
22 presented to you?

23 JUROR NUMBER 63: Fortunately, unfortunately, I
24 don't know which way you want to put it, I couldn't,
25 because I was abused as a child, and I made good

1 choices as an adult. So that would be -- I would be
2 unable to get past that.

3 MR. PIROLO: It would be difficult for you to
4 sort of take yourself out of the situation, since you
5 unfortunately went through that.

6 JUROR NUMBER 63: Yeah.

7 MR. PIROLO: You couldn't set your personal
8 history, feelings, aside on that subject? Would you
9 -- you'd be turned off to it, you wouldn't be --

10 JUROR NUMBER 63: Yeah. It would just shut me
11 down. Because I -- like I said, I know what I
12 suffered as a young -- even as an adult, and that just
13 could not be used as a reason for doing something
14 wrong.

15 MR. PIROLO: There's pretty much nothing about
16 that particular thing that would make you consider it?
17 How much, how long, or --

18 JUROR NUMBER 63: No. Because how do you argue
19 with a lifetime.

20 MR. PIROLO: I understand. How about brain
21 damage or brain injury, would you be --

22 JUROR NUMBER 63: I could consider that.

23 MR. PIROLO: Do you think mental illness is a
24 choice?

25 JUROR NUMBER 63: No, absolutely not.

1 MR. PIROLO: Could you be open to consider
2 testimony regarding mental illness?

3 JUROR NUMBER 63: Yes.

4 MR. PIROLO: Obviously, coming from a qualified
5 expert, but --

6 JUROR NUMBER 63: Yes.

7 MR. PIROLO: I guess you know, you've heard about
8 MRI's?

9 JUROR NUMBER 63: Yes.

10 MR. PIROLO: What they are?

11 JUROR NUMBER 63: I know what they are.

12 MR. PIROLO: Would you be open to consider
13 whatever testimony came regarding an MRI and images
14 that -- again, coming from an expert.

15 JUROR NUMBER 63: Yes, sir.

16 MR. PIROLO: You would be open to considering
17 that?

18 JUROR NUMBER 63: Yes.

19 MR. PIROLO: How about a PET scan, have you
20 heard of those?

21 JUROR NUMBER 63: I'm not really sure what a PET
22 scan is. I've heard of them, but I'm not sure what
23 they are.

24 MR. PIROLO: Okay. Would you be open and would
25 you consider any evidence that could be depicted in a

1 PET scan? Again, coming from an expert.

2 JUROR NUMBER 63: Yes.

3 MR. PIROLO: Okay. Do you have any -- well, do
4 you feel that the mental health field is legitimate?

5 JUROR NUMBER 63: I do believe it is. I worked
6 in it for six years.

7 MR. PIROLO: Okay. Where --

8 JUROR NUMBER 63: I worked for [REDACTED] I
9 started out in the (unintelligible) unit, and I ended
10 my career in (unintelligible).

11 MR. PIROLO: Did anything about working in
12 [REDACTED] give you some cause for concern that you
13 would be unable to render a fair verdict in this case?

14 JUROR NUMBER 63: No. Absolutely not.

15 MR. PIROLO: I'm going to read to you a possible
16 instruction that may be read to you if you're selected
17 in this case. It involves a specific mitigator. I'm
18 going to read you the instruction, and then I'll ask
19 you if you could consider that. The instruction would
20 be, "the capital felony was committed while the
21 defendant was under the influence of extreme mental or
22 emotional disturbance." Could you consider that?

23 JUROR NUMBER 63: I could consider it if I
24 understood what was -- you know, I'm sure at some
25 point someone did say, this is this, that's that, so I

1 could consider it under those circumstances.

2 MR. PIROLO: Next one, "the capacity of the
3 defendant to appreciate the criminality of his conduct
4 or to perform his conduct to the requirements of the
5 law was substantially impaired."

6 JUROR NUMBER 63: Yes. Again, with expert
7 testimony, I would be able to consider it.

8 MR. PIROLO: Okay. Drug addiction, would you be
9 able to consider that?

10 JUROR NUMBER 63: That's a tough one. We make
11 choices.

12 MR. PIROLO: Let me ask you this, you would
13 probably agree if somebody picks up a joint, or some
14 other drug, they've chosen to do that.

15 JUROR NUMBER 63: Correct.

16 MR. PIROLO: But what about drug addiction, do
17 you believe drug addiction is a choice?

18 JUROR NUMBER 63: I don't know. I really can't
19 answer that question. I don't know. I know that if
20 you use drugs, it's a choice to use drugs, I know if
21 you drink alcohol, it's a choice to drink alcohol, so
22 you become addicted by your choices. So I don't --
23 that's the best I can answer that question.

24 MR. PIROLO: Drug addiction is never an
25 aggravating circumstance, but if you heard it, would

1 it, in your mind, become an aggravating circumstance?

2 Knowing that it's not, you --

3 JUROR NUMBER 63: Right. So you're getting at
4 hypotheticals?

5 MR. PIROLO: Yeah. Unfortunately, that's --

6 JUROR NUMBER 63: Is that what you're doing? I
7 think if it could be explained to me what led to the
8 addiction. You know, I mean, there are circumstances,
9 I guess, that you do come with addictions. So if you
10 explain it, it makes sense.

11 MR. PIROLO: I know this is very personal to you,
12 do you mind if we touch on the physical and emotional
13 mitigating circumstance for one more question?

14 JUROR NUMBER 63: Sure.

15 MR. PIROLO: If you heard that in this case, will
16 it, based upon what you've gone through yourself,
17 almost be turned into an aggravating circumstance?
18 Because like you said earlier, you went through it,
19 and you're sitting here today, a productive citizen,
20 intelligent woman, all that. Could it in some way
21 kind of turn around in your mind and almost become an
22 aggravating circumstance? Again, it wouldn't be one,
23 but we're all human beings, you're in the deliberation
24 room, instructions by the judge do a lot, but when the
25 doors close and it's just, you know, people in there,

1 your everyday life experiences dictate a lot of what
2 goes on in there.

3 JUROR NUMBER 63: I could, truthfully, argue the
4 point, you know, debate it, discuss it, maybe come up
5 with some logic about it, but it might -- I have very
6 strong feelings. Like I said, I grew up with a
7 lifetime of it, but I made good choices.

8 MR. PIROLO: Would you be able to consider
9 mitigation that we talked about in other stuff,
10 because -- because mitigation is unlimited, you're in
11 the back thinking about it, going over what you heard,
12 there could be mitigation in your mind that we never
13 touched upon, we didn't discuss; but things that you
14 heard sound important, and in your mind, hey, that's
15 mitigation to me. So that's why it's so unlimited.

16 JUROR NUMBER 63: Right.

17 MR. PIROLO: But would you consider mitigation as
18 a explanation for someone's actions, or as an excuse?

19 JUROR NUMBER 63: Depends on the circumstances.

20 MR. PIROLO: Does it depend on the particular
21 mitigator, the particular mitigating circumstance that
22 we're talking about, or -- I know it's hard because
23 it's a hypothetical, you --

24 JUROR NUMBER 63: It's really -- it's tough.
25 Because I remember using my views as a reason for

1 doing something. So if that's what you're asking me,
2 the answer is, no, I could not.

3 MR. PIROLO: No, I'm asking everything.

4 JUROR NUMBER 63: If it's encompassed in a big
5 circle of things, I would say I could consider it as a
6 mitigator.

7 MR. PIROLO: Right. But then consider it as an
8 explanation for someone's actions --

9 JUROR NUMBER 63: I would be willing to be
10 open-minded and discuss it.

11 MR. PIROLO: Now, going back to when we started
12 talking about the aggravating circumstances. Again,
13 this is hypothetically speaking, but let's say there's
14 a number of aggravators that are presented to you, and
15 you find beyond a reasonable doubt, hypothetically,
16 six aggravators. At that point, because you've found
17 six, are you turned off to mitigation? I don't care
18 what mitigation there is, how much of it there is, six
19 aggravators, I'm done, I'm ready to vote.

20 JUROR NUMBER 63: No. I will consider all of it.

21 MR. PIROLO: Okay. So you'd be open to consider
22 all the mitigation?

23 JUROR NUMBER 63: Yes.

24 MR. PIROLO: All right. We talked about the
25 recommendation you give, it does not have to be

1 unanimous. That means the first part of the trial,
2 you render a verdict as to guilt or innocence, that
3 has to be unanimous, this does not. Do you accept
4 that?

5 JUROR NUMBER 63: Yes.

6 MR. PIROLO: All right. Do you have any concerns
7 that someone could twist your arm to return a certain
8 recommendation?

9 JUROR NUMBER 63: No.

10 MR. PIROLO: With the same respect, will you
11 respect the decision, vote, of the fellow jurors?

12 JUROR NUMBER 63: Absolutely.

13 MR. PIROLO: You're not going to try to twist
14 their arm or browbeat them to --

15 JUROR NUMBER 63: No.

16 MR. PIROLO: Okay. The recommendation you give,
17 it's not a suggestion, it's a recommendation. Do you
18 accept that?

19 JUROR NUMBER 63: Yes.

20 MR. PIROLO: Under the law, this judge will have
21 to give it great weight. So she can't just look at it
22 and say, well, that's nice, and throw it off to the
23 side.

24 Judge, can I have a moment?

25 THE COURT: Yes, you may.

1 MR. PIROLO: Going back to your experiences at
2 Devereux, your experiences in the foster care system,
3 how did that experience, that time, shape your
4 opinions (unintelligible)?

5 JUROR NUMBER 63: I wasn't there for the foster
6 care, and I was just a licensing coordinator, I
7 recruited foster parents. And I did get to see the
8 kids and talk with them and stuff. And it doesn't
9 form any opinions, it's always wanting the best for
10 the children, and putting them in the best possible
11 care.

12 MR. PIROLO: And earlier you had talked about
13 when the event first happened, you said you saw the
14 blurb on the TV, you couldn't -- you turned away, you
15 didn't watch it.

16 JUROR NUMBER 63: That's correct.

17 MR. PIROLO: Why? What was it that you couldn't
18 watch?

19 JUROR NUMBER 63: I think it's just because the
20 news is always so full of bad stuff, it's like, isn't
21 there any good things happening in our world? And I
22 just turned off the TV. I just specifically remember
23 turning off the TV and going outside and smoking a
24 cigarette and watching the cars go by, because, at
25 this point, why bother? So it's just the way I am. I

1 don't watch the news every day because I get
2 frustrated that the news is full of bad.

3 MR. PIROLO: In this case, if are given graphic
4 photographs to look at, would that affect your ability
5 to consider mitigating circumstances? If you're given
6 photographs to look at, graphic in nature, would that
7 shut you off to any mitigation?

8 JUROR NUMBER 63: I don't think so.

9 MR. PIROLO: The word "think" always freaks us
10 out.

11 JUROR NUMBER 63: It freaks you out, it freaks me
12 out.

13 MR. PIROLO: And it's hard to say, we can't tell
14 you exactly what you're going to see, or not see,
15 or --

16 JUROR NUMBER 63: You know, I've seen some pretty
17 graphic stuff in, you know -- like I said, working
18 with kids in group homes and foster care. You see a
19 lot of stuff you wish you never had to see. So could
20 I look at it and say, well, maybe because, yes, I
21 probably could accept it. I know it's -- it's a tough
22 answer, a tough question.

23 MR. PIROLO: Well, I'm going to give you an even
24 tougher one. Maybe not tougher, I don't know. If you
25 saw a video, and it was a very graphic video, would

1 that turn you off to any mitigation? You watch the
2 video, it's done playing, you're like, I'm done, I
3 don't care what there is in mitigation.

4 JUROR NUMBER 63: I think, to be fair, you have
5 to look at all things, and be open to discuss, and not
6 prejudge.

7 MR. PIROLO: Do you think people who have been
8 abused maybe act differently, one person maybe acts
9 one way, one person reacts a different way?

10 JUROR NUMBER 63: Absolutely. I -- like I said,
11 I worked with it for six years, I saw it every day.
12 You know, I know how I behaved, and I watched how the
13 kids in my program behaved. You know, everybody acts
14 differently based on different stuff.

15 MR. PIROLO: Earlier on -- I'm going to back to
16 an eye for an eye. In a Biblical sense, I know what
17 you mean, but what do you mean by that?

18 JUROR NUMBER 63: If it fits the crime, based on
19 all the facts, and none of the fiction, but the facts,
20 then I would have to support death. Do you understand
21 what I'm saying? But I can't -- you cannot neglect
22 any of the facts that have to do with whatever you're
23 talking about. You have to weigh all things equally.

24 MR. PIROLO: Judge, I don't have anything else.

25 THE COURT: Okay. Juror Number 63, you are going

1 to be released for the day, but you are not released
2 from being considered as a juror in this case. What
3 I'm going to ask you to do is, go downstairs, they're
4 going to give you a phone number to call, you're going
5 to call back next Wednesday, which Wednesday, March
6 the 5th, between 1:00 and 5:00, and they're going to
7 give you information about when to report. I suggest
8 you're going to have to report either the next day,
9 Thursday, which is March the 6th, or the next day,
10 Friday, which is March the 7th. We just don't know
11 yet, it depends on how long it takes for this process.
12 But you are still being considered.

13 At this time, you must consider to abide by your
14 rules governing your service as a juror. Do not
15 discuss this case with anyone else. Do not -- avoid
16 reading newspaper headlines and/or articles relating
17 to this trial or its participants. Avoid seeing or
18 hearing television or radio or Internet comments about
19 this case, should there be any. Do not conduct any
20 research yourself regarding this case or any of its
21 participants. Okay. You can go downstairs, you're
22 released from service for today.

23 (Thereupon, Juror Number 63 was escorted out of
24 the courtroom by the court deputy; thereafter, Juror
25 Number 64 was escorted into the courtroom by the court

1 deputy and the proceedings were had as follows:)

2 THE COURT: Okay. Juror Number 64, first of all,
3 I want to thank you for being here, thank you for your
4 patience regarding this matter. Before we took a
5 break, I announced some rules, so I need to ask you
6 about those. And those rules really became in effect
7 when I announced them. So since that time, have you
8 read or been exposed to reading newspaper headlines
9 and/or articles related to this trial or its
10 participants?

11 JUROR NUMBER 64: No.

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

14 JUROR NUMBER 64: No.

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

18 JUROR NUMBER 64: No.

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

22 JUROR NUMBER 64: No.

23 THE COURT: Okay. I'm going to ask you a few
24 questions, and then the State will have an opportunity
25 to ask you some questions, and then the defense will

1 have an opportunity to ask you some questions. The
2 first question I'm going to ask you is pretty general,
3 and it's, what are your views about the death penalty?

4 JUROR NUMBER 64: My views about it?
5 Consequences for your actions sometimes deserve some
6 severe penalties.

7 THE COURT: Okay. So if I were to kind of
8 characterize you as either for or against, I would
9 have to say that you are for?

10 JUROR NUMBER 64: For, yes.

11 THE COURT: Okay. I'm going to talk to you a
12 little bit about what this case involves, and I'm
13 going to follow up on some questions about that. In
14 this case, there is two phases, there's the guilt
15 phase, and if there's a guilty verdict of count one,
16 then we move into the penalty phase. So in the guilt
17 phase, if the jury recommends a guilty verdict as to
18 count one, and count one is premeditated murder in the
19 first degree, if there's a guilty verdict to that
20 count, only on that count, then we move into the
21 penalty phase. In the penalty phase, the jury is
22 instructed to make a recommendation to the Court of a
23 possible penalty, either death, or life in prison
24 without the possibility of parole. So are you of the
25 opinion that death is the only appropriate penalty for

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

5 JUROR NUMBER 64: That's a very strong answer.

6 THE COURT: And there's no right or wrong answers
7 in here, we're just trying to get your views.

8 JUROR NUMBER 64: Like I said, I've always been
9 taught, and taught my children, there's consequences
10 for your actions, and I've never let them get out of
11 their consequences, so I think it would have to be,
12 you know, the full extent of the law.

13 THE COURT: Okay. And if I instructed you --
14 because what I'm going to instruct you is that, as
15 part of this case, the death penalty is an option, but
16 I would instruct you on when you would consider that,
17 you know, what goes into that consideration; but you
18 would also be instructed that you do have to consider
19 life in prison without the possibility of parole as a
20 possible penalty as well. Would you be able to do
21 that?

22 JUROR NUMBER 64: I would consider it, yes.

23 THE COURT: Okay. Now this case, I'm going to
24 talk about this specific case, do you know anything
25 about this case, either from your own personal

1 knowledge, rumor, by discussions with anyone else,
2 from the media, radio, television, Internet,
3 electronic device, or newspaper? Do you know anything
4 about this case?

5 JUROR NUMBER 64: Yes.

6 THE COURT: Okay. Can you tell me what
7 information you believe you know?

8 JUROR NUMBER 64: Basically, just everything
9 you've stated. I don't know what I'm allowed to say,
10 but --

11 THE COURT: You can say -- there's no right or
12 wrong answers, you can say anything you want.

13 JUROR NUMBER 64: I know that, I guess, his
14 girlfriend is going to plea bargain, and testify
15 against him.

16 THE COURT: So you know there was a death of a
17 police officer.

18 JUROR NUMBER 64: Yes.

19 THE COURT: You know that the defendant has been
20 charged with that? And you're saying you know there
21 was a co-defendant that pled?

22 JUROR NUMBER 64: Yes.

23 THE COURT: Okay. What else?

24 JUROR NUMBER 64: That's about it. You know, I
25 seen the stuff on Facebook, and just comments and

1 stuff. You know, nothing that's credible.

2 THE COURT: Nothing that's --

3 JUROR NUMBER 64: Credible.

4 THE COURT: Okay. So you recognize that
5 sometimes those things on Facebook, or the media, may
6 not be 100 percent accurate?

7 JUROR NUMBER 64: Correct.

8 THE COURT: Okay. Now, you say Facebook, would
9 you have gained this information that you learned from
10 what source? Would it be Facebook, or other sources
11 as well?

12 JUROR NUMBER 64: News media.

13 THE COURT: Okay. So do you watch television and
14 watch the news?

15 JUROR NUMBER 64: Via Internet. I don't really
16 watch TV.

17 THE COURT: Okay. So the information that you
18 would have is --

19 JUROR NUMBER 64: News articles.

20 THE COURT: By way of the Internet?

21 JUROR NUMBER 64: Yes.

22 THE COURT: Okay. And how often would you do
23 that?

24 JUROR NUMBER 64: I read news daily.

25 THE COURT: Okay. Do you read, like, the whole

1 paper, or do you get the headlines, or what do you do?

2 JUROR NUMBER 64: Major stories, local news.

3 THE COURT: As a juror, you would be requested to
4 set aside anything that you may have learned about
5 this case, serve with an open mind, and reach a
6 verdict based only on the law as I instruct you and
7 what evidence you learn about this case, in this
8 courtroom, at the trial. Can you do that?

9 JUROR NUMBER 64: Yes.

10 THE COURT: Okay. So if you heard something by
11 way of some other source, and the State has the burden
12 to prove this case beyond and to the exclusion of
13 every reasonable doubt, and you heard something, and
14 the State didn't present that as evidence, could you
15 set that aside and not consider it?

16 JUROR NUMBER 64: I'd say yes, but I'm sure
17 somehow it's going to be in my memory. But, yes.

18 THE COURT: Okay. And when you say -- there's
19 some hesitation there, I mean, obviously I can't erase
20 your memory, but could you, for purposes of reaching a
21 verdict of guilty or not guilty, and reaching a
22 recommendation of death or life in prison without the
23 possibility of parole, could you set that aside?
24 Could you say, no, I'm not going to consider that?
25 Because I didn't hear about that here in this

1 courtroom.

2 JUROR NUMBER 64: I just -- it's kind of a
3 personal problem that I have with all this right now,
4 really.

5 THE COURT: You know what, that's what we need to
6 know, so if there is a personal problem, you just need
7 to tell us.

8 JUROR NUMBER 64: My son wants to be a police
9 officer, so this is kind of not sitting very well
10 right now.

11 THE COURT: Okay. That's the stuff that we need
12 to know. So don't be -- there's no right or wrong
13 answers, nobody is happy or sad depending on your
14 answers, we just need to know what you're thinking.
15 So tell me what you're thinking about that.

16 JUROR NUMBER 64: I don't want him to be one.
17 He's in the Navy right now, and he wants -- when he
18 gets out in August, he wants to go in the police
19 force. So I'm hoping he changes his mind, but, you
20 know, he's always done what he wanted to do anyways.

21 THE COURT: Isn't that the sad thing about kids,
22 they always do what they want to do anyway. But, in
23 this case, I mean, obviously there was a death of a
24 law enforcement officer. With all due respect, you
25 may see some pictures or some videos with regard to

1 that. Is that going to -- is that going to be
2 something that's going to weigh heavy on your mind,
3 that you're not going to be able to be fair and
4 impartial to the defendant?

5 JUROR NUMBER 64: I think so.

6 THE COURT: Okay. Because what we're going to
7 ask you to do is to -- the defendant is presumed to be
8 innocent, the State has the burden of proof, the
9 defendant does not have to prove anything. But you
10 are -- I suspect you're going to see some things that
11 may be graphic. So do you think this would be the
12 type of case, because of your son going into law
13 enforcement, that it would be best if you didn't serve
14 on this jury?

15 JUROR NUMBER 64: Yes.

16 THE COURT: Okay. Questions by the State?

17 MR. BROWN: Nothing, Judge.

18 MR. MOORE: Stipulate.

19 MR. BROWN: Stipulate.

20 THE COURT: Okay. Number 64, I want to thank you
21 for being here, thank you for your service. We
22 appreciate your candor, that's what we need you to do.
23 I am going to release you from service on this jury at
24 this time. So what I'm going to have you do is, go
25 downstairs, report to the jury assembly room, tell

1 them that you've been released, they're going to give
2 you some brief information, and send you on your way.
3 Thank you, sir.

4 (Thereupon, Juror Number 64 was escorted out of
5 the courtroom by the court deputy and the proceedings
6 were had as follows:)

7 THE COURT: Okay. Just for the record, Juror
8 Number 64 was released for cause. If we can bring in
9 Juror Number 65.

10 (Thereupon, Juror Number 65 was escorted into the
11 courtroom by the court deputy and the proceedings were
12 had as follows:)

13 THE COURT: Juror Number 65, come on in and have
14 a seat. Okay. Juror Number 65, first, I want to
15 thank you for being here, thank you for your patience
16 with this process. It is a long process, but we are
17 all doing the best that we can, and I thank you for
18 being patient with us.

19 When we broke before, I announced some rules, and
20 those rules kind of came into effect at that time. So
21 I'm going to ask you some questions about that first.
22 Have you read or been exposed to reading newspaper
23 headlines and/or articles relating to this trial or
24 its participants?

25 JUROR NUMBER 65: No, ma'am.

1 THE COURT: Okay. Have you seen or heard
2 television, radio, or Internet comments about this
3 trial?

4 JUROR NUMBER 65: No, ma'am.

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

8 JUROR NUMBER 65: No, ma'am.

9 THE COURT: Okay. And have you discussed this
10 case with other jurors, or allowed anyone to discuss
11 it in your presence?

12 JUROR NUMBER 65: No, ma'am.

13 THE COURT: Okay. First, I'm going to ask you
14 some questions, then the State will have an
15 opportunity to ask you some questions, and the defense
16 will have an opportunity to ask you some questions.
17 So the first question I'm going to ask you is, what
18 are your -- and it's a pretty general question, what
19 are your views about the death penalty?

20 JUROR NUMBER 65: I have an open mind on the
21 death penalty. I'm not against it, if it's warranted
22 (unintelligible) and everything, I'm not against it.

23 THE COURT: Okay. So if I had to say you were
24 for the death penalty, or opposed to the death
25 penalty, I'd have to say that you're for the death

1 penalty, but under certain circumstances?

2 JUROR NUMBER 65: Yes.

3 THE COURT: Okay. I'm going to tell you how this
4 process works, and then I'm going to ask you some more
5 questions about that. We have two phases of the
6 trial, possibly two phases of the trial, and the first
7 phase is the guilt phase. In the guilt phase, in the
8 event the jury returns a guilty verdict on count one,
9 and count one is the premeditated first degree murder
10 count, if there's a guilty verdict on that, then we
11 would move to the second phase. And we only move to
12 the second phase if there's a guilty verdict on count
13 one, and we only move into the second phase with
14 regard to count one. So if there is a guilty verdict
15 to that count, then we move into the penalty phase.
16 In the penalty phase, if you were to be chosen as a
17 juror in this case, you would be instructed to make a
18 recommendation to the judge of a possible penalty.
19 And the penalties are death, or life in prison without
20 the possibility of parole. So are you of the opinion
21 that death is the only appropriate penalty for murder
22 in the first degree and is that opinion so strong that
23 you could not consider life in prison without the
24 possibility of parole under any circumstances?

25 JUROR NUMBER 65: No, ma'am. I would have to

1 hear both sides first.

2 THE COURT: Okay. So you would be -- if I
3 instructed you that you do have to consider life as a
4 possible penalty, you would be able to do that?

5 JUROR NUMBER 65: Yes.

6 THE COURT: Okay. I'm going to ask you what you
7 know about this case. Do you know anything about this
8 case from either your own personal knowledge, rumor,
9 by discussion with anyone else, from the media,
10 television, radio, Internet comments, or newspaper?

11 JUROR NUMBER 65: When it happened at first, I
12 did see a news flash when I was watching the weather
13 about it, but I have never followed it or anything.

14 THE COURT: Okay. So you -- at the time of the
15 event, you heard something about it?

16 JUROR NUMBER 65: Yes.

17 THE COURT: And have you heard anything since
18 then?

19 JUROR NUMBER 65: No.

20 THE COURT: What information do you think you
21 know about this case?

22 JUROR NUMBER 65: I just remember a shooting, and
23 the deputy lost her life.

24 THE COURT: Okay. Anything else?

25 JUROR NUMBER 65: No, ma'am.

1 THE COURT: And how did you gain that
2 information?

3 JUROR NUMBER 65: Watching TV, it was a news
4 flash.

5 THE COURT: Okay. And have you seen anything in
6 detail about the case, or read about the case?

7 JUROR NUMBER 65: No, ma'am.

8 THE COURT: If you were chosen as a juror in this
9 case, can you set aside anything that you might have
10 learned about the case, serve with an open mind, and
11 reach a verdict based only on the law and the evidence
12 presented in this courtroom, in this trial?

13 JUROR NUMBER 65: Yes.

14 THE COURT: Okay. Questions by the State?

15 MR. BROWN: Thank you, Your Honor. Juror Number
16 65, good afternoon. I'm going to talk to you a little
17 bit about the process and the procedure for a death
18 penalty type of case. The judge talked to you a
19 little bit about it this morning, read it to you, went
20 through it, but she went through an awful lot of
21 information to digest in a small period of time.

22 The first step is, the jury would have to come
23 back with a verdict of first degree murder. If it's a
24 lesser charge, or not guilty, then the death penalty's
25 off the table. Do you understand that?

1 JUROR NUMBER 65: Yes.

2 MR. BROWN: And the jury does come back with that
3 verdict of guilty of first degree murder, we would
4 reconvene, and at that time additional evidence is
5 going to be presented to the jury. Then the judge
6 would give a new set of instructions on what to do
7 with that evidence, what to look at, and how to
8 evaluate it. The first step she's going to tell you
9 is, you would look at what are called aggravating
10 circumstances; and she would give you a list, and it's
11 likely to be more than one type of aggravating
12 circumstance. And what aggravating circumstances are,
13 are things that increase the gravity of the crime or
14 the harm to the victim.

15 So she's going to give you that list, and it's to
16 that list you can look at, and only to that list, that
17 would justify the imposition of the death penalty. Do
18 you understand that?

19 JUROR NUMBER 65: Yes, sir.

20 MR. BROWN: Now, the State, we have to prove
21 those to you beyond any reasonable doubt, just like in
22 the guilt phase, beyond and to the exclusion of any
23 reasonable doubt. So if we fail to prove to you any
24 aggravating circumstances, then your recommendation
25 has to be life in prison. Do you understand that?

1 JUROR NUMBER 65: Yes, sir.

2 MR. BROWN: If we prove to at least one, we may
3 prove more than one, but we have to prove at least one
4 aggravating circumstance before you can consider the
5 death penalty. When you mentioned earlier about if
6 it's warranted in certain circumstances, kind of these
7 aggravating circumstances is part of those certain
8 circumstances. So you would look at whether we've
9 proven any of those aggravating circumstances, and ask
10 yourself, do these justify the death penalty? If you
11 find that they do, you go to the next step in the
12 analysis, and that's where you would examine the
13 mitigation, or the mitigating circumstances that have
14 been presented.

15 As the Court told you earlier this morning, those
16 are circumstances based on the defendant's character,
17 his life, things about him. And those also have to be
18 proven to you, it's a lower burden, it's to the
19 greater weight of the evidence. So, obviously, if
20 they present evidence concerning mitigation, and you
21 find that some of it's not proven, you disregard that,
22 since it's not proven. You take what's been proven,
23 whatever mitigation evidence that's presented that you
24 find to be proven, and you consider all of that, just
25 like you would consider all of the aggravating

1 circumstances that have been proven.

2 Now, you've had to make, in your personal life,
3 your business life, important decisions, right?

4 JUROR NUMBER 65: Yes, sir.

5 MR. BROWN: When you've made those important
6 decisions, you look at all the circumstances, all the
7 factors involved in that decision.

8 JUROR NUMBER 65: Yes, sir. I consider
9 everything.

10 MR. BROWN: Right. So you look at everything,
11 and you kind of decide, okay, some of these
12 circumstances, or some of these factors, are very
13 important, and you give them great weight in your
14 thought process, right?

15 JUROR NUMBER 65: Yes.

16 MR. BROWN: Other circumstances you find to be
17 not that important, and you give them little weight,
18 right?

19 JUROR NUMBER 65: Right.

20 MR. BROWN: And that's how you come to a
21 decision, you kind of weigh all the factors,
22 circumstances; and, you know, some things are
23 important, great weight, other things, little
24 importance, you give them little weight. Right?

25 JUROR NUMBER 65: Yes, sir.

1 MR. BROWN: You go through the same process here.
2 The judge is going to tell you, you have to go through
3 a weighing process of those aggravating circumstances
4 and weigh them against the mitigating circumstances.
5 Just like you would any other important decision, you
6 go through that weighing process. And the question
7 that she will pose to you in the instructions will be,
8 does the mitigation outweigh those aggravating
9 circumstances? If you find that the mitigation
10 outweighs those aggravating circumstances, then your
11 recommendation is going to be life. Do you understand
12 that?

13 JUROR NUMBER 65: Yes, sir.

14 MR. BROWN: If you find that the mitigation does
15 not outweigh those aggravating circumstances, then
16 you're in a position where legally you can recommend
17 to the Court the sentence of the death penalty. Do
18 you understand?

19 JUROR NUMBER 65: Yes, sir.

20 MR. BROWN: Now, the Court's going to tell you
21 that -- or what she's not going to tell you is, if you
22 find A, B, and C, then you must recommend the death
23 penalty. She's never going to tell you that, it's
24 never going to be automatic. She's going to tell you
25 that it's always -- you are never required to return

1 that verdict. Okay? But what she is going to tell
2 you is, you go through that process, find the
3 aggravators, weigh them against the mitigators, and if
4 you find the mitigators do not outweigh the
5 aggravators, and if you feel the death penalty is
6 justified, that's when you can legally recommend to
7 the judge a sentence of the death penalty. Do you
8 understand?

9 JUROR NUMBER 65: Yes, sir.

10 THE COURT: Excuse me. Juror Number 65, can you
11 speak up just a little bit. There is a microphone
12 right next to you, and they're having a little trouble
13 hearing you even with it right next to you. So
14 they're telling me they need you to speak up a little
15 bit. So if you could do that, I'd appreciate it.

16 JUROR NUMBER 65: Yes, ma'am.

17 MR. BROWN: Any questions about that process,
18 weighing, what you have to consider, anything of that?

19 JUROR NUMBER 65: No, sir.

20 MR. BROWN: You understand?

21 JUROR NUMBER 65: Yes, sir.

22 MR. BROWN: Are you comfortable with that
23 process?

24 JUROR NUMBER 65: Yes, sir.

25 MR. BROWN: Now, going through that process, if

1 you feel the death penalty is justified, can you
2 recommend a sentence of death?

3 JUROR NUMBER 65: Yes, sir.

4 MR. BROWN: Do you come into court today with an
5 idea or concept of, well, you know, there'd only be
6 one or two circumstances that I would recommend death,
7 everything else, I would --

8 JUROR NUMBER 65: No, sir.

9 MR. BROWN: You would be open to and listen to
10 what the Court lists as those aggravating
11 circumstances and look at those?

12 JUROR NUMBER 65: Yes, sir.

13 MR. BROWN: Now, the next topic I want to cover
14 is -- and it may not apply to you, but I've got to
15 bring it up with each person, just so you're aware if
16 you're selected and if anyone else starts going down
17 this path. Obviously, if the jury would come back
18 with a verdict of something less than first degree
19 murder, such as second degree murder, you would be in
20 the situation where you'd have to make any sentencing
21 recommendation to the Court. Do you understand?

22 JUROR NUMBER 65: Yes, sir.

23 MR. BROWN: So my question is, if first degree
24 murder is proven to you, would you let it enter into
25 your thought process of, well, the State proved first

1 degree murder, but I'm only going to do second because
2 I don't want to be put in the situation of having to
3 decide life or death?

4 JUROR NUMBER 65: No, sir.

5 MR. BROWN: Okay. You accept that your verdict
6 ought to be what the evidence dictates to you?

7 JUROR NUMBER 65: Yes, sir.

8 MR. BROWN: And that's the just verdict?

9 JUROR NUMBER 65: Yes, sir.

10 MR. BROWN: Thank you. Your Honor, I have no
11 further questions.

12 THE COURT: Okay. Questions by the defense?

13 MR. PIROLO: Thank you, Your Honor. Juror Number
14 65, how are you?

15 JUROR NUMBER 65: Good.

16 MR. PIROLO: Sir, any questions we've got, there
17 are no wrong answers. We ask that you tell us what
18 you're thinking about the questions we have for you.
19 Okay?

20 JUROR NUMBER 65: (Unintelligible).

21 MR. PIROLO: And, if you can, just continue to
22 speak up.

23 THE COURT: You need to speak up.

24 JUROR NUMBER 65: I will.

25 THE COURT: Okay.

1 MR. PIROLO: Because I'm bad at reading lips. I
2 can't do it. Can I ask where you're from?

3 JUROR NUMBER 65: I'm from Florida here, Palm
4 Bay.

5 MR. PIROLO: Okay. The accent, what --

6 JUROR NUMBER 65: Jamaica.

7 MR. PIROLO: And do they have the death penalty
8 there?

9 JUROR NUMBER 65: No, sir.

10 MR. PIROLO: All right. You've heard the term
11 life without the possibility of parole. What that
12 means is someone is sentenced to prison for life
13 without parole, it means they never get out of prison,
14 they die in prison.

15 JUROR NUMBER 65: Yes, sir.

16 MR. PIROLO: Do you accept that?

17 JUROR NUMBER 65: Yes, sir.

18 MR. PIROLO: And earlier on it was mentioned that
19 in your life you may make, or have had to make, a lot
20 of important decisions. Do you understand that this
21 is only one of those important decisions if we get to
22 the second part of this trial?

23 JUROR NUMBER 65: Yes, sir.

24 MR. PIROLO: It's not just some abstract or some
25 important decision without a name or a face, you see

1 the person, we're talking about Mr. Brandon Bradley,
2 sitting next to me earlier.

3 JUROR NUMBER 65: Yes, sir.

4 MR. PIROLO: Or I was sitting next to him
5 earlier.

6 JUROR NUMBER 65: Yes, sir.

7 MR. PIROLO: Okay. Now, earlier you said that
8 you have an open mind to the death penalty.

9 JUROR NUMBER 65: Yes, sir.

10 MR. PIROLO: If I were to give you a scale, a
11 scale of 0 to 10, with 10 being you strongly favor the
12 death penalty, 0 being you pretty much oppose the
13 death penalty, what number would you give yourself?

14 JUROR NUMBER 65: I don't know if I really have a
15 number, I would have to listen to the prosecutor's
16 side, and the defense side, and what they present, and
17 the instructions from the judge, before I could make
18 that decision.

19 MR. PIROLO: Now, when you say that you want to
20 listen to the defense side, does that mean, assuming
21 we get to the second part, the State's given -- you've
22 heard aggravating circumstances from the State, you
23 want to hear what the defense would have for
24 mitigating circumstances?

25 JUROR NUMBER 65: It first depends on when the

1 case starts, what they present, and what they
2 (unintelligible) the first phase; then the second
3 phase, then I would be able to make a decision on what
4 happened first.

5 MR. PIROLO: Can you tell me why you favor the
6 death penalty, your reason why you favor the death
7 penalty?

8 JUROR NUMBER 65: Well, if it's proven that it's
9 required, the death penalty, then I would favor the
10 death penalty.

11 MR. PIROLO: Could you think of a first degree
12 murder that you would say in your mind, the death
13 penalty would have to have to happen, almost
14 automatic?

15 JUROR NUMBER 65: No, sir.

16 MR. PIROLO: One involving the death of a child,
17 would that be automatic for you, or you would still
18 weigh --

19 JUROR NUMBER 65: Still have to look at the
20 evidence.

21 MR. PIROLO: More specifically, what we're
22 concerned about in our case, the death of a police
23 officer, is that one also that you'd be open to --
24 have to listen to the aggravating circumstances and
25 the mitigating?

1 JUROR NUMBER 65: Yes, sir. (Unintelligible)
2 instruction.

3 MR. PIROLO: So that would not be one that you
4 would automatically vote for the death penalty?

5 JUROR NUMBER 65: No, sir.

6 MR. PIROLO: Have you always had that opinion?
7 Your opinion that you have today about the death
8 penalty, have you always had it, or did you have a
9 different opinion before today?

10 JUROR NUMBER 65: I never always
11 (unintelligible). I never really think about it being
12 cases or anything, I just listen to the instructions
13 from the judge as to how (unintelligible).

14 MR. PIROLO: What I'm saying is, before you came
15 here today, did you think about the death penalty
16 much?

17 JUROR NUMBER 65: No. No, sir.

18 MR. PIROLO: Pretty much started thinking about
19 it today once you found out it would be an issue in
20 this case?

21 JUROR NUMBER 65: Since the judge instructed --
22 told us the case, what it's about, how it's going to
23 work, and I will listen to everything, and I will
24 weigh both sides.

25 MR. PIROLO: Have you ever heard of the

1 expression "an eye for an eye"?

2 JUROR NUMBER 65: Yes, I have heard that before.

3 MR. PIROLO: And what is your opinion on that?

4 JUROR NUMBER 65: I don't believe really an eye
5 for an eye.

6 MR. PIROLO: Okay. You understand the -- if we
7 get to the second part, it does not mean -- the
8 recommendation that's given to the judge does not have
9 to be unanimous. Do you know that? Did you know
10 that?

11 JUROR NUMBER 65: No, sir, I didn't know that.

12 MR. PIROLO: Okay. Now you know that the vote
13 between the 12 people does not have to be unanimous.
14 You don't have to have all 12 people voting one way.
15 You can have 10-2 vote, 8-4 vote, 7-5 vote, and so on.
16 Do you understand that?

17 JUROR NUMBER 65: Yes, sir.

18 MR. PIROLO: The decision you make, the
19 recommendation that you as a jury would make to the
20 judge, that's very important. The Court has to give
21 it great weight. What that means is, she can't just
22 look at your vote, your recommendation, and say, well,
23 that's nice, and just kind of throw it aside. Do you
24 understand it's very important to the judge?

25 JUROR NUMBER 65: Yes, sir.

1 MR. PIROLO: She cannot impose a sentence in this
2 case without your recommendation. Do you accept that?

3 JUROR NUMBER 65: Yes, sir.

4 MR. PIROLO: We only get -- if we get to the
5 second part, you'll only start considering the death
6 penalty, really, if the State has proven to you an
7 aggravating circumstance. Do you understand that?

8 JUROR NUMBER 65: Yes, sir.

9 MR. PIROLO: If they prove no aggravating
10 circumstances to you, it's a life recommendation. Do
11 you understand?

12 JUROR NUMBER 65: Yes, sir.

13 MR. PIROLO: Okay. Now, if they prove one or
14 more, then we move on to the mitigating circumstances.

15 JUROR NUMBER 65: Yes, sir.

16 MR. PIROLO: Before we get to the mitigating
17 circumstances, I want to stay on the aggravating
18 circumstances. Those aggravating circumstances are
19 limited. That means that the law has only set aside
20 certain kinds of aggravating circumstances. Those are
21 the only ones that you would be able to consider as
22 aggravating circumstances. Do you accept that?

23 JUROR NUMBER 65: Yes, sir.

24 MR. PIROLO: Now, let's say, for instance, just
25 to give you an example, hypothetically, the State

1 presents to you six aggravating circumstances. They
2 present six to you, and you believe them -- beyond a
3 reasonable doubt they've been proven to you, all six.
4 Can you still keep an open mind and wait for the
5 mitigating circumstances to be presented to you?

6 JUROR NUMBER 65: Yes, sir.

7 MR. PIROLO: And still listen to them, consider
8 them, and weigh them?

9 JUROR NUMBER 65: Yes, sir.

10 MR. PIROLO: Okay. You may be presented with
11 some graphic photographs, graphic pictures, they would
12 show what happens to a human, and in our case, Deputy
13 Pill, after being shot. Do you think those
14 aggravating -- or those graphic pictures would turn
15 you off to any mitigating circumstances?

16 JUROR NUMBER 65: No, sir.

17 MR. PIROLO: If you saw a video, the video shows
18 Deputy Pill being shot and killed, would that turn you
19 off at that point to any mitigating circumstances?

20 JUROR NUMBER 65: No, sir.

21 MR. PIROLO: You could still keep that open mind
22 and consider and listen to all the mitigating --

23 JUROR NUMBER 65: Yes, sir.

24 MR. PIROLO: The mitigating circumstances are
25 unlimited. It means it's -- anything can be

1 presented. It can be things in a person's background,
2 Mr. Bradley's background, his life, what happened
3 while he was growing up, family situation, and some
4 more things that we'll get into greater detail. Do
5 you accept that, that mitigating are unlimited?

6 JUROR NUMBER 65: Yes, sir.

7 MR. PIROLO: And we talked about aggravating
8 circumstances the State has to prove, they've got to
9 prove it beyond a reasonable doubt.

10 JUROR NUMBER 65: Yes, sir.

11 MR. PIROLO: Mitigating circumstances, the burden
12 is less. We've got to show -- you've got to be
13 reasonably convinced. Do you accept that?

14 JUROR NUMBER 65: Yes, sir.

15 MR. PIROLO: And you kind of understand why the
16 aggravators have to be proved beyond a reasonable
17 doubt, a high burden, and why the mitigating
18 circumstances have a lower burden, because, again,
19 we're talking about someone's life here.

20 JUROR NUMBER 65: Yes, sir.

21 MR. PIROLO: Do you believe that mental illness
22 is a choice?

23 JUROR NUMBER 65: No, sir.

24 MR. PIROLO: Do you consider mental health
25 professionals, do you consider their field as being a

1 legitimate field?

2 JUROR NUMBER 65: Yes, sir.

3 MR. PIROLO: So would you be open and able to
4 consider testimony regarding mental illness in this
5 case as a mitigating circumstance?

6 JUROR NUMBER 65: Yes, sir.

7 MR. PIROLO: I'm going to guess you've heard of
8 an MRI?

9 JUROR NUMBER 65: I have (unintelligible).

10 MR. PIROLO: Okay. If you -- would you be able
11 to consider evidence -- again, it would be from an
12 expert in that field -- regarding things that are on
13 an MRI that would be mitigating circumstances in this
14 case?

15 JUROR NUMBER 65: Yes, sir.

16 MR. PIROLO: How about a PET scan? Have you ever
17 heard of that?

18 JUROR NUMBER 65: I have.

19 MR. PIROLO: You have, okay. Again, coming from
20 an expert who's qualified to give an opinion as to
21 what's shown on a PET scan, would you be open and able
22 to consider that as a mitigating circumstance?

23 JUROR NUMBER 165: Yes, sir.

24 MR. PIROLO: How about brain damage or brain
25 injury, if you heard evidence of that, would you

1 consider that as a mitigating circumstance?

2 JUROR NUMBER 65: Yes, sir.

3 MR. PIROLO: How about physical or emotional
4 abuse, would you be, again, open to that, would you be
5 able to consider that as mitigating?

6 JUROR NUMBER 65: Yes, sir.

7 MR. PIROLO: How about drug addiction? First, do
8 you think drug addiction's a choice?

9 JUROR NUMBER 65: No, sir.

10 MR. PIROLO: If you heard evidence of drug
11 addiction, would you be able to consider that as a
12 mitigating circumstance?

13 JUROR NUMBER 65: Yes, sir.

14 MR. PIROLO: I'm going to read to you
15 instructions that you might hear if you're selected on
16 this jury; and I'll read one, and I'll ask you would
17 you be able to consider it as a mitigating
18 circumstance. Some of these get a little technical,
19 so if you need me to repeat anything, just let me
20 know. First one would say, "the capital felony was
21 committed while the defendant was under the influence
22 of extreme mental or emotional disturbance." Would
23 you be able to consider that as a mitigating
24 circumstance?

25 JUROR NUMBER 65: Yes, sir.

1 MR. PIROLO: The next one is, "the capacity of
2 the defendant to appreciate the criminality of his
3 conduct or to conform his conduct to the requirements
4 of the law was substantially impaired." Would you be
5 able to consider that as a mitigating circumstance?

6 JUROR NUMBER 65: Yes, sir.

7 MR. PIROLO: Do you believe that any of the
8 mitigating circumstances are explanations for
9 someone's behavior, can you consider that as --

10 JUROR NUMBER 65: Yes, sir.

11 MR. PIROLO: Would you look at it as an excuse,
12 instead of an explanation? Do you think that --

13 JUROR NUMBER 65: I will look at it as an
14 explanation.

15 MR. PIROLO: You would not?

16 JUROR NUMBER 65: (Unintelligible).

17 MR. PIROLO: All right. Would you consider it as
18 an explanation why someone did something?

19 JUROR NUMBER 65: Yes.

20 MR. PIROLO: Okay. Do you understand that your
21 vote should be respected?

22 JUROR NUMBER 65: Yes, sir.

23 MR. PIROLO: No juror should try to, while you're
24 in the deliberation room, try to change your mind
25 about what your vote should be.

1 JUROR NUMBER 65: Yes, sir.

2 MR. PIROLO: And, in the same sense, you also
3 would have to respect the other jurors'
4 recommendations.

5 JUROR NUMBER 65: Yes, sir.

6 MR. PIROLO: You can't browbeat them or try to
7 change their vote.

8 JUROR NUMBER 65: Yes, sir.

9 MR. PIROLO: Do you believe someone is a product
10 of past life experiences? Forget about DNA, forget
11 about who your mom and dad are, we can't pick who our
12 mom and dad are; but do you believe that other things
13 that happen throughout someone's life shapes a person?

14 JUROR NUMBER 65: No, sir.

15 MR. PIROLO: Why not?

16 JUROR NUMBER 65: Because I have many members of
17 my family who are different from me, we have the same
18 mother and father (unintelligible).

19 MR. PIROLO: Let me throw a little hypothetical
20 at you. Let's say you've got two siblings, a brother
21 and sister, one grows up in a very nurturing family,
22 has everything and everything they need, and is loved
23 and cared for, educated; and the other person winds up
24 in a home that's not loved, not cared for, not looked
25 after. Can you see that -- and they have the same

1 DNA, but now they're in two different environments.
2 Would you expect them to grow up and be exactly the
3 same person, or would those life experiences shape
4 each one differently?

5 JUROR NUMBER 65: It would shape each one
6 differently.

7 MR. PIROLO: The one in the loving, nurturing,
8 would probably have, you would expect, the more
9 positive life, and the other, not so much.

10 JUROR NUMBER 65: Yes, that's correct.

11 MR. PIROLO: Judge, may I have a minute?

12 THE COURT: Yes, you may.

13 MR. PIROLO: Juror Number 65, could you return a
14 life without parole recommendation?

15 JUROR NUMBER 65: Yes, I could.

16 MR. PIROLO: Do you think it's an appropriate
17 penalty to return?

18 JUROR NUMBER 65: Yes, sir.

19 MR. PIROLO: Forgive me if I asked you this
20 earlier, why are you for the death penalty?

21 JUROR NUMBER 65: As I said before, I have to
22 listen to both sides, both the prosecution side, the
23 defense side, and the instructions from the judge
24 before I could really come to a conclusion.

25 MR. PIROLO: But in terms of why you would

1 vote --

2 JUROR NUMBER 65: It's based on the instructions
3 from the judge, and I would do what I need to do.
4 From what the prosecution presents and from what you
5 are going to present, and the instructions from the
6 judge.

7 MR. PIROLO: And when you say what I'm going to
8 present, you're talking in terms of possible
9 mitigating circumstances?

10 JUROR NUMBER 65: Yes, sir.

11 MR. PIROLO: What kind of sentence do you believe
12 life without parole is?

13 JUROR NUMBER 65: It's someone locked away for
14 the rest of their life. (Unintelligible).

15 MR. PIROLO: Nothing else, Judge.

16 THE COURT: Okay. Number 65, you are excused for
17 today, but you are still under consideration for a
18 possible juror in this case. What I'm going to have
19 you do at this time is, go downstairs, report to the
20 jury assembly room, and they're going to give you a
21 phone number. You need to call that phone number next
22 Wednesday, and they're going to give you these
23 instructions downstairs, but call that phone number
24 next Wednesday, and that is March the 5th, between
25 1:00 and 5:00, and they're going to tell you when to

1 report next. I suspect that's either going to be the
2 next day, Thursday, or the next day, Friday. And then
3 at that time, we'll go into the second phase of the
4 jury selection process.

5 But during this recess, you must continue to
6 abide by the rules governing your service as a juror.
7 Specifically, do not discuss this case with anyone
8 else. Do not -- avoid reading newspaper headlines and
9 articles relating to this trial or its participants.
10 Avoid seeing or hearing television, radio, or Internet
11 comments about this trial. And do not conduct any
12 research yourself regarding -- or be exposed to any
13 research regarding any matters concerning this case.

14 Any questions or concerns?

15 JUROR NUMBER 65: No, Your Honor.

16 THE COURT: Okay. All right. Thank you, sir.

17 (Thereupon, Juror Number 65 was escorted out of
18 the courtroom by the court deputy; thereafter, Juror
19 Number 69 was escorted into the courtroom by the court
20 deputy and the proceedings were had as follows:)

21 THE COURT: Okay. Juror Number 69, the first
22 thing I want to do is thank you for being here, thank
23 you for being patient with us regarding this process.
24 It is a long process, it's long for us, and we know
25 it's long for you, so we do appreciate you being here.

1 I need to ask you some questions. Right before
2 the break this morning, I imposed some rules, I've got
3 to make sure those rules were followed. Have you read
4 or been exposed to any newspaper headlines or articles
5 related to this trial or its participants?

6 JUROR NUMBER 69: No.

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

9 JUROR NUMBER 69: No.

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

13 JUROR NUMBER 69: No.

14 THE COURT: Have you discussed this case with any
15 other jurors, or with anyone else, or allowed anyone
16 to discuss it in your presence?

17 JUROR NUMBER 69: No.

18 THE COURT: Okay. Before we broke, you talked
19 about having processed, I believe, a Social Security
20 application for Mr. Pill.

21 JUROR NUMBER 69: Yes.

22 THE COURT: Okay. And you said during that time,
23 you kind of had an extensive conversation, but that
24 was shortly after the death of his wife.

25 JUROR NUMBER 69: Yes.

1 THE COURT: So I think you said about three
2 weeks?

3 JUROR NUMBER 69: Yes.

4 THE COURT: And that you had had a conversation
5 with him about what he was going through.

6 JUROR NUMBER 69: Right.

7 THE COURT: Okay. Can you tell me a little bit
8 about that conversation, how long it lasted, and the
9 nature of the conversation?

10 JUROR NUMBER 69: It lasted probably about 20
11 minutes. He just came for a Social Security card, he
12 said he needed, I guess, for insurance purposes. And
13 then I started to process it, and I noticed his name;
14 and I'm like, oh, I'm sorry, how are you, and
15 everything. He just starting ranting about how he
16 hates -- how everything is not coming together quick
17 enough for him. He was pretty upset about him being
18 able to see his wife shortly after. He was upset
19 about --

20 THE COURT: Being able to see her, or not being
21 able to see her?

22 JUROR NUMBER 69: Not being able to see her. He
23 was just, basically, ranting about how the whole
24 process is, and how he was angry about the whole
25 system. He didn't know that -- he explained that he

1 didn't know how the system truly worked until he
2 affected him, basically.

3 THE COURT: Okay. How did you feel about that
4 conversation?

5 JUROR NUMBER 69: I guess I sympathized with him.

6 THE COURT: Okay.

7 JUROR NUMBER 69: Considering what he was going
8 through. And then I, you know, kind of understood,
9 you know, you go through an up and down emotion, and
10 everything is still kind of fresh. So I just kind of
11 understood what he was going through and just gave him
12 a listening ear, basically.

13 THE COURT: Okay. Let me tell you, first of all,
14 in this process, there's no right or wrong answers.
15 We're just asking you to tell us what you think, tell
16 us your views, and be honest with us. Have you talked
17 to him since then?

18 JUROR NUMBER 69: No.

19 THE COURT: Okay. And I'm going to ask you about
20 your knowledge of the case before coming here. Did
21 you learn anything about this case from any source? I
22 know you might have learned something that day, but
23 what about other information that you may have gained
24 from the media, from anyone else, from television,
25 radio, or Internet, newspaper, things of that nature.

1 JUROR NUMBER 69: Actually, yes. The day of the
2 incident, I got held up in traffic because I work in
3 Melbourne, leaving and trying to go home. So, of
4 course, when I got home I turned on the news to try
5 and find out what was going on.

6 THE COURT: Okay. And so you learned that
7 something happened that day?

8 JUROR NUMBER 69: Yes.

9 THE COURT: So what information do you believe
10 you know about the case at this time?

11 JUROR NUMBER 69: That, I guess, the officer,
12 Barbara Pill, was pursuing a gentleman driving a car,
13 and he had a lady that was with him, and that he shot
14 and killed her.

15 THE COURT: Okay. And since that day, have you
16 been exposed or heard or seen anything else with
17 regard to this case?

18 JUROR NUMBER 69: I mean, watching the news, for
19 about a month, and it kept coming up; but other than
20 that, no, I didn't do any extensive research or
21 anything like that.

22 THE COURT: Okay. That would have been the news
23 on TV?

24 JUROR NUMBER 69: Yes.

25 THE COURT: Do you watch the news on TV

1 regularly?

2 JUROR NUMBER 69: Yes.

3 THE COURT: Okay. And tell me your habits with
4 regard to watching the news.

5 JUROR NUMBER 69: Pretty much, in the morning
6 when I wake up, and sometimes in the evening. I try
7 and catch a lot of the weather reports, what's coming
8 up for the following day, being that I get the kids
9 ready for school and stuff.

10 THE COURT: Okay. So are you sitting down
11 watching it, or do you turn it on and you're listening
12 to it while you're doing other things?

13 JUROR NUMBER 69: In the mornings, I'm doing
14 other things; but, usually, if I'm watching it in the
15 evenings, I'm sitting down watching it.

16 THE COURT: Okay. And is that -- in the evening,
17 is that a daily routine, you know --

18 JUROR NUMBER 69: No. Probably every other day.

19 THE COURT: Okay. I know you have three kids, so
20 I expect nothing is too routine.

21 JUROR NUMBER 69: Oh, no. No. Of course not.
22 You know, usually when I get home, the kids are pretty
23 tired, one has karate, so if he's pretty tired about
24 that, and everyone just wants to go bed, then I'll
25 just sit around and watch 30 or 40 minutes of news.

1 THE COURT: Okay. What we ask you to do if you
2 are chosen as a juror in this case, you're instructed
3 by me that you need to set aside anything that you may
4 have learned about this case, serve with an open mind,
5 and reach a verdict based only on the law and the
6 evidence presented in this trial. Do you think you
7 could do that? Could you follow that instruction?

8 JUROR NUMBER 69: Not watch anything or --

9 THE COURT: Well, to set -- first of all, that's
10 going to be one of the instructions, to not watch
11 anything else, but this is based on what you've
12 already learned. Can you set that aside, the
13 experience that you may have had with Mr. Pill,
14 anything you know about this case, can you set that
15 aside, serve on this jury panel with an open mind, and
16 reach a verdict based only on the law as I instruct
17 you and the evidence that's presented in this trial,
18 in this courtroom? Can you do that?

19 JUROR NUMBER 69: It's kind of hard, because
20 hearing, you know, the conversation, and seeing and
21 speaking with the expression Mr. Pill had that day,
22 that kind of resonated with me for a while.

23 THE COURT: Like I said, there's no right or
24 wrong answers, we just want you to be -- tell us your
25 views and be truthful.

1 JUROR NUMBER 69: Yeah. It'll be kind of
2 difficult, knowing that --

3 THE COURT: Let me tell you something else that
4 may happen, just because you need to know. It's
5 highly likely that Mr. Pill will be here and in the
6 audience as part of the trial.

7 JUROR NUMBER 69: Okay.

8 THE COURT: And you would be sitting in this box
9 in here, and most likely he would be sitting in the
10 first row behind the State. Now, is that going to --
11 are you going to be able to set this aside and --

12 JUROR NUMBER 69: No.

13 THE COURT: Okay. I just -- I was telling you
14 where most likely people would sit because I wanted
15 you to know, you know, what the dynamics would be.

16 JUROR NUMBER 69: No. I --

17 THE COURT: That would be difficult for you.

18 JUROR NUMBER 69: Yes.

19 THE COURT: Okay. Is there anything I can say to
20 make you -- to say, if I instruct you to set aside
21 that experience, could you do that?

22 JUROR NUMBER 69: I guess I would have to try.
23 If that's the instructions for me to do. Yeah, I
24 would have to try. But if every time I see him, then,
25 you know, that's the first thing that comes to my

1 mind, the conversation we had.

2 THE COURT: Okay. If I could have a bench
3 conference.

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

7 THE COURT: Do you wish to inquire? I haven't
8 even gone into the death penalty part.

9 MR. PIROLO: Move for cause.

10 MR. BROWN: No objection.

11 THE COURT: Okay. That's a pretty significant
12 connection. Thank you.

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

15 THE COURT: Okay. Juror Number 69, thank you for
16 your patience. Thank you for being here all day, we
17 do appreciate it. I couldn't ask you those questions
18 in front of the other jurors. I didn't want to call
19 you out of order because I feel it's important to go
20 in an orderly manner.

21 JUROR NUMBER 69: I understand.

22 THE COURT: So I have to do everything to be fair
23 and impartial so that no one -- if I were to call you
24 out of order, someone in front of you might have said
25 I was doing something I shouldn't have been doing, so

1 I wanted to make sure to call you in order. But I do
2 appreciate you being here, everyone appreciates you
3 being here. I am going to release you from this panel
4 at this time. So you can go downstairs, report to the
5 jury assembly room. They're just going to take your
6 badge, give you some information, and you will be
7 released. So once again, thank you for being here, I
8 appreciate you coming to serve. Thank you.

9 (Thereupon, Juror Number 69 was escorted out of
10 the courtroom by the court deputy and the proceedings
11 were had as follows:)

12 THE COURT: Okay. Just for the record, Number 69
13 was released for cause. Now, 71 is the one that
14 talked about the cruise, so I will talk to her about
15 that first, and see if we can address that. So we'll
16 bring in 71.

17 (Thereupon, Juror Number 71 was escorted into the
18 courtroom by the court deputy and the proceedings were
19 had as follows:)

20 THE COURT: Okay. Number 71, the first thing I
21 want to do is thank you for being here, thank you for
22 your patience. This is a long process, this is long
23 for you all, it's long for us too. When you were with
24 us earlier, you talked about a cruise for one week on
25 March the 30th. Tell me what information you've

1 learned about that cruise.

2 JUROR NUMBER 71: So if we cancel, I would lose
3 \$1500.

4 THE COURT: Okay. How does that make you feel?

5 JUROR NUMBER 71: Not good.

6 THE COURT: Okay. \$1500 is somewhat significant.
7 Where are you going on the cruise?

8 JUROR NUMBER 71: Eastern Caribbean.

9 THE COURT: Okay. So that's -- is that the
10 Bahamas, or the Mexican --

11 JUROR NUMBER 71: St. Thomas.

12 THE COURT: Okay. And is it you -- it's you, and
13 who is going with you?

14 JUROR NUMBER 71: My husband.

15 THE COURT: Okay. And is this something -- I
16 mean, does your husband work?

17 JUROR NUMBER 71: He just got laid off, so that's
18 his going away gift, per se.

19 THE COURT: Okay. Do you work?

20 JUROR NUMBER 71: Yes.

21 THE COURT: And did you take the time off work to
22 go on the cruise?

23 JUROR NUMBER 71: Yes.

24 THE COURT: Okay. And that's your vacation time?

25 JUROR NUMBER 71: Yes.

1 THE COURT: Okay. If I could have a bench
2 conference.

3 MR. MOORE: Can we just stipulate?

4 MR. BROWN: Stipulate.

5 THE COURT: Okay. All right. Number 71, thank
6 you for your patience. I wish I could have called you
7 earlier, I'm trying to go in a orderly fashion, I
8 don't want anyone to think that I'm playing preference
9 to anyone. I'm glad we got to you this afternoon.
10 But I am going to release you. Thank you for being
11 here. I'm going to have you report downstairs to the
12 jury assembly room. They will give you some brief
13 information, and then they'll send you on your way.
14 Okay. Thank you.

15 (Thereupon, Juror Number 71 was escorted out of
16 the courtroom by the court deputy and the proceedings
17 were had as follows:)

18 THE COURT: Okay. Just for the record, Number 71
19 was released for cause. Actually, that would be
20 hardship, I guess. Okay. If we could bring in Number
21 75.

22 (Thereupon, Juror Number 75 was escorted into the
23 courtroom by the court deputy and the proceedings were
24 had as follows:)

25 THE COURT: Okay. Number 75, thank you for being

1 here, thank you for your patience. I know it's been a
2 long day for you, I assure you it's been a long day
3 for us, but we do appreciate you being here.

4 When we broke, there was some rules that I put in
5 place, and those rules kind of started at that time.
6 So I'm going to ask you, since those rules were in
7 place, have you been exposed to reading newspaper
8 headlines or articles relating to this trial or its
9 participants?

10 JUROR NUMBER 75: No.

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

13 JUROR NUMBER 75: No.

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

17 JUROR NUMBER 75: No.

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

21 JUROR NUMBER 75: No.

22 THE COURT: Okay. How this process works is, I'm
23 going to ask you some questions, then the attorneys
24 have an opportunity to ask you some questions as well.
25 So my first question is a pretty general question,

1 just to get some opinions from you, what are your
2 views about the death penalty?

3 JUROR NUMBER 75: I'm for it.

4 THE COURT: Okay. So let me tell you a little
5 bit about the process, and then I'll follow up with
6 some questions. There's two phases to the trial, the
7 first phase is the guilt phase. In the event there is
8 a guilty verdict on count one, and count one is
9 premeditated murder of the first degree, then, and
10 only then, we would move into the second phase, which
11 is the penalty phase. Count one is the only count
12 that would -- if there's a guilty verdict would lead
13 to a penalty phase. If the jury returns a verdict on
14 count one, a guilty verdict, then we move to the
15 penalty phase. In the penalty phase, as a juror, you
16 would be instructed to make a recommendation to the
17 Court, which would be me, of a possible penalty. The
18 penalties that you are instructed to consider are
19 death, or life in prison without the possibility of
20 parole. Are you of the opinion that death is the only
21 appropriate penalty for murder in the first degree,
22 and is that opinion so strong that you could not
23 consider life in prison without the possibility of
24 parole under any circumstances?

25 JUROR NUMBER 75: No, I would go for death

1 penalty.

2 THE COURT: Okay. Do you know anything about
3 this case?

4 JUROR NUMBER 75: Just what I read in the paper.

5 THE COURT: Okay. So you're saying if there was
6 -- if I instructed you, as part of your instructions,
7 as part of your duty as a juror in this case, that you
8 would have to consider life in prison without the
9 possibility of parole, would you be able to follow
10 that instruction?

11 JUROR NUMBER 75: Probably not.

12 THE COURT: Okay.

13 JUROR NUMBER 75: I would -- I feel too strongly
14 on the death penalty.

15 THE COURT: Okay. If I were to ask you to give
16 me an opinion -- give me a number on how you feel
17 about the death penalty, 10 being, you know, strongly
18 in favor of the death penalty, 0 being that you're
19 opposed to the death penalty, how would you say you
20 rate in that scale?

21 JUROR NUMBER 75: Probably 8 or 9.

22 THE COURT: Okay. And you say you're strongly in
23 favor of the death penalty.

24 JUROR NUMBER 75: Yes.

25 THE COURT: Have you -- how long have you held

1 that opinion?

2 JUROR NUMBER 75: I don't recall. Quite a while.

3 THE COURT: Okay. In this case, you may have
4 learned that it does involve the death of a police
5 officer. I assume you were aware of that?

6 JUROR NUMBER 75: Yes.

7 THE COURT: Okay. Have you formed an opinion
8 about this case?

9 JUROR NUMBER 75: Yes.

10 THE COURT: Okay. Tell me what that opinion
11 would be.

12 JUROR NUMBER 75: Guilty.

13 THE COURT: Okay. And what it is that you
14 believe you know about the case?

15 JUROR NUMBER 75: Just what I read in the paper,
16 and heard.

17 THE COURT: Okay. And when you read it in the
18 paper -- do you read the paper frequently?

19 JUROR NUMBER 75: Yes. Every day.

20 THE COURT: Okay. And which paper is that?

21 JUROR NUMBER 75: Florida Today.

22 THE COURT: So anything that was published in
23 Florida Today, you would have read that regarding this
24 case.

25 JUROR NUMBER 75: Yes.

1 THE COURT: Including -- there was a two-page
2 spread on Sunday, did you read that?

3 JUROR NUMBER 75: I don't recall. This previous
4 Sunday?

5 THE COURT: Yes, sir.

6 JUROR NUMBER 75: I probably read it, I jut don't
7 recall.

8 THE COURT: Okay. So if I were to instruct you
9 that you had to set aside anything that you may have
10 learned in this case prior to coming here, serve with
11 an open mind, and reach a verdict only on the law as I
12 instruct you and the evidence presented in this trial,
13 in this courtroom, would you be able to do that?

14 JUROR NUMBER 75: I don't think so.

15 THE COURT: Okay. Some people say "I don't think
16 so," meaning that -- people talk that way as a matter
17 of speaking. Sometimes it just means, you know,
18 that's just the way they talk; other times it means
19 that they think they can and they think they can't.
20 So, I mean, if you could be more definite, Judge, I
21 can't do that, or, Judge, I think I could do that, I'm
22 just not sure.

23 JUROR NUMBER 75: I would say, no, I don't think
24 I can do that.

25 THE COURT: Okay. You said "think" again.

1 JUROR NUMBER 75: No, I will not do that.

2 THE COURT: Okay. Because what you're asked to
3 do is, kind of, come in here with a clean slate. If
4 it was a scale, you can't tip the scale in the very
5 beginning in favor of the State. Do you think you
6 could do that?

7 JUROR NUMBER 75: No. I already think I made my
8 decision.

9 THE COURT: Okay. Questions by the State?

10 MR. BROWN: No, Your Honor.

11 MR. MOORE: Stipulate.

12 THE COURT: Okay. Number 75, at this time I am
13 going to release you from your service as a juror in
14 this case. I do appreciate your patience with regard
15 to this matter. You are released from Judge Reinman's
16 courtroom. I'm going to ask you to go downstairs,
17 speak to the jury assembly clerk. They're going to
18 take your badge, give you some general instructions,
19 and you can be on your way. Thank you, sir.

20 (Thereupon, Juror Number 75 was escorted out of
21 the courtroom by the court deputy and the proceedings
22 were had as follows:)

23 THE COURT: Okay. With regard to this case,
24 Number 75 was released for cause. Okay. If we could
25 bring in Number 76.

1 (Thereupon, Juror Number 76 was escorted into the
2 courtroom by the court deputy and the proceedings were
3 had as follows:)

4 THE COURT: Okay. Number 76, the first thing I
5 want to do is thank you for being here. We do
6 appreciate you coming to serve. We also appreciate
7 you being patient. It's been all day, we've been here
8 all day too. We appreciate you being patient with
9 this process.

10 When we talked to you earlier, you talked about
11 your two children, six and seven year old, with regard
12 to dance. I assume they are -- I think you said they
13 are both girls?

14 JUROR NUMBER 76: Yeah.

15 THE COURT: Two girls, with regard to dance, and
16 that they had dance on Thursday and Friday from 3:00
17 to 6:00. And I think you said Viera --

18 JUROR NUMBER 76: Dance Conservatory.

19 THE COURT: So have you talked to anyone or had
20 conversations about if you could accommodate that
21 schedule if you were chosen as a juror in this case?

22 JUROR NUMBER 76: Yeah. I mean, I talked to my
23 mom and, you know, she said that she would help. I
24 mean, again, I don't know how comfortable I am with
25 the situation, but she said she would -- you know, she

1 works too, so I don't know -- you know, she said she
2 would do everything she could to help out. So, I
3 mean, if push came to shove, I would say, yeah, we can
4 probably make it happen.

5 THE COURT: Okay. What I heard you say
6 previously is that you don't normally -- no one
7 normally does this duty for you, you normally do it
8 yourself.

9 JUROR NUMBER 76: That's correct.

10 THE COURT: And so one of the issues I want to
11 ask you about is, when you're here, you have to give
12 it great attention, pay attention to the details, pay
13 attention to the evidence. Sometimes the evidence is
14 more stirring as to your attention, other times it's
15 not, depending on who may be testifying. I don't know
16 how to put that in a better term. Is it going to be
17 -- and you have to help us with this, are you going to
18 be able -- knowing that, you know, something may be
19 out there and what your kids may be doing, are you
20 going to be able to give this case the attention and
21 the time that it deserves, or do you think that you
22 may be distracted, thinking about the responsibilities
23 that you may have with the other children?

24 JUROR NUMBER 76: No, I wouldn't be distracted.

25 THE COURT: Okay. So you could do that?

1 JUROR NUMBER 76: Yes.

2 THE COURT: Okay. I just wanted to make sure.
3 There's no right or wrong answers in here. The only
4 thing we ask you to do is to be honest, be
5 forthcoming, but understand that there's no right or
6 wrong answers.

7 The first thing I'm going to ask you about is,
8 when we took a break, I announced some rules, so I
9 need to ask you about those. Those rules kind of came
10 into effect at that time. Have you read or been
11 exposed to reading newspaper headlines and/or articles
12 relating to this trial or its participants?

13 JUROR NUMBER 76: No.

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

16 JUROR NUMBER 76: No.

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

20 JUROR NUMBER 76: No.

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

24 JUROR NUMBER 76: No.

25 THE COURT: Okay. I'm going to ask you some

1 questions, and then the State has an opportunity to
2 ask you questions, then the defense has an opportunity
3 to ask you questions. The first question I ask you is
4 kind of a general question, what are your views about
5 the death penalty?

6 JUROR NUMBER 76: I believe in it.

7 THE COURT: Okay. So if I were to ask you if you
8 were, more or less, opposed, or for, you would say you
9 were for?

10 JUROR NUMBER 76: I am.

11 THE COURT: Okay. I'm going to tell you a little
12 bit about the process. There's two possible phases in
13 this trial. The first phase is what we call the guilt
14 phase. In the guilt phase, if the jury were to return
15 a guilty verdict on count one, and it only pertains to
16 count one, if there was a guilty verdict on the
17 premeditated murder of the first degree, then, at that
18 time, we would move into the second phase. The second
19 phase is what we call the penalty phase. In the
20 penalty phase, as a juror, the jury would be
21 instructed to give the Court, which would be me, a
22 recommendation as to a possible penalty, and that
23 would be a penalty of death, or life in prison without
24 the possibility of parole.

25 Now, I would instruct you that you would have to

1 consider life in prison without the possibility of
2 parole as a possible penalty, and I would give you
3 instructions about how -- what circumstances you use
4 in order to guide you in making that recommendation to
5 the Court. But are you of the opinion that death is
6 the only appropriate penalty for murder in the first
7 degree, and is that opinion so strong that you would
8 not consider life in prison without the possibility of
9 parole as a penalty under any circumstances?

10 JUROR NUMBER 76: No.

11 THE COURT: Okay. So you would consider -- you
12 would take that under consideration?

13 JUROR NUMBER 76: Yes.

14 THE COURT: Okay. Now I'm going to ask you what
15 you know about this case. Do you know anything about
16 this case, either from your own personal knowledge,
17 rumor, by discussions with anyone else, from the
18 media, television, radio, Internet, newspaper, or
19 anything you can think of? Do you know something
20 about this case?

21 JUROR NUMBER 76: Yes.

22 THE COURT: Okay. There's no right or wrong
23 answers --

24 JUROR NUMBER 76: Yes.

25 THE COURT: Most people say yes to this question,

1 so that's why we're here. What information do you
2 believe that you know about this case?

3 JUROR NUMBER 76: I mean, just that a deputy was
4 shot and killed. That's it, basically. I mean, there
5 was --

6 THE COURT: Okay. That would have happened at
7 the time of the event, you would have learned that
8 information?

9 JUROR NUMBER 76: At the time of the -- like when
10 it happened?

11 THE COURT: Yes, ma'am.

12 JUROR NUMBER 76: Yeah. I mean, I'm up on the
13 news and, you know, I read news articles in the
14 newspaper and stuff, so yes.

15 THE COURT: Okay. Do you watch the news on a
16 regular basis?

17 JUROR NUMBER 76: I can't say I watch the news,
18 but I have the app on my phone and I check it daily.

19 THE COURT: When you say you have the app on the
20 phone, is it from Florida Today?

21 JUROR NUMBER 76: No. It's the Channel 9 news
22 app, it's the only one that I have.

23 THE COURT: Okay.

24 JUROR NUMBER 76: That's pretty much the only
25 news that I watch.

1 THE COURT: Do they give you, like, the
2 highlights of the day?

3 JUROR NUMBER 76: Yeah, I think so. Yeah.

4 THE COURT: So you -- is it snippets, or is it
5 where you can -- I'm not -- I haven't seen that app.
6 What is it? What do they have?

7 JUROR NUMBER 76: Well, it's just like any normal
8 news app. You know, they have, like, local news,
9 national news.

10 THE COURT: I know, like, Florida Today gives you
11 the top five news stories and a little snippet
12 underneath it.

13 JUROR NUMBER 76: Yeah. I mean, it's basically
14 the three, or two, most popular or most current for
15 the local. And you have to, like, click on it to read
16 about it, or whatever. If something happens that's a
17 big story or something, I would get, like, an alert or
18 something like that.

19 THE COURT: Okay. So you have that app on your
20 phone, and this case has been part of that on
21 occasion.

22 JUROR NUMBER 76: I've seen it, yeah. I've seen
23 it on there.

24 THE COURT: Now, what you're asked to do if you
25 are chosen as a juror in this case, you're asked to

1 set aside anything that you may have learned about the
2 case, serve with an open mind, and reach a verdict
3 based only on the law that I instruct you, on the
4 evidence presented at this trial, in this courtroom.
5 Can you do that?

6 JUROR NUMBER 76: I honestly don't think so.

7 THE COURT: Okay. You say, I don't think so, and
8 whenever people say "think," we question you more.
9 Because with "think," some people talk in a form of
10 speech and say "think," and for some people that means
11 that they're just not sure. So that's why -- a lot of
12 people say "think" as part of their -- I realize I
13 even say that sometimes. So we're going to ask you
14 questions about that. Do you -- what you're going to
15 be asked to do is to -- the State has the burden of
16 proof, they have to prove the counts beyond and to the
17 exclusion of every reasonable doubt. The defendant is
18 not required to prove anything; and, in fact, there's
19 a presumption of innocence. So as you sit here today,
20 the defendant -- because you haven't heard anything,
21 the defendant is presumed to be innocent. Could you
22 sit there and make the State prove their case and give
23 the defendant the presumption of innocence?

24 JUROR NUMBER 76: Honestly, I -- no. No. I
25 don't think so.

1 THE COURT: Okay. There's no right or wrong
2 answers, you don't need to be afraid of your --

3 JUROR NUMBER 76: Yeah. No, I'm not afraid,
4 that's just, like, the thing I struggle the most with,
5 and I've been thinking about it most of the day. I
6 just don't -- I don't think I can.

7 THE COURT: Okay. So you think that if you were
8 to come in here, you would give the State -- you'd say
9 if there's a scale of justice, there needs to be
10 nothing on those scales, and you would give the State
11 -- you'd weigh that in favor of the State at this
12 time?

13 JUROR NUMBER 76: Yes.

14 THE COURT: Okay. Questions by the State?

15 MR. BROWN: No, Your Honor.

16 MR. MOORE: Stipulate.

17 MR. BROWN: Stipulate.

18 THE COURT: Okay. Juror Number 76, I appreciate
19 you coming here to serve. I thank you for being a
20 part of this process. I am going to release you from
21 consideration. If you could go downstairs, talk to
22 the jury clerk down there, they'll take your badge,
23 and send you on your way. Thank you very much.

24 (Thereupon, Juror Number 76 was escorted out of
25 the courtroom by the court deputy and the proceedings

1 were had as follows:)

2 THE COURT: Okay. For the record, Juror Number
3 76 was released for cause. Okay. Can we bring in
4 Juror Number 78? I think I should have two out there,
5 if I'm right.

6 (Thereupon, Juror Number 78 was escorted into the
7 courtroom by the court deputy and the proceedings were
8 had as follows:)

9 THE COURT: Juror Number 78, thank you for being
10 here. I want to thank you for your patience, thank
11 you for being a part of this process. I know it's
12 been a long day, it's been a long day for us too, but
13 we appreciate you being here.

14 Before we broke, I talked about some
15 instructions, some rules, that govern your service as
16 a juror, so I'm going to ask you about those rules.
17 And they kind of came into effect at that time. Have
18 you read or been exposed to reading newspaper
19 headlines and/or articles relating to this trial or
20 its participants?

21 JUROR NUMBER 78: No.

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

24 JUROR NUMBER 78: No.

25 THE COURT: Have you conducted or been exposed to

1 any research regarding any matters concerning this
2 case?

3 JUROR NUMBER 78: No.

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

7 JUROR NUMBER 78: No.

8 THE COURT: I'm going to ask you some questions,
9 then the State has an opportunity to ask you some
10 questions, and then the defense has an opportunity to
11 ask you some questions. My first question is a very
12 general question, and there's no right or wrong
13 answers in here. We just ask you to be honest, frank,
14 and have candor with the Court. That's all we ask.
15 So the first question is, what are your views about
16 the death penalty?

17 JUROR NUMBER 78: It is an extreme, sometimes
18 necessary, punishment.

19 THE COURT: Okay. So if I were to say, are you
20 for or against, you would have to say you were for,
21 but you have some reservations.

22 JUROR NUMBER 78: Right.

23 THE COURT: Okay. How this process works is,
24 there's two possible phases to a trial. In the first
25 phase, which we call the guilt phase, if the jury

1 returns a verdict of guilty on count one, and it only
2 pertains to count one, if you were to return a verdict
3 of guilty on the count one, premeditated murder of the
4 first degree, then we move into the penalty phase.

5 In the penalty phase, if you were chosen to sit
6 as a juror, you would be instructed that you have to
7 return a recommendation to the Court of a possible
8 penalty of either death, or life in prison without the
9 possibility of parole. I would instruct you that you
10 have to consider both possible penalties in your
11 deliberations. Are you of the opinion that death is
12 the only appropriate penalty for murder in the first
13 degree, and is that opinion so strong that you could
14 not consider life in prison without the possibility of
15 parole as a penalty under any circumstances?

16 JUROR NUMBER 78: No.

17 THE COURT: Okay. So you could consider both
18 life in prison without the possibility of parole and
19 death?

20 JUROR NUMBER 78: Yes.

21 THE COURT: Okay. I'm going to ask you what you
22 know about this case. Do you know anything about this
23 case, either from your own personal knowledge, rumor,
24 by discussion with anyone else, or from the media,
25 radio, television, Internet comments, or newspapers?

1 JUROR NUMBER 78: I know about the event that
2 took place when the deputy was shot and killed. I
3 don't know a lot about it, I do not watch broadcast
4 TV, we do not have it in our home. I don't subscribe
5 to a newspaper and (unintelligible). So I know that
6 happened, I remember her name, I did not remember the
7 young man's name, I didn't recognize that. And that's
8 the extent of it.

9 THE COURT: Okay. You say you don't have
10 broadcast TV in your home, tell me what that means.

11 JUROR NUMBER 78: We only watch prerecorded
12 videos, movies.

13 THE COURT: Okay. So you remember seeing
14 something, but you don't remember the source?

15 JUROR NUMBER 78: No. Well, probably on a --
16 walking by somewhere, on a TV, or stopping by
17 somebody's house and saw something on TV.

18 THE COURT: But you say, as a part of your
19 routine, you don't normally watch the news?

20 JUROR NUMBER 78: Correct.

21 THE COURT: And I didn't quite catch what you
22 said about newspapers, do you have newspapers that
23 come to your home, and do you read newspapers?

24 JUROR NUMBER 78: Online sometimes. Very rarely
25 do I read the local newspaper online, usually it's

1 just the national or world news.

2 THE COURT: Okay. So you wouldn't -- did you
3 read anything about this case in the newspaper?

4 JUROR NUMBER 78: No. I think I heard --
5 somehow, either I glanced at it, or somehow I knew
6 that a trial was going to take place or -- because I
7 recognized Deputy Pill's name, it's a memorable name.
8 But that's the extent of it, I don't know anything
9 other than maybe a trial was going to take place.

10 THE COURT: Okay. For purposes of this trial,
11 can you set aside anything that you may have learned
12 about this case, serve with an open mind, and reach a
13 verdict based only on the law and the evidence
14 presented in this trial, in this courtroom?

15 JUROR NUMBER 78: Yes.

16 THE COURT: Okay. Questions by the State?

17 MR. BROWN: Yes, Your Honor. Juror Number 78,
18 good afternoon, or good evening now, as we get to this
19 time. I'm just going to talk to you a little bit
20 about the death penalty. You indicated that it's an
21 extreme but sometimes necessary punishment. Can you
22 expand kind of on your viewpoint or your thoughts
23 about the death penalty for me?

24 JUROR NUMBER 78: Well, certainly, it's an action
25 that can't be reversed, it's absolute. If you

1 determine later, well, maybe we made a wrong decision,
2 it can't be reversed. I think the death penalty --
3 just in a practical sense, or a pragmatic sense, from
4 everything I read, it's a lighter burden on society to
5 give somebody a life sentence rather than give them
6 the death penalty.

7 (Unintelligible) give a death sentence. When it
8 might be warranted, I think, is when there's a
9 possibility of the guilty person, the person who's
10 found guilty, when the possibility is that, should
11 they get loose, escape, incarceration, that they might
12 cause terrible damage to society at large, like the
13 leader of a (unintelligible), or something like that.
14 So the death penalty is an extreme thing, but
15 sometimes it's warranted. H

16 MR. BROWN: In your mind, that type of a
17 situation, do you see the death penalty limited to
18 only that type of a situation?

19 JUROR NUMBER 78: No. I think the scenarios we
20 can talk about are probably unlimited. Every case
21 needs to be considered on its own; but, in general, as
22 a generality, that's (unintelligible).

23 MR. BROWN: Okay. And about your opinion as far
24 as whether it's a lighter burden on society, you said
25 it would be a lighter burden on society with a life

1 sentence rather than the death penalty. Do you think
2 that's something -- would that enter into your
3 consideration when you're determining a life or death
4 recommendation to the Court?

5 JUROR NUMBER 78: It might be a factor. It could
6 be a factor. There's probably other things that would
7 carry more weight.

8 MR. BROWN: Okay. What other things?

9 JUROR NUMBER 78: I don't know.

10 MR. BROWN: Okay. Let me kind of go through the
11 process with you a little bit on if you're selected as
12 a juror, how a jury gets to the point of making that
13 recommendation. I know the judge covered it this
14 morning with you, but she covered a lot of things, and
15 it was several hours ago. The first step, obviously,
16 is that the jury that's selected needs to return a
17 verdict for first degree murder. If they return a
18 verdict of not guilty, then there's no sentencing at
19 all; if they return a verdict for a lesser charge,
20 such as second degree murder, or something else, the
21 death penalty's off the table, sentencing is to the
22 Court, and you, as a jury, are done at that point. Do
23 you understand that?

24 JUROR NUMBER 78: Okay. Yes.

25 MR. BROWN: If the jury returns a verdict of

1 guilty of first degree murder, then we reconvene, and
2 you'd hear additional evidence that goes towards the
3 sentencing aspect. You may have already some of it
4 from the guilt phase, but then more will come in in
5 the second phase. And the Court's going to, after you
6 hear that evidence, give a set of final instructions;
7 and the first thing she's going to lay out for you is
8 to give you a list of what are called aggravating
9 circumstances that may apply in this case, and you
10 need to determine whether or not any of those
11 aggravating circumstances, one or more, are proved.

12 What aggravating circumstances are, are some fact
13 or situation, a circumstance, that would increase the
14 gravity of the crime or the harm to the victim. And
15 it's to those circumstances that you look, and it's
16 that basis, and that basis alone, that you can justify
17 and vote for the death penalty. So those are the
18 circumstances that take first degree murder, I'll use
19 the term aggravate, aggravating circumstances,
20 aggravate it up to the higher sentence of the death
21 penalty. Do you understand?

22 JUROR NUMBER 78: Yes.

23 MR. BROWN: So you look to see whether the
24 State's proven at least one, we may have proven more,
25 but in order to get to the next step, we have to prove

1 at least one, of those aggravating circumstances. If
2 the State hasn't proven any, then your recommendation
3 has to be life. If we've proven at least one, then
4 you look at those circumstances that have been proven
5 and ask yourself, do these justify the death penalty?
6 If your answer is no, then you return life, a
7 recommendation of life. If your answer is yes, these
8 aggravating circumstances justify the death penalty,
9 you go to the next step.

10 That's where the Court's going to tell you that
11 you then evaluate the mitigating circumstances. And,
12 as the Court mentioned, that's evidence that relates
13 to the defendant, his background, character, his life.
14 And you take that evidence, and there's also a burden
15 of proof for that. As I said, the State has to prove
16 aggravating circumstances beyond a reasonable doubt.
17 Well, there's a burden of proof for the mitigating
18 circumstances, it's lower, it's to the greater weight
19 of the evidence. So mitigating evidence is presented,
20 if something's not proven to your satisfaction, you
21 disregard it. You take that mitigating evidence
22 that's been proven, and you -- the judge is going to
23 tell you that you compare it and weigh it against the
24 aggravating circumstances.

25 Now, in your lifetime, have you had to make

1 critical, key decisions?

2 JUROR NUMBER 78: Sure. Yes.

3 MR. BROWN: And when you've made those decisions,
4 do you look at all the factors that you have, all the
5 circumstances, everything that's involved?

6 JUROR NUMBER 78: Yeah. Well, ideally.

7 MR. BROWN: At least you hope to, that's what you
8 try to do.

9 JUROR NUMBER 78: Correct.

10 MR. BROWN: And when you look at those,
11 obviously, some factors, or some circumstances, you
12 find to be far more important than others. Right?

13 JUROR NUMBER 78: Yes.

14 MR. BROWN: And those important circumstances,
15 you give great weight to in making your decision.
16 Right?

17 JUROR NUMBER 78: Yes.

18 MR. BROWN: Those ones that you find have little
19 importance, you give little weight to. Right?

20 JUROR NUMBER 78: Right.

21 MR. BROWN: I mean, you kind of weigh all those
22 circumstances, and that's how you come to your
23 decision.

24 JUROR NUMBER 78: Right.

25 MR. BROWN: What the Court's going to instruct

1 you is you go through that same type of process here.
2 It's a weighing process. You consider everything
3 that's been proven, you determine how much weight to
4 give it. You can give something great weight, or you
5 can find something not important at all, and give it
6 very little weight. What you have to do is agree to
7 consider the evidence, but the weight is up to you.
8 You determine how much weight to give to all the
9 evidence that's been presented to you.

10 So what you do is, you go through that weighing
11 process, and you have to ask yourself, does the
12 mitigating evidence, mitigating circumstances,
13 outweigh those aggravating circumstances you've
14 already found to have been proven. You weigh those.
15 Obviously, if you find the mitigating circumstances
16 outweigh the aggravating circumstances, then your
17 recommendation has to be life in prison. If you find,
18 however, that it does not outweigh the aggravating
19 circumstances, then you're in a position where,
20 legally, you can make a recommendation to the Court
21 for the death penalty.

22 Now, the Court's going to tell you -- or she's
23 not going to tell you, if you find A, B, C, that you
24 must return a recommendation of the death penalty. It
25 doesn't work like that. You can say, well, I'll do

1 whatever the law requires me to do, but there's going
2 to be no requirement. You've got to go through that
3 weighing process, find that we've proven the
4 aggravators, find that they're not outweighed by the
5 mitigation; and if you get to that point, and you find
6 the death penalty is justified, that's when you make
7 that recommendation. She's going to tell you that
8 you're never required to return a death penalty
9 verdict, you have to go through that weighing process,
10 and find that it's justified. Do you understand?

11 JUROR NUMBER 78: Yes.

12 MR. BROWN: Any questions about that process?

13 JUROR NUMBER 78: No.

14 MR. BROWN: Now, given that process, if you find
15 the death penalty is justified, can you return a
16 recommendation for the death penalty?

17 JUROR NUMBER 78: Yes.

18 MR. BROWN: Do you have concerns or have any
19 hesitation, based on philosophical beliefs, religious
20 beliefs, moral beliefs, family history, whatever it
21 may be, is there anything about you that causes you
22 concern or hesitation about having to return or being
23 in a situation where you have to make that type of
24 decision?

25 JUROR NUMBER 78: No. Except that I need to know

1 that I am making the right decision. I have to be
2 absolutely certain that I'm right.

3 MR. BROWN: Okay. Now, you used the term
4 "absolutely certain." When the Court spoke earlier
5 and talked about the aggravating circumstances and
6 proof, she talked about proof beyond a reasonable
7 doubt. You remember hearing her talk about that?

8 JUROR NUMBER 78: Correct.

9 MR. BROWN: And she used the term, a reasonable
10 doubt is not a speculative, forced, not a possible
11 doubt, or imaginary doubt.

12 JUROR NUMBER 78: Right. Yeah. Beyond a
13 reasonable doubt, to me, would be an absolute.

14 MR. BROWN: Okay. Do you see a difference
15 between a reasonable doubt versus impossible doubt, or
16 speculative doubt?

17 JUROR NUMBER 78: Yes. Sure. Yes.

18 MR. BROWN: Do you see a difference -- the
19 distinction?

20 JUROR NUMBER 78: Yes.

21 MR. BROWN: Okay. And that's kind of where I'm
22 going, you used the term "absolute," somebody may
23 define absolute to be, well, if I have a possible
24 doubt, or speculative, forcing myself to doubt, I'm
25 not absolute.

1 JUROR NUMBER 78: Okay.

2 MR. BROWN: So do you see there can be a
3 difference in that burden of proof?

4 JUROR NUMBER 78: Sure.

5 MR. BROWN: That's why I wanted to talk to you
6 when you used that term, to make sure that we're on
7 the same page in what we're meaning. Obviously, I'm
8 -- you know, I use the term reasonable doubt on a
9 regular basis, you do not. It's not something that
10 you use in ordinary conversation outside of court.

11 JUROR NUMBER 78: Sure.

12 MR. BROWN: So when you use that term, you have
13 to be "absolutely certain," where are you leaning,
14 what are you meaning by that term?

15 JUROR NUMBER 78: I think -- well, my definition,
16 my personal definition, of that agrees with the beyond
17 a reasonable doubt.

18 MR. BROWN: Okay. So you're not going to hold
19 the State to a burden that's higher than what the
20 Court described to you?

21 JUROR NUMBER 78: No.

22 MR. BROWN: And that's where we're trying to go,
23 I want to make sure that you're going to do this the
24 right way.

25 JUROR NUMBER 78: Yes.

1 MR. BROWN: Okay. Now, do you come in with -- I
2 think we covered this earlier, but now that we went
3 through the process, and you know the Court's going to
4 give you that list of aggravating circumstances that
5 may apply in this case, do you come in with any idea,
6 or notion, of saying, you know, in order for me to
7 recommend the death penalty, it's going to have to be
8 one of these types of things or situations?

9 JUROR NUMBER 78: No. No preconceived notions.

10 MR. BROWN: Okay. So you'll listen to what the
11 Court tells you.

12 JUROR NUMBER 78: Yes.

13 MR. BROWN: And, obviously, it's going to be a
14 statutory list of items that you can consider that
15 would increase the gravity of the crime or the harm to
16 the victim.

17 JUROR NUMBER 78: Say that again, please.

18 MR. BROWN: Well, the aggravating circumstances,
19 as I mentioned earlier, those are -- it's a list of
20 items that would increase the gravity of the crime or
21 the harm to the victim, circumstances concerning the
22 case and what happened. So you could listen to that
23 list the Court gives you and follow that?

24 JUROR NUMBER 78: Yes.

25 MR. BROWN: One last area that I want to cover --

1 and I pretty much try to ask every person that's been
2 here this, and it may or may not apply to you, but it
3 also could apply to somebody else, and if you're back
4 in the jury room, and you see it happening, then you
5 know to put a stop to it. Knowing that if you, as a
6 juror, come back with a verdict of less than first
7 degree, say you come back second degree murder, you
8 will not be in the situation where you have to make
9 that recommendation to the Court of life or death. So
10 if the State proves to you that this defendant
11 committed first degree murder, would you let it enter
12 into your thought process, your deliberation process,
13 you know, they proved first degree, but if I just go
14 down to second, I don't have to come back, and I don't
15 have to worry, and I don't have to be faced with that
16 situation of voting for or against the death penalty?

17 JUROR NUMBER 78: No.

18 MR. BROWN: You would agree that the evidence
19 presented to you, the verdict that that evidence
20 dictates, will be the verdict that you return?

21 JUROR NUMBER 78: Yes.

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

24 THE COURT: Okay. Questions by the defense?

25 MR. PIROLO: Thank you, Your Honor. Good

1 evening. How are you, sir? As you know, there are no
2 wrong answers. We just ask that you speak your mind.
3 Whatever you've got inside, whatever you're thinking,
4 just let us know. And I want to touch on a couple
5 things that you brought up earlier, and I've got some
6 different questions to ask.

7 First of all, what I want to start with is,
8 you've heard life without the possibility of parole,
9 and what that means is, the person who is sentenced to
10 life without parole never gets out of prison. They
11 die in prison. Do you accept that? Do you understand
12 that?

13 JUROR NUMBER 78: I know that's what it is, yes.

14 MR. PIROLO: Okay. I bring that up because
15 earlier you mentioned something about what if the
16 person could get out later on, and maybe do some more
17 harm to society. Do you understand that in a case
18 like this, if we get to the second phase, if you were
19 to return a life without parole recommendation, that's
20 what the sentence would impose, is that Mr. Bradley,
21 this individual that we're concerned about here, would
22 never get out of prison.

23 JUROR NUMBER 78: Yes.

24 MR. PIROLO: You made that comment earlier, I
25 thought -- correct me if I'm wrong, but what I thought

1 you meant was, if the guy could get out one day, I
2 don't want him to get out, that would be a good reason
3 for the death penalty. I just want you to
4 understand --

5 JUROR NUMBER 78: No, that wasn't my intent with
6 that hypothetical.

7 MR. PIROLO: Okay. But you do understand what
8 life without parole means?

9 JUROR NUMBER 78: It means that, yes, the
10 defendant will be incarcerated for all of his life.

11 MR. PIROLO: Right. Do you agree that's a
12 critical decision to come to?

13 JUROR NUMBER 78: It's -- I've had to make a lot
14 of really difficult decisions (unintelligible)
15 business owner (unintelligible). This, I would say,
16 is probably the most difficult -- if I'm part of this
17 jury, that would be about -- it may be the most
18 difficult decision I've ever had to make.

19 MR. PIROLO: Do you think you could return a life
20 without parole recommendation if it was appropriate?

21 JUROR NUMBER 78: Yes.

22 MR. PIROLO: Any hesitation over that? If you
23 found that --

24 JUROR NUMBER 78: Oh, no, I have no hesitation
25 that when I decide, that I can do what I decide.

1 MR. PIROLO: You mentioned the death penalty
2 should be extreme -- it's an extreme penalty, but
3 sometimes it's necessary. On a scale of 1 to 10, or
4 let's say 0 to 10, with 10 being absolutely support
5 the death penalty, 0 being don't support it, maybe
6 oppose it, where do you fall on that scale?

7 JUROR NUMBER 78: 10 is absolutely supporting it?

8 MR. PIROLO: Yeah.

9 JUROR NUMBER 78: When it's absolutely warranted,
10 10; when there's kind of significant doubt, I'm closer
11 to 0. It depends on the circumstance, what's been
12 revealed, what I've been made to understand, what the
13 situation is.

14 MR. PIROLO: Can you give us an example of the
15 kind of case, kind of first degree murder, that
16 deserves the death penalty?

17 JUROR NUMBER 78: No, I can't. I could make
18 something up, if you'd like. An easy one for me --

19 MR. PIROLO: Well, go ahead --

20 JUROR NUMBER 78: An easy one for me would be
21 Saddam Hussein.

22 MR. PIROLO: Okay.

23 JUROR NUMBER 78: He was put in prison, and
24 escaped. If there's a chance of tremendous killing as
25 a result of their escape.

1 MR. PIROLO: Let's just drop it down just a notch
2 from Saddam and say the death of a child, a person
3 meant to do it, did it, and killed a child. Would
4 that be a case that you would say deserved the death
5 penalty?

6 JUROR NUMBER 78: That's too simple a question.
7 Maybe, and maybe not, is my answer on that one.
8 Maybe, but maybe not. It depends on the extenuating
9 circumstances.

10 MR. PIROLO: You would have to then do the next
11 process, which would be listening to the aggravating
12 circumstances, and considering them; if you find them,
13 then move on to the next step.

14 JUROR NUMBER 78: Yeah. I couldn't just say yes.
15 The simple situation you give me, I couldn't just say,
16 okay, that warrants the death penalty, no.

17 MR. PIROLO: You're not told everything, there's
18 a reason for that, but you're given a summary of how
19 this process works, and you understand that you only
20 get to the second part of the trial if there is a
21 conviction for first degree murder?

22 JUROR NUMBER 78: Yes.

23 MR. PIROLO: Anything less than that, or not
24 guilty, you're thanked for your time and you go home.
25 And that -- when we get to that second stage, if we

1 ever get there, you have to first see if there's any
2 aggravating circumstances that have been proven. The
3 State will -- their burden is beyond a reasonable
4 doubt, so they would have to prove to you aggravating
5 -- at least one aggravating circumstance beyond a
6 reasonable doubt. If they show you nothing, no
7 aggravating circumstances proved to you beyond a
8 reasonable doubt, then it's a life recommendation. Do
9 you understand that?

10 JUROR NUMBER 78: Yes.

11 MR. PIROLO: Do you accept that?

12 JUROR NUMBER 78: Yes.

13 MR. PIROLO: If they prove to you at least one,
14 then we move on to mitigating circumstances. Now, the
15 burden for the mitigating circumstances is less.
16 Aggravating, again, beyond a reasonable doubt, high
17 burden; mitigating, you would have to be reasonably
18 convinced that the mitigating circumstance exists.
19 And you kind of get why -- I think you understand why
20 the burdens are different. Aggravating, high burden;
21 lesser burden for mitigating since we are talking
22 about someone's life.

23 JUROR NUMBER 78: Yes.

24 MR. PIROLO: Can you appreciate that?

25 JUROR NUMBER 78: Yes, I can.

1 MR. PIROLO: Okay. And, again, we keep saying
2 "someone," but, specifically, in this case, we're
3 talking about Mr. Bradley, that's the case that's
4 before us. Now, can you -- hypothetically, let's say
5 the State has proven to you six aggravating
6 circumstances, at that point, can you still be open
7 and wait for and listen to mitigating circumstances,
8 and consider the mitigating circumstances, or if six
9 are presented to you, would you just shut off and say,
10 that's it for me, I can't move on to the mitigating
11 circumstances?

12 JUROR NUMBER 78: No. I would wait to hear it
13 all, the mitigating, yes.

14 MR. PIROLO: Can you -- I asked you earlier if
15 you can you give us an example of a first degree
16 murder case where you would say it warrants the death
17 penalty, can you think of some circumstances that
18 would warrant a life without parole sentence?

19 JUROR NUMBER 78: I can think of a case, but I
20 don't know enough about it, I don't know what my
21 answer would be, because I don't know enough about the
22 details. If I was on the jury here, I would hear it
23 all. The case is -- (unintelligible) recently died in
24 prison, he's -- a boyhood friend of mine, his
25 daughter, Tiffany, disappeared several years ago, and

1 this fellow who was in prison for another murder, I
2 believe, in his diary, it was found -- it seems likely
3 that he's the one who killed -- that's what happened
4 to Tiffany, he killed her. So it seems like their
5 unknowing (unintelligible) they think they know what
6 happened to Tiffany.

7 Even though I know how much hardship it's been
8 for Pat and his wife all these years, and Mr. Rowles
9 got to live his life until his death from whatever it
10 was, in prison, I can't say that he should have gotten
11 the death penalty, or not. I can't say that it was
12 wrong to just, instead of the death penalty,
13 incarcerate him for all his life, because I don't know
14 all the circumstances or what the -- if there were any
15 mitigating or anything else. So I know something
16 about something that was a really important case
17 involving the death of someone, but -- when you're
18 talking about something as important as these two
19 things, incarceration for life or a death penalty, I
20 really can't make blanket statements too much,
21 (unintelligible). It's too serious just to do -- have
22 a generalization of, oh, if this happens, I'm going to
23 do this, or, you know -- it's too complex.

24 MR. PIROLO: We're, in away, tied -- our hands
25 are tied in terms of what kinds of specifics we give

1 you at this point.

2 JUROR NUMBER 78: Sure. But you are specific
3 about what the -- how this is going to proceed, and
4 what the outcome might be, what our options are going
5 to be at the end -- toward the end of the trial if
6 he's found guilty.

7 MR. PIROLO: If you were presented with graphic
8 photographs that depict how Deputy Pill was killed,
9 would that cause you to just shut off to any
10 mitigating circumstances?

11 JUROR NUMBER 78: No.

12 MR. PIROLO: You'd still be able to keep an open
13 mind to listen to all of them and consider them?

14 JUROR NUMBER 78: Yes.

15 MR. PIROLO: If you saw a video depicting how
16 Deputy Pill was shot, was killed, would that close you
17 off to any mitigating circumstances?

18 JUROR NUMBER 78: No.

19 MR. PIROLO: The aggravating circumstances are
20 limited. By law, there's just a specific list of
21 them. On the other side of it, the mitigating
22 circumstances are unlimited, and I'm going to get to a
23 few of them with you, but can you accept that there's
24 an unlimited amount of mitigating circumstances?

25 JUROR NUMBER 78: It's an awful lot, but okay.

1 If you say so.

2 MR. PIROLO: We can present to you "X" number of
3 mitigating circumstances for the trial, through that
4 second part of the trial; and during your
5 deliberations, if you start thinking of other things
6 you've heard, and you say, you know what, that's
7 mitigating too, the lawyer maybe didn't argue it, but
8 that's mitigating to me, and you can consider that as
9 well. Do you understand that?

10 JUROR NUMBER 78: I'm not sure I follow what
11 you're saying.

12 MR. PIROLO: Because the mitigating circumstances
13 open, they're unlimited, it could be -- I'm not saying
14 it's going to happen, but it could be a situation
15 where, while you're deliberating, while you're doing
16 the weighing, that you say, you know, I heard X, Y,
17 and Z, and I find that to be mitigating. Just because
18 a lawyer didn't argue it as mitigating doesn't mean
19 you can't take it as mitigating.

20 JUROR NUMBER 78: Okay. You're asking me if I'm
21 going to take information that I know from outside
22 this courtroom?

23 MR. PIROLO: No, no, no, not outside. You hear
24 it here, but it just may not have been argued to you.

25 JUROR NUMBER 78: Okay. I don't know.

1 MR. PIROLO: Let me get to a couple more -- a
2 couple specific ones, and then we'll try to come back
3 to that. Do you think that mental illness is a
4 choice?

5 JUROR NUMBER 78: Maybe sometimes.

6 MR. PIROLO: How so? I mean, what circumstances
7 do you think it would be a choice?

8 JUROR NUMBER 78: Actually, the answer would
9 actually be no. And the reason -- the reason is, I've
10 seen some people who I have been around, somebody in
11 my own family, who does suffer from mental illness;
12 but I've suspected for years that he exaggerated it
13 for their own benefit. That's probably rare. For
14 most people, mental illness is (unintelligible).

15 MR. PIROLO: If you were to hear evidence,
16 obviously from a qualified expert, of mental illness,
17 would you be able to consider that as a mitigating
18 circumstance in this case?

19 JUROR NUMBER 78: Yes.

20 MR. PIROLO: How about brain damage or brain
21 injury, if you hear evidence of that, would you
22 consider that as a mitigating circumstance?

23 JUROR NUMBER 78: Yes.

24 MR. PIROLO: How about physical and/or emotional
25 abuse, would you be able to consider that as a

1 mitigating circumstance?

2 JUROR NUMBER 78: Yes.

3 MR. PIROLO: I'm going to read to you a portion
4 of a jury instruction, and I'm going to ask you if you
5 were presented with this, would you be able to
6 consider this kind of mitigation. The instruction is,
7 "the capital felony was committed while the defendant
8 was under the influence of extreme mental or emotional
9 disturbance." Would you be able to consider that as a
10 mitigating circumstance?

11 JUROR NUMBER 78: Possibly. Yes.

12 MR. PIROLO: How about this one, "the capacity of
13 the defendant to appreciate the criminality of his
14 conduct or to conform his conduct to the requirements
15 of the law was substantially impaired." Would you be
16 able to consider that as mitigation, a mitigating
17 circumstance?

18 JUROR NUMBER 78: Yes.

19 MR. PIROLO: How about drug addiction, would you
20 be able to consider that as a mitigating circumstance?

21 JUROR NUMBER 78: Yes.

22 MR. PIROLO: Would you consider mitigation, some
23 of which I just asked you about, would you consider
24 that as an explanation for a person's behavior, or
25 would you just look at it as an excuse?

1 JUROR NUMBER 78: Explanations.

2 MR. PIROLO: Do you believe a person is the
3 product of past life experiences? Forget about DNA,
4 forget about Mom and Dad, you can't pick on Mom and
5 Dad, but do you think that things that happen, that go
6 on in a person's life, shapes the person they become?

7 JUROR NUMBER 78: Yes.

8 MR. PIROLO: We've talked about the second part
9 being a recommendation that's given to the Court, but
10 it's not to be taken lightly, because this judge, she
11 cannot do her job -- if we get there, she could not
12 render or impose a sentence without your
13 recommendation, she's got to give it great weight.
14 It's not something where you can say, oh, whatever,
15 the judge will do whatever she wants anyway. As you
16 said earlier, it's a critical decision. Do you accept
17 that?

18 JUROR NUMBER 78: Yes.

19 MR. PIROLO: Would you be able to -- whatever
20 verdict you have, do you think you'd be able to stick
21 to it, or do you think someone could twist your arm to
22 voting a different way?

23 JUROR NUMBER 78: No. My opinion is my opinion.

24 MR. PIROLO: And you would also respect a fellow
25 juror's vote as well, you wouldn't try to browbeat

1 them into changing their vote or anything like that?

2 JUROR NUMBER 78: Correct.

3 MR. PIROLO: Can I have a minute, Your Honor.

4 THE COURT: Yes, you may.

5 MR. PIROLO: No more questions, Your Honor.

6 Thank you, sir.

7 THE COURT: Okay. Juror Number 78, what I'm
8 going to have you do is, you're going to be released
9 for today, you are still being considered as a
10 potential juror for this panel. I'm going to have you
11 go downstairs, they're going to give you a phone
12 number. I'm going to ask you to call between -- call
13 next Wednesday, which is March the 5th, and they'll
14 give you this information downstairs, between 1:00 and
15 5:00, and they're going to tell you when to return to
16 the second part of jury selection. It's probably
17 going to be -- just so you know, you're going to call
18 next Wednesday, but it may be Thursday or Friday. It
19 will most likely be the next day, or the day after
20 that that you're going to have to return. I'm just
21 telling you that for planning purposes.

22 During this break, you must continue to abide by
23 the rules governing your service as a juror.

24 Specifically, do not discuss this case with anyone.

25 Do not -- avoid reading newspaper headlines and

1 articles relating to this trial or its participants.
2 Avoid seeing or hearing television, radio, or Internet
3 comments about this trial. Do not conduct any
4 research yourself regarding any matters concerning
5 this case or its participants.

6 Any questions or concerns?

7 JUROR NUMBER 78: No.

8 THE COURT: Okay. Thank you for being here.
9 We'll send you downstairs, and you can be on your way.
10 Thank you.

11 (Thereupon, Juror Number 78 was escorted out of
12 the courtroom by the court deputy and the proceedings
13 were had as follows:)

14 THE COURT: Okay. I did release Juror Number 80.
15 So Juror Number 80 is not here, I told her to come
16 back in the morning. Now, Mr. Moore, you're exactly
17 right, that one panel, the first row on the second , i
18 put in one more.

19 MR. MOORE: I'm sorry, I couldn't --

20 THE COURT: Yes, you were right, the numbers that
21 you picked were right. But we'll be in recess until
22 8:30 in the morning. Any questions or concerns? Yes,
23 sir?

24 MR. BROWN: The only person I had -- do we have
25 another panel coming in tomorrow?

1 THE COURT: I released that panel, so the only
2 thing we're going to address tomorrow is the second
3 half of this panel, individual questions. I did
4 release the panel for tomorrow. I don't think we'll
5 get to that.

6 MR. PIROLO: Judge, could I approach briefly,
7 take 30 seconds of your time?

8 THE COURT: Yes. Are you going to give me
9 information about Mr. Lanning?

10 MR. PIROLO: No.

11 THE COURT: Okay. We need information about
12 Mr. Lanning. But you can approach.

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

16 MR. PIROLO: The Court may or may not know that
17 most of the time I'm a single parent. My daughter's
18 mom is -- but I take her to school in the morning, if
19 I get here at 8:32 --

20 THE COURT: That will be fine.

21 MR. PIROLO: That's the only thing, I just wanted
22 to the Court a heads up.

23 THE COURT: Okay. I'm okay with that.

24 MR. PIROLO: I just wanted the Court to know
25 that. The next several days will be days I'll be

1 taking her to school in the morning.

2 THE COURT: Okay. As soon as we see you, we'll
3 start then.

4 MR. MOORE: If I have a hard time waking up and I
5 don't get in until 9:00 --

6 THE COURT: I won't buy that from you. I'm
7 giving Mr. Pirolo the "I don't know him as well"
8 break. What's the status on Mr. Lanning? Is there an
9 issue with his daughter?

10 MR. PIROLO: He left to -- she's getting
11 discharged today, so he had to go pick her up.

12 THE COURT: So that's a good thing.

13 MR. MOORE: Well, he said early on that if he has
14 to stay home with her because she can't get around,
15 then he's out.

16 THE COURT: Okay.

17 MR. MOORE: We haven't heard from him, I don't
18 know what the final word on that is. We're waiting to
19 hear.

20 THE COURT: Okay.

21 MR. PIROLO: That's why he left early, it was to
22 pick her up.

23 THE COURT: I knew there must have been an issue.
24 Okay. Thank you.

25 (Thereupon, the benchside conference was

1 concluded and the proceedings were had as follows:)

2 THE COURT: Okay. Court will be in recess until
3 8:30 tomorrow morning. Thank you.

4 (Thereupon, court was in recess for the day,
5 2/26/14; thereafter, court was reconvened on 2/27/14
6 and the proceedings were had as follows:)

7 THE COURT: Okay. We can bring in Juror Number
8 102.

9 (Thereupon, Juror Number 102 was escorted into
10 the courtroom by the court deputy and the proceedings
11 were had as follows:)

12 THE COURT: Okay. Juror Number 102, first of
13 all, I want to thank you for being here, thank you for
14 your patience with regard to this process. We spoke
15 to you yesterday, and you talked about that you were
16 -- I think you did scheduling for a medical office,
17 and that you were concerned about, perhaps, this being
18 a financial hardship if you were here for the five
19 weeks, and you were going to see if your employer was
20 going to pay you for this time when you were here.
21 Can you tell me if you've been able to follow up on
22 that issue?

23 JUROR NUMBER 102: Yes. Yes, I went there after
24 I left here yesterday, I went there. And I actually
25 got the protocol for the company, as it stands, and we

1 do get paid, in full, our base rate. There is no
2 limitation as to how many weeks or days we need, at
3 least not in the protocol, it's not listed there.

4 THE COURT: Okay.

5 JUROR NUMBER 102: The only thing I have to show
6 is, at the end of it all, I have to show a letter from
7 the Court like I had last night, I picked one up for
8 yesterday.

9 THE COURT: Okay. We can take care of all that.

10 JUROR NUMBER 102: They say we have to show
11 hours, but my immediate supervisor said no, but just,
12 if we can, show the hours. What they're saying is
13 that if I'm getting a day, I'm getting eight hours,
14 they don't only give us -- you know, they do it in
15 blocks of eight. So if I'm actually here for a day
16 for jury duty, under my work protocol, it's considered
17 eight hours.

18 THE COURT: Okay.

19 JUROR NUMBER 102: What I think they were looking
20 at was, let's say I worked at a hospital and I went on
21 the 3:00 to 11:00 shift, if I get called in for jury
22 duty, obviously, the only hours they're going to pay
23 me for would be from 3:00 to 5:00, because those would
24 be the two hours I would miss work for.

25 THE COURT: Right. Okay. So having found out

1 that information, are you good to go? Can --

2 JUROR NUMBER 102: Yeah, I'm okay with that now,
3 I double-checked. And the other thing I
4 double-checked was that if we were out for that length
5 of time, that they cannot terminate our employment
6 because you're not there.

7 THE COURT: Right.

8 JUROR NUMBER 102: You know, I double-checked
9 that, and they were like, oh, my God, no, we can't do
10 that.

11 THE COURT: Okay. Well, I appreciate that.
12 Okay. What I'm going to have you do is -- we're going
13 to question everyone in numerical order, because
14 that's the most fair way to do it, I just wanted to
15 bring you in and follow up with that. So I'm going to
16 have you go back outside.

17 JUROR NUMBER 102: Okay. I felt a lot better
18 when I knew that.

19 THE COURT: Definitely. I can understand that.
20 So thank you.

21 MR. LANNING: Judge?

22 THE COURT: Yes?

23 MR. LANNING: Can we discuss before you have
24 her --

25 THE COURT: Okay. Number 102, if you'll -- I

1 guess they -- if you'll just wait right there for just
2 a moment.

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

6 THE COURT: Mr. Lanning, your reflex is, like,
7 five seconds too slow.

8 MR. LANNING: Are we going to release the last
9 four or five?

10 THE COURT: I don't know. I was going to talk to
11 you, and then the deputy can do that.

12 MR. LANNING: Okay.

13 THE COURT: Okay.

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

16 THE COURT: Okay, she can step outside.

17 (Thereupon, Juror Number 102 was escorted out of
18 the courtroom by the court deputy; thereafter, voir
19 dire selection was had which was not requested to be
20 transcribed.)

21 THE COURT: Okay. We'll bring in Number 87.

22 (Thereupon, Juror Number 87 was escorted into the
23 courtroom by the court deputy and the proceedings were
24 had as follows:)

25 THE COURT: Okay. Juror Number 87, first, I want

1 to thank you for being here, thank you for your
2 service, and thank you for being patient with us with
3 regard to this process. It is a long process, it's
4 long for you, it's long for us, but it is a necessary
5 process; and I assure you we are doing everything we
6 can to move this process along as quickly as we can.

7 Now, having said that, the other day when you
8 were released, I gave you some rules, and those rules
9 kind of came into effect when I gave them to you, so
10 I'm speaking of that time period. Have you read or
11 been exposed to reading newspaper headlines and/or
12 articles relating to this trial or its participants?

13 JUROR NUMBER 87: No.

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

16 JUROR NUMBER 87: No.

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

20 JUROR NUMBER 87: No.

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

24 JUROR NUMBER 87: No.

25 THE COURT: I'm going to ask you some questions,

1 and talk to you about some things, and then the State
2 will have an opportunity to ask you some questions,
3 and the defense will have an opportunity to ask you
4 some questions. My first question is pretty general,
5 just to put this out there, what are your views about
6 the death penalty?

7 JUROR NUMBER 87: I mean, I don't -- I don't
8 know. I mean, if someone were to end someone else's
9 life, and proven guilty, maybe. I don't know, I've
10 never been in the situation to tell someone whether or
11 not they get death or another option.

12 THE COURT: Okay. Let me tell you how the
13 process works, and I'll ask you some other questions.

14 JUROR NUMBER 87: All right.

15 THE COURT: We have the first part of the trial,
16 which we call the guilt phase. And in the guilt
17 phase, it is the jury -- if the jury returned a
18 verdict of guilty on count one, which is first degree
19 murder, then, and only then, we move into the second
20 phase. In the second phase -- and for purposes of the
21 second phase, you have to assume there's a guilty
22 verdict on count one, which is first degree murder,
23 then we move into the second phase, and the second
24 phase is what we call the penalty phase. In the
25 penalty phase, as a juror, the jury would be

1 instructed to make a recommendation to me, to the
2 Court, of possible penalties; and the possible
3 penalties for a guilty verdict on first degree murder
4 is either death, or life in prison without the
5 possibility of parole. Are you of the opinion that
6 death is the only appropriate penalty for murder in
7 the first degree --

8 JUROR NUMBER 87: No, I don't.

9 THE COURT: Okay. So would you be able to
10 consider life in prison without the possibility of
11 parole as a penalty under certain circumstances?

12 JUROR NUMBER 87: Yes.

13 THE COURT: Okay. So if I instructed you that --
14 as one of my instructions to be a juror on this case,
15 if I instructed that you were to consider life in
16 prison without the possibility of parole as a possible
17 penalty, would you be able to do that?

18 JUROR NUMBER 87: Yes.

19 THE COURT: Okay. I'm going to ask you what you
20 know about this case, most people know something about
21 the case. Be as honest and frank as you can. Like I
22 said, there's no right or wrong answers in here, we're
23 just trying to get the information.

24 JUROR NUMBER 87: Right.

25 THE COURT: So that everyone can make an informed

1 decision. Do you know anything about this case,
2 either from your own personal knowledge, rumor, by
3 discussion with anyone else, from the media, radio,
4 television, Internet, newspaper? Do you know anything
5 about this case?

6 JUROR NUMBER 87: I know it happened last year.
7 When I told people that I had jury duty, they brought
8 up that this was being done. As far as details go, I
9 was with my grandmother last week, she had said she
10 might have worked with his brother. I don't know, but
11 she just started talking about it a little bit. But
12 I'm not sure if that's the same story, if that's 100
13 percent true.

14 THE COURT: Okay. Let's talk about different
15 things. You said that you heard about the case when
16 the event happened.

17 JUROR NUMBER 87: Right.

18 THE COURT: How did you hear about the case?

19 JUROR NUMBER 87: Just through talk and --

20 THE COURT: You didn't see a newspaper, or see it
21 on the news or anything?

22 JUROR NUMBER 87: I might have seen it on the
23 news, but nothing --

24 THE COURT: So what information, specifics, do
25 you think you know as of that time?

1 JUROR NUMBER 87: All I know is a police officer
2 had been killed.

3 THE COURT: Okay. Any other details?

4 JUROR NUMBER 87: No.

5 THE COURT: And then you said your grandmother
6 talked to you, what was that conversation about?

7 JUROR NUMBER 87: Just, you know, that -- she
8 said that the brothers look alike.

9 THE COURT: You talking about the brother of the
10 defendant, or the brother of --

11 JUROR NUMBER 87: I believe so.

12 THE COURT: -- the deceased?

13 JUROR NUMBER 87: I'm not 100 percent sure on
14 that part.

15 THE COURT: Okay. Was your grandma talking to
16 you and you weren't really listening?

17 JUROR NUMBER 87: Kind of, yeah. She didn't say
18 if it was the defendant or --

19 THE COURT: Okay. So there was some discussion,
20 but -- and did that come up as a result of you having
21 jury duty?

22 JUROR NUMBER 87: Yeah. Because I was talking to
23 her about me going to jury duty.

24 THE COURT: And do you remember any other
25 specifics as a result of that conversation?

1 JUROR NUMBER 87: No. Then she just started
2 talking about how the brother was doing at work, and I
3 just --

4 THE COURT: The brother was doing at work. And
5 you're not sure if it's the brother of the decedent or
6 the brother of the defendant?

7 JUROR NUMBER 87: I think it might be him
8 (indicating).

9 THE COURT: Okay. And so what did the
10 grandmother say, in general, about the brother at
11 work?

12 JUROR NUMBER 87: That he's doing good and trying
13 to get promoted. Nothing about the case or nothing,
14 just about the brother. That she heard that he was
15 the brother.

16 THE COURT: Okay. And where does your
17 grandmother work?

18 JUROR NUMBER 87: Publix on Babcock.

19 THE COURT: Okay. Any other information or any
20 other knowledge?

21 JUROR NUMBER 87: No.

22 THE COURT: When you come to court, what we ask
23 you to do, and it's not unusual that someone has heard
24 something about this case, but what we ask you to do
25 is to set aside anything you've learned about this

1 case, serve with an open mind, kind of have an open
2 slate, and reach a verdict based on the law and the
3 evidence presented in this trial in this courtroom.
4 Can you do that?

5 JUROR NUMBER 87: Yes, ma'am.

6 THE COURT: Okay. Now, if you heard something
7 out there, and when the evidence came before the
8 Court, that wasn't part of it, you never heard
9 something, and you say, hey, out there I heard this, I
10 didn't hear this in the courtroom, are you going to be
11 able to put that aside, because that hasn't been
12 proved and that wasn't something that happened in the
13 courtroom, and not consider that?

14 JUROR NUMBER 87: Yes.

15 THE COURT: Okay. And at this time, the
16 defendant is considered to be innocent, at this
17 moment, and I'm going to talk to you more about that
18 later on. Because the State has the burden of proof,
19 they have to prove each element of each crime beyond
20 and to the exclusion of every reasonable doubt; and if
21 there's been no evidence presented at this time, as we
22 sit here, can you look at the defendant and give him
23 the presumption of innocence?

24 JUROR NUMBER 87: Yes.

25 THE COURT: Okay. Questions by the State?

1 MR. BROWN: Yes, Your Honor. Thank you. Juror
2 Number 87, good morning. You talked a little bit
3 about what your grandmother told you. Can you put
4 that completely aside, and would that affect you at
5 all as a juror in this case?

6 JUROR NUMBER 87: No.

7 MR. BROWN: Okay. How about the fact,
8 ultimately, if you're selected, and the jury comes
9 back with a guilty verdict of first degree murder,
10 you'd have to go back and make a recommendation to the
11 Court of either life in prison without parole, or the
12 death penalty. How are you going to feel about that
13 with the possibility that your grandmother may know
14 the defendant's brother?

15 JUROR NUMBER 87: I don't know how close they
16 are. She -- they work in different parts of the
17 store. I mean, as far as I know, their relationship
18 is (unintelligible).

19 MR. BROWN: Well, and that's where -- the only
20 time I'm going to get an opportunity to talk to you
21 about this is during jury selection.

22 JUROR NUMBER 87: Right.

23 MR. BROWN: So, you know, at this point you're
24 not allowed to go back and talk to your grandmother
25 anymore about her relationship, so you're going to be

1 -- what you know now is all that you're going to know
2 until after the fact.

3 JUROR NUMBER 87: Right.

4 MR. BROWN: So my concern is that, obviously,
5 there's some type of a connection. Obviously, your
6 grandmother's had some conversations, I assume, with
7 his brother.

8 JUROR NUMBER 87: Yes.

9 MR. BROWN: So she obviously doesn't completely
10 dislike him, if she talks to him and knows that he's
11 doing well. So you're going to be in the situation of
12 having to think, now, this recommendation -- first,
13 sit on the jury to determine guilt, to start with.
14 Then, if it gets to that point, making a
15 recommendation of life or the death penalty, knowing
16 that your grandmother knows his brother.

17 JUROR NUMBER 87: Right.

18 MR. BROWN: So --

19 JUROR NUMBER 87: It could affect that, when
20 choosing either/or.

21 MR. BROWN: Do you think that would put you in a
22 situation that may potentially bias or affect your
23 verdict?

24 JUROR NUMBER 87: Not -- I don't know. I mean,
25 I'd be more worried about her and the friend and that

1 kind of thing.

2 MR. BROWN: Right. Okay. Well, here's my
3 concern: Jurors have to come in, as the Court
4 mentioned, with an open mind. And you've got to be
5 completely impartial. You cannot be biased for or
6 against.

7 JUROR NUMBER 87: Right.

8 MR. BROWN: You come in with a clean slate.
9 That's why we go through this, and we want you to be
10 able to set aside anything that you've heard, because
11 you've got to base your verdict on the facts and the
12 evidence in the courtroom. And having a potential
13 connection -- and would be just as troublesome,
14 obviously, if you had that connection to the family of
15 the victim, because you may have that built-in or
16 inherent bias, it just may exist, and that's what I'm
17 trying to explore with you. So would you be concerned
18 about that?

19 JUROR NUMBER 87: No. I'd come in with an open
20 mind, listen to both sides.

21 MR. BROWN: Okay. How about -- would you be
22 concerned about the effect it's going to have on your
23 grandmother and what she might think?

24 JUROR NUMBER 87: No. I mean, nobody would know
25 I'd be in here. I mean, maybe when it was all said

1 and done, whatever happened, it could --

2 MR. BROWN: Right. A week later, two weeks
3 later, three weeks later, a month later, you know,
4 she's --

5 JUROR NUMBER 87: Something's going to come out.

6 MR. BROWN: Right. You're telling her you're
7 serving on a jury, you're going to be on a jury for
8 the next month, five weeks, she's probably going to
9 figure it out.

10 JUROR NUMBER 87: Right.

11 MR. BROWN: So how do you feel about that?

12 JUROR NUMBER 87: I mean, I'd still do, if I was
13 chosen, my job to listen to both sides; but it would
14 be in the back of my mind, for the future.

15 MR. BROWN: And we always ask this question, will
16 you be able to set it aside, which is a difficult
17 thing --

18 JUROR NUMBER 87: I could, yes.

19 MR. BROWN: Are you confident in your ability to
20 do that?

21 JUROR NUMBER 87: Yes, sir.

22 MR. BROWN: Do you think it would weigh in your
23 consideration at all?

24 JUROR NUMBER 87: No.

25 MR. BROWN: Now, the next question is, you're a

1 young man of 22 -- or how old are you?

2 JUROR NUMBER 87: 22.

3 MR. BROWN: 22. You're a young man, you work,
4 how do you feel about being put into this situation
5 where for the next several weeks --

6 JUROR NUMBER 87: I mean, I wouldn't say it's
7 exciting, but it's an opportunity to see what goes on
8 in something like this.

9 MR. BROWN: How about being put -- obviously, at
10 22 -- we don't know who the other jurors will be, but
11 odds are that you will be, if not the youngest, one of
12 the youngest ones, you won't have the life experiences
13 of everybody else, but yet you're going to be going
14 back there and potentially voting for either life, or
15 for the death penalty.

16 JUROR NUMBER 87: Correct.

17 MR. BROWN: Do you think that's a little too much
18 to ask, a little too soon in your life to do that?

19 JUROR NUMBER 87: I mean, I feel I've moved quite
20 well throughout my life. I own a home already,
21 full-time -- I work at Publix as well, trying to get
22 promoted through there. So, I mean, I've -- I'm more
23 ahead than a normal 22 year old is.

24 MR. BROWN: Okay. Do you feel comfortable making
25 that decision?

1 JUROR NUMBER 87: Yes, sir.

2 MR. BROWN: Can you do it?

3 JUROR NUMBER 87: Yes, sir.

4 MR. BROWN: I'm going to go through a little bit
5 of the process of how to make that decision, how you
6 get there. Obviously, as the Court has said, if you
7 return a verdict of first degree murder, that's when
8 you proceed to the next step. If it's a verdict of
9 something lesser, such as second degree murder, then
10 you never advance to that next step, the death
11 penalty's off the table. Do you understand?

12 JUROR NUMBER 87: Yes, sir.

13 MR. BROWN: If you return a verdict -- if the
14 jury returns that verdict of first degree murder, then
15 we would come back in, reconvene, and the jury would
16 hear additional evidence, and the Court would give you
17 a new set of instructions. The first step she would
18 tell you in those instructions would be to look at
19 what are known as aggravating circumstances. That
20 would be -- it would be a list, it will be at least
21 one, but it can be more than one, circumstance or
22 factor she's going to give you. Those are
23 circumstances which can increase the gravity of the
24 crime or the harm that was done to the victim. It's
25 from those that you look at, and those, and only

1 those, are what you can look at to justify and give a
2 recommendation of the death penalty, which is how they
3 get the name of aggravating circumstances, increasing
4 the gravity of the crime.

5 So she would give that list to you, you would
6 look at that list and decide if the State has proven
7 any of those. They have to prove at least one, may
8 prove more than one, but you have to determine if
9 we've proven any. If we've proven at least one, then
10 you look at that one, or look at that group if we've
11 proven more than one, and you say, do these -- in your
12 mind, do these justify the death penalty? If your
13 answer is no, you would come back life. If your
14 answer is yes, these aggravating circumstances justify
15 the death penalty, you go on to the next phase of the
16 process.

17 The next step would be to look at and consider
18 the mitigating circumstances that have been provided.
19 The mitigating circumstances are, as what she told you
20 yesterday, circumstances concerning the defendant, his
21 background, his life, things of that nature; and that
22 evidence would be presented to you. Now, that has to
23 be proven as well. The State -- we have to prove the
24 aggravating circumstances beyond every reasonable
25 doubt, the mitigation has to be proven, it's to a

1 lower burden, it's to the greater weight of the
2 evidence. So things come in, if mitigation is not
3 proven to you, you disregard it. But you take all the
4 mitigation that's been proven, with the aggravating
5 circumstances that have been proven, and you consider
6 everything. She's going to tell you that you go
7 through a weighing process. You have that so far?

8 JUROR NUMBER 87: Yes, sir.

9 MR. BROWN: And like you've made -- you've
10 indicated you bought a house, you made some other
11 major decisions in your life, right?

12 JUROR NUMBER 87: Right.

13 MR. BROWN: When you sat down to that decision,
14 you're going to buy a house, and what house to buy,
15 did you sit and look at all the factors that you had?

16 JUROR NUMBER 87: Yes.

17 MR. BROWN: You considered everything. Some of
18 those factors you looked at were pretty darn
19 important, you gave them great weight, right?

20 JUROR NUMBER 87: Yes.

21 MR. BROWN: Other things you looked at and
22 considered weren't really that important to you, and
23 you gave those little weight, right?

24 JUROR NUMBER 87: Right.

25 MR. BROWN: That's how we all make decisions, we

1 consider everything, and you weigh all the factors
2 that you have. That's the same thing that she's going
3 to tell you to do in this process. You take all the
4 aggravators, you take all the mitigation, you consider
5 everything, and you decide how much weight to give
6 everything. You decide how much weight to give to the
7 aggravators, you decide how much weight to give all
8 the mitigation evidence that you received. None of us
9 can tell you how much weight to give. We only ask
10 that you consider everything, but you decide the
11 weight. You may find some things, or a lot of things,
12 to carry very little weight; others, you may give
13 great weight to. So she's going to tell you to weigh
14 the aggravators and the mitigators. If the mitigation
15 outweighs the aggravators, then your recommendation
16 would be life. If the mitigators do not outweigh the
17 aggravators, then you're in a position where you can
18 legally make to the judge the recommendation of the
19 death penalty. Got it so far?

20 JUROR NUMBER 87: Yes.

21 MR. BROWN: Now, she's never going to tell you,
22 if the State does A, B, and C, and proves A, B, and C,
23 you must come back with a death recommendation. She's
24 going to tell you, in fact, that you are never
25 required to return a recommendation of death. What

1 you have to do is find the aggravators, weigh those
2 with mitigators; and if you find the mitigation does
3 not outweigh the mitigation, and that you feel it
4 justifies the death penalty, that's when you return a
5 verdict of death. Any questions about that process?

6 JUROR NUMBER 87: No, sir.

7 MR. BROWN: Do you feel comfortable with doing
8 that?

9 JUROR NUMBER 87: Yes, sir.

10 MR. BROWN: Knowing that's the process, do you
11 think you can return, if you feel the death penalty is
12 justified, a recommendation of the death penalty?

13 JUROR NUMBER 87: Yes.

14 MR. BROWN: Any hesitation?

15 JUROR NUMBER 87: No, sir.

16 MR. BROWN: Did you come in today with any
17 preconceived ideas or notions of, well, you know,
18 unless the State can show me either A or B, I'm not
19 going to consider the death penalty?

20 JUROR NUMBER 87: No, sir.

21 MR. BROWN: You agree to look at -- as I told
22 you, the judge, she's going to give you that list of
23 aggravating factors, do you agree to look at those,
24 and those are the ones you look at to justify the
25 death penalty?

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JUROR NUMBER 87: Yes.

MR. BROWN: One other topic I'll cover, and I cover this with everyone is, obviously, if the jury comes back with a verdict of second degree murder, you do not proceed to that next step, you're not having to make that recommendation of life or death. Do you understand that?

JUROR NUMBER 87: Yes, sir.

MR. BROWN: My concern is, if the State of Florida proves to you this defendant's guilty of first degree murder, once you go back to that jury room and start saying, you know, I really don't want to have make that next decision, so I'm just going to come back second to avoid having to make that decision.

JUROR NUMBER 87: No, sir.

MR. BROWN: You agree that justice is, the verdict should be what the evidence proves?

JUROR NUMBER 87: Yes, sir.

MR. BROWN: You agree with that?

JUROR NUMBER 87: Yes, sir.

MR. BROWN: And it's important everybody wants justice in this case?

JUROR NUMBER 87: Yes, sir.