

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

CASE NUMBER: 05-2012-CF-035337-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

versus

BRANDON LEE BRADLEY

Defendant,

**ORIGINAL**

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SCOTT ELLIS

VOLUME VIII OF XI

TRANSCRIPT OF DIGITAL RECORDED JURY TRIAL

VOIR DIRE

The transcript of the Digital Recorded  
Proceedings taken in the above-styled cause, at the Moore  
Justice Center, 2825 Judge Fran Jamieson Way, Viera,  
Florida, on the 24th, 27th, 28th day of February, and 6th,  
7th, 10th, 11th, 12th, 13th, 14th and 17th day of March,  
2014, before the Honorable Morgan Reinman.

RYAN REPORTING  
REGISTERED PROFESSIONAL REPORTERS

1670 S. FISKE BOULEVARD  
ROCKLEDGE, FLORIDA 32955

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A P P E A R A N C E S

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THOMAS BROWN, ESQ.,  
and  
JAMES MCMASTER, ESQ.,  
Assistant State Attorneys  
State Attorney's Office  
2725 Judge Fran Jamieson Way  
Building D.  
Viera, Florida 32940

Appearing for  
Plaintiff

J. RANDALL MOORE, ESQ.,  
MICHAEL PIROLO, ESQ.,  
and  
MARK LANNING, ESQ.,  
Assistant Public Defender  
Public Defender's Office  
2725 Judge Fran Jamieson Way  
Building E  
Viera, Florida 32940

Appearing for  
Defendant

Brandon Lee Bradley, Defendant, present

\* \* \* \* \*

1 MR. BROWN: When you've made those decisions,  
2 did you try to look at all the factors involved?

3 JUROR NUMBER 164: Yes.

4 MR. BROWN: Try to consider everything, right?

5 JUROR NUMBER 164: Right. I (unintelligible).

6 MR. BROWN: You try to consider everything,  
7 right? That's the way most of us make decisions.  
8 When you looked at those factors, some factors were  
9 pretty darn important and you gave them great weight  
10 if your consideration, right? Other factors you  
11 looked and said in this decision these I don't think  
12 are that important, I'm going to give them very  
13 little weight, right?

14 JUROR NUMBER 164: Right.

15 MR. BROWN: And you weighed everything and you  
16 came to your decision.

17 JUROR NUMBER 164: Um-hmm.

18 MR. BROWN: Same thing that the Court's going  
19 to tell you to do here. Whatever has been presented  
20 and proved, you have to consider. You determine how  
21 much weight. Court's not going to give you any magic  
22 scale, she's not going to say aggravator one gets X  
23 amount of weight, mitigator one gets Y amount of  
24 weight, you have to determine personally how much  
25 weight to give.

1           Now, I'm not going to you, and I don't believe  
2           the Defense will either, how much weight you would  
3           give to a particular aggravator or a particular  
4           mitigator. At this point it wouldn't be a fair  
5           question because you don't know, you haven't heard,  
6           you have to hear everything to determine the weight,  
7           right? However, the key is can you consider it.  
8           Now, you may say, may be thinking well, I would  
9           consider that but in my mind it's not going to carry  
10          very much weight, that's fine, as long as you're open  
11          to consider it. Okay. No one is asking you how much  
12          weight to give. So, can you agree to consider all  
13          the aggravators that the Court lists?

14                JUROR NUMBER 164: Um-hmm.

15                MR. BROWN: Yes?

16                JUROR NUMBER 164: Yes.

17                MR. BROWN: You have to give a yes out loud  
18                because we're record and there's a record. And nods  
19                of the head --

20                THE COURT: And there's a microphone right by  
21                you just so you know.

22                MR. BROWN: So, you would agree to consider all  
23                the aggravators that the Court would provide and  
24                whether we've proven them?

25                JUROR NUMBER 164: Yes.

1 MR. BROWN: And again, all the mitigation  
2 evidence that's been provided, if it's been proven,  
3 you would consider it?

4 JUROR NUMBER 164: Yes.

5 MR. BROWN: And you determine the weight. You  
6 know, the juror sitting right next to you may give a  
7 different amount of weight to an aggravator and  
8 mitigator than you will, but the key is everybody has  
9 to consider it all and determine the weight.

10 JUROR NUMBER 164: I understand.

11 MR. BROWN: Now, you go through that weighing  
12 process. The Court's -- the question will be from  
13 the Court you weigh the aggravators versus the  
14 mitigator. If the mitigation outweigh the  
15 aggravation, then your recommendation has to be for  
16 life. If you find the mitigation does not outweigh  
17 the aggravation, the aggravating circumstances, then  
18 you're in a position where you are legally justified  
19 to recommend to the Court a recommendation of death.

20 Now, the Court's not going to tell you if the  
21 State proves A, B, C and D that you must return a  
22 recommendation of death. You're not going to hear  
23 that. In fact, what she's going to tell you is that  
24 you are never required to recommend death. What you  
25 are required to do is to consider and go through that

1 weighing process and if you go through that weighing  
2 process and you find that the mitigation does not  
3 outweigh the aggravation and after going through that  
4 weighing process that the aggravators still justify  
5 the death penalty in your mind, then you can  
6 recommend the death penalty. Any question about  
7 that?

8 JUROR NUMBER 164: Not at all.

9 MR. BROWN: Understand the process step by step  
10 what you have you have to do? Any problem with it?

11 JUROR NUMBER 164: Not at all.

12 MR. BROWN: You can consider all the  
13 aggravators and all the mitigators and make your own  
14 mind up as to how much weight?

15 JUROR NUMBER 164: I will.

16 MR. BROWN: And do you have anything in your  
17 own moral beliefs, religious beliefs, philosophical  
18 beliefs, family, work history, whatever it make, that  
19 causes you any undue concern, anxiety, difficulty  
20 being put in that position of possibly recommending a  
21 sentence of death?

22 JUROR NUMBER 164: I do not.

23 MR. BROWN: Can you do it?

24 JUROR NUMBER 164: Yes.

25 MR. BROWN: Okay. Thank you. No further

1 questions, Your Honor.

2 THE COURT: Okay. Questions by the Defense.

3 MR. MOORE: You remember, it's only been a few  
4 minutes, the Court telling you that while it may seem  
5 like we want you to take a position and say that you  
6 can do and maybe you can't things, follow the  
7 instructions, follow the law, it may seem like we're  
8 asking for that, if you're not sure that's an  
9 appropriate answer as well, and it seems to me for  
10 somebody in your position that would be an awkward  
11 admission as grown ups we like to feel like we're  
12 sure and not have doubts and certainly if we have  
13 doubts we don't want to have to admit it in public  
14 but, you know, this is a not a situation where we  
15 need to keep, I'm not suggesting that you are, but as  
16 we go through this, if you have any doubts you need  
17 to tell us because it would be, it would be unfair to  
18 have anybody involved in this that has doubts and not  
19 admit it. I'm not implying anything, I'm just  
20 saying. And when we talk about this, it's in the  
21 hypothetical. You know, hypothetically, what if  
22 Mr. Bradley is found guilty of first degree murder,  
23 hypothetically if you reach this point, then what  
24 could you do, that is hypothetical. The part that is  
25 not hypothetical is that if you're on this jury you

1 can be part of a process which results in Mr.  
2 Bradley, twenty-four years old, being sentenced to  
3 death and being executed. That's not hypothetical,  
4 that's a fact, you would be part of that process in  
5 that context.

6 JUROR NUMBER 164: I understand that.

7 MR. MOORE: In recalling what you heard about  
8 this case which you indicated was on TV I believe.

9 JUROR NUMBER 164: Yes.

10 MR. MOORE: And what you read on the Internet,  
11 Florida Today perhaps?

12 JUROR NUMBER 164: I only saw a little thing on  
13 the news itself, I didn't read anything about it.

14 MR. MOORE: Okay. Then do you recall what  
15 channel that was?

16 JUROR NUMBER 164: Probably 13.

17 MR. MOORE: Now, when you watch the news you  
18 don't accept it all at face value --

19 JUROR NUMBER 164: Of course not.

20 MR. MOORE: -- as being gospel. As any grown  
21 up would be, you're skeptical, but there's certain  
22 things that you accept that come through to you and  
23 you say yeah, you don't question it, it probably  
24 happened, a police officer being shot and being dead,  
25 and so you don't question that I would presume.



1 JUROR NUMBER 164: I would have to see all the  
2 evidence.

3 MR. MOORE: Well, I'm just --

4 JUROR NUMBER 164: I know (unintelligible)  
5 there's conflicts but I don't know anything else  
6 about it.

7 MR. MOORE: All right. I mean, that part of  
8 what you recall you accept as probably being true,  
9 right? And then you indicated in recalling the news  
10 coverage that you said the guy got out of the car and  
11 shot the deputy and there were two people involved, a  
12 guy and a gal, right? You know Mr. Bradley is the  
13 guy, a guy who's here charged with first degree  
14 murder and in your mind in reviewing that, what  
15 degree of credibility do you give to that that the  
16 guy, Mr. Bradley, is the accused shooter?

17 JUROR NUMBER 164: I have no idea. Like I  
18 said, I have to depend on the evidence brought  
19 forward but again I wouldn't know who it was it,  
20 could have been snipers (unintelligible).

21 MR. MOORE: Do you believe that?

22 JUROR NUMBER 164: Anything could be  
23 believable, (unintelligible) a story out there.

24 MR. MOORE: What I'm getting at is how  
25 believable is it that the -- to codefendants, a guy

1 and a gal, the guy is the, according to the news  
2 report, the shooter, how believable is that in your  
3 mind? We're not talking about snipers from a roof.

4 JUROR NUMBER 164: I was (unintelligible) and  
5 you're shooting, they shoot to kill.

6 MR. MOORE: Okay. I mean, in reflecting on  
7 what you heard, is it your -- do you have an opinion  
8 with respect to Mr. Bradley's guilt now based upon  
9 what you heard to any degree, give any credibility to  
10 the story that you heard that alleges that he was the  
11 shooter?

12 JUROR NUMBER 164: I have no idea who's  
13 (unintelligible).

14 MR. MOORE: Do you have an opinion with respect  
15 to his guilt in this homicide?

16 JUROR NUMBER 164: No, I don't.

17 MR. MOORE: Now, I'm talking about the death  
18 penalty, have you given it thought to the extent that  
19 you had an opinion about the death penalty before you  
20 came into this courtroom and became a part of this  
21 process?

22 JUROR NUMBER 164: No.

23 MR. MOORE: Never thought about it?

24 JUROR NUMBER 164: No.

25 MR. MOORE: Or discussed it?

1 JUROR NUMBER 164: No.

2 MR. MOORE: In casual conversation?

3 JUROR NUMBER 164: Not really.

4 MR. MOORE: Now, since we're just trying to  
5 open this up to discussion, for discussion purposes,  
6 for discussion purposes, you're in the I'm for it  
7 category with qualifications.

8 JUROR NUMBER 164: Um-hmm.

9 MR. MOORE: Can you think of reasons why you  
10 would be in favor of the death penalty, in general?  
11 Not talking about how you're going to come down in  
12 this case, but in general what are reasons why you  
13 would in the for death penalty column as opposed to  
14 the against death penalty column? If you can think  
15 of any.

16 JUROR NUMBER 164: Somebody that  
17 (unintelligible).

18 MR. MOORE: You mentioned -- well, are there  
19 types of homicides where you would say that is a  
20 death penalty case, that person should get the death  
21 penalty and I won't consider -- what do you consider  
22 maybe circumstances, are there such killings for you,  
23 a mass killing like what we just described being one  
24 of those where you would not be able to consider  
25 mitigating circumstances?

1 JUROR NUMBER 164: I would consider mitigating  
2 circumstances.

3 MR. MOORE: How about the homicide involving a  
4 police officer, is that one where you will not  
5 consider mitigating circumstances?

6 JUROR NUMBER 164: I would consider it.

7 MR. MOORE: You mentioned the expense, it's  
8 expensive to keep somebody in prison for life, is  
9 that a reason for the imposition of the death penalty  
10 for you?

11 JUROR NUMBER 164: No, that was just a comment.

12 MR. MOORE: Would that be a factor in any way  
13 in your decision --

14 JUROR NUMBER 164: Absolutely not.

15 MR. MOORE: -- as to how you would go in this  
16 case?

17 JUROR NUMBER 164: I don't have to  
18 (unintelligible). I mean, my taxes are my taxes,  
19 that's just the way it is.

20 MR. MOORE: You sure that would not be a factor  
21 in this case?

22 JUROR NUMBER 164: No, it wouldn't be.

23 MR. MOORE: If -- so that we can talk more to  
24 get an idea of your understanding of you heard, it's  
25 confusing, you never heard this before, you're trying

1 to, just like everybody else, trying to understand  
2 this which is why we spend the time on it, you have  
3 to understand it to be a part of this.

4 JUROR NUMBER 164: True.

5 MR. MOORE: If Mr. Bradley were found guilty of  
6 first degree murder, hypothetically, and then --  
7 which is a necessary -- it's a prerequisite to  
8 your -- to going to the penalty phase, unless that  
9 happens you don't go to the penalty phase, right?  
10 Let's presume that and then evidence is presented,  
11 you hear both sides and you go back deliberate and in  
12 your mind, because you have your own individual vote  
13 in the penalty phase, in your mind the State has  
14 established a whole lot of what are called  
15 aggravating circumstances. Now, you don't know what  
16 they are so. Let's just say that every, you know,  
17 six, five or six or more and so that's -- in your  
18 mind. Also in your mind you find that there are no  
19 mitigating circumstances or if there are, they're  
20 outweighed by the aggravating circumstances, what do  
21 you believe at that point your choices are? Do you  
22 believe if you stop at that point your vote, you cast  
23 your vote as to what the sentence should be, what do  
24 you think your choices would be? What do you think  
25 your options are? You know that --

1 JUROR NUMBER 164: I don't know at this time,  
2 it would have to be with the supporting evidence.

3 MR. MOORE: No, I'm not asking you to predict  
4 what you will do. You know what this is all about is  
5 what you can do, not what are you going to do. We're  
6 not asking what can you do. In other words, at that  
7 point do you believe that you can vote for death or  
8 do you think more has to be done? Let's say you  
9 found aggravating circumstances.

10 JUROR NUMBER 164: More has is to be proven for  
11 it to be a death sentence, you know.

12 MR. MOORE: At that --

13 JUROR NUMBER 164: He's a young man,  
14 (unintelligible).

15 MR. MOORE: At that point you feel like you  
16 could or could not vote for life without parole? Let  
17 me --

18 JUROR NUMBER 164: He have to hear -- go ahead.

19 MR. MOORE: You are never required at any point  
20 to vote for death penalty. Life without parole is  
21 never off the table ever. Even if you find all of  
22 the aggravating circumstances that are presented and  
23 you feel like the State has proven those beyond a  
24 reasonable doubt, you find no mitigating  
25 circumstances, life without parole is always an

1 option. You understand?

2 JUROR NUMBER 164: Yes.

3 MR. MOORE: But death as a possible  
4 recommendation is off the table, if you feel the  
5 State has not proven aggravating circumstances, death  
6 is off the table. Or if you find aggravating  
7 circumstances and you feel the mitigating  
8 circumstances outweigh aggravating circumstances,  
9 death is off the table and you have to vote for life.

10 JUROR NUMBER 164: Yes.

11 MR. MOORE: You're going to get written  
12 instructions so you don't have to --

13 JUROR NUMBER 164: I understand.

14 MR. MOORE: You're not going to a test at this  
15 point but we have to make sure you understand this.  
16 And so the point is life is never off the table  
17 whereas death may be, okay, as I been describing to  
18 you. You can always vote for life without parole.

19 What is, in your concept, what is your concept  
20 of about what life without parole means? What do you  
21 think that means?

22 JUROR NUMBER 164: They'll be in prison.

23 MR. MOORE: If I tell you that the law provides  
24 that anybody sentenced to life without parole will  
25 die in prison and there's no possibility of their

1 release, do you accept that? Or do you question  
2 that?

3 JUROR NUMBER 164: I question it a little bit,  
4 yes.

5 MR. MOORE: What if -- what would it take for  
6 you to be assured that that in fact is the law, a  
7 person sentenced to life without parole will die in  
8 prison with no possibility of release? If I tell you  
9 that is the law, will you accept that?

10 JUROR NUMBER 164: Yes.

11 MR. MOORE: You sure?

12 JUROR NUMBER 164: If it is the law. I've  
13 never heard of anybody being convicted to life in  
14 prison and was on parole.

15 MR. MOORE: Never heard of anybody getting out,  
16 is that what you're saying? I'm telling you, the  
17 Court has told you and will instruct you again, life  
18 without parole means there's no possibility of  
19 release, the person will die in prison. I just need  
20 to know if you accept that.

21 JUROR NUMBER 164: Yes.

22 MR. MOORE: You say you do?

23 JUROR NUMBER 164: Yes.

24 MR. MOORE: When the Court instructs you that  
25 she will give great weight to the jury's



1 recommendation, in your thinking at this point, how  
2 important do you think the jury's sentencing  
3 recommendation is to the sentencing?

4 JUROR NUMBER 164: Can you repeat that?

5 MR. MOORE: Sure. She's a judge and she has an  
6 ultimate say about what a sentence is, but how  
7 important to her the sentence imposed by the Court do  
8 you believe the jury's sentencing recommendation is?  
9 You think it's not important? Do you think it's  
10 something that she can just kind of shrug off? Do  
11 you think -- what do you think?

12 JUROR NUMBER 164: No, I think it's very  
13 important, that's why we're here.

14 MR. MOORE: If I tell you that it's essential,  
15 that she can not arrive at a sentence without your  
16 recommendation, would you accept that?

17 JUROR NUMBER 164: Yes.

18 MR. MOORE: She can't do it without you.

19 JUROR NUMBER 164: Right.

20 MR. MOORE: Let me ask about types of  
21 mitigating circumstances. Mental health, do you  
22 believe mental health, good mental health is a  
23 choice?

24 JUROR NUMBER 164: To a certain sense, yes.

25 MR. MOORE: Do you believe that people who are

1           mentally ill can choose not to be?

2                   JUROR NUMBER 164:  No.

3           MR. MOORE:  If you were to hear testimony from  
4           qualified experts, mental health experts, that  
5           Mr. Bradley suffered from mental illness, is that  
6           something you could or would be open to consider,  
7           potentially, as a mitigating circumstance?

8                   JUROR NUMBER 164:  I could yes.

9           MR. MOORE:  If you were to hear evidence from  
10          qualified experts that Mr. Bradley suffered from  
11          brain injury or brain damage, is that something that  
12          you could be open to considering as a mitigating  
13          circumstance?

14                  JUROR NUMBER 164:  Yes.

15          MR. MOORE:  Drug abuse, have you ever known  
16          anybody who struggled with drug addiction, let me put  
17          it that way, drug addiction?

18                  JUROR NUMBER 164:  I have.

19          MR. MOORE:  Do you think that's a choice?  Drug  
20          addiction, not drug use, drug addiction.

21                  JUROR NUMBER 164:  Well, with that choice, it  
22          was their choice (unintelligible).

23          MR. MOORE:  Well, certainly a choice to start  
24          using drugs or not, but once one is addicted, do you  
25          believe that whether a person can choose or not is

1 clear cut, a person choose not to be an addict?

2 JUROR NUMBER 164: It's a difficult thing.

3 MR. MOORE: You recognize that people who are  
4 addicted struggle for addiction?

5 JUROR NUMBER 164: Oh, sure.

6 MR. MOORE: Some more than others?

7 JUROR NUMBER 164: Yes.

8 MR. MOORE: If you were to hear testimony of  
9 drug abuse or drug addiction in this case related to  
10 Mr. Bradley, is that something that you would be open  
11 to consider as mitigating?

12 JUROR NUMBER 164: Yes.

13 MR. MOORE: If you heard evidence of physical  
14 and emotional abuse, childhood physical and emotional  
15 abuse, it is that something that you would be open to  
16 consider?

17 JUROR NUMBER 164: Yes.

18 MR. MOORE: At the penalty phase if you arrive  
19 there, the jury's vote does not have to be unanimous.  
20 Each juror has the right to his or her own vote. You  
21 don't have to come together as a group -- certainly  
22 to discuss but you don't have to all agree, that's  
23 the point. Do you accept that?

24 JUROR NUMBER 164: Yes.

25 MR. MOORE: And you have the right to your own

1 vote, whatever it is, at the penalty phase and you  
2 have at right to have your vote respected and you  
3 have no obligation to justify your position, do you  
4 accept that?

5 JUROR NUMBER 164: I do, yes.

6 MR. MOORE: And similarly, you owe the courtesy  
7 to the other jury members of the jury to accept and  
8 respect their votes, their opinions, and not try to  
9 browbeat them or intimidate them into agreeing with  
10 you just because they don't, do you accept that?

11 JUROR NUMBER 164: Yes.

12 MR. MOORE: If I can have a moment.

13 THE COURT: Yes, you may.

14 (Thereupon, a pause was taken in the  
15 proceedings.)

16 MR. MOORE: All right. Thank you, sir.

17 THE COURT: Okay. Juror Number 164, I need you  
18 to report back here at 8:30 on Friday morning unless  
19 you get a call otherwise.

20 JUROR NUMBER 164: Okay.

21 THE COURT: Okay. We do have phone numbers for  
22 you, the jury clerks downstairs do. So, our plan is  
23 to go into the second phase of jury instructions  
24 starting 8:30 Friday morning. So, unless you hear  
25 something otherwise, we'll see you then.

1 JUROR NUMBER 164: Friday at 8:30.

2 THE COURT: Friday at 8:30. So, at 8:30 report  
3 to the jury assembly room downstairs. Okay?

4 JUROR NUMBER 164: Very good.

5 THE COURT: Okay. Thank you, sir. Any  
6 questions or concerns?

7 JUROR NUMBER 164: Not at all.

8 THE COURT: Okay. Thank you, sir.

9 (Thereupon, Juror Number 164 exited the  
10 courtroom.)

11 THE COURT: Okay. Let's take about a ten  
12 minute break. Court will be in recess until 10:40.

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

15 THE COURT: Okay. We can bring out  
16 Mr. Bradley.

17 (Thereupon, the defendant was escorted into the  
18 courtroom by the court deputy.)

19 THE COURT: Okay. We can bring in Juror Number  
20 165.

21 (Thereupon, Juror Number 165 was escorted into  
22 the courtroom by the court deputy and the proceedings were  
23 had as follows:)

24 THE COURT: Okay. Good morning Juror Number  
25 165.

1 JUROR NUMBER 165: Good morning.

2 THE COURT: First thing I want to do is thank  
3 you for being here. Thank you for your patience with  
4 us with regard to this process. When I talked to  
5 yesterday afternoon I talked about some rules that  
6 kind of came into effect at that time. They came  
7 into effect at the time you came and spoke with me.  
8 So, since that time, have you read or been exposed to  
9 reading newspaper headlines and/or articles relating  
10 to this trial or its participants?

11 JUROR NUMBER 165: No.

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

14 JUROR NUMBER 165: No.

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

18 JUROR NUMBER 165: No.

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

22 JUROR NUMBER 165: No.

23 THE COURT: I'm going to ask you some  
24 questions. I'm going to ask you some questions about  
25 the knowledge of the case and then we're going to

1 talk about the death penalty. The State will have an  
2 opportunity to ask you questions and the Defense will  
3 have an opportunity to ask you questions. First  
4 question -- in questioning you, there are no right or  
5 wrong answers. What we ask you to do is be honest,  
6 complete, frank. Some people say Judge, can I say  
7 this? You can say whatever you want. That's what we  
8 need you to -- if you think it's important, we want  
9 to hear it. The -- some of the questions will  
10 solicit a yes or no answer. You know, with all due  
11 respect, we want you to answer yes or no but we  
12 understand sometimes the answer is I don't know. You  
13 may have to think about some things this morning that  
14 you haven't ever really thought about before. It  
15 is -- there may be some difficult questions about  
16 some difficult concepts. So, my first question is  
17 kind of easy though. Do you know anything about the  
18 case either from your own knowledge, rumor, by  
19 discussions with anyone else, or from the media,  
20 including television, radio, Internet, electronic  
21 device, or newspaper?

22 JUROR NUMBER 165: Yes.

23 THE COURT: Okay. Tell me specifically, if you  
24 can, what information you think you know about the  
25 case.

1 JUROR NUMBER 165: Just what was on the news  
2 back then.

3 THE COURT: Okay. What was on the news when  
4 the event occurred?

5 JUROR NUMBER 165: Correct.

6 THE COURT: Okay. Would that be by television?

7 JUROR NUMBER 165: Yes.

8 THE COURT: Any information you would have  
9 gained from this case, would it be from television?

10 JUROR NUMBER 165: Yes.

11 THE COURT: Okay. You say just from the news  
12 back then, what about -- I mean, I'm going to be more  
13 specific. You know that there was a shooting of a  
14 law enforcement.

15 JUROR NUMBER 165: Right.

16 THE COURT: Tell me what else you know.

17 JUROR NUMBER 165: That a robbery at a hotel  
18 and then the officer pulled the defendant over and  
19 she was shot.

20 THE COURT: Okay. Do you know anything about  
21 the -- when the defendant -- you say pulled -- when  
22 the officer pulled the defendant over, anything about  
23 that?

24 JUROR NUMBER 165: No.

25 THE COURT: Was there anyone else in the car



1 with him?

2 JUROR NUMBER 165: Yeah, there was a girl in  
3 the car.

4 THE COURT: Okay. Do you know anything about  
5 the girl's case?

6 JUROR NUMBER 165: No.

7 THE COURT: Did you see pictures of Mr. Bradley  
8 in the newspaper? I mean on the television?

9 JUROR NUMBER 165: Yes.

10 THE COURT: Okay. So, you heard about it the  
11 day the event happened. What have you heard since?

12 JUROR NUMBER 165: Nothing really since.

13 THE COURT: Okay. Did hear anything -- you  
14 said you didn't hear anything about the girl's case?

15 JUROR NUMBER 165: No, I don't know anything  
16 specific about her case.

17 THE COURT: You say I don't know anything  
18 specific, do you know anything about it?

19 JUROR NUMBER 165: That she was there.

20 THE COURT: Okay.

21 JUROR NUMBER 165: I'm not really sure.

22 THE COURT: So, you haven't heard any follow up  
23 news with regard to her case?

24 JUROR NUMBER 165: Not really.

25 THE COURT: Not really, is that a yes or no?

1 JUROR NUMBER 165: I haven't paid attention  
2 that much to it.

3 THE COURT: Okay. Okay. And what about did  
4 you hear anything about jury selection?

5 JUROR NUMBER 165: No.

6 THE COURT: Okay. What we ask you to do in  
7 this case, in order to be a juror in the case is to  
8 set aside anything that you may have learned about  
9 the case, serve with an open mind and reach a verdict  
10 based only on the law and the evidence presented in  
11 this trial in this courtroom, can you do that?

12 JUROR NUMBER 165: Um, yes.

13 THE COURT: Okay. You said um, yes. So,  
14 what -- tell me your thought process.

15 JUROR NUMBER 165: Well, I work in hospital  
16 trauma ICU so I get to see a lot of victims of  
17 gunshot wounds and things like that. So, I'm  
18 sympathetic to that as far as, you know, like the  
19 family is concerned.

20 THE COURT: Okay. Have you formed any -- and  
21 those are the type of things we need you to tell us  
22 because we're going to talk about those. Have you  
23 formed any fixed or definite opinions about  
24 Mr. Bradley?

25 JUROR NUMBER 165: Not yet, no.

1 THE COURT: Okay. I mean, some people come in  
2 here, this can be an emotional case for some, it's  
3 not an emotional case for others, would you consider  
4 it an emotional case for you?

5 JUROR NUMBER 165: I would.

6 THE COURT: Okay. Tell me why.

7 JUROR NUMBER 165: Because getting to see  
8 victims of gunshot wounds and, you know, families  
9 whose loved one's in the hospital, I deal with it  
10 every day at work.

11 THE COURT: Okay. Let me tell you what I  
12 anticipate is going to happen in this case. I do  
13 anticipate -- today there's not very much people here  
14 watching. This isn't a very exciting process at the  
15 moment. I do anticipate that there will be family  
16 members here of the decedent, of Deputy Barbara Pill.  
17 I do anticipate there will be family members here.  
18 Also, we do anticipate as part of the trial that you  
19 will see photographs of Deputy Pill after she was  
20 shot. They will be what can be described as graphic.  
21 The other thing is there's -- you may see a video of  
22 the shooting. That can be described as well as  
23 graphic. How do you think that will affect you in  
24 your ability to serve in this case?

25 JUROR NUMBER 165: I don't think that's going

1 to affect me.

2 THE COURT: Okay. You're just saying that  
3 you --

4 JUROR NUMBER 165: It's the emotional aspect of  
5 what the family had to deal with and, you know,  
6 seeing.

7 THE COURT: Do you think that for purposes of  
8 being a juror in this case you could set that aside  
9 and -- I mean, I would think as a result of what  
10 you're saying you might be, and I use the word  
11 biased, but don't take that offensively, biased in  
12 favor of the State?

13 JUROR NUMBER 165: Correct.

14 THE COURT: Okay. Do you think you can set  
15 that aside? What your job is as a juror is to -- the  
16 State has the burden of proof. They have to prove  
17 each element of each count, and there's four counts,  
18 beyond and to the exclusion of every reasonable  
19 doubt. That's their job. They know that's their  
20 job. That's their job in every criminal case. The  
21 Defense does not have to prove anything. The  
22 defendant as he sits here today is presumed to be not  
23 guilty. In fact, he's presumed to be innocent. The  
24 reason for that is because there's no evidence and  
25 nothing has been presented before the Court. So, he

1 has the presumption of innocence. That's the basics  
2 of pretty much -- I mean, that's the basics of every  
3 criminal trial. So, what you would have to do as a  
4 juror is to set aside what you know, set aside that,  
5 you know, sympathy that you may have for the victim's  
6 family and give the defendant the presumption of  
7 innocence that the law requires and make the State  
8 prove their burden, would you be able to do that?

9 JUROR NUMBER 165: My feeling is that that  
10 would be -- I would still be biased.

11 THE COURT: Your feeling is that you would  
12 still be biased in favor of the victim?

13 JUROR NUMBER 165: Yes.

14 THE COURT: And the other thing is you're  
15 probably going to hear what's called victim impact  
16 statements where the victim's -- if in the event  
17 there's a guilty verdict on Count I, the victims have  
18 a right to make a statement and you may hear those  
19 statements and the instructions are with regard to  
20 that is in considering whether to make a  
21 recommendation to the Court of death or life in  
22 prison without the possibility of parole, you cannot  
23 consider those statements as aggravation making the  
24 death penalty more likely or as mitigation making  
25 life in prison without the possibility of parole,

1 giving it more weight, you cannot consider that for  
2 purposes of aggravating or mitigating, do you think  
3 you would be able to do that?

4 JUROR NUMBER 165: Yes.

5 THE COURT: Okay. You could do that. Your  
6 concern is that you would be biased in favor of the  
7 State because of what you've experienced in the past?

8 JUROR NUMBER 165: Yes.

9 THE COURT: Okay. Do you think that this would  
10 not be a case that you could be fair and impartial?

11 JUROR NUMBER 165: Yes.

12 THE COURT: Okay. Do we.

13 MR. LANNING: Stipulate.

14 MR. BROWN: Agreed.

15 THE COURT: All right. Juror Number 164, or  
16 165, I didn't circle your number, I appreciate your  
17 honesty. I appreciate you being -- telling us that  
18 information, being direct with us, and I am going to  
19 release you from being considered in this case. What  
20 I'm going to ask you to do is go downstairs, report  
21 to the jury assembly room, they'll give you some  
22 brief information and send you on your way. Okay.  
23 Thank you.

24 (Thereupon, Juror Number 165 exited the  
25 courtroom.)

1 THE COURT: Okay. For purposes of the record,  
2 Juror Number 165 has been released for cause. Okay.  
3 We'll bring in 171.

4 (Thereupon, Juror Number 171 was escorted into  
5 the courtroom by the court deputy and the proceedings were  
6 had as follows:)

7 THE COURT: Okay. Good morning Juror 171.

8 JUROR NUMBER 171: Good morning.

9 THE COURT: First I want to thank you for being  
10 here. Thank you for being patient with us with  
11 regard to this process. Yesterday when I spoke with  
12 you we talked about some rules that came into effect  
13 at that time. I'm going to ask you about those  
14 rules. Those came into effect when I announced them.  
15 Since that time, have you read or been exposed to  
16 reading newspaper headlines and/or articles relating  
17 to this trial or its participants?

18 JUROR NUMBER 171: No.

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

21 JUROR NUMBER 171: No.

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

25 JUROR NUMBER 171: No.

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

4 JUROR NUMBER 171: No.

5 THE COURT: Okay. I'm going to ask you some  
6 questions this morning. The State may have an  
7 opportunity to question you and the Defense may have  
8 an opportunity to question you. There are no right  
9 or wrong answers to these questions. Some of the  
10 questions may be difficult. Some people haven't  
11 thought about these issues previously. We're going  
12 to talk to you about prior knowledge of the case and  
13 then we're going to talk to you about the death  
14 penalty. Some of the questions solicit a response of  
15 yes or no. We'd like a yes or no if that's the  
16 appropriate response, but if the appropriate response  
17 is I don't know, that's a response as well. Okay.  
18 The first question I'm going to ask you is do you  
19 know anything about this case either from your own  
20 personal knowledge, rumor, by discussions with anyone  
21 else, or from the media, including radio, television,  
22 Internet, electron device, or newspaper?

23 JUROR NUMBER 171: Yes.

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



1           you can.

2                   JUROR NUMBER 171: Just vaguely seeing it, it  
3 was on the news when it first happened, but that's  
4 it.

5           THE COURT: Okay. The news when it first  
6 happened, would that be on the television?

7           JUROR NUMBER 171: Right.

8           THE COURT: Have you seen anything from any  
9 other source other than the television?

10          JUROR NUMBER 171: No.

11          THE COURT: Read anything in the newspaper,  
12 seen anything on the Internet?

13          JUROR NUMBER 171: No.

14          THE COURT: And you said the television when it  
15 happened?

16          JUROR NUMBER 171: Right.

17          THE COURT: Okay. So, nothing since then?

18          JUROR NUMBER 171: Not really.

19          THE COURT: Did you know -- you say not really,  
20 but did you know anything about jury selection taking  
21 place or anything of that?

22          JUROR NUMBER 171: No.

23          THE COURT: Okay. Tell me what you believe you  
24 know about the case, what you think -- or what was  
25 your recollection of what was reported that happened.

1 JUROR NUMBER 171: That some stuff was stolen  
2 from a hotel and there was a chase and then a cop was  
3 shot.

4 THE COURT: Okay. Did you see pictures of the  
5 defendant on the TV, of Mr. Bradley on TV?

6 JUROR NUMBER 171: I don't recall it, I don't  
7 think so.

8 THE COURT: Okay. Did you hear anything about  
9 whether he was with anyone?

10 JUROR NUMBER 171: Yes.

11 THE COURT: And who was he with?

12 JUROR NUMBER 171: I don't know, some woman.

13 THE COURT: Okay. Anything about the woman?

14 JUROR NUMBER 171: No.

15 THE COURT: Anything about -- anything that you  
16 can recall at all about the woman?

17 JUROR NUMBER 171: No.

18 THE COURT: Okay. And you -- anything else,  
19 any specifics about the case that you recall?

20 JUROR NUMBER 171: That was it what I told you.

21 THE COURT: Okay. What we ask you to do for  
22 purposes of this trial is to set aside anything that  
23 you may have learned about this case, serve with an  
24 open mind and reach a verdict based only on the law  
25 and the evidence presented in this trial in this

1 courtroom, can you do that?

2 JUROR NUMBER 171: Yes.

3 THE COURT: What happens if you're back at the  
4 end of the trial in deliberations and you listen to  
5 all the evidence that's been presented in the trial  
6 and you say oh, I just remembered, I remembered  
7 hearing this but nobody gave me any evidence about  
8 that, I never heard anything about that in the  
9 courtroom, can you set that aside and not consider  
10 it?

11 JUROR NUMBER 171: I don't really know  
12 anything.

13 THE COURT: Okay. I'm just saying, every once  
14 a while you'll go oh, yeah, I remember that, I never  
15 heard anything about that.

16 JUROR NUMBER 171: Right.

17 THE COURT: Okay. Here's my other question.  
18 Did you -- some people have an emotional attachment  
19 to information that they've heard, maybe to this  
20 particular case because of the information that  
21 they've heard, do you feel have any strong feelings  
22 about the guilt or the innocence of Mr. Bradley at  
23 this time?

24 JUROR NUMBER 171: Not at this time because I  
25 don't really know the extent of everything that

1 happened.

2 THE COURT: Okay. Do you have an impression  
3 that he's guilty?

4 JUROR NUMBER 171: No.

5 THE COURT: Okay. So, is it fair to say that  
6 the case didn't really have an emotional impact on  
7 you?

8 JUROR NUMBER 171: No. I mean, it's a --

9 THE COURT: I say that and it sounds kind of  
10 callous.

11 JUROR NUMBER 171: Right, that's why I say yes,  
12 it was a cop but I guess I don't know too much about  
13 the story.

14 THE COURT: So, it doesn't solicit any  
15 emotional responses in you at this time?

16 JUROR NUMBER 171: No. I mean, it's sad that  
17 someone died but, you know, but no other emotional.

18 THE COURT: So, at this time -- I'm going to  
19 give you more information about this later but the  
20 State has the burden of proof. They have to prove  
21 each element of each count beyond and to the  
22 exclusion of every reasonable doubt. That's how it  
23 is in every criminal case. They know they have that  
24 burden of proof. The Defense and the defendant, they  
25 do not have to prove anything. At this time because

1 there's no evidence before you, no evidence that's  
2 come before the Court, the defendant is presumed to  
3 be not guilty. In fact, the defendant is presumed to  
4 be innocent. Can you presume the defendant to be  
5 innocent at this time and make the State meet their  
6 burden of proof and prove this case?

7 JUROR NUMBER 171: Yes.

8 THE COURT: Okay. Any questions or concerns  
9 about that?

10 JUROR NUMBER 171: No.

11 THE COURT: Okay. Have I not asked you a  
12 question and you want to tell me something that I  
13 don't know?

14 JUROR NUMBER 171: No.

15 THE COURT: Okay. I'm going to change gears on  
16 you, we're going to talk about the death penalty.  
17 What -- and I ask this pretty general just to get  
18 your response. What are your reviews about the death  
19 penalty?

20 JUROR NUMBER 171: I think like every case is  
21 different so I'm not really against it or for it,  
22 it's just depends on the situation of what happened  
23 really.

24 THE COURT: So, if I had to put you in a  
25 category of for or against it, you would be in the

1 category of for it but you have some reservations?

2 JUROR NUMBER 171: Right, because I mean every  
3 case is different I guess you would say. So, I mean,  
4 you know, in certain cases I would say I was for it,  
5 you know, depending on the information and then  
6 otherwise, you know, and depending I guess on the  
7 crime.

8 THE COURT: Okay. In this case the first part  
9 of the trial is called the guilt phase. In the event  
10 the jury returns a verdict of guilty on Count I, and  
11 it only pertains to count I, Count I is first degree  
12 murder, if there's a guilty verdict on Count I, then  
13 we proceed to a second phase and we call that the  
14 penalty face. In the penalty phase you would be  
15 instructed that you, as a juror you would make a  
16 recommendation to the Court of a possible -- of a  
17 penalty and you would need to consider death or life  
18 in prison without the possibility of parole as a  
19 penalty to make a recommendation of one or the other,  
20 do you think you could do that?

21 JUROR NUMBER 171: Yes.

22 THE COURT: And are you of the opinion that  
23 death is the only appropriate penalty for murder in  
24 the first degree?

25 JUROR NUMBER 171: No.

1 THE COURT: Okay. You would be open to  
2 consider life in prison without the possibility of  
3 parole?

4 JUROR NUMBER 171: Correct.

5 THE COURT: And you would -- would you be open  
6 to consider it in this case?

7 JUROR NUMBER 171: Yes.

8 THE COURT: Okay. No one's ever going to ask  
9 you what you would, what your, what your  
10 recommendation would be. Okay. They're not, they're  
11 not allowed to ask you that. So, no one's going to  
12 ask you that, but they're going to talk to you about  
13 can you consider both possibilities and in  
14 considering that the Court's going to instruct you  
15 about aggravating circumstances and mitigating  
16 circumstances. I talked to you about that the other  
17 day. I'm going to talk to you more about that this  
18 morning and how you -- give you some assistance in  
19 weighing the aggravating circumstances and the  
20 mitigating circumstances and assist you in making  
21 your recommendation. What we ask you to do is be  
22 open minded to consider both possible penalties, can  
23 you do that?

24 JUROR NUMBER 171: Yes.

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

1 State.

2 MR. BROWN: Yes, Your Honor, thank you. Juror  
3 Number 171, good morning.

4 JUROR NUMBER 171: Good morning.

5 MR. BROWN: The Court talked to you a little  
6 bit about the news that you heard and things that you  
7 may remember that you heard or that you read and  
8 things of that nature. Would you agree when you --  
9 did you see it on the TV or did you read some  
10 articles?

11 JUROR NUMBER 171: Yes, I saw it on the TV.

12 MR. BROWN: Would you agree that when you saw  
13 it it's not something that you're focusing on,  
14 listening to intently or anything of that nature?

15 JUROR NUMBER 171: Right, it was just on.

16 MR. BROWN: Right. Right. So, are you  
17 confident in the accuracy of what you remember that  
18 you heard or is it possible that --

19 JUROR NUMBER 171: I would say yeah, I mean,  
20 just because it was so big, you know.

21 MR. BROWN: Right. Right. So, you may --  
22 you're not entirely certain about the details you  
23 recall, you're maybe not accurately remembering them,  
24 right?

25 JUROR NUMBER 171: Right.



1 MR. BROWN: And also when the news is breaking  
2 and coming out, would you agree that they may not  
3 always have all of the information, may not have it  
4 complete?

5 JUROR NUMBER 171: Right.

6 MR. BROWN: Sometimes they, you know,  
7 occasionally they try not to but occasionally they  
8 may get something wrong.

9 JUROR NUMBER 171: Right.

10 MR. BROWN: And so -- and that's why the Court  
11 asked the questions that certainly you can set aside  
12 everything that you heard coming in.

13 JUROR NUMBER 171: Yes.

14 MR. BROWN: Just basically put it out of your  
15 mind because it may be any or a combination of all of  
16 those factors. So, the information there may not be  
17 correct.

18 JUROR NUMBER 171: Right.

19 MR. BROWN: Or accurate or complete.

20 JUROR NUMBER 171: Correct.

21 MR. BROWN: And that's why you have to base are  
22 verdict on everything that you hear in the courtroom.  
23 You put aside what you heard, any preconceived  
24 notions that you have, base your verdict on facts and  
25 evidence and what you hear, any problem doing that?

1 JUROR NUMBER 171: No.

2 MR. BROWN: Now, concerning the death penalty,  
3 I want to go through the process with you that we  
4 have to go through if you're selected and we get to  
5 that stage. We start with, as the Court mentioned,  
6 the death penalty, to consider it, the jury has to  
7 come back with a verdict of guilty of first degree  
8 murder. If the jury comes back with a lesser charge  
9 such as second degree murder, the death penalty is  
10 off the table and the sentencing is entirely with Her  
11 Honor. If you come back with not guilty, then there  
12 is no sentencing. So, if the jury comes back guilty  
13 of first degree murder.

14 Now, there are two ways the State can prove  
15 first degree murder. One is what's known as  
16 premeditated murder, the other is called felony  
17 murder. Now, those will be explained to you later on  
18 in the process if you advance, but the State can  
19 prove it through either of those two ways. They can  
20 prove it both ways. Either way it results -- if it's  
21 proven it would result in a conviction of a first  
22 degree murder which put the death penalty on the  
23 table. Now, do you accept and understand that death  
24 penalty --

25 JUROR NUMBER 171: Sorry.

1 MR. BROWN: That's okay. Death penalty is not  
2 automatic?

3 JUROR NUMBER 171: Yes.

4 MR. BROWN: So, regardless of the facts and  
5 circumstances of the case, nothing comes in with  
6 automatic death penalty, you have to go through the  
7 process.

8 JUROR NUMBER 171: Right.

9 MR. BROWN: So, it could be a mass murderer of  
10 fifty people, it's not -- nothing is automatic, you  
11 have to go through the process. And if the jury  
12 comes back with that first degree murder verdict, we  
13 would reconvene, additional evidence would be  
14 presented and then the Court would give a final set  
15 of instructions and in those -- and the jury would  
16 deliberate. In those instructions the first step  
17 that she's going to tell you to do is to examine what  
18 are called aggravating circumstances. Now, if you  
19 recall from yesterday when the Court went over this  
20 with you, aggravate something circumstances, it's a  
21 statutory list and it's circumstances which may  
22 increase the gravity of the crime or the harm to the  
23 victim and it's to those circumstances and those  
24 alone that you look to to determine whether or not  
25 the death penalty is justified.

1           Now, there's a burden of proof. We have to  
2 prove those just like in the guilt phase, we have to  
3 prove those aggravating circumstances beyond and to  
4 the exclusion of every reasonable doubt. So, the  
5 Court gives you that list and you feel the State  
6 hasn't proven any of those, then your recommendation  
7 has to be life because you would have found there is  
8 no aggravating circumstances, no aggravation. If you  
9 feel the State's proven at least one, we may have  
10 proven more than one, we may have proved them all,  
11 it's going to be a list, I expect it to be more than  
12 one, likely three, four, five or six, if you feel the  
13 State's proven at least one or more than one, you  
14 look at the ones we've proven and ask yourself do  
15 these aggravating circumstances justify the death  
16 penalty. If you find that they don't, then your  
17 recommendation is life. If you find that they do,  
18 you move on to the next step in the process and  
19 that's where you look at what are called mitigating  
20 circumstances. And as the Court told you yesterday,  
21 those come from the defendant, his life, his  
22 background, character, things concerning him, and  
23 just like the aggravating circumstances, if they  
24 suggest a recommendation of death, the mitigating  
25 circumstances come in and they suggest a sentence of

1 life. There's a burden of proof for those. It's a  
2 lower burden, it's to the greater weight of the  
3 evidence. Obviously like the aggravating  
4 circumstances, if something is presented and you find  
5 it's not proven, you disregard it. The Court's going  
6 to tell you you're going to go through a weighing  
7 process, weighing those aggravators against the  
8 mitigators.

9 Now, in your lifetime have you had to make some  
10 key, critical important decisions?

11 JUROR NUMBER 171: Um-hmm.

12 THE COURT: And when you've made those  
13 decisions, did you try to look at all the factors  
14 involved?

15 JUROR NUMBER 171: Yes.

16 MR. BROWN: That's what most people try to do  
17 when you make key decisions. And when you looked at  
18 everything you found some of those factors very  
19 important and you gave them great weight in your  
20 decision making, right?

21 JUROR NUMBER 171: Right.

22 MR. BROWN: Other factors you looked at and  
23 considered them but you said, you know, I looked at  
24 this and I thought about it, this really isn't that  
25 important and I'm going to give it little weight.

1 You agree?

2 JUROR NUMBER 171: Okay.

3 MR. BROWN: And that's how most of us make,  
4 typically would make key important decisions. Her  
5 Honor is going to tell you the same process here is  
6 that you look, you have to compare and weigh the  
7 aggravators and mitigators, you determine how much  
8 wait to give each aggravator and to each mitigating  
9 circumstance. She's not going to tell you aggravator  
10 number one gets X amount of weight and mitigator  
11 number one gets X amount of weight. You're not going  
12 to hear that. We may suggest in arguments to you but  
13 she's not going to tell you how many weight, it's a  
14 decision you have to make. There's no magic formula  
15 she's going to give you to determine how much weight,  
16 it's entirely up to you. And the juror next to you,  
17 he or she may decide completely the opposite of your  
18 decision as to how much weight. It's a personal  
19 decision you make.

20 Your recommendation that you make in this case  
21 for guilt has to be unanimous, the jury has to be  
22 unanimous with the decision. For the sentencing  
23 phase it's not unanimous. It doesn't have to be  
24 (unintelligible) but it doesn't have to be. I could  
25 be 12/0, 11/1, 10/2, 9/3 all the way down. Okay.

1 So, that's why you have to make that decision on your  
2 own. You discuss it and talk about it but it's your  
3 decision and your vote. So, you have to go through  
4 when you weigh. She's not going to tell you, as I  
5 said, how much weight. What she is going to tell you  
6 you have to go through that weighing process. So,  
7 consider everything and you weigh it.

8 Now, we can't ask you, it wouldn't be fair to  
9 ask you how much weight would you give to this  
10 aggravator or this mitigator because you haven't  
11 heard the evidence, you haven't heard the evidence in  
12 support of it and you have to hear everything to  
13 determine how much weight because you're weighing  
14 them against each other. Right?

15 JUROR NUMBER 171: Right.

16 MR. BROWN: So, the question is can you  
17 consider it. You may hear we ask you aggravator one  
18 or mitigator one could you consider this and you may  
19 just think I'll consider it, I may give it that much  
20 weight, but can you consider, that's what we need to  
21 know, are you open to considering all the aggravators  
22 that the Court gives you?

23 JUROR NUMBER 171: Um-hmm.

24 MR. BROWN: And likewise if mitigation evidence  
25 is presented to you, are you open to consider what's

1           been proven?

2                   JUROR NUMBER 171:   Yes.

3                   MR. BROWN:   Okay.  I'm not going to ask the  
4                   weight, just the consideration.

5                   JUROR NUMBER 171:   Right.

6                   MR. BROWN:   So, you go through the process and  
7                   you weigh the aggravators versus the mitigators.  You  
8                   assign the weight, determine that and you go to the  
9                   recommendation process.  If you determine that the  
10                  mitigation outweighs the aggravation, then your  
11                  recommendation has to be life if you find that it  
12                  outweighs the aggravation.  On the other hand, if you  
13                  find that the mitigation does not outweigh the  
14                  aggravation, then you're in a position where you're  
15                  legally justified to recommend a sentence of death.

16                  Now, the Court's not going to tell you if the  
17                  State proves A, B, C and D that you must return a  
18                  recommendation of death.  You understand that?  In  
19                  fact, what she's going to tell you is you are never  
20                  required to recommend the death penalty.  What you  
21                  are required to do is go through that weighing --  
22                  consider everything and go through that weighing  
23                  process and then when you weigh it if you weigh it,  
24                  the aggravators versus the mitigator, you find the  
25                  mitigation does not outweigh the aggravation and at



1 that point you feel based on that process that the  
2 death penalty is justified, that's when you can  
3 recommend the death penalty. Okay. Any questions?

4 JUROR NUMBER 171: No.

5 MR. BROWN: You feel comfortable in going  
6 through that process?

7 JUROR NUMBER 171: Yes.

8 MR. BROWN: Okay. Is there anything in your  
9 background, be it political beliefs, philosophical  
10 beliefs, religious beliefs, moral beliefs, work  
11 history, family history, whatever it may be, that  
12 causes you any undue concern, angst, anxiety,  
13 troubles in being asked to be in a situation to make  
14 that decision or having to make a recommendation of  
15 life or death?

16 JUROR NUMBER 171: I don't think so.

17 MR. BROWN: If the State of Florida proves to  
18 you aggravating circumstances and they're not  
19 outweighed by the mitigation and you feel they  
20 justify the death penalty, can you, not asking will  
21 you, but can you return a recommendation of death?

22 JUROR NUMBER 171: Probably.

23 THE COURT: I didn't hear the answer.

24 JUROR NUMBER 171: Probably. It's not  
25 definite.

1 MR. BROWN: Again, I try to phrase that I'm not  
2 asking you what you will do but if we've met the  
3 legal burden, which is we've proven aggravating  
4 circumstances, they're not outweighed by the  
5 mitigation, you feel that those aggravators justify  
6 the death penalty, you have to make those findings to  
7 be able to recommend that. So, given that situation,  
8 again, I'm not asking you what you would do, that  
9 wouldn't be a fair question, but can you recommend a  
10 sentence of death?

11 JUROR NUMBER 171: Yes.

12 MR. BROWN: Thank you. Your Honor, no further  
13 questions.

14 THE COURT: Okay. Questions by the Defense.

15 MR. LANNING: Good morning.

16 JUROR NUMBER 171: Good morning.

17 MR. LANNING: Juror 171, you've heard the Judge  
18 yesterday when she pretty much read the instructions  
19 to you about this weighing process --

20 JUROR NUMBER 171: Right.

21 MR. LANNING: -- that you go through and now  
22 you've heard Mr. Brown go through it a second time.

23 JUROR NUMBER 171: Um-hmm.

24 MR. LANNING: Sound complicated?

25 JUROR NUMBER 171: Yeah.

1 MR. LANNING: Okay. Well, I would like to know  
2 at this point in time what your understanding is as  
3 to your options, what you're supposed to do if you  
4 get to a certain point. A little bit of a pop quiz.

5 JUROR NUMBER 171: You mean guilty versus not  
6 guilty?

7 MR. LANNING: No, no, based on this weighing  
8 process of aggravators and mitigators.

9 JUROR NUMBER 171: Right.

10 MR. LANNING: Because we're jumping way ahead  
11 of the gun. There's not been a guilt phase. We're  
12 not conceding the guilt but we have to do this up  
13 front to talk about the possible death penalty.

14 At this point in time, what is your  
15 understanding of what you're supposed to do assuming  
16 that the State has presented aggravation, it might be  
17 every aggravator that they've asked for and  
18 aggravation is high and any mitigation that you've  
19 heard has been low, what is your understanding at  
20 this point as to what you're to do?

21 JUROR NUMBER 171: Whatever outweighs it  
22 (unintelligible).

23 MR. LANNING: Okay. You failed.

24 JUROR NUMBER 171: Okay.

25 MR. LANNING: The instructions -- if the

1           aggravation outweighs the mitigation, that's the  
2           first time that you can keep and could give the death  
3           penalty. Okay? It's not saying that you should.  
4           There's nothing in the jury instructions that would  
5           tell you you should give the death penalty under  
6           those circumstances. There's nothing in the  
7           instructions that says you must. There's not even  
8           anything that says that you should. It's the  
9           first -- it's like you're being -- you're going  
10          through this process but the most you will get is a  
11          permission slip. Then it becomes on you and even at  
12          that point it's a can, not necessarily I should.

13                 Do you have a conception in your mind of what  
14          life in prison without the possibility of parole  
15          means?

16                 JUROR NUMBER 171: It means he'll never get out  
17          of jail.

18                 MR. LANNING: No question in your mind that  
19          that is the law?

20                 JUROR NUMBER 171: That I know.

21                 MR. LANNING: The State has to prove the  
22          aggravation beyond a reasonable doubt and the  
23          mitigation is a lower, is a lower burden of proof,  
24          it's by the greater weight of the evidence. That  
25          means if you're reasonably convinced that that

1 mitigation has been proved, you can take it as  
2 proven.

3 What's your impression of what might constitute  
4 mitigation?

5 JUROR NUMBER 171: I guess background.

6 MR. LANNING: Okay. Part of it.

7 JUROR NUMBER 171: Previous history, what  
8 happened prior to this incident.

9 MR. LANNING: Okay. I'd like to give you a few  
10 examples and see if it's evidence that you could  
11 consider as mitigation. If evidence were presented  
12 by qualified witnesses, experts, that Mr. Bradley  
13 suffers from brain damage, is that something that you  
14 could consider as mitigation?

15 JUROR NUMBER 171: Yeah.

16 MR. LANNING: Could you -- are you familiar at  
17 all with MRI? Do you know what that is, what an MRI  
18 is?

19 JUROR NUMBER 171: Yes.

20 MR. LANNING: Okay is that something you would  
21 be open to consider in terms of considering whether  
22 there's been brain damage?

23 JUROR NUMBER 171: Yes.

24 MR. LANNING: What about mental illness, if  
25 evidence were presented through experts that

1 Mr. Bradley suffers from mental illness, is that  
2 evidence that you could consider as mitigating?

3 JUROR NUMBER 171: Yes.

4 MR. LANNING: What about drug abuse and drug  
5 addiction? Some people feel that drug addiction is a  
6 choice, that it's not mitigating in any way. And  
7 again, there's no right or wrong answer in here.  
8 What's your opinion?

9 JUROR NUMBER 171: It can be, I don't know for  
10 sure.

11 MR. LANNING: All right. I don't know if it's  
12 been brought up to you at this point but some  
13 evidence that may come into this case involves  
14 photographs and video, photographs of the deputy  
15 after her death in autopsy and video of the death.  
16 It's graphic. Does that cause you any concerns?

17 JUROR NUMBER 171: No.

18 MR. LANNING: In your -- you indicated that you  
19 weren't really for the death penalty, that every case  
20 is different. Are there any situations in your mind  
21 that that is a slam dunk death case, that person  
22 needs to be put down?

23 JUROR NUMBER 171: Child molesters, people that  
24 abuse children or kill children.

25 MR. LANNING: In that situation, in the case of

1 a child molester, and you understand that it's only  
2 if there were also a murder that there could be a  
3 death sentence, but in a situation like that, would  
4 you still be able to consider mitigation or would  
5 that just be a case where you would feel like I don't  
6 care what they put on?

7 JUROR NUMBER 171: That specific case with  
8 children?

9 MR. LANNING: Sure.

10 JUROR NUMBER 171: I probably wouldn't be able  
11 to consider anything else (unintelligible).

12 MR. LANNING: How about any others that you can  
13 think of?

14 JUROR NUMBER 171: No, that's probably the only  
15 one that I was thinking of.

16 MR. LANNING: What about a person who's charged  
17 with killing, a mass murderer, would you still be  
18 open to considering mitigation evidence in that  
19 situation?

20 JUROR NUMBER 171: Yes.

21 MR. MOORE: Let me ask you this. If you put  
22 your level of support for the death penalty on a  
23 scale between zero and ten, zero being no support, I  
24 don't think the death penalty should ever be  
25 involved, number ten I am strongly for the death

1 penalty, we probably need to see it more often, where  
2 were you place yourself in that level?

3 JUROR NUMBER 171: Again, I'm kind of in the  
4 middle. I mean (unintelligible). I mean, I'm right  
5 in the middle.

6 MR. LANNING: May I have a moment?

7 THE COURT: Yes, you may.

8 (Thereupon, a pause was taken in the  
9 proceedings.)

10 MR. LANNING: What are your thoughts of why you  
11 support the death penalty?

12 JUROR NUMBER 171: Why?

13 MR. LANNING: Yeah. If you woke up tomorrow  
14 morning and found out you're the governor of Florida  
15 and you got to make the rules, would you have a death  
16 penalty?

17 JUROR NUMBER 171: Probably.

18 MR. LANNING: Okay. Any reason why?

19 JUROR NUMBER 171: Just because in some cases  
20 it does deserve, I guess you would say, the death  
21 penalty like we were discussing, like, you know,  
22 children being killed and other reasons, you know.  
23 So, I probably say yes, maybe someone does deserve  
24 it.

25 MR. LANNING: And part of this case could also



1 involve what's called victim impact evidence and  
2 that's where witnesses and other evidence could be  
3 presented to show the effect of the death of the  
4 decedent on friends, family and community. That  
5 evidence, you would be instructed that you could not  
6 consider that as aggravating, it couldn't be  
7 considered as an aggravating circumstance. There's  
8 no instruction as to how you could use that but only  
9 the instruction that you couldn't use it to consider  
10 as aggravation. That evidence I think you could  
11 imagine could be emotional and upsetting, is the  
12 instruction that you could not consider that as  
13 aggravation, could you follow that instruction?

14 JUROR NUMBER 171: Yes.

15 MR. LANNING: Thank you.

16 THE COURT: Okay. Juror Number 171, I'm going  
17 to release you for today. You're still being  
18 considered as a potential juror in this case. I'm  
19 going to ask you, unless you get a phone call  
20 otherwise, to report back at 8:30 on Friday morning.  
21 Report to the jury assembly room at that time.

22 During this recess you must abide by those  
23 rules governing your service as a juror. Do not talk  
24 about this case with anyone. Avoid seeing or hearing  
25 television, radio, or Internet comments about the

1 case. Don't conduct any independent research. Now,  
2 do you have any questions or concerns?

3 JUROR NUMBER 171: No.

4 THE COURT: Okay. So, we'll see you Friday at  
5 8:30.

6 JUROR NUMBER 171: Okay.

7 THE COURT: Okay. Thank you.

8 (Thereupon, Juror Number 171 exited the  
9 courtroom.)

10 THE COURT: Okay. We can bring in Juror 172.

11 (Thereupon, Juror Number 172 was escorted into  
12 the courtroom by the court deputy and the proceedings were  
13 had as follows:)

14 THE COURT: Okay. Good morning Juror Number  
15 172. Thank you for being here. Thank you for being  
16 a part of this process, being patient with us  
17 regarding the process. When I spoke to you yesterday  
18 I talked about some rules that came into effect.  
19 Those rules started at that time. So, I'm going to  
20 ask you about those since they started. Have you  
21 read or been exposed to reading newspaper articles  
22 headlines or anything related to this trial or its  
23 participants?

24 JUROR NUMBER 172: No.

25 THE COURT: Have you seen or heard television,

1 radio, or Internet comments about this trial?

2 JUROR NUMBER 172: No.

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

6 JUROR NUMBER 172: No.

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

10 JUROR NUMBER 172: No.

11 THE COURT: I'm going to ask you some questions  
12 this morning and then the State will have an  
13 opportunity to ask you some questions, the Defense  
14 will have an opportunity to ask you some questions.  
15 There are no right or wrong answers to the questions,  
16 we just ask you to be honest, complete, frank,  
17 provide full disclosure. Most -- some of the  
18 questions may solicit a yes or no response. Some of  
19 the things you may have never thought about before  
20 and if the answer to the question is I don't know,  
21 that's an acceptable response as well. The first  
22 question I'm going to ask you is pretty simple. Do  
23 you know anything about this case either from your  
24 own knowledge, rumor, by discussions with anyone  
25 else, or from the media, including radio, television,

1 Internet, electronic device, or newspapers?

2 JUROR NUMBER 172: Yes.

3 THE COURT: Okay. Tell me what information you  
4 know about the case.

5 JUROR NUMBER 172: I saw a couple of news  
6 stories when it happened. Do you want specific  
7 details?

8 THE COURT: If you know -- yes, specifics if  
9 you can, please.

10 JUROR NUMBER 172: I mean, I have a vague  
11 recollection of what happened. There was some kind  
12 of car chase and in the process the deputy was shot.  
13 And I think there was one other person that was in --  
14 another person involved, I think it was a woman. I'm  
15 not sure what happened to her.

16 THE COURT: Okay. So, you would have heard  
17 that at the time of the event?

18 JUROR NUMBER 172: Yes.

19 THE COURT: Did you -- have you heard anything  
20 since then?

21 JUROR NUMBER 172: Not really.

22 THE COURT: Have you heard that there was jury  
23 selection?

24 JUROR NUMBER 172: That I did hear.

25 THE COURT: Okay. Anything else?

1 JUROR NUMBER 172: I thought it was over by the  
2 time I got here.

3 THE COURT: So, have you heard anything else?

4 JUROR NUMBER 172: No.

5 THE COURT: Where would you have gotten that  
6 information?

7 JUROR NUMBER 172: I got it from the TV and  
8 then the neighbor that I lived next door to at the  
9 time, she was a Melbourne police officer.

10 THE COURT: Okay. Do you still live next door  
11 to that neighbor?

12 JUROR NUMBER 172: No, I don't but I still talk  
13 to her.

14 THE COURT: Okay. So, you're friends with a  
15 Melbourne police officer?

16 JUROR NUMBER 172: Yes, her husband or -- yeah,  
17 her husband and my boyfriend work together at Brevard  
18 Fire Rescue.

19 THE COURT: Okay. So, your -- is it your  
20 current boyfriend as well?

21 JUROR NUMBER 172: Yes.

22 THE COURT: Works at Brevard Fire Rescue?

23 JUROR NUMBER 172: Yes.

24 THE COURT: Okay. Because of those  
25 relationships, have you formed or -- generally, have

1 you formed any fixed opinions about the guilt or  
2 innocence of the defendant?

3 JUROR NUMBER 172: Yes.

4 THE COURT: Okay. Would you have trouble  
5 sitting on this case knowing that a witness may be  
6 someone from the Melbourne Police Department?

7 JUROR NUMBER 172: Trouble. It would probably  
8 be easier for me to -- because of my friend, my  
9 neighbor that I used to live next door to. So, it  
10 may influence me.

11 THE COURT: Okay. And some of the witnesses  
12 may be from, I don't know if it's Brevard Fire and  
13 Rescue, I think it is.

14 JUROR NUMBER 172: I didn't recognize any of  
15 the names that were read.

16 THE COURT: Would that cause you concern  
17 knowing that it may be some coworkers of your  
18 boyfriend?

19 JUROR NUMBER 172: No. I mean, he works up in  
20 Rockledge so he doesn't really -- well, he knows  
21 people, but we don't really (unintelligible).

22 THE COURT: Okay. Does the fact that this is  
23 a -- the fact that this involves the death of a law  
24 enforcement officer, does that cause you some  
25 concern?

1 JUROR NUMBER 172: Yes, knowing my neighbor I  
2 have a deep respect for her and for police in  
3 general.

4 THE COURT: Okay. What we ask you to do in  
5 this case, the State has the burden of proof and --  
6 that's in every criminal case. They have to prove  
7 each count -- each element of each count beyond and  
8 to the exclusion of every reasonable doubt. The  
9 defendant does not have to prove anything. The  
10 defendant is presumed at this time because there's no  
11 evidence before the Court to be not guilty. In fact,  
12 the defendant is presumed to be innocent. We need  
13 jurors who are -- can be not biased in favor of the  
14 State or biased in favor of the Defense, not be  
15 prejudiced against the State or prejudiced against  
16 the defense. I instruct you that, you know, as a  
17 juror you can't have those considerations. Do you  
18 think the fact -- I mean, in this case based on your  
19 affection I assume for the Melbourne police officer,  
20 do you think you could you would be biased in favor  
21 of the State?

22 JUROR NUMBER 172: You kind of touched on it  
23 yesterday about the testimony of police officers, I  
24 would probably be a little bit more inclined to give  
25 them more credibility.

1 THE COURT: Okay. So, let's talk -- because  
2 you have respect for police officers.

3 JUROR NUMBER 172: Yes, having been with my  
4 boyfriend and knowing his friends, I just attended  
5 the wedding of a fireman and BCSO deputy, I have a  
6 great respect for what they do on a day-to-day basis.

7 THE COURT: Okay. So, let's talk about that.  
8 What I told you before is that I'm going to give you  
9 instructions on how to -- how you weigh the testimony  
10 of any witness. I do that first just so you know  
11 what the general rules are. And then I tell you  
12 that -- I give you an instruction about law  
13 enforcement officers. Now, in this case we expect  
14 there will be law enforcement officers, not that list  
15 that you heard, but there will be law enforcement  
16 officers, not that entire list, but there will be  
17 some law enforcement officers. What I tell you is  
18 that when they come in you have to be able to weigh  
19 their testimony the same as you weigh other witnesses  
20 testimony. Now, after you hear the testimony the  
21 weight that you decide to give their testimony,  
22 that's up to you after you hear my instructions on  
23 how to do it and after you hear the testimony. You  
24 know, obviously as a juror you're going to hear some  
25 testimony and you're going to go I give great weight



1 to that testimony, I don't know if I believe that  
2 other testimony. I mean, you get to decide you want  
3 to give great weight to it, little weight or no  
4 weight to it. You can hear a person's testimony and  
5 say I'm not considering it, I don't believe that, I'm  
6 not considering that. You have the right to do that  
7 as a juror. But what you can't do is give them extra  
8 credit because of their profession, any profession,  
9 and that includes law enforcement officers or fire --  
10 fire -- I call them -- I guess they're firefighters.  
11 Can they still call them that?

12 JUROR NUMBER 172: Yes.

13 THE COURT: I don't know if that's politically  
14 correct, I think they're fire and rescue, but for  
15 purposes of this discussion I'll call them  
16 firefighters, can't give them extra credit just  
17 because of their profession. That's easy for me to  
18 tell you that's the instruction but you may say no,  
19 based on my experience and based on what I know I  
20 can't do that. Is that your concern?

21 JUROR NUMBER 172: Why yes.

22 THE COURT: So, you would give greater weight  
23 to the testimony of a law enforcement officer?

24 JUROR NUMBER 172: I just would give greater  
25 credibility. When I -- I've sat on a trial before

1 and the testimony you have to look at it as if it  
2 would apply to the case.

3 THE COURT: Right. Right.

4 JUROR NUMBER 172: So, weight maybe, maybe not,  
5 but credibility, yes.

6 THE COURT: So, when you say credibility,  
7 you're talking about believability?

8 JUROR NUMBER 172: Yes.

9 THE COURT: So, if there was a dispute between  
10 the police officer said one thing and someone else  
11 said another thing, you would give more credibility  
12 to the police officer's testimony?

13 JUROR NUMBER 172: Yes.

14 THE COURT: Okay. Do we?

15 MR. BROWN: Stipulate.

16 MR. MOORE: Stipulate.

17 THE COURT: Then Juror One 172, you don't have  
18 to worry about that surgery on March the 25th, you'll  
19 be good to go.

20 JUROR NUMBER 172: Okay.

21 THE COURT: I'm going to go ahead and release  
22 you from being considered as a juror in this case. I  
23 do want to thank you for being patient with us about  
24 the process. I'm going to ask you to go downstairs.  
25 You are released. Just tell them that you've been

1 released, they're going to give you some general  
2 information and send you on your way.

3 JUROR NUMBER 172: Okay.

4 THE COURT: Okay. Thank you.

5 (Thereupon, Juror Number 172 exited the  
6 courtroom.)

7 THE COURT: Okay. Just for the record, Juror  
8 Number 172 is released for cause. We can bring in  
9 Juror Number 174.

10 (Thereupon, Juror Number 176 was escorted into  
11 the courtroom by the court deputy and the proceedings were  
12 had as follows:)

13 THE COURT: Okay. Good -- go ahead, be seated.  
14 Good morning Juror Number 174. First of all, I want  
15 to thank you for being part of this process. Thank  
16 you for being patient with us. Yesterday I talked to  
17 about some rules that came into effect. Those rules  
18 started at that time. So, I'm going to ask you since  
19 I talked to you about those rules, have you read or  
20 been exposed to reading newspaper headlines and/or  
21 articles relating to this trial or its participants?

22 JUROR NUMBER 174: No.

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

25 JUROR NUMBER 174: No.

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

4 JUROR NUMBER 174: No.

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

8 JUROR NUMBER 174: No.

9 THE COURT: Now, I'm going to ask you some  
10 questions. There's no right or wrong answers to the  
11 questions I'm going to ask and then the State may  
12 have an opportunity to question and you and the  
13 Defense may have an opportunity to question you.  
14 What I -- with regard to your answers, we just ask  
15 you to be honest, frank, provide full disclosure.  
16 And like I said, there are no right or wrong answers.  
17 Some of the answers are going to solicit a response  
18 of yes or no. These -- there may be some hard  
19 questions that's asked of you. If the answer is I  
20 don't know, that's a valid response as well. Okay.  
21 I'm going to need you to speak up because everything  
22 is being recorded. So, we need to get an audio  
23 answer from you. My first question I'm going to ask  
24 you is do you know anything about this case either  
25 from your own personal knowledge, rumor, by

1 discussions with anyone else, or from the media,  
2 including radio, television, an Internet device, or  
3 newspapers?

4 JUROR NUMBER 174: I do from the very first  
5 time that it happened, when it happened.

6 THE COURT: Okay.

7 JUROR NUMBER 174: It read it in the papers.

8 THE COURT: Okay. At the time that it  
9 occurred?

10 JUROR NUMBER 174: Right.

11 THE COURT: You read something in the paper?

12 JUROR NUMBER 174: Yes.

13 THE COURT: Okay. Would the newspaper be your  
14 primary source of information?

15 JUROR NUMBER 174: And also television.

16 THE COURT: Okay. Did you see something on  
17 television as well?

18 JUROR NUMBER 174: That was when it happened,  
19 the first time it appeared in the paper.

20 THE COURT: Okay. Tell me what specific  
21 information you believe you know about this case.

22 JUROR NUMBER 174: I know about the robbery of  
23 the hotel and then the killing of the woman deputy  
24 sheriff.

25 THE COURT: Okay.

1 JUROR NUMBER 174: That's it.

2 THE COURT: Okay. Anymore specifics? You said  
3 robbery in a hotel, that was a specific.

4 JUROR NUMBER 174: I just know the names.

5 THE COURT: And you know of the names of the  
6 individuals involved?

7 JUROR NUMBER 174: Yeah.

8 THE COURT: Okay. Do you know anything about a  
9 codefendant, about someone else that may or may not  
10 have been with Mr. Bradley? No?

11 JUROR NUMBER 174: No.

12 THE COURT: Did you ever see a picture of  
13 Mr. Bradley?

14 JUROR NUMBER 174: Yes, in the paper.

15 THE COURT: In the paper. Okay. So, you  
16 gained that information at the time of the event,  
17 correct?

18 JUROR NUMBER 174: Yes.

19 THE COURT: What have you heard since then?

20 JUROR NUMBER 174: I think I read like one,  
21 two, three days and after that I didn't pay  
22 attention.

23 THE COURT: Okay. Did you hear anything about  
24 jury selection taking place?

25 JUROR NUMBER 174: No.

1 THE COURT: Okay. What we ask you to do as  
2 part of this process is to set aside anything that  
3 you may have learned about this case, serve with an  
4 open mind and reach a verdict based only on the law  
5 and the evidence presented in this trial in this  
6 courtroom, can you do that?

7 JUROR NUMBER 174: Yes.

8 THE COURT: Okay. Do you have -- when I say  
9 serve with an open mind, do you have any fixed  
10 opinions about the guilt or the innocence of the  
11 defendant at this time?

12 JUROR NUMBER 174: What does that mean?

13 THE COURT: Okay. At this time in a criminal  
14 case, all criminal cases, the State of Florida has  
15 the burden of proof. They have to prove each element  
16 of each crime beyond and to the exclusion of every  
17 reasonable doubt. That's their job in every criminal  
18 case. They know that's their job. The defendant and  
19 the Defense do not have to prove anything. They  
20 are -- so, at this time because there's no evidence  
21 that's been presented before the Court, the defendant  
22 is not guilty and so you have to come into this  
23 courtroom and say from the beginning of trial because  
24 you haven't heard anything that yes, the defendant is  
25 not guilty. In fact, you have to give -- presume

1 that the defendant is innocent. Can you presume that  
2 the defendant is innocent at this time for this case?

3 JUROR NUMBER 174: Not hundred percent.

4 THE COURT: Okay.

5 MR. MOORE: What was the answer?

6 THE COURT: Not a hundred percent. Okay. Tell  
7 me what you're thinking. Tell me why you say not a  
8 hundred percent.

9 JUROR NUMBER 174: Well the first time when I  
10 read that, because it was a female police officer, I  
11 was just really mad.

12 THE COURT: Okay.

13 JUROR NUMBER 174: For that to be done to her.

14 MR. MOORE: I'm having trouble hearing.

15 JUROR NUMBER 174: Because being a mother --

16 THE COURT: Okay. If you could try to speak up  
17 just a little bit. Okay. Say that again if you can.  
18 I heard that you said because -- when you first heard  
19 the case you were really mad because it was a female  
20 police officer and you're a mother.

21 JUROR NUMBER 174: Yes.

22 THE COURT: So --

23 JUROR NUMBER 174: And then the one who did it  
24 was a young man, you know, it's just like -- I don't  
25 know, I guess it's from my culture and how we respect



1           our elderly, mothers, grandmothers. So, that  
2           (unintelligible) I was like really mad.

3           THE COURT: Okay.

4           JUROR NUMBER 174: Why did he do it, you know,  
5           he shouldn't have done it.

6           THE COURT: So, it solicited an emotional  
7           response from you in hearing what the charges were  
8           and what may have been done?

9           JUROR NUMBER 174: Right.

10          THE COURT: Okay. For purposes of this trial,  
11          knowing that is this case and it's that case and  
12          you'll have to determine the guilt or innocence of  
13          Mr. Bradley, would you be able to do that? And you  
14          have assume for this time at this moment that he's  
15          not guilty.

16          JUROR NUMBER 174: I don't think he's innocent.

17          THE COURT: You don't think he's innocent.  
18          Okay. And so would it be fair to say that you would  
19          be -- do you know what the word biased means, that  
20          you would be biased in favor of the State?

21          JUROR NUMBER 174: I don't know if that's being  
22          biased but it's just.

23          THE COURT: You would favor the State in this  
24          case?

25          JUROR NUMBER 174: Yes.

1 THE COURT: Okay.

2 MR. MOORE: Stipulate.

3 THE COURT: Okay. Then Juror Number 174, I am  
4 going to release you from being considered as a juror  
5 in this case. Okay. I do appreciate you coming to  
6 be here. I wish I could have gotten to you sooner  
7 but I have to go by the numbers and the process does  
8 take a little bit of time, but I do want to thank you  
9 for being part of the process and thank you for being  
10 here. I'm going to have you go downstairs, speak to  
11 the jury assembly person downstairs in the jury  
12 assembly room and they're going to release you and  
13 just take your badge and just give you some brief.  
14 Okay? Okay. So, thank you for being here.

15 (Thereupon, Juror Number 174 exited the  
16 courtroom.)

17 THE COURT: Okay. So, for the record, Juror  
18 Number 174 has been struck for cause. So, we'll  
19 bring in Juror Number 175, and I know I need to ask  
20 him about his work. Mr. Moore, he can't do the  
21 thumbs up.

22 MR. MOORE: Only in private.

23 THE COURT: If they both do it, you can.

24 MR. MOORE: As long as nobody can see.

25 THE COURT: Can't do it with the jury.

1 MR. PIROLO: Can he do thumbs down?

2 THE COURT: You can probably do it now. You  
3 can do it now, you just can't do it.

4 (Thereupon, Juror Number 175 was escorted into  
5 the courtroom by the court deputy and the proceedings were  
6 had as follows:)

7 THE COURT: Okay. Good morning Juror Number  
8 176.

9 JUROR NUMBER 175: 75.

10 THE COURT: I mean 175, sorry about that, I'm  
11 looking ahead, Juror Number 175. First of all, I  
12 want to thank you for being here. Thank you for  
13 being patient with us. Thank you for participating  
14 in this process. When we spoke to you yesterday you  
15 were going to go and try to get some information and  
16 you didn't have much time but hopefully you had  
17 enough time to get that information. Tell me where  
18 we're at with regard to that.

19 JUROR NUMBER 175: Well, I did -- it was late  
20 in the day by the time I got out of here so it was  
21 difficult to round up everybody that I needed to, but  
22 I did get the most important people and they pretty  
23 well echoed the same thing that I said yesterday. My  
24 boss's exact words were you've got to be kidding me,  
25 you know, when I told him about four or five weeks

1 and there's a lot of stuff cued up, you know, for me  
2 to do and even (unintelligible) I was not aware of  
3 yesterday they're also cued up for me to do.

4 THE COURT: Okay.

5 JUROR NUMBER 175: So it's going to cause  
6 complications on the company side for sure.

7 THE COURT: Okay. If you --

8 MR. MOORE: Stipulate.

9 MR. BROWN: Yes.

10 THE COURT: Okay. All right. They've --  
11 apparently they have a stipulation about with regard  
12 to that. Okay. Juror Number 175, then I'm going to  
13 release you from being considered as a juror in this  
14 case. I wish I could have gotten to you sooner. I  
15 feel kind of responsible to have to go by the  
16 numbers. I have to go in order. I have to make this  
17 as fair a process as I can.

18 JUROR NUMBER 175: That's fine.

19 THE COURT: Fair and impartial process as I  
20 can, that's my job, but I do appreciate you going  
21 back and getting that information. You know,  
22 hopefully it would have worked out but I understand  
23 and they've stipulated that you can be released. So,  
24 I will release you from being considered as a juror  
25 in this case. If you would go downstairs, report to

1 the jury assembly room, they'll just give you some  
2 brief information and send you on your way.

3 JUROR NUMBER 175: Okay.

4 THE COURT: Okay. Thank you, sir.

5 JUROR NUMBER 175: Thank you, Your Honor.

6 (Thereupon, Juror Number 175 exited the  
7 courtroom.)

8 THE COURT: Okay. For the record, Juror Number  
9 175 has been released for cause. Okay. We're  
10 scheduled to start with Jurors Number 177 through 189  
11 and that's at 1:15. Anything we need to discuss  
12 before that time? Okay.

13 MR. MOORE: No.

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

16 (Thereupon, a recess was taken in the  
17 proceedings.)

18 THE COURT: Please be seated. Okay. We can  
19 bring in Mr. Bradley.

20 (Thereupon, the defendant was escorted into the  
21 courtroom by the court deputy.)

22 THE COURT: What's the status of our jury?

23 THE COURT DEPUTY: Your Honor, they're on their  
24 way up now.

25 THE COURT: Okay. Any matters that we need to

1 discuss prior to bringing in jurors?

2 MR. BROWN: No, Your Honor.

3 MR. MOORE: No, Your Honor.

4 THE COURT: Okay. We'll wait for them and then  
5 we'll start the process.

6 (Thereupon, a pause was taken in the  
7 proceedings.)

8 THE COURT: Okay. Can I have a bench  
9 conference, please?

10 (Thereupon, a benchside conference was had as  
11 follows:)

12 THE COURT: If you recall yesterday, we had the  
13 juror that asked questions about my recess  
14 instruction, Juror Number 188, he's part of this  
15 group. He wants to talk to the Court. He wants to  
16 come in. He is pretty emotional. He told one of the  
17 deputies that his son was incarcerated last year and  
18 when his son was released he committed suicide. So,  
19 he's emotional about being here, emotional about this  
20 process.

21 MR. BROWN: It would probably be best to take  
22 him so he doesn't --

23 THE COURT: I was going to take him out of  
24 order because I just didn't want him talking to the  
25 other jurors.

1 MR. MOORE: Okay.

2 THE COURT: So, I'll take him first.

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

5 THE COURT: Okay. You can tell them that we'll  
6 do 188 first.

7 THE COURT DEPUTY: It will be just a moment,  
8 Your Honor. I don't think they're up yet. They're  
9 not up yet.

10 (Thereupon, a pause was taken in the  
11 proceedings. Thereafter, Juror Number 188 was escorted  
12 into the courtroom by the court deputy and the proceedings  
13 were had as follows:)

14 THE COURT: Okay. Good afternoon Juror 188.  
15 You have some things -- that I would discuss with you  
16 but you asked the court deputies if you could be  
17 taken out of order and you said that there was some  
18 matters that you wanted to discuss with us. So, I'm  
19 going to let you go first and tell me what it is you  
20 think that the Court should know.

21 JUROR NUMBER 188: I had a son that was  
22 twenty-seven years old, I'm from Illinois suburb of  
23 Chicago, and he was charged with domestic violence  
24 and then, which I know is his fault and everything,  
25 and we lived in (unintelligible) County. So, his

1 girlfriend dropped the charges but the county still  
2 had to pursue the matter.

3 THE COURT: Okay.

4 JUROR NUMBER 188: So, he was sentenced to five  
5 months in jail even though his girlfriend dropped the  
6 charges. So, then after he got out of jail he lost  
7 his job and so he didn't have a job and on his record  
8 it was felony conviction. So, he tried to get  
9 different jobs and once they saw that they didn't  
10 hire him and then he committed suicide. So -- which  
11 I know, that, you know, it's different issues because  
12 he caused it himself, but in Cook County which, there  
13 was an officer which, it doesn't matter if he's an  
14 officer or not, they had it right on TV on a film  
15 that he stood there and beat the heck out of a  
16 bartender, I mean, it was right on TV for weeks at a  
17 time, and he never -- all I got was probation and it  
18 just upset me so bad that here my son had to serve  
19 five months in jail, his first conviction of  
20 anything, and then he ended up not able to get a job  
21 he ended up committing suicide and that was the only  
22 son I had. So, it just -- yesterday being here  
23 just -- I had a hard night last night because it's  
24 still, you know. We moved out of Chicago to get away  
25 from the memories and that. So, that's -- I just



1 don't feel I would be a good person to be here.

2 THE COURT: So, even though that's a different  
3 state and a different county, just being in the  
4 courthouse in and of itself is upsetting to you?

5 JUROR NUMBER 188: Yes, I'd thoughts in my mind  
6 last night.

7 THE COURT: Okay. One of the things we talk  
8 about is ability to concentrate and pay attention.  
9 Obviously, just for the record, you appear to be  
10 upset, your hands are shaking a little bit, I can  
11 understand that. Do you think it would be difficult  
12 for you to give this case the attention that it would  
13 need in order to go through the process?

14 JUROR NUMBER 188: Yes.

15 THE COURT: I just didn't hear you. How long  
16 ago did that occur?

17 JUROR NUMBER 188: Well, seven years ago.

18 THE COURT: Okay. And it's still bothering you  
19 to this extent at this time?

20 JUROR NUMBER 188: Yeah. I mean, if he had  
21 died in a car accident or something like that, you  
22 know, it would be accepted but when it was suicide it  
23 just to me is the worst way to go.

24 THE COURT: I noticed that yesterday when I  
25 talked about the instructions with regard to recess

1           you were concerned about that. So, I have a little  
2           bit of concern in the ability to follow those  
3           instructions. How --

4           MR. MOORE: We can stipulate.

5           THE COURT: Okay. Then Number 188, we'll go  
6           ahead and release you so that you won't have to be  
7           here any longer. You are released from being  
8           considered as a juror in this case. Thank you for  
9           being here. Thank you for being involved in the  
10          process. I do need you to report downstairs to the  
11          jury assembly room and they'll give you further  
12          instructions but it will only be brief and then  
13          you'll be sent on your way.

14          JUROR NUMBER 188: Okay.

15          THE COURT: Okay. Thank you, sir.

16          JUROR NUMBER 188: Thank you.

17          (Thereupon, Juror Number 188 exited the  
18          courtroom.)

19          THE COURT: Okay. For the record, Juror Number  
20          188 will be released for cause. Now, they told me  
21          that there was some people that weren't here.

22          THE COURT DEPUTY: I think they're all here  
23          now.

24          THE COURT: Okay. They're all here. Okay.  
25          I'll have Juror 177.

1           (Thereupon, Juror Number 177 was escorted into  
2 the courtroom by the court deputy and the proceedings were  
3 had as follows:)

4           THE COURT: Okay. Good afternoon Juror Number  
5 177.

6           JUROR NUMBER 177: Good afternoon.

7           THE COURT: Thank you for being here. Thank  
8 you for being patient with us with regard to this  
9 process. I'm going to ask you some questions first  
10 about yesterday when we recessed I talked about some  
11 rules. Those rules came into place, came into play  
12 as of that time. So, as of the announcement of those  
13 rules, have you read or been exposed to reading  
14 newspaper headlines and/or articles relating to this  
15 trial or its participants?

16           JUROR NUMBER 177: No, ma'am.

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

19           JUROR NUMBER 177: No, ma'am.

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

23           JUROR NUMBER 177: No, ma'am.

24           THE COURT: And have you discussed this case  
25 with any other jurors or with anyone else or allowed

1 anyone to discuss it in your presence?

2 JUROR NUMBER 177: No, ma'am.

3 THE COURT: Now I'm going you to ask you some  
4 questions about your knowledge of the case and then  
5 I'm going to ask you questions about the death  
6 penalty. There are no right or wrong answers to the  
7 questions. We just ask you to be open, frank,  
8 honest, give us the information that you think is  
9 necessary for us to know in order to make a fair -- a  
10 decision who can be fair and impartial in this case  
11 and with whom both sides are comfortable. We're  
12 going to ask you questions and the answers to the  
13 questions sometimes may ask for a yes or no but  
14 sometimes you may say I can't answer that that way.  
15 So, you answer it however you're comfortable with  
16 answering it. The first question I'm going to ask  
17 you is what do you know -- do you know anything about  
18 this case whether from your other personal knowledge,  
19 rumor, by discussions with anyone else, or from the  
20 media, including radio, television, Internet,  
21 electronic device, or newspaper?

22 JUROR NUMBER 177: I know about the case just  
23 through coworkers.

24 THE COURT: Okay.

25 JUROR NUMBER 177: Not through news.

1 THE COURT: So, you haven't read anything about  
2 the case or seen anything about the case?

3 JUROR NUMBER 177: No.

4 THE COURT: Do you normally listen to or hear  
5 local news?

6 JUROR NUMBER 177: No, I don't.

7 THE COURT: Okay. So, like say on a weekly  
8 basis you wouldn't have known anything?

9 JUROR NUMBER 177: No.

10 THE COURT: So, you heard some discussions from  
11 coworkers. Where do you work?

12 JUROR NUMBER 177: (Unintelligible).

13 THE COURT: Okay. Do you -- so, you know  
14 something from that?

15 JUROR NUMBER 177: Yes.

16 THE COURT: And -- so, apparently there was a  
17 discussion among coworkers?

18 JUROR NUMBER 177: Yes.

19 THE COURT: Was that the day of the event or  
20 somewhere near the date?

21 JUROR NUMBER 177: The day of the event.

22 THE COURT: What did you hear?

23 JUROR NUMBER 177: Just that it had happened,  
24 an officer had been killed.

25 THE COURT: Tell me what specific information

1 that was talked about.

2 JUROR NUMBER 177: Just the whereabouts, where  
3 it was, near Eau Gallie, that an officer had been  
4 shot and that's basically it.

5 THE COURT: Okay. Did you here anything about  
6 anything that happened before an officer was shot?

7 JUROR NUMBER 177: No.

8 THE COURT: Did you hear -- did you talk about  
9 who may have shot the officer?

10 JUROR NUMBER 177: No.

11 THE COURT: Okay. How long a conversation was  
12 it?

13 JUROR NUMBER 177: Maybe two minutes.

14 THE COURT: Okay.

15 JUROR NUMBER 177: At the most.

16 THE COURT: So, there was -- that an officer  
17 had been shot and talking about the location of it?

18 JUROR NUMBER 177: Right, it was in the break  
19 room, you know.

20 THE COURT: Okay. Did you -- any other  
21 specifics?

22 JUROR NUMBER 177: No, ma'am.

23 THE COURT: Any specifics about -- know  
24 specifics about what may have lead up to the  
25 shooting?

1 JUROR NUMBER 177: No.

2 THE COURT: Did you talk about the event  
3 afterwards?

4 JUROR NUMBER 177: No.

5 THE COURT: Talk about it since?

6 JUROR NUMBER 177: No.

7 THE COURT: Did you know that -- did you hear  
8 anything about jury selection going on with regard to  
9 this case?

10 JUROR NUMBER 177: The only thing I heard was  
11 approximately a week to ten days ago when there was  
12 the person that was shot here.

13 THE COURT: Oh, yes.

14 JUROR NUMBER 177: I heard that it was during  
15 the jury selection.

16 THE COURT: Okay. That jury selection in this  
17 case was going on at the same time.

18 JUROR NUMBER 177: Yes.

19 THE COURT: And who did you hear that from?

20 JUROR NUMBER 177: Coworkers.

21 THE COURT: Okay. Did --

22 JUROR NUMBER 177: I'm in HR so I don't really  
23 associate with a lot of the workers, it's just  
24 usually during, you know, the breaks.

25 THE COURT: So. You work in like an office at

1 the Belk?

2 JUROR NUMBER 177: I do.

3 THE COURT: Okay. Have you formed any fixed  
4 opinions with regard to the guilt or innocence of  
5 Mr. Bradley in this case?

6 JUROR NUMBER 177: No.

7 THE COURT: Do you have any emotional  
8 attachments to this case?

9 JUROR NUMBER 177: No.

10 THE COURT: Some people say it's a law  
11 enforcement officer, I feel this way because.

12 JUROR NUMBER 177: No.

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

18 JUROR NUMBER 177: Yes.

19 THE COURT: Okay. I'm going to switch gears on  
20 you. What are your views about the death penalty?

21 JUROR NUMBER 177: I'm not against it but I've  
22 never been put in that situation to make a decision.

23 THE COURT: Okay.

24 JUROR NUMBER 177: So, honestly I'm not sure.

25 THE COURT: Is it a discussion that you've had



1 previously?

2 JUROR NUMBER 177: With my, with my husband  
3 who's now deceased because he was very much for it.  
4 So, we did discuss it. Like I said, I'm not totally  
5 against it but when put to the test, you know, could  
6 I do it, I'm not sure.

7 THE COURT: Okay.

8 JUROR NUMBER 177: I'm not sure.

9 THE COURT: So, if I had to say you were for it  
10 or against it and put you in one category or the  
11 other, I would probably have to say you're for it?

12 JUROR NUMBER 177: I would say I'm not against  
13 it.

14 THE COURT: Okay.

15 JUROR NUMBER 177: But if I personally have to  
16 be put in that position to make that decision, I'm  
17 not sure.

18 THE COURT: Okay.

19 JUROR NUMBER 177: You know, I would have to  
20 know all of the facts.

21 THE COURT: It's a hard position to be.

22 JUROR NUMBER 177: It is.

23 THE COURT: It's definitely -- most of the  
24 people that come here we ask them questions, they  
25 never thought about these questions before.

1 JUROR NUMBER 177: Yeah, exactly.

2 THE COURT: So, it's okay. If you need -- if a  
3 question is asked of you and you need to think about  
4 it for a moment, you're welcome to do that too  
5 because you may hear some questions here this  
6 afternoon that you've never thought about before.

7 I'm going to talk to you a little bit about the  
8 process. I talked to you about it a little bit  
9 yesterday. This is kind of a general overview and  
10 then I'm sure the attorneys will go more into detail.  
11 The first part of the trial is what we call the guilt  
12 phase. In the guilt phase if the jury returns a  
13 verdict of guilty on Count I, only pertains to Count  
14 I, and that's guilty on Count I which is first degree  
15 murder, then and only then do we proceed into a  
16 second phase which is called the penalty phase. In  
17 the penalty phase you will hear additional evidence  
18 about aggravating and mitigating circumstances.  
19 Aggravating circumstances tend to -- aggravating  
20 circumstances are circumstances that aggravate the  
21 crime. Okay. Mitigating circumstances are  
22 circumstances that lessen the crime for whatever  
23 reasons. And there are specific instructions  
24 associated with both and you're going to hear those  
25 this morning. You're going to get instructions on

1           how to lead you into making a recommendation to the  
2           Court and what I will instruct you to do is to --  
3           your duty as a juror and I will instruct you to do  
4           that is to make a recommendation to the Court of a  
5           penalty and you are to consider death or life in  
6           prison without the possibility of parole as a  
7           recommendation. So, my question to you becomes would  
8           you be able to consider both penalties?

9                     JUROR NUMBER 177: Yes.

10                    THE COURT: Okay. The ultimate decision is  
11           yours. Nobody today is going to ask you a question  
12           that says if that happens what would you do, what  
13           they're going to ask you though is can you -- if this  
14           happens, can you consider both possible penalties.  
15           What we want you to do is serve with an open mind,  
16           listen to everything and then make your decision, but  
17           be open to listening to everything. Some people say,  
18           and I'm going to ask you this. Some people say that  
19           death is the only appropriate penalty for murder in  
20           the first degree, do you agree with that?

21                    JUROR NUMBER 177: No.

22                    THE COURT: Okay. I mean, it's based on what  
23           you -- what we need to find out this afternoon is  
24           what you think what you would be open to consider.  
25           No right or wrong answers. What we -- we just ask

1 you to follow the Court's instructions and consider  
2 both possible penalties. Could you do that?

3 JUROR NUMBER 177: Yes.

4 THE COURT: Okay. All right. Then I'll open  
5 it to questions by the State.

6 MR. BROWN: Yes, Your Honor. Juror Number 177,  
7 good afternoon.

8 JUROR NUMBER 177: Good afternoon.

9 MR. BROWN: I'm going to talk to you a little  
10 bit about the death penalty itself and ultimately  
11 where I'm going to come back to is when the Court  
12 asked you if you could consider both penalties and  
13 beyond considering I'm going to ask you obviously not  
14 will you, but if you can vote for the death penalty.  
15 I know you've expressed some hesitation and you're  
16 unsure if you can. So, I want to go through an  
17 explain to you the process ultimately coming back to  
18 can you. And, you know, people are on the entire  
19 spectrum. Some people come in and say that under  
20 every circumstance they're going to vote for death  
21 and they're in a position that the can't consider  
22 both, others have come in and said under no  
23 circumstances would I ever vote for death, it doesn't  
24 matter, I'm voting for life. Then we have people all  
25 the way in the middle. And so the question is going

1 to be if you're simply not sure that you could ever  
2 vote for a death penalty or that you could and that  
3 you can and the only way for us to know is to ask you  
4 and I want to explain the process to you so you kind  
5 of understand that and have a context for that  
6 decision. Okay?

7 JUROR NUMBER 177: Okay.

8 MR. BROWN: Some of what -- a lot of what I'm  
9 going to cover the Judge may have already covered it  
10 yesterday, but I know she gave you a lot of  
11 information in a condensed period of time. So, the  
12 first step would be the verdict of the jury would  
13 come back with in what we call the guilt phase. In  
14 order for the death penalty to be under  
15 consideration, the verdict would have to be guilty of  
16 first degree murder. If they come back with a lesser  
17 such as second degree murder, the death penalty is  
18 off the table and it's entirely to the Court.  
19 Obviously, if they come back not guilty, then there  
20 is no sentencing, period. So, the State has to prove  
21 or can prove first degree murder one of two ways,  
22 premeditated murder or what's known as felony murder,  
23 and those two would be explained to you later in the  
24 process if you're selected but either one is a theory  
25 on how the State can prove first degree murder. May

1 prove one, the other or both to get you to first  
2 degree murder which gets the death penalty on the  
3 table.

4 Then the jury would reconvene, additional  
5 evidence is presented and the Court will give you her  
6 final set of instructions. In those instructions  
7 she's going to first tell you to look at what are  
8 called aggravating circumstances. And as she said  
9 yesterday, it's a statutory list of circumstances  
10 which may increase the gravity of the crime or the  
11 harm to the victim, and it will be a list, I expect  
12 it's going to be more than one, maybe three, four,  
13 five, six, those are the circumstances and only those  
14 that a juror can look to to justify the vote and  
15 support the vote for a death recommendation. As you  
16 can tell from the term and the description that they  
17 increase the gravity of the crime or the harm to the  
18 victim, it's what aggravates a particular murder from  
19 other murders. So, it's the circumstances. So, it  
20 will be that list of circumstances you will look to.

21 Those have to be proven beyond any reasonable  
22 doubt by the State. Same burden of proof as in the  
23 guilt phase. So, we have to prove aggravating  
24 circumstances. If don't prove any, your  
25 recommendation would be to have life. If we've

1 proven at least one, and we have proven more than one  
2 or proved them all, you look at those that have been  
3 proven and ask yourself do these justify the death  
4 penalty. If the answer is no, then you return a life  
5 recommendation. If the answer is yes, you go to the  
6 next step in the process which is look at the  
7 mitigating circumstances. And if you recall the  
8 Court spoke of those yesterday, they come from the  
9 defendant, his history, background, character, things  
10 of that nature. Those have to be proven as well,  
11 it's a lower burden, it's to the greater weight of  
12 the evidence. The Court's going to tell you you go  
13 through a weighing process weighing those aggravators  
14 and mitigators and if the mitigation in your mind  
15 outweighs the aggravation, then your recommendation  
16 is life. If the mitigation does not outweigh the  
17 aggravation, you're in a position where you can  
18 legally be justified in recommending the death  
19 penalty to the Court.

20 Now, the Court's not going to tell if the State  
21 proves A, B, C and D that you must return a death  
22 recommendation. In fact, what she's going to say is  
23 that you are never required to make a death  
24 recommendation. What you are required to do is  
25 consider everything and you go through the weighing

1 process and you weigh those aggravators and the  
2 mitigators and if you find that the mitigators do not  
3 outweigh the aggravators and after weighing that  
4 process you feel that the aggravators still justify  
5 the death penalty, that's when you make the death  
6 recommendation. Okay. So, any questions about that  
7 process?

8 JUROR NUMBER 177: No, I understand that point,  
9 that's good.

10 MR. BROWN: Now, I can't tell you what the  
11 aggravators are and obviously it wouldn't be fair to  
12 ask you if these are the aggravators would you do  
13 then because you have to hear everything and you  
14 don't know. So, with that process, and as I said,  
15 keep in mind, the Court's not going to tell you how  
16 much weight an aggravator gets or how much weight a  
17 mitigator gets, that's entirely your choice. You  
18 have to decide how much weight. You have to consider  
19 everything but you decide how much weight. The juror  
20 right next to you, he or she may give an aggravator  
21 different weight, may give a mitigator different  
22 weight, but it's you have to decision how much weight  
23 that you give and then your recommendation in the  
24 guilt phase whether the defendant's guilty or not has  
25 to be unanimous. In the sentencing recommendation it



1 does not have to be a unanimous vote. If six or more  
2 recommend life and half recommend or greater, then  
3 it's a life recommendation from the jury. If it's a  
4 majority recommending the death penalty, then it's  
5 reported as what the vote is and it's considered a  
6 death recommendation. So, it could be if it's 12/0  
7 for death it gets reported as 12/0. 11/1, 10/2, 9/3,  
8 8/4, we don't know how you voted, we just know what  
9 the total vote count is. So, even though you're  
10 back, you're deliberating, you'll discuss, talk about  
11 things, when it gets to that point it's your  
12 individual vote. It doesn't have to be a majority.  
13 That's why everybody can give things different weight  
14 and you can disagree about it. So, knowing that that  
15 is -- and some people say I can follow the law, if it  
16 tells me that we need to return a death  
17 recommendation, that's what I would do but there is  
18 no law that tells you you have to return death. You  
19 never have to. If you find the mitigators  
20 outweigh -- the aggravators outweigh the mitigators,  
21 then you're in the area where now you have to decide  
22 does it justify the death penalty. With that  
23 process, how do you feel about that?

24 JUROR NUMBER 177: It makes more sense to me  
25 and I can do that. Like I said, I'm not saying yes,

1 I would be for the death penalty but I'd have to hear  
2 everything and like I say weigh it out and so that  
3 would make more sense to me. I'm not one to come in  
4 here and say vote for death penalty.

5 THE COURT: So, if the State of Florida proves  
6 to you at least one aggravator and you go through the  
7 weighing process and you find that the mitigator does  
8 not outweigh the aggravation and after going through  
9 that weighing process you feel that the aggravator or  
10 aggravators, depending on the number, justify the  
11 death penalty, can you do that? I'm not asking will  
12 you, can you at that point make a death  
13 recommendation?

14 JUROR NUMBER 177: Yes.

15 THE COURT: Okay. Now, do you come in with any  
16 concept of well, this type of case or these two types  
17 of cases I could recommend death but not in any other  
18 case? Let me give you an example. Some people talk  
19 about say a mass murderer or somebody who murder or  
20 murders children, that type of case I would give  
21 death but everything else I couldn't.

22 JUROR NUMBER 177: Again, I couldn't say yes, I  
23 would.

24 MR. BROWN: Right.

25 JUROR NUMBER 177: If I was chosen on the jury

1 I could but I'm not going to say --

2 MR. BROWN: Right. And what I'm asking -- I'm  
3 not -- I guess let me rephrase the question.

4 JUROR NUMBER 177: Okay.

5 MR. BROWN: Do you think you are limited to  
6 only considering death in some set of circumstances?

7 JUROR NUMBER 177: No.

8 MR. BROWN: And like I said, some people say  
9 well, if it's a mass murderer I could give death but  
10 shy of that I couldn't. Some people may add in place  
11 of that a murder of a child I could consider death  
12 but every other circumstance no. You see, I'm just  
13 trying to find where in the spectrum you are. Part  
14 of the -- your obligation as a juror is to consider  
15 and fairly consider both penalties. The Court's  
16 going to give you that list of the aggravating  
17 circumstances and what I need to be able it to know  
18 is that you can fairly consider those aggravators and  
19 make your decision on the death penalty based on  
20 those?

21 JUROR NUMBER 177: Yes.

22 MR. BROWN: And that you're not closed off to  
23 I'd only consider this one type of aggravator and  
24 nothing else that the Court's going to give me. So,  
25 fair enough, you would be able to agree to consider

1 the aggravators?

2 JUROR NUMBER 177: Yes.

3 MR. BROWN: And likewise, the Defense would  
4 present mitigation evidence to you and again there  
5 part of the obligation if it's proven you have to  
6 consider it.

7 I'm certain in your life you've had to make key  
8 and critical decisions, right?

9 JUROR NUMBER 177: Um-hmm.

10 MR. BROWN: When you've made those decisions  
11 you try to look at all the factors.

12 JUROR NUMBER 177: Yes.

13 MR. BROWN: And some of the factors you look at  
14 and find they're pretty darn important and you give  
15 them a lot of weight in your decision, and other  
16 factors you look at and say this really isn't that  
17 important to me and you give it very little weight,  
18 right? And that's kind of what you have to do the  
19 Court will tell you in the weighing process is you  
20 have to decide the weight. You can consider  
21 something and give it very little weight, you can  
22 consider something and give it great weight, or give  
23 it weight somewhere in between, the key is can you  
24 agree to consider, you determine the weight.

25 As the Judge talked about earlier, there's no

1 magic standard here. She's not going to tell you  
2 aggravators get this much weight or this one does, a  
3 mitigator gets X amount of weight, it's entirely up  
4 to you and you make that decision and we can't -- we  
5 may say in arguments to you when we get to that point  
6 how much weight we think you should give. At this  
7 point we can't ask you how much weight because you  
8 have not idea because again you have to -- I think  
9 you've already mentioned this, but it's a fact, you  
10 have to see everything, hear all the evidence and  
11 that's how you determine the weight, that you can't  
12 assess it in a vacuum. So, I want to make sure my  
13 questions don't come to you across as if I'm trying  
14 to ask you that, I'm certain the Defense is the same  
15 way, it's just can you consider.

16 JUROR NUMBER 177: Yes.

17 MR. BROWN: And then one other topic I do want  
18 to cover. We talked about if the jury comes back  
19 with a verdict of less than first degree murder, say  
20 second degree murder death, penalty is off the table  
21 and your job at that point ends, the sentence is  
22 entirely up to the Court which means you wouldn't  
23 have to come back for that second step and be faced  
24 with a decision of making a sentencing recommendation  
25 and what I want to cover just to assure that knowing

1 in the back of your mind that I can avoid that next  
2 step by just doing a verdict of second that that  
3 thought process wouldn't affect your verdict at all.

4 Would you agree that justice is that you return  
5 a verdict that the evidence proves?

6 JUROR NUMBER 177: Say that again.

7 MR. BROWN: Justice would be that you return  
8 the verdict that the evidence proves.

9 JUROR NUMBER 177: Yes.

10 MR. BROWN: And that if the evidence proves  
11 first degree murder, that you would return -- could  
12 return that verdict as opposed to saying well, first  
13 is proven but it's easier for me to go to second,  
14 therefore I'll just do second.

15 JUROR NUMBER 177: No.

16 MR. BROWN: You understand the State's  
17 concern --

18 JUROR NUMBER 177: Yes.

19 MR. BROWN: -- that that could happen?

20 JUROR NUMBER 177: Yes.

21 MR. BROWN: That's why I just bring it up just  
22 to ensure that you think about that, you're not going  
23 to do that, you agree?

24 JUROR NUMBER 177: Agree.

25 MR. BROWN: Thank you. No further questions,

1 Your Honor.

2 THE COURT: Okay. Questions by the Defense.

3 MR. LANNING: Good afternoon. When did you  
4 hear about the shooting?

5 JUROR NUMBER 177: I work right over here in  
6 the [REDACTED] and a customer had come in and  
7 mentioned it to an associate and they came back to  
8 the office and told us. I'm not sure what day it  
9 was, I think like a week, ten days ago.

10 MR. LANNING: A week before last?

11 JUROR NUMBER 177: And so the assumption was at  
12 the time they are selecting the jury for this trial.

13 MR. LANNING: At that point had you got your  
14 jury notice?

15 JUROR NUMBER 177: No. Well, I think I did,  
16 yes, I think I did.

17 MR. LANNING: Did that catch your attention  
18 like, oh, I have to go there the week after next?

19 JUROR NUMBER 177: Well I thought it was  
20 already over with so I had no idea until yesterday  
21 that.

22 MR. LANNING: How about the fact of the  
23 shooting though, did that bother you at all like hey,  
24 I got to go up there?

25 JUROR NUMBER 177: No. No.

1 MR. LANNING: All right. You indicated that  
2 your husband was very much for the death penalty.

3 JUROR NUMBER 177: Yes.

4 MR. LANNING: How long ago did he pass?

5 JUROR NUMBER 177: A little over a year ago.

6 MR. LANNING: Did he ever express any talk  
7 about this case?

8 JUROR NUMBER 177: No, he was very ill, he  
9 didn't even know about this case.

10 MR. LANNING: Do you know, if you know, where  
11 his strong support for the death penalty came from,  
12 did he ever express it?

13 JUROR NUMBER 177: He served in the military,  
14 he was an officer in the military for twenty-seven  
15 years.

16 MR. LANNING: Okay. I want you to think about  
17 a scale with zero being zero support for the death  
18 penalty and ten being very strong support for the  
19 death penalty, could you place yourself somewhere on  
20 the scale?

21 JUROR NUMBER 177: Depending on the  
22 circumstance.

23 MR. LANNING: Sure.

24 JUROR NUMBER 177: I would say an eight, an  
25 eight for the death penalty.



1 MR. LANNING: It sounds like you might have a  
2 circumstance in mind.

3 JUROR NUMBER 177: No, it's just, you know,  
4 before you come in being a juror you have a  
5 concept well, I would do it this way, I would do it  
6 this way, you know, but when you become a juror and  
7 it's, you know, up to you, it's, you know. Like I  
8 said, I have to weigh everything out just like I've  
9 been told to do before I could say death penalty. I  
10 don't have somebody in mind saying death penalty.

11 MR. LANNING: All right.

12 JUROR NUMBER 177: So, I'm not against it but  
13 in some cases, you know, I would say no, it doesn't  
14 support it.

15 MR. LANNING: What's your impression of what  
16 life without the possibility of parole is?

17 JUROR NUMBER 177: Just what it is, life  
18 without parole, never coming out.

19 MR. LANNING: Do you think that would be a  
20 harsh penalty or not?

21 JUROR NUMBER 177: Yes.

22 MR. LANNING: I mean, do you do you have a  
23 picture in your mind of, you know, you hear about  
24 sometimes about federal prisons being a country club  
25 and that sort of thing, do you have anything like

1           that in your mind?

2                    JUROR NUMBER 177: Like the Michael Milkins  
3 maybe but no, very few I would say.

4                    MR. LANNING: You heard the Judge go through --  
5 she basically read a large portion of the  
6 instructions and ultimately if you ever get to that  
7 point you'd also receive them in written form. You  
8 also heard Mr. Brown go through the various processes  
9 and this weighing. If you got to the point, I'm not  
10 asking you what you would do, okay, but if you got to  
11 the point where the State has presented substantial  
12 aggravation and the Defense has presented little to  
13 no mitigation, do you have an understanding at this  
14 point what you should do at that point?

15                    JUROR NUMBER 177: Yes.

16                    MR. LANNING: What would that be?

17                    JUROR NUMBER 177: We would consider the death  
18 penalty.

19                    MR. LANNING: Okay. We don't want you to go  
20 back into the jury room with any kind of  
21 misconception, okay, and it sounds like you might  
22 have a misconception because at that stage, that's  
23 the first stage that you could ever even consider  
24 giving the death penalty. It sounds like you felt  
25 that at that stage you should.

1 JUROR NUMBER 177: Well, not that I should but  
2 it leans more towards that way.

3 MR. LANNING: All right.

4 JUROR NUMBER 177: The weight of it, I mean.  
5 You said (unintelligible) mitigation.

6 MR. LANNING: The instructions that you're  
7 given, you'll never see anywhere within the  
8 instructions that you should lean one way or the  
9 other. Okay. There's nothing in the instructions  
10 that you should recommend death anymore than there is  
11 that you must. The instructions only provide the  
12 bare minimum where you could. Not that you should,  
13 not that you must. In fact, life always remains an  
14 option under any circumstances. You can have the  
15 highest aggravation, you could have zero mitigation  
16 and you can still choose life without parole as a  
17 penalty, right?

18 JUROR NUMBER 177: Okay.

19 MR. LANNING: Some evidence that you might hear  
20 in the course of the case could be a little difficult  
21 to know how to consider it. An example of that is  
22 called victim impact evidence. There may be friends  
23 and relatives of the decedent testify about the  
24 affect of the loss of her on friends, family and the  
25 community. The court will give you an instruction

1 with that that says you cannot consider that as any  
2 aggravating circumstances. You almost certainly  
3 never likely to consider it as any way mitigating,  
4 but there's no explanation of how you're going to use  
5 it. It could be emotional upsetting. Do you think  
6 you would be able to follow the Court's instruction  
7 that you could not consider that in any way as  
8 aggravation?

9 JUROR NUMBER 177: Yes.

10 MR. LANNING: Okay. The State has to prove  
11 aggravating circumstances beyond a reasonable doubt.  
12 Just like during the guilt phase, they have to prove  
13 the elements of the crime beyond and to the exclusion  
14 of every reasonable doubt. They also have to do that  
15 in relation to the aggravators. Mitigation evidence  
16 does not have that same kind of burden, it has to be  
17 proven by the greater weight of the evidence, more  
18 likely than not. If it's fifty-one percent versus  
19 forty-nine percent, Defense proves it. All right?

20 JUROR NUMBER 177: Um-hmm.

21 MR. LANNING: Some potential areas that you may  
22 hear, and I'm not asking whether you -- what, if any,  
23 weight you would give to them but I want to see if  
24 you're open to giving them consideration. One would  
25 be mental health. If, in your opinion, qualified

1 experts testified that Brandon Bradley suffers from  
2 brain -- from mental illness, is that something that  
3 you could give consideration to as potentially  
4 mitigating?

5 JUROR NUMBER 177: Yes.

6 MR. LANNING: What about brain damage?

7 JUROR NUMBER 177: Yes.

8 MR. LANNING: You could. Now, what about drug  
9 addiction?

10 JUROR NUMBER 177: No.

11 MR. LANNING: Do you believe drug addiction  
12 would be a choice?

13 JUROR NUMBER 177: (Unintelligible).

14 MR. LANNING: Do you believe even addicts  
15 cannot be addicted?

16 JUROR NUMBER 177: No.

17 MR. LANNING: Ma'am?

18 JUROR NUMBER 177: I believe that addicts  
19 cannot be addicted.

20 MR. LANNING: Right, that they -- even addicts  
21 can stop their addiction.

22 JUROR NUMBER 177: With medication possibly.

23 MR. LANNING: Okay. If -- now some people take  
24 the position that drug addiction, I couldn't consider  
25 that as mitigating, I'll tell you what, I'd consider

1 it aggravating. Now, how about you, what would your  
2 position be on that.

3 JUROR NUMBER 177: I believe it would be  
4 aggravating.

5 MR. LANNING: If the Court were to instruct you  
6 that you couldn't consider it to be aggravating,  
7 could you follow that instruction?

8 JUROR NUMBER 177: Yes.

9 MR. LANNING: Now, you understand the Court's  
10 instructions are it's an order that if it's not  
11 preserved then that means somebody didn't get a fair  
12 trial, right?

13 JUROR NUMBER 177: Yes.

14 MR. LANNING: And your opinion that drug  
15 addiction would be aggravating, I want you to assume  
16 for a minute that evidence of drug addiction will  
17 come into this trial.

18 JUROR NUMBER 177: Okay.

19 MR. LANNING: Okay?

20 JUROR NUMBER 177: Okay.

21 MR. LANNING: Evidence of a lot of drugs on  
22 Brandon Bradley's part will be put in front of you,  
23 your opinion that that would be aggravating, is that  
24 something you can set aside?

25 JUROR NUMBER 177: If that's the Court's

1 instruction, yeah.

2 MR. LANNING: Okay.

3 JUROR NUMBER 177: I'd have to hear everything.  
4 I mean, I know there's different kinds of drug  
5 addictions so I can't put it all in one basket, I  
6 would have to hear it as part of the evidence.

7 MR. LANNING: There's some other evidence that  
8 could come up during this trial and will come up is  
9 autopsy photos of a disturbing nature and a videotape  
10 of Deputy Pill's death, would viewing such evidence  
11 cause you any concerns about being able to remain  
12 fair and impartial?

13 JUROR NUMBER 177: No.

14 MR. LANNING: Have you ever been put into a  
15 position of having to see that kind of thing?

16 JUROR NUMBER 177: Yes.

17 MR. LANNING: You mind telling me the  
18 circumstances.

19 JUROR NUMBER 177: I was in a car accident in  
20 1997 or '96.

21 MR. LANNING: And were there any fatalities?

22 JUROR NUMBER 177: Yes.

23 MR. LANNING: May I have a moment?

24 (Thereupon, a pause was taken in the  
25 proceedings.)

1 MR. LANNING: Are you a member of the church?

2 JUROR NUMBER 177: Yes.

3 MR. LANNING: Do you know, does your church  
4 take a position on the death penalty?

5 JUROR NUMBER 177: No.

6 MR. LANNING: Your recommendation the Judge has  
7 indicated would be given great weight, what does  
8 that -- what do you picture as that meaning?

9 JUROR NUMBER 177: The recommendation the Judge  
10 gives.

11 MR. LANNING: The recommendation that the jury  
12 provides the Judge, she's read the -- that that will  
13 be given great weight, what do you think that means?

14 JUROR NUMBER 177: It means -- we're talking  
15 the death penalty again?

16 MR. LANNING: Yes.

17 JUROR NUMBER 177: Okay. Then that would be a  
18 consideration. Like you said, you're not going to  
19 say yes or no, you know, as to each individual but  
20 great weight is leaning towards that, that you could,  
21 it's not completely off the table.

22 MR. LANNING: Actually, the jury's ultimate  
23 recommendation would very likely not be followed by  
24 the Court.

25 THE COURT: Very likely not be followed?



1 MR. MOORE: Would.

2 THE COURT: Very likely be followed by the  
3 Court.

4 MR. LANNING: Right. I apologize, I misspoke.

5 THE COURT: That's okay. I think we all looked  
6 at each other.

7 MR. LANNING: So, if the jury made a  
8 recommendation of death in this case and it would  
9 have to be a death, correct, it would have to be  
10 greater than 6/6. Okay. Anything 6/6 or less in  
11 favor it would mean a life sentence. Anything  
12 greater, 7/5 or above would be given great weight by  
13 the trial court. So, do you understand that?

14 JUROR NUMBER 177: Yes.

15 MR. LANNING: Okay.

16 JUROR NUMBER 177: I do.

17 MR. LANNING: Thank you, ma'am.

18 JUROR NUMBER 177: Okay.

19 THE COURT: Okay. Juror Number 177, I'm going  
20 to release you for today.

21 JUROR NUMBER 177: Okay.

22 THE COURT: I need you to report back Friday at  
23 8:30 a.m. to the jury assembly room.

24 JUROR NUMBER 177: Okay.

25 THE COURT: Unless you get a phone call

1 otherwise.

2 JUROR NUMBER 177: Okay.

3 THE COURT: But my expectation is Friday at  
4 8:30. Now, during this recess you must continue to  
5 abide by your rules governing your service as a  
6 juror. Do not talk about this case with anyone. You  
7 can tell people that you're here, you're serving jury  
8 duty, what time you have to be it here, where you're  
9 at, just not what case it is, the specifics of the  
10 case, what happens here in the courtroom. Later on  
11 you can talk to whoever you want about that if you  
12 choose to do so. Any questions or concerns?

13 JUROR NUMBER 177: No.

14 THE COURT: Okay. We'll see you back here on  
15 Friday. Thank you.

16 (Thereupon, Juror Number 177 exited the  
17 courtroom.)

18 THE COURT: Okay. We can bring in 178. And I  
19 do know 178 we need to talk to him about his work  
20 schedule.

21 (Thereupon, Juror Number 178 was escorted into  
22 the courtroom by the court deputy and the proceedings were  
23 had as follows:)

24 JUROR NUMBER 178: Good afternoon everyone.

25 THE COURT: Good afternoon. 178. One, thank

1 you for being here. That you for being patient with  
2 us regarding the process.

3 JUROR NUMBER 178: Yes, ma'am.

4 THE COURT: When I spoke to you last you talked  
5 about being -- doing refrigeration something.

6 JUROR NUMBER 178: Maintenance.

7 THE COURT: Maintenance at the Port.

8 JUROR NUMBER 178: Yes, ma'am.

9 THE COURT: That there was limited people who  
10 did that and that you were concerned that you  
11 wouldn't get paid.

12 JUROR NUMBER 178: Oh, I know I'm not going to  
13 get paid.

14 THE COURT: Okay. Tell me what your  
15 concerns -- I mean, did you have a chance to follow  
16 up on that?

17 JUROR NUMBER 178: Yes, ma'am, I went to work  
18 this morning and I talked to my manager and the  
19 owners of the company.

20 THE COURT: Okay.

21 JUROR NUMBER 178: And they asked me to give  
22 this to you.

23 THE COURT: Okay. If you want to hand that to  
24 one of the deputies. I will read this and I'll let  
25 the attorneys read it.



1 courtroom.)

2 THE COURT: Okay. Just for the record, 178  
3 will be released for cause. I think we're on 183?

4 MR. BROWN: Yes, Your Honor.

5 THE COURT: Okay. We'll bring in 183.

6 (Thereupon, Juror Number 183 was escorted into  
7 the courtroom by the court deputy and the proceedings were  
8 had as follows:)

9 THE COURT: Okay. Good afternoon Juror  
10 Number183.

11 JUROR NUMBER 183: Afternoon.

12 THE COURT: Thank you for being with us. Thank  
13 you for being patient with us with regard to this  
14 process. When I spoke to you the other day I talked  
15 about some rules that came into effect at that time.  
16 So, I'm going to follow up on those rules. Since  
17 that time, have you been exposed to reading newspaper  
18 headlines and/or articles relating to this trial or  
19 its participants?

20 JUROR NUMBER 183: No.

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

23 JUROR NUMBER 183: No.

24 THE COURT: Have you conducted or been exposed  
25 to any research regarding any matters concerning this

1 case?

2 JUROR NUMBER 183: No.

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

6 JUROR NUMBER 183: I've heard other jury  
7 members discussing it but, potential jury members,  
8 but I was not involved in the conversation.

9 THE COURT: You heard other jury members  
10 discussing it? What were they discussing?

11 JUROR NUMBER 183: Just talking about what they  
12 had read in the news. I literally tried to block it  
13 out because you had said not to participate in that.

14 THE COURT: Did you hear that today or the  
15 other day?

16 JUROR NUMBER 183: No, yesterday.

17 THE COURT: Okay. Was that before they came in  
18 and before I met with them or was that after I --

19 JUROR NUMBER 183: It was here in the  
20 courtroom.

21 THE COURT: Here in the courtroom. While we  
22 were all here?

23 JUROR NUMBER 183: Yes, ma'am.

24 THE COURT: While we were perhaps at the bench?

25 JUROR NUMBER 183: Yes, ma'am.

1 THE COURT: Was that before I announced the  
2 rules or was that -- I think I announced the rules  
3 during the first break. Do you know -- I know we  
4 took some recesses. I think there was -- I mean, we  
5 had some bench conferences here. I know there was  
6 probably a long bench conference in the very  
7 beginning when we talked about hardship.

8 JUROR NUMBER 183: I'm pretty sure that it was  
9 during the second one but I cannot say for sure.

10 THE COURT: I'm not sure if the second one  
11 would have been before I announced the rules or not.  
12 What did you hear?

13 JUROR NUMBER 183: I knew it was wrong so you  
14 must have announced the rules because.

15 THE COURT: What did you hear them discussing?

16 JUROR NUMBER 183: Just -- like I said, I was  
17 really trying to block it out, just general  
18 information, you know, that they had read about the  
19 case.

20 THE COURT: General information, that's -- if  
21 you could be more specific, I would appreciate it.

22 JUROR NUMBER 183: Let me really think about  
23 it.

24 THE COURT: Okay.

25 JUROR NUMBER 183: I think it was more how they

1 were feeling about everything that was happening and  
2 a couple things that they had read in the paper or on  
3 the news. It was nothing that really stuck with me  
4 because, like I said, I was really --

5 THE COURT: I just wanted -- with all due  
6 respect, at this point I want to make sure that  
7 nobody else was violating the rules and if I need to  
8 ask them some questions about it or be more specific  
9 about questions to ask jurors. I mean, do you  
10 remember any specifics, I mean, about how they were  
11 feeling or about the case? I know you're saying you  
12 were trying to block it out so you were trying not to  
13 listen and now I'm asking you to tell me what they  
14 said.

15 JUROR NUMBER 183: Right, exactly. They were  
16 talking about the manner of the case, you know,  
17 capital punishment and a couple of other things like  
18 that, they were discussing how they felt about that.

19 THE COURT: Okay. Okay. You don't remember  
20 any other specifics?

21 JUROR NUMBER 183: I really don't, I'm sorry,  
22 Your Honor.

23 THE COURT: Okay. Okay. We're going to talk  
24 to you this morning. I'm going to have an  
25 opportunity to talk to you, State's going to have an



1 opportunity to talk to you, and the Defense. I can  
2 tell you that there's no right or wrong answers to  
3 these questions. Some of the questions that may be  
4 asked of you you may not have thought about before.  
5 What we ask you to do is be honest, frank and  
6 complete with your answers. If there's something  
7 that you think we need to know, don't be shy, tell us  
8 what it is. Like I said, there's no right or wrong  
9 answers in here. Sometimes we'll solicit a response  
10 that is normally a yes or no. If you don't -- if you  
11 can't answer it yes or no, that's acceptable as well,  
12 but do think about your answers. I mean, they're  
13 important with regard to this process. The first  
14 question I'm going to ask you is do you know anything  
15 about this case, that would be prior to you coming to  
16 court, either from your own personal knowledge,  
17 rumor, by discussions with anyone else, or from the  
18 media, including radio, television, Internet,  
19 electronic device, or newspapers?

20 JUROR NUMBER 183: My future son-in-law is a  
21 police officer.

22 THE COURT: Okay.

23 JUROR NUMBER 183: And my daughter was  
24 listening when this happened. So, I aware that it  
25 happened.

1 THE COURT: Okay. Your daughter was  
2 visiting from -- and where was she visiting from?

3 JUROR NUMBER 183: From North Carolina.

4 THE COURT: And her future -- her fiance?

5 JUROR NUMBER 183: Yes.

6 THE COURT: Well, they're not quite engaged,  
7 they've been cohabitating for five years. Okay. So,  
8 her significant other is a police officer?

9 JUROR NUMBER 183: Yes.

10 THE COURT: And --

11 JUROR NUMBER 183: So, she was very upset  
12 because everywhere we were going people are saying  
13 did you hear what happened, did you hear what  
14 happened, and for her it was very emotional because  
15 of his job.

16 THE COURT: Okay.

17 JUROR NUMBER 183: I mean. Sorry, I lost my  
18 voice. I'm really trying to speak up.

19 THE COURT: You said you lost your voice?

20 JUROR NUMBER 183: Yeah.

21 THE COURT: Is that -- I mean --

22 JUROR NUMBER 183: It's better than it was  
23 yesterday.

24 THE COURT: Okay. It seems like that subject  
25 solicited kind of an emotional response from you and

1 you had a hard time speaking, is that in regards  
2 to -- I can't tell you if you said you're losing your  
3 voice is or if that's because of your having an  
4 emotional response to that.

5 JUROR NUMBER 183: Well, it's all very  
6 (unintelligible) both I have emotional, it's like a  
7 squeak.

8 THE COURT: Okay. You know what, take a deep  
9 breath, anything that happens in here, we're fine.

10 MR. MOORE: May I?

11 THE COURT: Oh, okay. So, her significant  
12 other is in law enforcement and is that in I think  
13 you said North Carolina?

14 JUROR NUMBER 183: Yes, Huntersville, North  
15 Carolina.

16 THE COURT: Okay. This case does involve the  
17 death of a police officer.

18 JUROR NUMBER 183: I understand.

19 THE COURT: Sometimes that does solicit an  
20 emotional response in people. I mean, it solicited a  
21 response in you. Is that because it's your daughter  
22 or because it's a police officer?

23 JUROR NUMBER 183: Well, it's both.

24 THE COURT: Okay.

25 JUROR NUMBER 183: And I really had a really

1 hard time yesterday, you know, hearing all the  
2 charges and then hearing all the names of the  
3 officers and all their families that were affected.  
4 It was, it was difficult thing.

5 THE COURT: Okay. So, would it be difficult  
6 for you to sit as a juror in this case?

7 JUROR NUMBER 183: Yes.

8 THE COURT: Okay.

9 MR. BROWN: Judge, may we approach?

10 THE COURT: Yes, you may.

11 (Thereupon, a benchside conference was had out  
12 of the hearing of Juror Number 183 as follows:)

13 MR. BROWN: Obviously, I'm good with a  
14 stipulation on her.

15 MR. MOORE: We would stipulate as well.

16 MR. BROWN: My only issue is maybe the Court  
17 would want to inquire about what juror or jurors she  
18 had talked to.

19 MR. MOORE: Before we let her go.

20 MR. BROWN: Yeah. She was -- she was seated in  
21 the courtroom. Jim thought it may have been when  
22 they were on break but if she was seated in the  
23 courtroom I know that 188 who was the gentleman that,  
24 you know, we --

25 THE COURT: Oh, okay. Yeah.

1 MR. BROWN: Sitting right behind her and that  
2 may very well --

3 MR. MOORE: Were they --

4 MR. PIROLO: Maybe she can narrow it down to  
5 perception or --

6 MR. MOORE: Interact from the two?

7 MR. BROWN: She was right in front of him. So,  
8 she clearly would have -- if he was talking she would  
9 have heard him.

10 MR. MOORE: Maybe we can all that won't reveal  
11 her identity to anybody.

12 THE COURT: Okay. I'll talk to her.

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

15 THE COURT: Okay. Number 183, I'm going to  
16 release you from being considered as a juror in this  
17 case. Before you leave though, I just want to follow  
18 up on what may have happened yesterday. I know where  
19 you were sitting. You were sitting kind of the  
20 middle in the right -- the left hand side to me, left  
21 hand side right there. I assure you we're not going  
22 to share that Juror Number 183 told us, but who --  
23 can you tell us who appeared to be talking?

24 JUROR NUMBER 183: Yeah, because I do feel it's  
25 so important that everything is fair. It was the

1 lady next to me and the two gentlemen behind me.

2 THE COURT: So, the lady next to you. The  
3 gentlemen behind you --

4 JUROR NUMBER 183: Against the wall.

5 THE COURT: And the one behind you is 188, he's  
6 the one that spoke out at the end that said he may  
7 have trouble following the rules.

8 JUROR NUMBER 183: Yes, that was  
9 (unintelligible).

10 THE COURT: So, it was the one behind you  
11 and --

12 JUROR NUMBER 183: Two behind me.

13 THE COURT: Now, when you say behind you, he  
14 was directly behind you. Was it the one on --

15 JUROR NUMBER 183: It was the two next to the  
16 wall and the one next -- behind me directly behind  
17 me. So, the lady who was next to me against the  
18 wall, the gentleman behind her and the gentleman next  
19 to him.

20 THE COURT: Okay. So, you're sitting three  
21 from the wall, that's what the chart shows.

22 JUROR NUMBER 183: It was after there was one  
23 person gone.

24 THE COURT: So, that would have been the one --  
25 okay. So, it would -- I see who it would have been

1 because she would have been gone, 182 would have been  
2 gone.

3 JUROR NUMBER 183: Yes, ma'am.

4 THE COURT: And then I think the one directly  
5 against the wall, 186, was also excused. So, it  
6 would have been --

7 JUROR NUMBER 183: She was excused after this  
8 happened.

9 MR. LANNING: I think she's referring to 181,  
10 Your Honor.

11 THE COURT: No, I think so too. 181, 187 and  
12 188 who I'm thinking.

13 MR. MCMASTER: 181 was excused at a later time,  
14 not the first time around.

15 THE COURT: Right. So, I'm thinking 181, 187  
16 and 188. And that's who you heard talking about it?

17 JUROR NUMBER 183: Yes, ma'am.

18 THE COURT: Okay. Now, 188 had talked about  
19 his son -- having some issues involving his son, did  
20 you hear any of that?

21 JUROR NUMBER 183: No, ma'am.

22 THE COURT: It was just specifically about the  
23 case and the death penalty?

24 JUROR NUMBER 183: They were saying a few  
25 things but those were the major discussions they were

1           having, and a couple of things that I don't what they  
2           were saying or what they saw in the media or those  
3           kind of things. Really as soon as I heard it just  
4           everything occurred to me to block it out. I knew it  
5           wasn't right. I mean, he started talking and  
6           (unintelligible).

7           THE COURT: Talking about the --

8           JUROR NUMBER 183: The trial options.

9           THE COURT: Okay. And so it would have been  
10          involved with everyone on this side of you, know one  
11          on the other side?

12          JUROR NUMBER 183: Yes, ma'am.

13          THE COURT: Okay. All right. All right. Then  
14          I'm going to ahead and release you.

15          MR. LANNING: Judge, can I ask a question?

16          THE COURT: You can if you wish, yes.

17          MR. LANNING: Did you have hear any expressions  
18          of belief of his guilt?

19          JUROR NUMBER 183: No, I did not. No, that I  
20          would have brought to the attention of the deputies  
21          if I heard something like that.

22          MR. LANNING: Did you ever hear any expressions  
23          like he should get the death penalty?

24          JUROR NUMBER 183: I don't -- I really can't  
25          say. I'm so sorry I can't give you clear answers,



1 I'm straining.

2 MR. LANNING: Right.

3 JUROR NUMBER 183: Your client deserves a fair  
4 trial and I want to make sure that happens.

5 MR. LANNING: Thank you.

6 THE COURT: Okay. 183, I am going to release  
7 you. I'm going to allow you to go downstairs, tell  
8 them that you've been released from Judge Reinman's  
9 courtroom. They'll give you brief information and  
10 they'll send you on your way. Thank you for being  
11 involved in this process. Thank you for being honest  
12 and frank with us, we appreciate it.

13 JUROR NUMBER 183: Thank you, Your Honor.

14 (Thereupon, Juror Number 183 exited the  
15 courtroom.)

16 THE COURT: Okay. 183, just for the record,  
17 will be released for cause. Now, the only person  
18 that's left that would have been part of that is 187.  
19 You want to go ahead and address 187?

20 MR. BROWN: Sure.

21 THE COURT: Just while it's fresh in our mind  
22 go ahead and address that?

23 MR. PIROLO: Judge, also the concern is she  
24 said the two gentlemen behind her, 188 who's gone,  
25 187 is the male but 189 is a male as well.

1 MR. BROWN: She said it was closer to the wall.

2 THE COURT: Yeah, she said it was that side of  
3 the wall. I asked her if it was on this side,  
4 anything occurred on this side of her and she said  
5 no. I did that for that reason.

6 MR. PIROLO: And they kind of shifted a little  
7 bit.

8 THE COURT: I mean, with all due respect, 188,  
9 I saw him even before he -- he was pretty -- I don't  
10 know what he said, he was pretty verbal. I don't  
11 know if the deputy heard anything.

12 THE COURT DEPUTY: He said something about not  
13 being able to follow the rules of watching the news  
14 and that.

15 THE COURT: No, that's -- he was the one that  
16 said that. I know even before that I could hear his  
17 voice but I didn't hear what he said before that.

18 MR. BROWN: Judge, the only slight concern I  
19 have would be by bringing 187 in here out of order  
20 and then start questioning him on that because that  
21 kind of tells him it was the juror before him.

22 THE COURT: Okay. I mean, I'll stay in order  
23 then. I just want to make sure we follow up with it.  
24 And we can even talk to 189, he'll be here today too,  
25 about if he heard anything. And I can even say 188

1 was pretty vocal back there, did it cause any concern  
2 for you, you know, did anything get said. Okay.  
3 Because I heard 188 even before he -- but I couldn't  
4 hear what he was saying and it didn't appear to be an  
5 issue. I mean, it was a pretty lively bunch during  
6 the break. I'll try to control that more. I mean,  
7 it was a long bench conference too, so.

8 MR. LANNING: Judge, because it, because it was  
9 obvious to her, it may be obvious to 184 too.

10 THE COURT: Okay. We can talk to 184 too.  
11 I'll talk to them all if you want me to.

12 MR. MCMASTER: We can ask them those  
13 preliminary question when they first come in and see  
14 if they heard something.

15 THE COURT: Yeah, and I can inquire a little  
16 bit more about that too. Okay. We can go ahead and  
17 bring in 184.

18 THE COURT: Okay. Good afternoon Juror Number  
19 184.

20 JUROR NUMBER 184: Good afternoon.

21 THE COURT: First of all, I want to tell you  
22 thank you for being here. Thank you for being  
23 patient with us regarding this process. When we  
24 were -- when you were in court yesterday I talked  
25 about some rules that came into place. Those rules

1 talked about -- those rules kind of started at that  
2 time and the rules had to do with different things.  
3 So, I'm going to ask you about that and it's as of  
4 that time. Has anyone read or been exposed to  
5 reading newspaper -- I mean, have you read or been  
6 exposed to reading newspaper headlines and/or  
7 articles relating to this trial or its participants?

8 JUROR NUMBER 184: No, ma'am.

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

11 JUROR NUMBER 184: No, ma'am.

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

15 JUROR NUMBER 184: No, ma'am.

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

19 JUROR NUMBER 184: No, ma'am.

20 THE COURT: Yesterday when the Judge, when I  
21 was up here and the attorneys were up here and we had  
22 a bench conference there was some -- a lot of talk  
23 among the jurors, was anyone talking about the case  
24 in your little section of -- in the right section  
25 among the jurors? Was anyone discussing the case?

1 JUROR NUMBER 184: No, ma'am.

2 THE COURT: I know Number 188, the guy kind of  
3 to the side, he kind had a little bit of an objection  
4 about the rules. He asked did he have to follow  
5 those rules during the recess. Did you hear any  
6 discussions about that?

7 JUROR NUMBER 184: No, ma'am.

8 THE COURT: Did anything that happened around  
9 you at that time, did that cause you any questions or  
10 concerns?

11 JUROR NUMBER 184: No.

12 THE COURT: Okay. I know the other day you  
13 talked about being -- you do computer repairs for

14 

15 JUROR NUMBER 184: Yes.

16 THE COURT: Okay. I'm pretty impressed with  
17 that being that I have a lot of problems with  
18 computers. So, that's -- normally people of our  
19 generation aren't as good on computers. So, I'm  
20 really impressed that you can do all that. Normally  
21 it's the really young kids that know all the stuff  
22 about the computers. So, that's pretty impressive.  
23 I'm going to talk to you today about some questions.  
24 I'm going to ask you some questions. What we ask you  
25 to do is to respond and be -- there's no right or

1 wrong answers, be as frank, as open and as  
2 comfortable with your answers as you can be.  
3 Don't -- if there's something you want to say,  
4 sometimes people say Judge, can I say this? You can  
5 say whatever you wish to say. Okay. This is your  
6 time to talk to us. This is your time to tell us  
7 things that you think may be important to us. You'll  
8 be asked some questions that may solicit a yes or no  
9 response. If the answer is not yes or no, you can  
10 answer it appropriately as well. Sometimes we want  
11 to say hey, can you answer yes or no, if the question  
12 doesn't -- if you can't answer it yes or no, let us  
13 know that as well. I'm going to have an opportunity  
14 to speak with you, the State will have an opportunity  
15 to speak with you and then the Defense will have an  
16 opportunity to speak with you. I'm going to talk to  
17 you first about your knowledge of the case and then  
18 I'm going to talk to you about the death penalty.  
19 The first question I'm going to ask you is prior to  
20 coming to the court, did you know anything about this  
21 case either from your own personal knowledge, rumor,  
22 by discussions with anyone else, or from the media,  
23 including radio, television, Internet, electronic  
24 device, or newspaper?

25 JUROR NUMBER 184: I saw it on the news.

1 THE COURT: You saw it on the news?

2 JUROR NUMBER 184: Yes.

3 THE COURT: Would that be at the time the event  
4 occurred?

5 JUROR NUMBER 184: Yes. What happens is that  
6 we received an e-mail saying that there was traffic  
7 so we need to, you know, we need to go in a different  
8 way home. So, I was kind of curious so I saw it on  
9 the news.

10 THE COURT: Okay. You were -- after you  
11 received that you were curious so you saw it, then  
12 you maybe turned on the news?

13 JUROR NUMBER 184: Yes.

14 THE COURT: So, that would have been at the  
15 time of the event and that would have been through  
16 the television, is that correct?

17 JUROR NUMBER 184: Yes.

18 THE COURT: Since that time have you heard  
19 anything?

20 JUROR NUMBER 184: No.

21 THE COURT: Did you hear anything about jury  
22 selection?

23 JUROR NUMBER 184: No.

24 THE COURT: Tell me what your -- do you have  
25 any regular local news watching habits?

1 JUROR NUMBER 184: Yes. Well, I use to watch  
2 like CNN, you know, maybe Fox, something like that.  
3 I don't really -- most times I may, you know have it  
4 on the TV in the morning time while I'm getting ready  
5 to go to work but I don't really pay much attention.

6 MR. MOORE: I can't hear, speak louder.

7 THE COURT: Okay. Can you speak up just a  
8 little bit?

9 JUROR NUMBER 184: I say I have on the TV, you  
10 know, I run my TV all night just to have, you know,  
11 something, you know, just going all night, but in the  
12 morning time I may have on the TV but while I'm  
13 getting ready I'm not really, you know, paying  
14 attention to the TV.

15 THE COURT: Okay. Tell me what specifics that  
16 you think -- what specific information you think you  
17 may know about the case.

18 JUROR NUMBER 184: The only thing I know is  
19 that someone was killed, that's all I know.

20 THE COURT: Okay. Do you know it was a woman  
21 sheriff?

22 JUROR NUMBER 184: Yes.

23 THE COURT: Okay. What else? Anything that  
24 led up to that?

25 JUROR NUMBER 184: No, that's all, that's all



1 I, that's all I heard, you know, that's all I heard  
2 on the news.

3 THE COURT: Okay. Anything that happened after  
4 that?

5 JUROR NUMBER 184: Well, you know, I heard  
6 that, you know, because I work in that area about the  
7 service.

8 THE COURT: Okay. The service for Deputy Pill?

9 JUROR NUMBER 184: Yes.

10 THE COURT: Okay. When you say you work in  
11 that area, I think you work around that location, is  
12 that --

13 JUROR NUMBER 184: Right, yes, um-hmm.

14 THE COURT: And so did you hear something about  
15 maybe traffic with regard to that or something about  
16 that?

17 JUROR NUMBER 184: Yes, I heard that the  
18 traffic, you know, we may need to go another way  
19 because I travel that way.

20 THE COURT: Okay. So, was that through -- how  
21 did you hear that, through e-mails at work?

22 JUROR NUMBER 184: It's been a while so I think  
23 it was an e-mail come through saying that, you know,  
24 avoid, avoid that area and, you know, go another way.

25 THE COURT: Okay. Did you ever see a picture

1 of Mr. Bradley on the news?

2 JUROR NUMBER 184: Yes.

3 THE COURT: Okay. Did you hear anything about  
4 anyone else being involved?

5 JUROR NUMBER 184: It was a female.

6 THE COURT: Okay. Do you know anything about  
7 that?

8 JUROR NUMBER 184: I just saw a female and a  
9 male.

10 THE COURT: Okay. Did you hear anything  
11 about -- anything else other than that at the time of  
12 the event?

13 JUROR NUMBER 184: That's all I heard, yeah.

14 THE COURT: Anything since then?

15 JUROR NUMBER 184: No.

16 THE COURT: What about jury selection, did you  
17 hear anything about jury selection in this case?

18 JUROR NUMBER 184: No. No.

19 THE COURT: Okay. Do you -- when you heard  
20 about this case, did it, you know, did it stir up any  
21 emotions in you?

22 JUROR NUMBER 184: Well, you know, when  
23 anything like that happen, you know, you always, you  
24 know, you kind of look at yourself, you know, and  
25 kind of, you know, say -- I mean, it just, you know,

1 you know, you kind of just think about yourself.

2 THE COURT: Okay. Some people, some people --  
3 I mean, obviously it's a tragic event.

4 JUROR NUMBER 184: Right.

5 THE COURT: But did you have any lasting  
6 emotions? Some people say they were angry, some  
7 people said they're still angry, some people say they  
8 thought about it for a while. I mean, did it make  
9 you think about anything let's say later on, months  
10 later?

11 JUROR NUMBER 184: No, huh-uh.

12 THE COURT: Okay. So, you thought about it at  
13 the time of the event?

14 JUROR NUMBER 184: At the time of the event,  
15 you know, I thought about it, yeah.

16 THE COURT: Okay. What we ask you to do if you  
17 could serve on the jury is to set aside anything that  
18 you may have learned about this case, serve with an  
19 open mind and reach a verdict based only on the law  
20 and the evidence presented in this trial in this  
21 courtroom, can you do that?

22 JUROR NUMBER 184: Yes.

23 THE COURT: Okay. Do you have any hesitation  
24 about that?

25 JUROR NUMBER 184: No.

1 THE COURT: Okay. I'm going to switch gears on  
2 you. What are your general views about the death  
3 penalty?

4 JUROR NUMBER 184: You know, I really -- to be  
5 honest, I really don't really have any opinion about  
6 that. I haven't really, you know. I've heard of  
7 that but it hadn't really, you know, made me, you  
8 know, emotional or anything like that so.

9 THE COURT: So, it's not -- is it something  
10 that you've talked about prior to coming here today?

11 JUROR NUMBER 184: No, I haven't discussed  
12 that.

13 THE COURT: So, it's not something that you  
14 thought about prior to today?

15 JUROR NUMBER 184: No, I haven't thought about  
16 it, no.

17 THE COURT: Okay. I'm going to tell you a little  
18 bit about the process and then we're going to talk  
19 about what your duty would be as a juror. In the  
20 first part of the trial, which is called the guilt  
21 phase, if the jury returns a verdict of guilty on  
22 Count I, and Count I is the murder first degree, if  
23 there's a guilty verdict on Count I, then and only  
24 then you would proceed to a second phase and that's  
25 called the penalty phase. In the penalty phase, as a

1 juror you would be instructed to make a  
2 recommendation to the Court of a penalty of either  
3 death or life in prison without the possibility of  
4 parole. What we ask you to do is to consider both  
5 possible penalties in making a recommendation to the  
6 Court. You're going to hear evidence in the penalty  
7 phase about aggravating circumstances, that kind of  
8 makes the crime more aggravating. You're going to  
9 hear mitigating circumstances which kind of makes the  
10 crime less of an offense, it's mitigating. So,  
11 you'll hear evidence of those. You'll be given some  
12 instructions on how to weigh those and come to a,  
13 come to a decision about what penalty to recommend to  
14 the Court. No one here is ever going to tell you in  
15 this circumstances what would you recommend, death or  
16 life, no one is ever going to ask you that, but what  
17 we ask you is can you consider both penalties?

18 JUROR NUMBER 184: Yes.

19 THE COURT: So, if I instruct you that as part  
20 of the process you have to consider the aggravating  
21 circumstances, consider the mitigating circumstances  
22 and then make a recommendation to the Court, would  
23 you be able to consider the death penalty or life in  
24 prison without the possibility of parole, both  
25 penalties?

1 JUROR NUMBER 184: Yes.

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

4 MR. BROWN: Yes, Your Honor, thank you. Juror  
5 Number 184, good afternoon.

6 JUROR NUMBER 184: Afternoon.

7 MR. BROWN: I'm going to speak to you a little  
8 bit about the death penalty itself but I want to go a  
9 step beyond just when you consider and my question  
10 and my focus this morning to be pending, and I'm  
11 not -- obviously not going to ask will, but ask you  
12 depending on the circumstances vote for either a life  
13 or death recommendation?

14 JUROR NUMBER 184: Yes.

15 MR. BROWN: Okay. I want to go through the  
16 process of how you get there to make sure that you  
17 understand it and you're comfortable with that  
18 process and your ability to do that. Okay. As the  
19 Judge talked, the first step is the jury would have  
20 to return a verdict of guilty of first degree murder.  
21 Now, there's two ways for the State to prove that,  
22 either through -- theory number one would be  
23 premeditated murder, theory number two is what's  
24 called felony murder. Those terms will be explained  
25 to you later on in the process, but either theory the

1 State can prove it to get to first degree murder. We  
2 may end up proving both, but either one leads to  
3 first degree murder and if the jury returns that  
4 verdict of guilty, that's how we get there for  
5 consideration of a life or death penalty. If the  
6 jury returns a lesser verdict such as second degree  
7 murder, then the jury is done, the sentencing is  
8 entirely up to the Court and the jury doesn't go to  
9 the next step, they don't have to make a sentencing  
10 recommendation. You understand?

11 JUROR NUMBER 184: Yes.

12 MR. BROWN: And obviously, if they come back  
13 guilty there is no sentencing at all. So, the jury  
14 comes back guilty with first degree murder, then the  
15 next step is we would reconvene. The jury would here  
16 additional evidence, the Court would give you her  
17 final set of instructions and those instructions --  
18 then you go back to deliberate. On those  
19 instructions the first thing she's going to focus you  
20 on would be what are called aggravating  
21 circumstances. And as the Court told you all  
22 yesterday, I realize some of this or a lot of it  
23 she's already covered with you, but she did give you  
24 a lot of information in a compressed period of time,  
25 so. Aggravating circumstances, that's a statutory

1 list of circumstances that may increase the gravity  
2 of the crime or the harm to the victim and it's to  
3 those circumstances that you look to to decide  
4 whether or not the -- whether the death penalty is  
5 justified in the case. You're limited to those.  
6 Obviously, you can tell from the brief description  
7 the gravity of the crime or the harm to the victim  
8 that they're meant to aggravate what would be a first  
9 degree murder case, aggravated beyond, to justify the  
10 death penalty. You understand that no first degree  
11 murder automatically gets the death penalty, we have  
12 to go through this process with each one?  
13 Understand?

14 JUROR NUMBER 184: Um-hmm.

15 MR. BROWN: Now, those aggravating  
16 circumstances, they have to be proven beyond and to  
17 the exclusion of every reasonable doubt. Same  
18 standard of proof that's in the guilt phase. The  
19 Court will give you that list, I expect it to be more  
20 than one, may be three, four, five, and the question  
21 will be has the State of Florida proven any of those.  
22 If your answer is no, that we have not proven any of  
23 them, then your recommendation would have to be life  
24 because you would have found no aggravation. If you  
25 have found that the State has proven at least one,



1 and we may prove more than one, we may prove all of  
2 them, but we have to prove at least one to get to the  
3 next step, you take those that you feel are proven  
4 and ask yourself based on these aggravating  
5 circumstances is the death penalty justified. If  
6 your answer is no, then you would return a life  
7 recommendation. If your answer is yes, you go to the  
8 next step in the process. You understand so far?

9 JUROR NUMBER 184: Yes.

10 MR. BROWN: The next step would be you consider  
11 what's called the mitigating circumstances. And as  
12 the Court told you all yesterday, that's evidence  
13 that comes from the defendant, his life, background,  
14 things of that nature, character, it concerns him,  
15 and similar to what aggravating circumstances, these  
16 circumstances that may suggest that life is more  
17 appropriate. There's a burden of proof for those,  
18 it's a lower burden, it's to the greater weight of  
19 the evidence. It's still a burden but less than the  
20 burden for the aggravators. And the Court's going to  
21 tell when you take both of those, all the aggravators  
22 that have been proven, all the mitigation that's been  
23 proven, you have to go through a weighing process  
24 between those two.

25 In your life I assume you've made some key,

1 critical important decisions? Yes?

2 JUROR NUMBER 184: Yes.

3 MR. BROWN: Always have to get a yes answer  
4 because everything is on the record being recorded  
5 so. And when you made those decisions, did you try  
6 to look at all the factors involved?

7 JUROR NUMBER 184: Yes.

8 MR. BROWN: And when you looked at all those  
9 factors, some factors you look at and said these are  
10 pretty darn important and you gave them a lot of  
11 weight, great weight in your consideration, right?

12 JUROR NUMBER 184: Yes.

13 MR. BROWN: Other factors you looked at and you  
14 said you know, I don't find these to be all that  
15 important and you gave them very little weight in  
16 coming to the ultimate decision, right?

17 JUROR NUMBER 184: Yes.

18 MR. BROWN: Okay. I mean, that's the way most  
19 of us make decisions, you try to consider everything  
20 and just analyze it and you weigh it all and put it  
21 all together and come to your decision, right?

22 JUROR NUMBER 184: Yes.

23 MR. BROWN: That's the way most of us typically  
24 make decisions. The Court's going to tell you the  
25 process she's going to give you is that same type of

1 process. You have to consider everything and you  
2 determine how much weight and you go through a  
3 weighing process.

4 Now, she's not going to tell you, the Judge  
5 will not tell you aggravator one gets X amount of  
6 weight or mitigator one gets X amount of weight.  
7 She's not going to give you a magic formula to  
8 determine what gets what weight, that's for you to  
9 decide and determine. We may suggest in our  
10 arguments when we get to that point in the trial how  
11 much weight you should give, but you determine how  
12 much weight. And obviously, I'm not going to sit up  
13 here and ask you, I don't believe the Defense will  
14 either, how much weight would you give to this type  
15 of an aggravator or how much weight to this type of  
16 mitigator because you don't know, you have to hear it  
17 all and you have to weigh it, right?

18 JUROR NUMBER 184: Right.

19 MR. BROWN: But the key is we want to make sure  
20 that you're open to consider what's given to you.  
21 You may hear and say well, that type of aggravator or  
22 mitigator I can consider it, you may be thinking you  
23 may not give it a whole lot of weight, as long as  
24 you're willing to consider it and then you determine  
25 the weight. The juror right next to you if you're

1 selected may say an aggravator or mitigator and may  
2 come up with different thoughts on how much weight  
3 he's going to give. The key here is in the guilt  
4 phase your verdict has to be unanimous, either guilty  
5 of first degree murder, second degree, something  
6 else, or not guilty. The penalty phase does not have  
7 to be unanimous. What gets reported back to the  
8 Court if it's a 6/6 split or a majority for life,  
9 then it's a life recommendation. If it's a majority  
10 that are recommending the death penalty, the number  
11 gets reported, not who voted what. If it's 12/0 the  
12 obviously we all know. If it's 11/1, 10/2 down to  
13 7/5, the number gets reported but you do not have to  
14 agree unanimously. That's why I say. So, you have  
15 to make the individual decision you make. You can  
16 discuss it with the other members, you have to  
17 determine how much weight you will give every  
18 aggravator and every mitigator. You go through then  
19 and you weigh aggravation versus the mitigation and  
20 if the mitigation outweighs the aggravation, then  
21 your recommendation has to be for life. On the other  
22 hand, if the mitigation does not outweigh the  
23 aggravation and you feel that the aggravating  
24 circumstances justify the death penalty after going  
25 through that weighing process, then you're in a

1 position where you're justified in recommending the  
2 death penalty to the Judge. You understand?

3 JUROR NUMBER 184: Yes.

4 MR. BROWN: Now, the Court's not going to tell  
5 you if the State proves A, B, C and D that you must  
6 return a recommendation of death. In fact, what  
7 she's going to tell you is that you are never  
8 required to recommend the death penalty. Some people  
9 say well, law says I have to it, I can do it but the  
10 law's never going to say what you have to do. What  
11 you do is you get in a position where if you go  
12 through the weighing process and the mitigation does  
13 not outweigh the aggravation and after weighing you  
14 feel the aggravators justify the death penalty,  
15 that's when you can recommend the death penalty.  
16 Okay. Any questions about that process?

17 JUROR NUMBER 184: No.

18 MR. BROWN: How do you feel about your ability  
19 to do that, to be in that situation, go through that  
20 process and make the recommendation?

21 JUROR NUMBER 184: I feel comfortable.

22 MR. BROWN: Is there anything in your  
23 background, be it moral beliefs, political beliefs,  
24 philosophical beliefs, religious beliefs, family  
25 history, work history, anything there that causes you

1 any undue angst, anxiety, trouble about being put in  
2 a situation having to make that recommendation?

3 JUROR NUMBER 184: No, I don't think so.

4 MR. BROWN: Okay. You understand why I ask. I  
5 mean, some people, their religious -- their religion  
6 may be against it, their church, and that causes them  
7 a great deal of trouble if they have to do something  
8 that may violate what their church beliefs or their  
9 own personal, moral, philosophical beliefs and that's  
10 why I ask. If I don't ask, I don't know.

11 Do you come in with any notion or concept of,  
12 well, I can vote for death in this circumstance or  
13 maybe these couple of circumstances and not any other  
14 type of circumstances? And let me give you an  
15 example. Some people say well, in a case of a mass  
16 murder or in a case of a murder of a child, I could  
17 vote for death in those circumstances but not in any  
18 other circumstance. Are you limited to that degree?

19 JUROR NUMBER 184: No.

20 MR. BROWN: Okay. So, you would agree the  
21 Court's going to give you that list of aggravators  
22 and you're open to considering the list she gives  
23 you?

24 JUROR NUMBER 184: Yes.

25 MR. BROWN: You're not coming in with a

1 preconceived notion of well, unless it's this or  
2 that, then I'm not going to look at any other  
3 aggravation, right?

4 JUROR NUMBER 184: No, I have to hear the  
5 facts.

6 MR. BROWN: Good. Again, like I say, unless I  
7 ask the question, I don't what the answer is.

8 And this question when I put it to you I want  
9 to make sure you understand it's can you. I'm not  
10 asking will you but can you. You sit on the jury,  
11 return a verdict of first degree murder, you can  
12 consider the death penalty, you find the State's  
13 proven aggravators. You went through the weighing  
14 process and you found that the mitigation did not  
15 outweigh the aggravation, that the aggravators came  
16 out on top and after weighing them you looked at  
17 those aggravators and you felt they justified the  
18 death penalty, in that situation can you return a  
19 recommendation of death?

20 JUROR NUMBER 184: Yes.

21 MR. BROWN: Again, not will because we don't,  
22 but if you go through that situation, you weighed  
23 them, aggravators came out on top, mitigator did not  
24 outweigh the aggravators and you felt that they  
25 justified the death penalty, can you vote for a death

1 recommendation?

2 JUROR NUMBER 184: Yes.

3 MR. BROWN: Okay. Again, like I said, I'm not  
4 asking what you will do, I just want to make sure  
5 that you can. Some people support the death penalty  
6 and say but, you know, personally, I just couldn't do  
7 it. I support it but I just couldn't vote that way.  
8 Others come in and say I don't care what the  
9 circumstances are, first degree murder means I'm  
10 automatically voting for the death penalty, I don't  
11 care about anything else. Others say that they could  
12 never do that. So, just trying to find out where  
13 exactly you are. Okay?

14 And the last topic I wanted to cover is as I  
15 talked about when I first got up here, if the jury  
16 comes back with a verdict of less than first degree  
17 murder, the death penalty is off the table, you would  
18 not come back for that second go around. Okay. And  
19 the sentence is entirely up to the Court. You  
20 understand that, right?

21 JUROR NUMBER 184: Yes.

22 MR. BROWN: Now, a concern and why I pose this  
23 question to you, I try to pose it to everybody, is  
24 that in some way knowing in the back of your mind  
25 that, well, if I just come back with second, State's



1 proven first, but if I just come back with second I  
2 don't put myself in that situation of having to  
3 decide, having to vote life or death. So, I'm just  
4 going to come back with second because it's easier  
5 for me. Would that enter into your deliberation or  
6 your verdict thought process at all?

7 JUROR NUMBER 184: No.

8 MR. BROWN: Would you agree that justice would  
9 be to return the verdict that the evidence proves?

10 JUROR NUMBER 184: Yes.

11 MR. BROWN: And if we prove to you first degree  
12 murder, can you return that verdict?

13 JUROR NUMBER 184: Yes.

14 MR. BROWN: Okay. Even though that means you  
15 have to come back for the next step?

16 JUROR NUMBER 184: Yes.

17 MR. BROWN: You understand the concern that I  
18 have just to make sure that jurors don't say well,  
19 it's just easier if I do it this way, that you ought  
20 to return the verdict that the evidence proves, right?

21 JUROR NUMBER 184: Yes.

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

24 THE COURT: Questions by the Defense.

25 MR. LANNING: When you -- okay. What news

1 stations do you normally watch?

2 JUROR NUMBER 184: What stations do I normally  
3 watch? Well, when I get home the news pretty much is  
4 off (unintelligible) but in the morning time I have  
5 my station on Channel 6. Most of the time I watch  
6 CNN or Fox, that's where I usually go most of the  
7 time.

8 MR. LANNING: How about overnight while it's  
9 on, do you keep it on any particular channel?

10 JUROR NUMBER 184: I keep it -- well, most of  
11 the time in the afternoon I watch one of those  
12 (unintelligible). Most of the time when the news  
13 come on I'm already asleep.

14 MR. LANNING: Now, I may have misheard you, but  
15 you keep it on overnight?

16 JUROR NUMBER 184: Yes I do.

17 MR. LANNING: Is that just for the noise?

18 JUROR NUMBER 184: Just for the noise, yeah,  
19 just to have something, yeah, just for the noise.

20 MR. LANNING: Is it on any kind of news  
21 channel?

22 JUROR NUMBER 184: Most of the time I keep my  
23 TV mostly on Fox.

24 MR. LANNING: All right. At your job -- I want  
25 to ask you this. Do you take the paper?

1 JUROR NUMBER 184: No, I don't get the paper  
2 but I do go on the Internet.

3 MR. LANNING: Did you follow this at all on the  
4 Internet?

5 JUROR NUMBER 184: No, I just, you know, I  
6 heard about it on the news and that's probably just  
7 about it.

8 MR. LANNING: There was a news special about  
9 the funeral, did you happen to see it?

10 JUROR NUMBER 184: Pardon me?

11 MR. LANNING: A news section on the news about  
12 the funeral itself, I believe you said you heard  
13 about it, did you see any footage of the actual  
14 funeral?

15 JUROR NUMBER 184: Oh, no.

16 MR. LANNING: And you know that there was a  
17 woman that had been involved.

18 JUROR NUMBER 184: Yes.

19 MR. LANNING: Okay. Do you know who -- which  
20 of the two were supposed to have pulled the trigger?

21 JUROR NUMBER 184: I do not know that, no, I do  
22 not know that.

23 MR. LANNING: Okay. And you said that you saw  
24 Mr. Bradley's picture.

25 JUROR NUMBER 184: I saw, you know, I saw, I

1 saw him, I don't know, it's been a while back,  
2 like -- it's been like I think over a year or so  
3 since I saw that.

4 MR. LANNING: Right.

5 JUROR NUMBER 184: I'm not sure -- I know I saw  
6 two, I don't think they cast names or something like  
7 that.

8 MR. LANNING: The people had already been  
9 arrested?

10 JUROR NUMBER 184: Yes.

11 MR. LANNING: Did you form an opinion one way  
12 or the other about the guilt?

13 JUROR NUMBER 184: No, most time I'm just, you  
14 know, I pretty much on the road all the time so, you  
15 know, I heard about it, you know, I just, you know,  
16 say that's another, someone else had got shot, you  
17 know, that was it, you know.

18 MR. LANNING: Right. In your, in your  
19 community, did -- you know, Mr. Bradley is a young  
20 black male, did you ever here any talk in your  
21 community about him?

22 JUROR NUMBER 184: No.

23 MR. LANNING: Now, you haven't again given a  
24 whole lot of thought about the death penalty before.

25 JUROR NUMBER 184: You know, you hear it all

1 the time that somebody was killed, you hear it all  
2 the time, you know, that somebody was electrocuted or  
3 whatever, you know, got the death penalty, you know.

4 MR. LANNING: Right. And when you hear -- when  
5 you heard that in the past, what's come to mind? Was  
6 it like well, that needed to happen or that's sad  
7 that that happened or?

8 JUROR NUMBER 184: I mean, you hear it often.  
9 So, you know, it's kind of like come to meet death.

10 MR. LANNING: I'm sorry?

11 JUROR NUMBER 184: I said if you hear that  
12 often, so it comes to be like it just doesn't.

13 MR. LANNING: Doesn't mean anything anymore?

14 JUROR NUMBER 184: I guess, you know, because,  
15 you know, I may hear, you know, like so and so or  
16 whatever and I look at them and, you know, just keep  
17 going.

18 MR. LANNING: Okay. If -- think about a scale  
19 zero to ten and zero being little support for the  
20 death penalty and then ten being really strongly in  
21 support of the death penalty, and number five I'm  
22 right in the middle, could you put yourself on that  
23 scale?

24 JUROR NUMBER 184: Yeah, I guess so, I guess I  
25 could say, you know, eight, nineteen. You know, I'm

1 just, I'm a person that believes in right and wrong.

2 MR. LANNING: Okay. And that's --

3 JUROR NUMBER 184: That's the way I am.

4 MR. LANNING: Okay. Would you, would you  
5 consider yourself a person that believes in an eye  
6 for an eye? Would you consider yourself a person  
7 that believes in an eye for an eye?

8 JUROR NUMBER 184: No, you know, I consider,  
9 you know, I'm the type of person that try to do right  
10 things.

11 MR. LANNING: Right.

12 JUROR NUMBER 184: And, you know, I just feel  
13 that, I feel though that, you know, when things --  
14 that people should pay for the things that they done  
15 when a person is killed.

16 MR. LANNING: Okay. Is the punishment of life  
17 without parole, is that an acceptable punishment for  
18 murder in your view?

19 JUROR NUMBER 184: Well, I have to first look  
20 at all the facts, you know, you have to look at all,  
21 you know, I just can't really say something I don't  
22 really know all the details.

23 MR. LANNING: Well, could you think of a first  
24 degree murder, can you picture any first degree murder  
25 in your mind that the acceptable punishment would be

1 life?

2 JUROR NUMBER 184: I never been a situation  
3 (unintelligible) so it would be kind of hard for me  
4 to say.

5 MR. LANNING: Are there any -- let me think.  
6 Can you think of an example of a first degree murder  
7 where you think the only appropriate sentence would  
8 be death?

9 JUROR NUMBER 184: Well, you have to weigh, you  
10 know, you got to weigh, you got to weigh the  
11 evidence.

12 MR. LANNING: Right. You've heard the Judge  
13 explain this weighing process.

14 JUROR NUMBER 184: Right.

15 MR. LANNING: You heard Mr. Brown explain it as  
16 well.

17 JUROR NUMBER 184: Right.

18 MR. LANNING: Suppose you'd get into a  
19 situation that aggravating circumstances are present  
20 and mitigation is also present, mitigation does not  
21 outweigh the aggravating, at that point in time, I'm  
22 trying to make sure whether you understood their  
23 discussion, at that point in time, what is it -- what  
24 is your understanding of what you're supposed to do?

25 JUROR NUMBER 184: We supposed to -- you can

1           come back with two verdicts, two types of verdicts,  
2           you can come back with, you know, life without parole  
3           or you can still accept the death penalty or come  
4           back with a life without parole sentence, it could  
5           be -- you can come back with either one of those, you  
6           know.

7           MR. LANNING: Okay. And it sounds like you  
8           understood it well.

9           JUROR NUMBER 184: Yes.

10          MR. LANNING: Some people don't. The  
11          instructions lead some people to believe that they  
12          don't have a choice if the aggravation outweighs the  
13          mitigation and that they -- at that point their only  
14          option's death, but you understand that it's not, you  
15          still have the option of recommending life even if  
16          the aggravation outweighs the mitigation.

17          Now, aggravation has to be proven beyond a  
18          reasonable doubt, you understand that?

19          JUROR NUMBER 184: Yes.

20          MR. LANNING: Mitigation does not have to be --  
21          it doesn't have that high of burden, it's by the  
22          greater weight of the evidence, more likely than not  
23          could, if you're reasonably convinced it's proven,  
24          it's been proven. You understand that?

25          JUROR NUMBER 184: Yes.



1 MR. LANNING: Let me ask you whether you could  
2 consider -- I'm not asking you how you would weigh  
3 but if you would consider some potential mitigation.  
4 If evidence were presented that showed Mr. Bradley  
5 suffers from a mental illness, is that something that  
6 you could consider as mitigation?

7 JUROR NUMBER 184: I don't understand what  
8 you're -- well, I (unintelligible).

9 MR. LANNING: Could you tell me why?

10 JUROR NUMBER 184: You know, I know that  
11 sometime some cases and things that they use that  
12 sometimes as one of their reasons. So, I think it's  
13 just based upon the circumstances and the evidence  
14 that, you know.

15 MR. MOORE: How about -- I don't want to read  
16 too much into what you just said but it sounded like  
17 you kept up with some death penalty cases over the  
18 years, is that right?

19 JUROR NUMBER 184: Well, no, I wouldn't say  
20 that. I do look at, you know, I do look at things  
21 like that. I look at, you know, like some cold cases  
22 and things like that, you know, KTV (unintelligible).

23 MR. LANNING: Right. But have you formed an  
24 opinion that mental illness is being used as an  
25 excuse maybe or that it's not true?

1 JUROR NUMBER 184: I've seen it used a lot. I  
2 seen it used, you know, like I've heard, you know,  
3 like I say, I do look at (unintelligible) and things  
4 like that.

5 MR. LANNING: How about brain damage, have you  
6 seen situations where people try to present brain  
7 damage and just being somehow mitigating?

8 JUROR NUMBER 184: No.

9 MR. LANNING: How about having prior child  
10 abuse, is that something that you could consider as  
11 potentially mitigating?

12 JUROR NUMBER 184: Well, you know, I consider  
13 the facts and all that, you have to take all the  
14 aggravating and everything (unintelligible).

15 MR. LANNING: Well, how about drug abuse, is  
16 that something you consider as mitigating?

17 JUROR NUMBER 184: You know, those kind of  
18 things I've heard about, you know, but I don't know  
19 (unintelligible) in my opinion or not, that's kind of  
20 hard to say.

21 MR. LANNING: Well, would you put -- in  
22 reference to prior abuse as a child, do you know if  
23 you can consider that or not as mitigation? Again, I  
24 don't know is an acceptable answer. This is, you  
25 know, this is -- Mr. Bradley faces the most severe

1 sanction he can have and everybody, including him, is  
2 entitled to a jury that is impartial and unbiased,  
3 wouldn't you agree?

4 JUROR NUMBER 184: Yes.

5 MR. LANNING: And you can have biases, it  
6 doesn't make you wrong. It could make you not the  
7 right person for this jury, it doesn't make you  
8 wrong. So, could you consider child abuse as  
9 mitigating?

10 JUROR NUMBER 184: I have to look at the facts  
11 and things like that. I guess I could consider, you  
12 know, all the facts and things like that. I could  
13 look into too, that would be one of the things that I  
14 would look at and weigh.

15 MR. LANNING: Are you a member of a church?

16 JUROR NUMBER 184: Yes, I am.

17 MR. LANNING: And may I ask the religion?

18 JUROR NUMBER 184: Baptist.

19 MR. LANNING: Baptist?

20 JUROR NUMBER 184: Yes.

21 MR. LANNING: And does the Baptist church have  
22 a position on the death penalty?

23 JUROR NUMBER 184: I have never heard, you  
24 know, I have never heard them speak of that, no. He  
25 usually don't get into that. I have never heard him

1 say anything. He could have but I haven't heard it.

2 MR. LANNING: Yes, ma'am. Now, this case  
3 involves the killing of a law enforcement officer and  
4 it's charged as a premeditated. Right?

5 JUROR NUMBER 184: Right.

6 MR. LANNING: And the if the State proves to  
7 you that it's premeditated murder of a law  
8 enforcement officer, at that point could you consider  
9 mitigation?

10 JUROR NUMBER 184: Yes, I consider all the  
11 facts.

12 MR. LANNING: If the State proves premeditated  
13 murder of a law enforcement officer, is there any  
14 mitigation evidence in your mind, anything that could  
15 possibly outweigh the aggravation?

16 MR. BROWN: Judge, I'm to object to that.

17 THE COURT: Okay. Bench conference.

18 (Thereupon, a benchside conference was had out  
19 of the hearing of Juror Number 184 as follows:)

20 MR. BROWN: Judge, the objection is it's asking  
21 for a commitment in the process which is ultimately  
22 what she has to do as a juror.

23 MR. LANNING: I'm trying to find out whether  
24 she -- whether there is anything possible. I'm not  
25 asking her whether she would do it.

1 THE COURT: Make sure you say you say can you  
2 consider mitigation.

3 MR. MOORE: I thought he said that. I thought  
4 he put it in the terms of can you, is there anything  
5 that you can considering mitigating which would  
6 outweigh the aggravating, just can you do it. Just  
7 when the State asked, you know, can you consider --  
8 if you found aggravating circumstances outweigh the  
9 mitigating, can you consider death. I mean, that's  
10 just the same way, it's just reverse.

11 MR. BROWN: His first question which she answer  
12 was premeditated of a law enforcement, can you  
13 consider. She said yes. And then the next question  
14 which I objected to was can you think of mitigation  
15 that could outweigh and that's the question that I'm  
16 objecting to.

17 MR. MOORE: Here's another thought. He asked  
18 in the abstract, you know, if she could accept a list  
19 of aggravating circumstances, which we object going  
20 all the way back to when we first tried to get  
21 aggravating circumstances in front of these jurors,  
22 the question they can answer, give an intelligent  
23 answer to and so she's being asked in the abstract  
24 like all the jurors can you accept this list of  
25 aggravating circumstances. They have no idea what

1           that means.

2           THE COURT: We're way beyond that, so.

3           MR. MOORE: So, you know, he's just asking in  
4 an abstract way is there mitigation that you could  
5 consider that potentially could --

6           THE COURT: He didn't that though. That was  
7 the question before and she answered that. We're on  
8 to a next question, so. I mean, the question as  
9 phrased I'm going to sustain the objection.

10          MR. MOORE: What are you going to ask, Mark?  
11 You could ask her what she considers mitigating, what  
12 she would consider mitigation.

13          THE COURT: Okay.

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

16          MR. LANNING: What type of things could you  
17 consider to be mitigation?

18          JUROR NUMBER 184: Well, you know, as I -- I  
19 mean, I'm not sure. I'm not trying to be like harsh  
20 or tough, but I know that as you speak like child  
21 abuse and things like that, I know that when I was  
22 growing up if, you know, the way that my mother would  
23 whoop me, we probably yield to that, you know. So, I  
24 mean, the child abuse, you know, so. I don't know.  
25 I'm just -- it just, it just make me think that in

1 that situation that, you know, that was the way of  
2 saying when my mother would do that (unintelligible)  
3 you done wrong so I'm going to punish you for that.  
4 So, I mean, it's like (unintelligible), you know.

5 MR. LANNING: Right.

6 JUROR NUMBER 184: So, you know. Today they  
7 calling it child abuse but in my time it was a good  
8 whooping and so, you know. I guess that's what I'm  
9 kind of saying that...

10 MR. LANNING: Is the idea of mitigation  
11 evidence, mental health.

12 JUROR NUMBER 184: Right.

13 MR. LANNING: Child abuse.

14 JUROR NUMBER 184: Right.

15 MR. LANNING: In your mind, and there's no  
16 right or wrong answer, would it just be an excuse to  
17 you?

18 JUROR NUMBER 184: Well, you know, I don't  
19 know. See, sometimes, you know, like we hear things  
20 like that, first thing, you know, you hear is that  
21 the person say well, you know, they have a mental  
22 problem or they, you know, or things of that nature.  
23 I seen that, you know, as an excuse as to why, you  
24 know, they did that or whatever. You know, my mother  
25 whooped me but, you know, I turned out to be a pretty

1 good person from that, you know, (unintelligible) or  
2 whatever you calling it, you know, whooping or  
3 whatever.

4 MR. LANNING: I'm not --

5 JUROR NUMBER 184: I know what you're saying  
6 but, you know, I, you know, I just have to...

7 MR. LANNING: Could you tell me in your mind  
8 what might mitigate a first degree premeditated  
9 murder?

10 MR. BROWN: Judge, again, I'm going to object  
11 to that.

12 THE COURT: Overruled.

13 MR. LANNING: You can answer the question. Is  
14 there anything possible in your mind that can  
15 mitigate a first degree premeditated murder?

16 JUROR NUMBER 184: (Unintelligible).

17 MR. LANNING: Ma'am? And if the answer is no,  
18 there's nothing wrong with that.

19 JUROR NUMBER 184: I Say no.

20 MR. LANNING: I'm sorry?

21 JUROR NUMBER 184: I say no.

22 MR. LANNING: Nothing that could mitigate a  
23 first degree premeditated murder, is that right?

24 JUROR NUMBER 184: I said no.

25 MR. MOORE: No, there's not?



1 JUROR NUMBER 184: Well.

2 MR. LANNING: If that's your, if that's your  
3 view, if that's true, we need to hear you say it if  
4 that's your view. Is that your view?

5 JUROR NUMBER 184: Yes.

6 MR. LANNING: And is there anything that we  
7 could do that would change that view?

8 JUROR NUMBER 184: I would have to -- well, I  
9 would have to see the evidence. I really  
10 (unintelligible).

11 MR. LANNING: Ma'am, it sounds like you've got  
12 strong views.

13 JUROR NUMBER 184: Well, you know, I'm not a,  
14 you know, I'm the kind of a person that, I'm just the  
15 kind of the person that believes in right and wrong.  
16 I mean, if you would (unintelligible) just say that I  
17 was really, you know, hard on him (unintelligible).  
18 So, you know, that kind of, you know, and then I ask  
19 them I say you going to take them back and they say  
20 no.

21 MR. LANNING: Take them back?

22 JUROR NUMBER 184: Take the (unintelligible)  
23 back, you know, if I could take it back, yeah.

24 MR. LANNING: Oh, okay. Ma'am, I'm not -- now,  
25 I don't want to you think that I'm --

1 JUROR NUMBER 184: But you know what, honestly,  
2 do people honestly care. I know a lot of people,  
3 this could be a possibility that I could, you know, I  
4 could know the person, I really don't know. I know a  
5 lot, you know, people get angry but (unintelligible).  
6 It doesn't have anything to do about  
7 (unintelligible). I mean, I'm not hard, I'm not a  
8 nice person.

9 MR. LANNING: I don't doubt that, ma'am. I  
10 don't doubt it. Ma'am, if I understood you  
11 correctly, there's nothing in your mind that would  
12 mitigate a first degree murder and --

13 MR. BROWN: Judge, I object to this and ask to  
14 approach on it.

15 THE COURT: Yes, you can.

16 MR. LANNING: I haven't finished the question.

17 THE COURT: If we can have a bench conference.

18 (Thereupon, a benchside conference was had out  
19 of the hearing of Juror Number 184 as follows:)

20 MR. BROWN: Judge, I'm objecting to this  
21 because I think he's -- I see two different meanings  
22 of his question that he's asked here and that's I  
23 think the trouble and based on her last response I  
24 think the juror's interpreting his meaning different  
25 than I think the intent of the question because she

1           said --

2           THE COURT:  What is your two interpretations?

3           MR. BROWN:  The two interpretations would be  
4           are you mitigating a penalty versus mitigating first  
5           degree murder.  His question is is there anything  
6           that would mitigate a first degree murder and she's  
7           talking about taking a degree back because that's the  
8           term she used, if I could take a degree back because  
9           we've already talked about first degree and second  
10          degree.  I don't think she's viewing this question --

11          THE COURT:  I hear what she said but she still  
12          says she can consider death and life at the -- as a  
13          possible penalty even if there's no mitigators and  
14          she still said she would consider both as a possible  
15          penalty in this case so.

16          MR. MOORE:  She's rejected every mitigation  
17          that we put in front of her.

18          THE COURT:  She said --

19          MR. MOORE:  Mental health, drug addiction,  
20          brain damage.

21          THE COURT:  She's been hesitant about it and  
22          she said I don't know if I can consider that.

23          MR. MOORE:  I heard her say no and what we can  
24          do -- and I also heard her say that there's no  
25          mitigation that she would be open to considering and

1 so if that's the case, then the question has to be in  
2 considering a penalty if she could follow the Court's  
3 instruction and engage in this process. I mean,  
4 that's a fair question.

5 THE COURT: If you ask that that's so open  
6 ended she's not even going to know what you're  
7 talking about and that's what I'm concerned is she  
8 doesn't know what --

9 MR. MOORE: Well, then maybe she shouldn't be  
10 on the jury, Your Honor. I mean, if she's having  
11 trouble understanding basic, which are pretty basic.

12 THE COURT: These are not pretty basic terms,  
13 that's my issue in this whole process. These are  
14 not -- if you just heard this the first time, there's  
15 no way these people would understand it, they've  
16 never been involved in this process before.

17 MR. MOORE: But the people we've discussed  
18 before we haven't had this much difficulty with  
19 before.

20 THE COURT: I disagree with that, there's been  
21 a lot of difficult --

22 MR. MOORE: There has been, but with her, I  
23 mean, she's -- I just see her either as not  
24 comprehending what we're asking or not being honest  
25 in her answers and I -- there's just something --

1 that why Mr. Lanning's spending so much time on her  
2 because there's something there that we're not  
3 getting at and I don't think we're getting at what  
4 really she is thinking. I mean, it's disturbing,  
5 that bothers me, and I think Mr. Lanning is in that  
6 position too because he keeps -- he continues to ask.  
7 There's just something going on we're not getting at.

8 THE COURT: I'm going to sustain the objection  
9 as to the form of the question. You're going to have  
10 to relate it to the penalty phase and give her more  
11 information. I can tell you at this time I'm not  
12 going to strike her for cause. So, if you want to  
13 explore it more, I'll give you the opportunity to  
14 explore it more.

15 MR. LANNING: All right.

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

18 MR. LANNING: Ma'am, having the beliefs that  
19 you have and that you believe that no mitigation,  
20 nothing could mitigate first degree premeditated  
21 murder as a penalty, would it be fair to say that you  
22 would not be able to follow the instruction to  
23 consider mitigation?

24 JUROR NUMBER 184: Well, I can follow the  
25 instruction for mitigation.

1 MR. MOORE: I can't hear.

2 JUROR NUMBER 184: I can.

3 MR. LANNING: You told me you couldn't  
4 consider --

5 JUROR NUMBER 184: I said I could consider all  
6 the facts, that's what I said.

7 MR. LANNING: But in your --

8 JUROR NUMBER 184: And that's included also.

9 MR. LANNING: Okay. And if I'm wrong, correct  
10 me, but nothing in your, nothing in your beliefs  
11 could mitigate a first degree murder, is that right,  
12 first degree premeditated murder? While you say you  
13 could consider, you also believe nothing could  
14 mitigate --

15 JUROR NUMBER 184: I can consider, I can  
16 consider, yes, I can consider, I can consider that  
17 but I don't, you know.

18 MR. LANNING: Nothing would mitigate in your  
19 mind, you can consider it, but nothing could mitigate  
20 a first degree premeditated murder, is that a fair  
21 statement?

22 THE COURT: Juror Number 184, his question  
23 relates not to the guilt phase, whether the defendant  
24 is guilty or not guilty of the charges, it relates to  
25 the penalty phase when you're going to make a

1 recommendation of death or life in prison without the  
2 possibility of parole. I just wanted to make sure  
3 that was clear to you so you understood that.

4 JUROR NUMBER 184: Yes, I do.

5 THE COURT: Okay. All right. Do you  
6 understand the question?

7 JUROR NUMBER 184: Yes. I mean, I can  
8 consider, I can consider, yes, I can.

9 MR. LANNING: Now, if I understand you correct  
10 saying I can consider it but nothing could mitigate  
11 the first degree premeditated murder. So, I may  
12 listen to it but I won't consider it.

13 JUROR NUMBER 184: No, I said that I would have  
14 to listen to all the facts, mitigation, I have to --  
15 I can consider all of it. I can look at all the  
16 facts. I can hear it, yes, I can consider that.

17 MR. LANNING: You've already told me nothing  
18 could mitigate a first degree premeditated murder.

19 MR. BROWN: Judge, I'm going to --

20 MR. LANNING: I mean, would you agree that  
21 those positions can't square?

22 JUROR NUMBER 184: You can weigh, you can  
23 weigh, we would weigh the facts, I can weigh  
24 mitigation. I can weigh all of that, yes.

25 MR. LANNING: You can weigh it, but isn't it

1 true that in your mind nothing could mitigate a first  
2 degree premeditated murder?

3 MR. BROWN: Your Honor, I'm going to object to  
4 this question.

5 THE COURT: Bench conference.

6 (Thereupon, a benchside conference was had out  
7 of the hearing of Juror Number 184 as follows:)

8 THE COURT: Mr. Brown.

9 MR. BROWN: Judge, I'm objecting because the  
10 form of the question is not clear because we're not  
11 mitigating first degree murder, it's the penalty. If  
12 somebody came up to me and said mitigate first degree  
13 murder, I'd be thinking along the lines her response  
14 was we going to run it down to second degree and he  
15 keeps using the same term and that's what I'm  
16 objecting to.

17 MR. LANNING: She knows --

18 MR. MOORE: He told her, he said penalty.

19 THE COURT: I'm still not sure if she relates  
20 it to the vote for life or death, I'm not sure of  
21 that, and with all due respect, I think it's the way  
22 the questioning is that's confusing. So, I'm going  
23 to sustain the objection. Thank you.

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



1 MR. LANNING: Thank you, ma'am.

2 MR. MOORE: Shall we?

3 MR. LANNING: Can we approach.

4 THE COURT: Yes, you may.

5 (Thereupon, a benchside conference was had out  
6 of the hearing of Juror Number 184 as follows:)

7 MR. LANNING: Judge, we move to strike her for  
8 cause at this time. She's, she's indicated that  
9 while she can weigh -- she can consider mitigation on  
10 the one hand, she also very clear that nothing could  
11 mitigate a first degree murder and under Article 1,  
12 Section 2, 9, 16, 17, 21, 22 and 23 of the Florida  
13 Constitution and the 5th, 6th, 8th and 14th  
14 Amendments to the US Constitution, she's a -- she  
15 should be removed for cause. If she can't consider  
16 and -- I mean, it's like we had that gentleman  
17 earlier who said I can consider and weigh but I could  
18 never give death. This lady is the same. She may  
19 not be saying I could only give death but she is the  
20 same because she -- it's the reverse. She's saying  
21 she can't -- she could not consider evidence that  
22 could mitigate a first degree murder.

23 MR. MOORE: May I add that the Court paused and  
24 pointed out that what was being discussed here, what  
25 was being meant was mitigate a penalty for first

1 degree murder and did she understand that, she said  
2 she did. And so, I mean, since we're stuck with  
3 accepting what she says at face value, then the  
4 answers are inconsistent and my concern is this has  
5 been agonizing with this particular person that  
6 something -- we're not getting at what she's really  
7 thinking. I mean, I think she's confused and she  
8 doesn't get -- I know this is confusing. I know it's  
9 hard for all of these people, but with her it's  
10 especially difficult and if she's having trouble  
11 understanding this point, what more can we say to her  
12 that's going to dispel what appears to be her  
13 confusion. I don't think -- you know, the Court can  
14 read the instructions again and my feeling is she's  
15 still going to be confused. I mean, she's exhibiting  
16 either a non willingness to share with us what she's  
17 really thinking, I don't think that's it, or she's  
18 just confused and that's exhibited -- demonstrated in  
19 her answers which are inconsistent.

20 She's also -- we asked her specifically about  
21 all the mitigating circumstances and she said no to  
22 all of them. I wrote that down. Mr. Pirollo wrote  
23 that down. That's what I heard her say. So -- I  
24 mean, plus, she --

25 MR. LANNING: I didn't ask her about brain

1 damage.

2 MR. MOORE: I thought you did, but anyway all  
3 the ones you asked she said no. The problem is she's  
4 saying basically you should pay for your crimes and  
5 the way I read that is, and I think it's considering  
6 her answer, nothing will mitigate a first degree  
7 murder penalty for her as the Court cleared up, the  
8 Court asked her.

9 MR. BROWN: Judge, may I respond?

10 THE COURT: Response from the State.

11 MR. BROWN: Judge, first, as far as the  
12 specific mitigators they talked about, they asked  
13 about (unintelligible) and she said she sometimes  
14 sees abuse as a reason and it has to based on the  
15 circumstances of the evidence.

16 As far as the brain damage, the question as  
17 phrased have you seen it used. Because she had  
18 already talked about with mental illness I seen  
19 people use it. That's when she said no, she had not  
20 seen it used. Then they moved on to child abuse, and  
21 I wrote down the questions and answers, child abuse  
22 she said she'd have to look at the facts, weigh it  
23 all, she can look at it and weigh it and she went on  
24 later on to discuss about the child abuse that, which  
25 I think is a valid concern, she says I was whipped,

1           it's a degree. She keeps going back to she has to  
2           look at all the facts and weigh it. Drug abuse she  
3           says she doesn't know if it would have a role in her  
4           decision, hard to say, she has to look at it. That's  
5           the whole key and she's been adamant all along saying  
6           she has to look at all the facts and evidence. She  
7           said over and over she could consider what's been  
8           presented, she could consider these things, she has  
9           to hear it. I mean, she's met the legal standard.

10           MR. MOORE: When we got into do you consider  
11           these things excuses, her response was I hear these  
12           things all the time, I follow murder cases and I hear  
13           these explanations given all the time.

14           THE COURT: You know, with all you due respect,  
15           she says that if someone does wrong they need to be  
16           penalized but she hasn't really said what that  
17           penalty would be.

18           MR. MOORE: No, we're not asking her what the  
19           penalty would be.

20           THE COURT: She hasn't said that she wouldn't  
21           consider it. When you asked her the questions with  
22           regard to life or death, she said she could consider  
23           both possible penalties. She's talking in the  
24           abstract they need to be penalized.

25           MR. MOORE: But she also said nothing will

1 mitigate a first degree murder penalty for her,  
2 that's what she said. It's consistent with all the  
3 other things she said. Like when we gave her  
4 specifics she said no, that's what I got out of her.  
5 That's what I heard out of her.

6 THE COURT: She did say no, that nothing would  
7 mitigate that, but then when it was discussed in  
8 totality she didn't even say she would consider --  
9 you talked to her and a lot of people get kind of  
10 stuck on this, if the aggravating outweigh the  
11 mitigating, does that mean death and she just said  
12 no, it means I can consider both, so.

13 MR. PIROLO: Judge, she can't have it both  
14 ways, she can't consider it and yet say there's  
15 nothing that would mitigate.

16 THE COURT: Actually, she can have it both  
17 ways. She can have it both ways. As long as she  
18 says she wouldn't consider the -- as long as she  
19 doesn't say that death is the penalty.

20 MR. MOORE: The specific mitigating  
21 circumstances we gave her she said no to. I mean,  
22 she danced around it, other times she said well, I  
23 have to hear all the facts but she said no to child  
24 abuse.

25 THE COURT: I got the impression when she

1 talked about child abuse she means degrees of child  
2 abuse. Okay. She didn't -- I mean, she's talking  
3 about degrees. If she heard to her, you know, a  
4 little whooping is not child abuse. So, she's  
5 talking -- and then she even said I have to hear  
6 that.

7 MR. MOORE: Mental health, drug addiction, she  
8 was asked about that.

9 THE COURT: Drug addiction we already know some  
10 people won't consider that, that's a pretty iffy one.

11 MR. BROWN: She said she doesn't know  
12 (unintelligible).

13 MR. MOORE: It fits with -- go ahead.

14 MR. BROWN: She doesn't know (unintelligible)  
15 in her decision, hard to say. Mental illness she  
16 said sometimes used as a reason and it had to be  
17 based on the circumstances.

18 THE COURT: She always got back to it would  
19 have to be based on the evidence.

20 MR. MOORE: Well, this is my view with her  
21 saying nothing would mitigate, nothing would  
22 mitigate. That's what she said. That's her -- it  
23 came out of her mouth and it doesn't square with the  
24 other things that she already said which are  
25 inconsistent, I think, at best. So, I think the

1 Court to be safe, not just be safe, it's clear to me  
2 but I think to be safe the Court should strike her  
3 for cause.

4 MR. BROWN: Judge, I would --

5 MR. MOORE: Her answers are too inconsistent.

6 MR. BROWN: I would point out when the Court  
7 instructed her that she would -- talking about  
8 penalty versus guilt and that's when she then went  
9 back to and I would say dispute or disagreement with  
10 Mr. Lanning as far as what she would think because  
11 she kept going back to I would consider it.

12 THE COURT: I'm going to deny the request to  
13 strike her for cause. Okay.

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

16 THE COURT: Okay. Juror Number 184, I'm going  
17 to release you for today. You're still under  
18 consideration for a juror in this case. I'm going to  
19 ask you to return Friday morning at 8:30.

20 During this recess you must continue to abide  
21 by the rules governing your service as a juror.  
22 Specifically, do not discuss this case with anyone  
23 else. Do not see anything -- avoid seeing newspaper  
24 headlines, articles or television or radio, anything  
25 about this case. Do not conduct any independent

1 research yourself. Don't look up anything about this  
2 case or its participants. Now, any questions or  
3 concerns?

4 JUROR NUMBER 184: No.

5 THE COURT: Okay. Friday 8:30 report to the  
6 jury assembly room. Okay. Thank you.

7 (Thereupon, Juror Number 184 exited the  
8 courtroom.)

9 THE COURT: Okay. We're going to take a recess  
10 ourselves. Okay. We're going to take a ten minute  
11 recess. If you could be back at five after 4:00.  
12 Court will be in recess for ten minutes.

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

15 THE COURT: Okay. We can bring out  
16 Mr. Bradley.

17 (Thereupon, the defendant was escorted into the  
18 courtroom by the court deputy.)

19 THE COURT: Okay. Are we ready to bring in  
20 185?

21 MR. MOORE: Yes.

22 THE COURT: Okay. We'll bring in 185.

23 (Thereupon, Juror Number 185 was escorted into  
24 the courtroom by the court deputy and the proceedings were  
25 had as follows:)



1 THE COURT: Okay. Good afternoon Juror Number  
2 185. First I want to thank you for being here.  
3 Thank you for being patient with us with regarding,  
4 regarding this process. It is a long process. It's  
5 a long process for you, it's a long process for us  
6 but we do appreciate you coming to serve. When I  
7 talked to you yesterday we talked about some rules  
8 that came into effect. Those rules kind of started  
9 at the time that I announced them. So, I'm going to  
10 ask you some questions about those. Since I talked  
11 to you, have you read or been exposed to reading  
12 newspaper headlines and/or articles relating to this  
13 trial or its participants.

14 JUROR NUMBER 185: No.

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

17 JUROR NUMBER 185: No.

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

21 JUROR NUMBER 185: No.

22 THE COURT: Have you discussed this case with  
23 other juror members or with anyone else or allowed  
24 anyone to discuss it in your presence?

25 JUROR NUMBER 185: No.

1 THE COURT: The other day when we were sitting  
2 in court you were on the left hand side over here.  
3 The Judge -- when the attorneys were at the bench  
4 with me, with the Judge, there was a lot of talking  
5 out in the audience, did you hear anything that any  
6 of the jurors said around you about this case?

7 JUROR NUMBER 185: I don't pay attention.

8 THE COURT: Okay. I know Number 188 was  
9 sitting close to you, he was pretty verbal about not  
10 wanting or being confused about following the  
11 instructions, did you here anything that he may have  
12 said about the case?

13 JUROR NUMBER 185: No.

14 THE COURT: So, you weren't paying attention to  
15 what they were saying?

16 JUROR NUMBER 185: I'm not paying attention  
17 what they're saying.

18 THE COURT: Okay. Okay. Fair enough. I  
19 mean -- so, you didn't hear anything that anyone  
20 said?

21 JUROR NUMBER 185: No.

22 THE COURT: Okay. I'm going to talk about some  
23 things this afternoon, then the State will have an  
24 opportunity to talk with you, the Defense will have  
25 an opportunity to talk with you. There are no right

1 or wrong answers to the questions that we ask, we  
2 just ask you to be honest, frank and give us the full  
3 information. Some of the questions may be difficult,  
4 some of the questions may be hard. A lot of times  
5 people haven't thought about the answers to these  
6 questions or thought about this subject. So, take  
7 your time. If you -- if it calls for a yes or no  
8 answer and you can answer yes or no, answer yes or  
9 no, but if you can't answer it yes or no, I don't  
10 know is a proper response as well. Okay?

11 JUROR NUMBER 185: Yes.

12 THE COURT: Okay. The first thing I'm going to  
13 talk to you about is do you know anything about this  
14 case, and this means prior to coming to court, either  
15 from your even personal knowledge, rumor, by  
16 discussions with anyone else, or from the media,  
17 including radio, television, Internet, electronic  
18 device, or newspaper?

19 JUROR NUMBER 185: No.

20 THE COURT: Okay. Other than -- so, the other  
21 day I talked about the case, I told you what the name  
22 of case was, I talked about the charges, you have not  
23 heard anything about this case prior to that time?

24 JUROR NUMBER 185: Well, when the case came  
25 first in the news, that's the only thing I've seen in

1 the TV, but after that it's, I don't know, I don't  
2 really watch news.

3 THE COURT: Okay. So, at the time of -- the  
4 case involves the death of a law enforcement officer.

5 JUROR NUMBER 185: Right.

6 THE COURT: So, at the time of the death you  
7 heard about the case?

8 JUROR NUMBER 185: Well I heard about what  
9 happened and then the funeral and then after that I  
10 haven't seen anything.

11 THE COURT: Okay. And how -- the information  
12 that you heard about the case, how would that be, by  
13 watching it on TV?

14 JUROR NUMBER 185: Watching it on TV, right,  
15 that's correct.

16 THE COURT: And you say you don't really watch  
17 the news.

18 JUROR NUMBER 185: No, because for me it's like  
19 it's just a waste of time, there's no good news all  
20 the time. So, I just, I just don't go to news.

21 THE COURT: Okay. So, what information do you  
22 think you know about the case? I mean, you know  
23 there's a death of a police officer. What other  
24 specific information do you know?

25 JUROR NUMBER 185: I don't know anything

1           except, except for her death and just the funeral and  
2           that's about it.

3           THE COURT: Did you watch the funeral or just  
4           know that the funeral was going on?

5           JUROR NUMBER 185: I just watched the funeral  
6           but I didn't, you know, get anything or stay until  
7           it's done.

8           THE COURT: You didn't stay until it's done or  
9           just saw that it was on TV?

10          JUROR NUMBER 185: I just saw it on the TV and  
11          that's it because I'm on my way out to work.

12          THE COURT: Okay. Did you ever see a picture  
13          of Mr. Bradley on the TV?

14          JUROR NUMBER 185: No.

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

22          JUROR NUMBER 185: Yes.

23          THE COURT: Now, when you heard this on the  
24          news, did it stir up any strong feelings inside you?  
25          I mean --

1 JUROR NUMBER 185: Yes.

2 THE COURT: -- obviously people feel bad about  
3 the death of a police officer but some people it was  
4 very emotional for, other people it wasn't as  
5 emotional for.

6 JUROR NUMBER 185: Well, I felt so bad for what  
7 happened because in my family there -- my father was,  
8 he was in the military.

9 THE COURT: Okay.

10 JUROR NUMBER 185: Something happen like that  
11 for a man in uniform got shot, it's just like it's  
12 bad.

13 THE COURT: Okay. So, you know that this case  
14 involves the death of a law enforcement officer. So,  
15 what we ask you to do, and this is what you have to  
16 do in pretty much any criminal case, is the State has  
17 the burden of proof. The State has to prove each  
18 element of each count beyond and to the exclusion of  
19 every reasonable doubt, and I'm going to talk more  
20 about this later. The Defense does not have to prove  
21 anything. The defendant does not have to prove  
22 anything. So, at this time the defendant is  
23 assumed -- is presumed to be not guilty. In fact,  
24 the defendant is presumed to be innocent and any  
25 emotions or feelings that you have or opinions that

1 you have prior to coming to court you kind of got to  
2 set those aside and you've got to as a juror require  
3 the State to prove the case, prove the case, prove  
4 each element of each count beyond and to the  
5 exclusion of every reasonable doubt and presume the  
6 defendant to be not guilty, presume the defendant to  
7 be innocent. Can you do that?

8 JUROR NUMBER 185: I think it's hard for me to  
9 do that.

10 THE COURT: Okay. That's because your father  
11 being in the military?

12 JUROR NUMBER 185: Yes.

13 THE COURT: And that is a person in uniform.

14 JUROR NUMBER 185: Right, and I have, I have  
15 nephew in the Army and if something happen like that,  
16 it's -- I don't think I can do any help.

17 THE COURT: Okay. So, if -- would that mean  
18 that you would favor the State as opposed to the  
19 Defense?

20 JUROR NUMBER 185: What do you mean favor to  
21 the?

22 THE COURT: Would you give favoritism to the  
23 State over the Defense?

24 JUROR NUMBER 185: Yes.

25 THE COURT: Now, let me talk about one other

1 issue and that's the issue of there would be law  
2 enforcement officers coming to testify. What we -- I  
3 give you some instructions about weighing the  
4 testimony of witnesses and tell you how you do that  
5 and I ask you to weigh the testimony of a law  
6 enforcement officer the same way that you weigh other  
7 witnesses. Once you hear their testimony, you can  
8 decide how much weight to give it but you can't give  
9 any witness extra credit over another witness such as  
10 a law enforcement officer just because of their  
11 profession. So, you couldn't give a law enforcement  
12 officer kind of extra credit, you'd have to listen to  
13 their testimony the same as you listen to any other  
14 witnesses testimony and then after you hear the  
15 testimony you could decide how much weight to give  
16 the testimony but you can't give them what I call  
17 extra credit just because they're a law enforcement  
18 officer. How do you feel about that? I mean, do you  
19 think that you would give, you would give more  
20 credibility to a law enforcement officer over other  
21 witnesses just because of their profession?

22 JUROR NUMBER 185: I think I would give more  
23 credit to the officers.

24 THE COURT: Okay. And if I instruct you you  
25 can't do that, would you be able to follow that



1 instruction? I mean, I know people want to do what  
2 I -- they want to please me and say yes, Judge, I can  
3 follow the instruction but really what we need you to  
4 do is be honest and tell us what you can do and what  
5 you can't do.

6 JUROR NUMBER 185: I don't think I can -- I  
7 don't think I can do that because you said follow  
8 these and it's against my, you know. I don't think I  
9 can do that.

10 THE COURT: Okay.

11 MR. MOORE: Stipulate.

12 THE COURT: Okay. Then Juror Number 185, I am  
13 going to release you from being considered as a juror  
14 in this case. What I'm going to ask you to do is go  
15 downstairs, report to the jury assembly room. They  
16 will give you some brief information and they'll send  
17 you on your way. Okay. Thank you for being patient  
18 with us regarding this process.

19 JUROR NUMBER 185: You're welcome.

20 (Thereupon, Juror Number 185 exited the  
21 courtroom.)

22 THE COURT: Okay. For the record, Juror Number  
23 185 is released for cause. Okay. We can bring in  
24 Juror Number 187.

25 (Thereupon, Juror Number 187 was escorted into

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

3 THE COURT: Okay. Good afternoon Juror Number  
4 187.

5 JUROR NUMBER 187: Good afternoon.

6 THE COURT: Thank you for being here. Thank  
7 you for being patient with us regarding this process.  
8 Yesterday when we were in court I announced some  
9 rules that govern your service as a juror. Those  
10 rules started at that time. So, I'm going to ask you  
11 some questions. Since I announced those rules, have  
12 you read or been exposed to reading newspaper  
13 headlines and/or articles relating to this trial or  
14 its participants?

15 JUROR NUMBER 187: No.

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

18 JUROR NUMBER 187: Not since yesterday, no.

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

22 JUROR NUMBER 187: No.

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

1 presence?

2 JUROR NUMBER 187: No.

3 THE COURT: Okay. Yesterday when we were --  
4 during the process and you were in court and you were  
5 sitting over here to the left we had some bench  
6 conferences where the attorneys were up front  
7 speaking with me. There was a lot of discussions  
8 between the jurors at that time. You were sitting by  
9 Number 188 and Juror Number 188 was somewhat vocal.  
10 Did he -- after I announced those rules, did you all  
11 have any discussions about the case or the facts of  
12 the case or anything regarding the death penalty or  
13 anything of that nature?

14 JUROR NUMBER 187: No.

15 THE COURT: Okay. I know he made some comments  
16 about being concerned about the rules, did you -- did  
17 that cause you any concern?

18 JUROR NUMBER 187: No.

19 THE COURT: Okay. Was there anything that  
20 happened during that time period before you -- in the  
21 courtroom before you left the courtroom that would  
22 have violated any of those rules that I discussed  
23 with you?

24 JUROR NUMBER 187: No, ma'am.

25 THE COURT: Okay. Now I'm going to talk with

1           you -- I'm going to have an opportunity to speak with  
2           you, I'm going to talk to you about your knowledge  
3           about the case prior to coming to court and I'm going  
4           to talk to you about the death penalty. The  
5           attorneys will have an opportunity to speak with you  
6           as well, the State and the Defense. In these  
7           discussions there are no right or wrong answers, we  
8           just ask you to be frank, honest, complete.  
9           Sometimes people say Judge, can I say that? I assure  
10          you at this time you can say whatever you think is  
11          appropriate to say that you think would be important  
12          for us to know.

13                    JUROR NUMBER 187: Okay.

14                    THE COURT: The first question I'm going to ask  
15          you is do you know anything about this case either  
16          from your own knowledge, rumor, by discussions with  
17          anyone else, or from media, including radio,  
18          television, Internet, electronic device, or  
19          newspaper?

20                    JUROR NUMBER 187: Yes, ma'am.

21                    THE COURT: Okay. Tell me what information you  
22          believe you know.

23                    JUROR NUMBER 187: I work for public cable  
24          company.

25                    THE COURT: Okay.

1 JUROR NUMBER 187: A couple of years ago we had  
2 an officer from Crime Line come in and the cable  
3 company participated in a program called Operation  
4 Bright Eyes and basically what their intent of that  
5 was that as my job I'm throughout the community  
6 throughout the day. So, we're in the community, see  
7 a lot of things. They gave us a laminated sheet of  
8 all of the police officers numbers and fire, anything  
9 that we saw -- they instructed us not to get involved  
10 but if we saw anything, we were basically another set  
11 of eyes out in the community, if we saw anything to  
12 report it.

13 THE COURT: Okay.

14 JUROR NUMBER 187: Through the years of the  
15 program there's been -- when we get e-mails or texts  
16 for like Satellite Beach one time there was a missing  
17 he elderly man and they sent out his description and  
18 actually one of our employees saw the man, made a  
19 phone call, it was an Alzheimer's patient, and  
20 helped get him home. The day of this particular  
21 event we did get an e-mail and a text message out of  
22 a description of a vehicle that they were looking for  
23 within this incidents and everybody was working in  
24 that neighborhood where this happened to be on the  
25 look out and if we saw anything to report it.

1 THE COURT: Okay. So, you received that e-mail  
2 or and/or text?

3 JUROR NUMBER 187: Yes, ma'am.

4 THE COURT: Did you see anything?

5 JUROR NUMBER 187: No, ma'am, I was not in that  
6 particular area that day.

7 THE COURT: And were you involved in any  
8 reporting of anything?

9 JUROR NUMBER 187: No, ma'am.

10 THE COURT: Okay. So, that happened. So, what  
11 else -- I mean, have you seen anything on the  
12 newspaper, have you -- okay. Tell me what you know.

13 JUROR NUMBER 187: After we received that  
14 e-mail, of course, that's part of my interest what  
15 was going on and like I said the place I work for  
16 owns a news station and, of course, we went to that  
17 channel and watched.

18 THE COURT: Channel 13?

19 JUROR NUMBER 187: Yes, ma'am.

20 THE COURT: Okay.

21 JUROR NUMBER 187: And, of course, watched it.  
22 And then I have a habit of after work coming home, my  
23 wife's making dinner, I watch the evening news. And  
24 I've never gone and searched for any information  
25 regarding this case but any time that I've seen or

1 heard as I'm watching my normal evening news I pay  
2 attention and have discussions with people at work  
3 about it, this, that and the other.

4 THE COURT: Okay. So, do you normally -- what  
5 channel do you normally watch?

6 JUROR NUMBER 187: Usually Channel 9 but like I  
7 say like the date of the incident I knew the Channel  
8 13 was there so. Channel 13 seems to repeat their  
9 stories a lot sooner than the other local channels  
10 do. So, that evening of the incident I tuned into  
11 Channel 13 that night and it was on, but then  
12 generally I watch Channel 9.

13 THE COURT: And when you watch Channel 9, say  
14 what time to what time would you watch Channel 9?

15 JUROR NUMBER 187: Probably usually 5:30 to --  
16 I think it goes off at 6:00 or 6:30, I usually  
17 watch -- and it's usually on -- I watch it while  
18 dinner is being prepared and once we eat dinner the  
19 TV's still on and we can see the television from the  
20 dining room table and just, you know. We make it as  
21 part of our -- me and my wife and two children, you  
22 know, we discuss topics and things over dinner and  
23 everything, so.

24 THE COURT: Okay.

25 JUROR NUMBER 187: Like we had discussions

1 about this case with my children. I have two teenage  
2 children and discussed it with them.

3 THE COURT: So, having said that, do you  
4 have -- some people watch -- or have heard about this  
5 case and, you know, it's unusual in that what  
6 happened but -- I mean, it didn't, it didn't spark  
7 any emotions in them other than they're sad for what  
8 happened. How did this case affect you, if it had  
9 any affect on you at all?

10 JUROR NUMBER 187: I would say just listening  
11 what the evidence and stuff that I've seen that I  
12 think I've already come to a conclusion.

13 THE COURT: Okay.

14 JUROR NUMBER 187: And I, you know, I think it  
15 would take a strong amount of evidence to change my  
16 opinion.

17 THE COURT: Okay. And what's your opinion?

18 JUROR NUMBER 187: I mean, it speaks for  
19 itself. I know it's all been -- it's biased from the  
20 news but, I mean, in my opinion what's happened is  
21 what's happened.

22 THE COURT: You kind of got to put it on the  
23 record and say it. So, that's why I said there's not  
24 any right or wrong answers in here.

25 (CONTINUED TO VOLUME IX)