

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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BREVARD CO. FL.

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SCOTT ELLIS

VOLUME IX 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

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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 JUROR NUMBER 187: In my own opinion, and I  
2 mean I've never had any dealings with law enforcement  
3 or anything like that, I know all the law  
4 enforcements have dashboard cameras so I'm assuming  
5 that there's video of what happened, I believe what  
6 was said happened happened or did happen in the way  
7 it was said. I mean, Officer Pill stopped the  
8 gentleman, he fired and killed her.

9 THE COURT: Okay. Now, what we ask you to do  
10 is set aside what you may have learned about the  
11 case, serve with an open mind and reach a verdict  
12 based only on the law and the evidence presented in  
13 this trial in this courtroom, could you do that?

14 JUROR NUMBER 187: I don't believe I could, no.

15 MR. MOORE: Stipulate.

16 MR. BROWN: Agreed.

17 THE COURT: Okay. Then Juror Number 187, thank  
18 you for being a process. If I could have gotten to  
19 you sooner I would have done that but I have to go  
20 numerical order. I took Number 188 out of order  
21 because he was being pretty verbal.

22 JUROR NUMBER 187: That's fine.

23 THE COURT: So, I brought him in here and plus  
24 he had some other circumstances he needed to address,  
25 but I do appreciate you being here. Thank you for

1 being part of process. I am going to least you. So,  
2 you can go downstairs, report to the jury assembly  
3 room. They're going to give you brief information  
4 and send you on your way. Okay. Thank you, sir.

5 (Thereupon, Juror Number 187 exited the  
6 courtroom.)

7 THE COURT: Okay. So, for the record, Juror  
8 Number 187 is released for cause. Okay. We can  
9 bring in Juror Number 189.

10 (Thereupon, Juror Number 189 was escorted into  
11 the courtroom by the court deputy and the proceedings were  
12 had as follows:)

13 THE COURT: Okay. Juror Number 189, good  
14 afternoon. Thank you for being here. Thank you for  
15 being patient with us regarding this process. We do  
16 appreciate your coming to serve. We know it's been a  
17 long day for you, I assure you it's been a long day  
18 for us but we -- this is a necessary process,  
19 sometimes we don't know how long it's going to take,  
20 but we do appreciate you being patient with us.  
21 Yesterday when I spoke to you I talked about some  
22 rules that came into effect. Those rules kind of  
23 started at that time. So, I'm going to ask you about  
24 those. Since I announced those rules, have you read  
25 or been exposed to reading newspaper headlines and/or

1 articles relating to this trial or its participants?

2 JUROR NUMBER 189: No, ma'am.

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

5 JUROR NUMBER 189: No, ma'am.

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

9 JUROR NUMBER 189: No, ma'am.

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

13 JUROR NUMBER 189: No, ma'am.

14 THE COURT: Okay. Yesterday during the trial  
15 course of the proceedings you were sitting on the  
16 left hand side and there was some bench conferences.  
17 During those bench conferences was there any  
18 discussions among the jury members regarding the  
19 death penalty or the facts and circumstances of this  
20 case?

21 JUROR NUMBER 189: No, ma'am.

22 THE COURT: Okay. Number 188 who was sitting  
23 next to you was a little verbal about the rules when  
24 I announced them, did that cause you any questions or  
25 concerns?

1 JUROR NUMBER 189: No, ma'am, I wasn't really  
2 paying attention to what he said.

3 THE COURT: Okay. During the breaks when the  
4 Judge -- when I was up here with the other attorneys,  
5 did you hear what was being said at that time?

6 JUROR NUMBER 189: No, ma'am.

7 THE COURT: Okay. No questions or concerns  
8 that there was any violation of these rules at that  
9 time?

10 JUROR NUMBER 189: No.

11 THE COURT: Okay. By you?

12 JUROR NUMBER 189: Right.

13 THE COURT: Okay. I'm going to talk to you,  
14 ask you some questions. The attorneys may have an  
15 opportunity to speak with you as well. What we ask  
16 you in the response to these questions there are no  
17 right or wrong answers, we just ask you to be honest,  
18 complete, frank with us. If there's information that  
19 you think we need to know, you need to just let us  
20 know. This is your opportunity to do so. If they --  
21 if questions are asked and the answer calls for a yes  
22 or no and you don't know, the proper response would  
23 be I don't know. So, that's a proper response as  
24 well. So, I'm going to talk to you about your  
25 knowledge of the case and then the death penalty as

1 well. So, first I'm going do you know anything about  
2 this case either from your own personal knowledge,  
3 rumor, by discussions with anyone else, or from the  
4 media, including radio, television, Internet,  
5 electronic device, or newspapers?

6 JUROR NUMBER 189: Mainly media, on TV.

7 THE COURT: Okay. So, have you heard -- did  
8 you here something about this case on the news?

9 JUROR NUMBER 189: Monday I saw something about  
10 this case on the news but more so back when it  
11 occurred.

12 THE COURT: So, back when it occurred. Did you  
13 see the news and the events about the death of a law  
14 enforcement officer?

15 JUROR NUMBER 189: Yes, ma'am.

16 THE COURT: Okay. Tell me more specifically  
17 what information you believe you know.

18 JUROR NUMBER 189: It's been a while but from  
19 what I recall there was a robbery and an officer was  
20 shot in the line of duty. That's what I recall.  
21 There was a lot of water cooler talk about it.

22 THE COURT: Okay. Water cooler talk, I assume  
23 that's at work?

24 JUROR NUMBER 189: Just discussion at work.

25 THE COURT: Okay. Where do you work?

1 JUROR NUMBER 189: I work at [REDACTED]

2 [REDACTED]

3 THE COURT: Okay. So, you said the people were  
4 talking about it at work as well?

5 JUROR NUMBER 189: Yes, ma'am.

6 THE COURT: Okay. Did you form any -- I mean,  
7 when you heard about the law enforcement officer and  
8 about the facts of this case, did that solicit any  
9 response from you? How did you feel about that?

10 JUROR NUMBER 189: I was upset about it.

11 THE COURT: Okay.

12 JUROR NUMBER 189: It's just a needless killing  
13 is the way I understood it.

14 THE COURT: And that's from what the media --  
15 was portrayed in the media?

16 JUROR NUMBER 189: Yes.

17 THE COURT: Okay. As part of this process what  
18 we ask you to do, and you're the only one who can  
19 tell us whether you can do this, is to set aside  
20 anything that you may have learned about this case,  
21 serve with an open mind and reach a verdict based  
22 only on the law and the evidence presented in this  
23 trial in this courtroom, do you think you could do  
24 that?

25 JUROR NUMBER 189: I would like to say I could



1 but I have an opinion formed from what I've learned  
2 on the news, it's really hard to say but, you know, I  
3 do have an opinion right now and I don't know.

4 THE COURT: Okay. And can you tell what that  
5 opinion is. And it's okay to say it.

6 JUROR NUMBER 189: From what I've heard on the  
7 media it sounds like a guilty murder, first degree  
8 murder.

9 THE COURT: Okay. And that the defendant was  
10 the cause of that?

11 JUROR NUMBER 189: Yes.

12 THE COURT: Okay. When you were watching the  
13 news, did you see any pictures of Mr. Bradley on the  
14 news?

15 JUROR NUMBER 189: I did Monday evening. When  
16 I turn on the TV it automatically goes to Channel 13  
17 and there it was.

18 THE COURT: Okay. And so that would have been  
19 the first time you saw pictures of him?

20 JUROR NUMBER 189: No, not the first time.

21 THE COURT: Okay.

22 JUROR NUMBER 189: I had seen it before but I  
23 can't tell you -- I can't recall correctly when that  
24 was.

25 THE COURT: Do you know anything about anyone

1 else before involved in the case?

2 JUROR NUMBER 189: No, ma'am.

3 THE COURT: Do you know anything about a  
4 codefendant?

5 JUROR NUMBER 189: No, I don't.

6 THE COURT: Okay. When you come into court the  
7 State, I'm going to instruct you this, that the State  
8 has the burden of proof. The State has to prove each  
9 element of each count, and there's four counts,  
10 beyond and to the exclusion of every reasonable  
11 doubt. That's the State's job in every criminal  
12 case, that's their burden. The State knows that's  
13 their burden. I mean, they accept that, that's the  
14 process. The Defense and the defendant, they do not  
15 have to prove anything. They -- because at this  
16 moment in this trial in this case there's no  
17 evidence, the Defendant is presumed to be not guilty.  
18 In fact, the defendant at this stage is presumed to  
19 be innocent. Because nothing's come before you, you  
20 have to serve with an open mind, a clean slate  
21 because nothing's come before you. So, my question  
22 to you is can you make the State prove its burden  
23 beyond and to the exclusion of every reasonable doubt  
24 of each element of each crime and give the defendant  
25 the presumption of innocence that would be required?

1 Can you do that in this case?

2 JUROR NUMBER 189: He's been in jail since the  
3 shooting.

4 THE COURT: Okay. I can't answer that  
5 question. I can't answer that question. That would  
6 be something that would not be -- you know, one of  
7 the things that happens in a trial, there's certain  
8 things that's just not part of the trial, that would  
9 not be part of the trial. So, tell me how you feel  
10 or tell me if you can do that.

11 JUROR NUMBER 189: I don't know if I can do it.

12 THE COURT: Okay. Let me tell you something  
13 else that may happen. It appears that you know, you  
14 know, some information about the case. Whether it's  
15 right or wrong, we don't know that. It's only, you  
16 know, what would come in -- if you were a juror in  
17 this case and you went back for deliberations and in  
18 your deliberation process you say oh, I remember  
19 hearing something previously that never came in as  
20 evidence in this courtroom in this case, I never  
21 heard that, that never came in, no one ever testified  
22 to it, it never, it never was part of this case,  
23 would you be able to set aside that other  
24 information, not consider it and just base your  
25 deliberations and your decisions in this case based

1 on what you heard in this courtroom, could you do  
2 that?

3 JUROR NUMBER 189: I'd like to say yes.

4 MR. MOORE: Stipulate.

5 MR. BROWN: Agreed.

6 THE COURT: Okay. Juror Number 189, based on  
7 the information that you know about the case, we're  
8 going to go ahead and release you as being considered  
9 as a juror in this case. Thank you for being part of  
10 the process. I wish I could have gotten to you  
11 sooner. I go numerically normally. Sometimes I take  
12 someone out of order if there's a reason to do that.  
13 I had a reason to take Number 188 out of order. So I  
14 did that, but otherwise I go in order and. But I do  
15 want to thank you for being part of the process and  
16 thank you for being here.

17 JUROR NUMBER 189: Thank you.

18 THE COURT: You are going to be released. So,  
19 we're going to have you go downstairs. You can  
20 report to the jury assembly room, they're going to  
21 give you brief information and then you'll be  
22 released. Okay?

23 JUROR NUMBER 189: Thank you.

24 THE COURT: Okay. Thank you, sir.

25 (Thereupon, Juror Number 189 exited the

1 courtroom.)

2 THE COURT: Okay. At this time Juror Number  
3 189 has been released for cause. That's all the  
4 jurors that we have coming for this afternoon. I  
5 have Jurors Number 190 through 204 scheduled to be  
6 here at 8:30 tomorrow morning. Anything that we need  
7 to address this evening?

8 MR. BROWN: Judge, I hate to actually ask this  
9 question but do you have a deadline on when you would  
10 have to order more people for Friday?

11 THE COURT: No, not really, tomorrow at 4:00 is  
12 really the -- actually, tomorrow at 3:00 is the  
13 deadline. I mean, that they like. So, we don't have  
14 to make that decision today.

15 MR. BROWN: Okay. Good.

16 THE COURT: Okay. Anything else?

17 MR. BROWN: Nothing from us.

18 MR. MOORE: No.

19 THE COURT: Okay. Court will be in recess  
20 until 8:30 tomorrow morning. Thank you.

21 (Thereupon, court was in recess for the day,  
22 3/12/14. Thereafter, court was reconvened on 3/13/14 and  
23 the proceedings were had as follows:)

24 THE COURT: Please be seated. Mr. Master?

25 MR. BROWN: Judge, he just stepped out the back

1 for a quick minute.

2 THE COURT: Okay. We can bring out  
3 Mr. Bradley. We'll wait for him before we bring  
4 anyone in.

5 (Thereupon, the defendant was escorted into the  
6 courtroom by the court deputy.)

7 THE COURT DEPUTY: Judge, they're on their way  
8 from the first floor.

9 THE COURT: Okay. Is there any preliminary  
10 matters that we need to address?

11 MR. BROWN: No, Your Honor.

12 MR. MOORE: No, Your Honor.

13 THE COURT: Okay. Then as soon as we know  
14 they're up, we'll start.

15 THE COURT DEPUTY: They're up.

16 THE COURT: They're up. Do we have 190? Start  
17 with 190.

18 (Thereupon, the proceedings were previously  
19 transcribed.)

20 THE COURT: Okay. We can bring in Number 192.

21 (Thereupon, Juror Number 192 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  
25 192. When I talked the other day when you were court

1 I talked about some rules that govern your service as  
2 a juror. Those rules started at that time. So, I'm  
3 going to ask you about those first and that is as of  
4 that time since you came to court. Have you read or  
5 been exposed to reading newspaper headlines and/or  
6 articles relating to this trial or its participants?

7 JUROR NUMBER 192: No.

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

10 JUROR NUMBER 192: No.

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

14 JUROR NUMBER 192: No.

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

18 JUROR NUMBER 192: No.

19 THE COURT: Okay. Now, this morning I'm going  
20 to ask you some questions, then the State may ask you  
21 some questions and the Defense may ask you some  
22 questions. There's no right or wrong answers to  
23 these questions. What we ask you to do is to be  
24 honest, complete and frank. If there's more  
25 information that you want to tell us, feel free to

1 tell us but -- and some people say Judge, can I tell  
2 this or Judge, is it okay to say this, you can say  
3 whatever you feel is necessary to say at this time.

4 JUROR NUMBER 192: Okay.

5 THE COURT: The other thing is that we're going  
6 to ask you some questions, some of them will solicit  
7 a yes or no response. If the answer is I don't know,  
8 that's an appropriate response as well.

9 JUROR NUMBER 192: Okay.

10 THE COURT: So, the first question I'm going to  
11 ask you is do you know anything about this case, and  
12 that would be prior to coming to court, either from  
13 your own personal knowledge, rumor, by discussions  
14 with anyone else, or from the media, including radio,  
15 television, Internet, electronic device, or  
16 newspaper?

17 JUROR NUMBER 192: No.

18 THE COURT: You don't know anything about the  
19 case?

20 JUROR NUMBER 192: I don't watch TV really.

21 THE COURT: So, the other day when I announced  
22 the charges and talked about the case, that's the  
23 first thing you knew about the case?

24 JUROR NUMBER 192: Yes.

25 THE COURT: Okay. So, never heard anything



1 about this case anywhere?

2 JUROR NUMBER 192: Huh-uh.

3 THE COURT: Okay. I'm going to switch gears on  
4 you, get a little bit more serious. What are your  
5 views about the death penalty?

6 JUROR NUMBER 192: I really don't have any  
7 views really.

8 THE COURT: A lot of people say, you know,  
9 Judge, I never really thought about it before, this  
10 is the first time I've ever really had to think about  
11 my views. Have you thought about this before?

12 JUROR NUMBER 192: No.

13 THE COURT: Have you had discussions with your  
14 friends or family members about the death penalty?

15 JUROR NUMBER 192: We don't really talk about  
16 that stuff.

17 THE COURT: Okay. So, if I had to put you in a  
18 category are you for the death penalty or against the  
19 death penalty, if I had to put you in one of those  
20 categories, what would you be?

21 JUROR NUMBER 192: Neutral.

22 THE COURT: I mean, are you open to consider  
23 the death penalty?

24 JUROR NUMBER 192: Yes.

25 THE COURT: And are you open to consider life

1 in prison without the possibility of parole?

2 JUROR NUMBER 192: Yes.

3 THE COURT: Okay. Let me talk to you a little  
4 bit about the process and then the attorneys are  
5 going to get more in depth about that. The first  
6 part of the trial we call the guilt phase. In the  
7 guilt phase if the jury returns a verdict of guilty  
8 on Count I. Okay. After deliberations if they  
9 return a verdict of guilty on Count I, then we --  
10 Count I is the first degree murder charge, it only  
11 pertains to Count I. I don't know if you remember  
12 from the other day there's four counts. It only  
13 pertains to Count I, the first degree murder charge.  
14 So, if there's a guilty verdict on Count I, then we  
15 proceed into a second phase called the penalty phase.  
16 In the penalty phase you're going to hear evidence  
17 from the -- you're going to hear evidence presented  
18 of aggravating circumstances and also mitigating  
19 circumstances, and I'll give you instructions, I  
20 talked about it the other day, about weighing the  
21 aggravating circumstances against the mitigating  
22 circumstances, and the attorneys are going to talk to  
23 you more about that process, but at the end I'm going  
24 to ask the jury to make a recommendation to the Court  
25 of a penalty of death or life in prison without the

1 possibility of parole. You have to be able to  
2 consider both possible penalties. Would you be able  
3 to consider both possible penalties?

4 JUROR NUMBER 192: Yes.

5 THE COURT: Now, do you have any -- this is a  
6 case of great severity. How old are you?

7 JUROR NUMBER 192: Twenty-one.

8 THE COURT: So, you're pretty young. Tell me  
9 what -- I mean, are you okay with being a part of  
10 this process?

11 JUROR NUMBER 192: Well, I have a history of  
12 abuse in my family and I think you were my mom's  
13 lawyer, I'm not sure. [REDACTED]

14 THE COURT: Pardon me?

15 JUROR NUMBER 192: Her name was [REDACTED]  
16 I just wanted you to know that.

17 THE COURT: You know what, I just don't  
18 remember that. I normally remember fact patterns  
19 more than I remember names and I know that's kind of  
20 strange, but I normally remember that. But you  
21 say -- I can look that up if I need to. You think  
22 that I may have been your mom's lawyer at that time?

23 JUROR NUMBER 192: Yes, in the beginning. I'm  
24 not sure.

25 THE COURT: Was it a divorce case or a

1 dependency case?

2 JUROR NUMBER 192: It was an abuse case. My  
3 father abused my brother and I was in the other room.

4 THE COURT: Okay. Was it -- was your mom and  
5 dad getting a divorce or was it involving DCF and the  
6 dependency court?

7 JUROR NUMBER 192: They were already divorced.

8 THE COURT: Was it a modification where they  
9 might have changed custody? I did more divorce  
10 proceedings than dependency but every once in a while  
11 I did a dependency case.

12 JUROR NUMBER 192: I'm not sure.

13 THE COURT: Okay. How old were you at the  
14 time?

15 JUROR NUMBER 192: I think I was  
16 (unintelligible).

17 THE COURT: Now, does that in any way --  
18 because it's me the judge, does that in any way cause  
19 you concern in order to serve here in this case?

20 JUROR NUMBER 192: No.

21 THE COURT: You just wanted to bring that to  
22 our attention?

23 JUROR NUMBER 192: Yes.

24 THE COURT: Okay. What are your thoughts about  
25 that?

1 JUROR NUMBER 192: I don't have really any  
2 thoughts, I was just bringing it to your attention, I  
3 wasn't sure.

4 THE COURT: Okay. That may have been true. I  
5 mean, that was kind of a long time ago so I'd have to  
6 look that up and I'm sorry I just don't remember it  
7 right off the bat. A lot has happened in my life  
8 since then. I see lots of cases and to tell you the  
9 truth I do remember fact patterns more than I  
10 remember names but. Let me talk about, the other day  
11 you talked about that -- I think you said that you  
12 had cerebral palsy.

13 JUROR NUMBER 192: Yes.

14 THE COURT: And that -- and talked about a  
15 learning disability. Do you think that would in any  
16 way would affect your ability to serve?

17 JUROR NUMBER 192: No, but I do have anxiety.

18 THE COURT: You do have anxiety?

19 JUROR NUMBER 192: Um-hmm.

20 THE COURT: Talk to me about that.

21 JUROR NUMBER 192: Well, ever since the abuse  
22 happened I've always had anxiety attacks and they  
23 happen a few times a week.

24 THE COURT: Okay. Do you take medication for  
25 that?

1 JUROR NUMBER 192: No.

2 THE COURT: How do you deal with your attacks  
3 when you have them?

4 JUROR NUMBER 192: I just go in a different  
5 room and calm myself down.

6 THE COURT: Okay.

7 MR. MOORE: What did she say?

8 THE COURT: She said she goes into a different  
9 room and calms herself down. And if you could speak  
10 up just a little bit because everybody needs to hear  
11 you.

12 JUROR NUMBER 192: Okay.

13 THE COURT: Have you had any thoughts or  
14 concerns about serving on this jury?

15 JUROR NUMBER 192: No.

16 THE COURT: Do you think that might bring on an  
17 anxiety attack?

18 JUROR NUMBER 192: It could.

19 THE COURT: I mean, do you have any concerns  
20 about it? I only know how to address this based on  
21 what you tell me. So, that's why I'm asking you all  
22 these questions. Do you think -- I mean, are you  
23 feeling anxiety as a result of this case?

24 JUROR NUMBER 192: A little bit.

25 THE COURT: Okay. I think that would be normal

1 but is it -- do you think it might bring on an  
2 attack?

3 JUROR NUMBER 192: It could.

4 THE COURT: The -- obviously deciding  
5 between -- deciding a penalty of life or death is a  
6 very significant decision that you would have to make  
7 and with all due respect we're going to ask you a lot  
8 of questions and we're talking about hypothetical but  
9 I mean it is -- this is a real person and a real  
10 case, we're deciding the life or death of  
11 Mr. Bradley, do you think that you would be able to  
12 participate in that process?

13 JUROR NUMBER 192: I could try to but I could  
14 have an anxiety attack.

15 THE COURT: Can you -- and this might be a hard  
16 question, but can you tell me the likelihood of that?

17 JUROR NUMBER 192: I'm not sure like because  
18 it's been happening lately, I've been having a lot of  
19 anxiety attacks with the stress and everything.

20 THE COURT: Okay. Is it stress relating to  
21 this or stress relating to something else?

22 JUROR NUMBER 192: Something else.

23 THE COURT: Is there something stressful going  
24 on at this time?

25 JUROR NUMBER 192: Yes, my dad.

1 MR. MOORE: Your Honor?

2 THE COURT: Yes.

3 MR. MOORE: We'll stipulate.

4 THE COURT: Okay. Okay. Juror Number 192,  
5 perhaps -- you might be a perfect juror in another  
6 case but perhaps this case is just -- and it's going  
7 to last for a long time, perhaps this case would not  
8 be the right case. So, we're going to go ahead and  
9 release you.

10 JUROR NUMBER 192: Okay.

11 THE COURT: Okay. I hope everything is well  
12 with your mom.

13 JUROR NUMBER 192: Yes.

14 THE COURT: Okay. And I hope -- I'm sorry to  
15 hear about the anxiety attacks.

16 JUROR NUMBER 192: That's okay.

17 THE COURT: But I wish the best for you as  
18 well.

19 JUROR NUMBER 192: Thank you.

20 THE COURT: Okay. We're going to go ahead and  
21 release you and you can report downstairs to the jury  
22 assembly room and they'll give you some further  
23 information.

24 JUROR NUMBER 192: Okay.

25 THE COURT: Okay. Thank you.



1           (Thereupon, Juror Number 192 exited the  
2 courtroom.)

3           MR. MOORE: Judge, the next is 193 and I've got  
4 a note that he had a doctor's note.

5           THE COURT: Yes, I have the doctor's note right  
6 here.

7           MR. MOORE: Could we read that?

8           THE COURT: Can you read it again? I let you  
9 all read it at the time. I have it right here, I'll  
10 be happy to let you read it again. I talked to him  
11 about it and he said he was fine despite what was in  
12 here, but I do intend to question him about that. I  
13 just need to put on the record that 192 was released  
14 for cause. Do you want to review the note again?

15          MR. MOORE: Yes.

16          THE COURT: Okay. We'll give it to both  
17 parties, give them an opportunity to review it.

18          (Thereupon, a pause was taken in the  
19 proceedings.)

20          THE COURT: I don't know if you recall, we read  
21 this at this time, I talked to him and said to him  
22 that the letter talked about problems with his  
23 memory, you know, he seemed to say he was okay.

24          MR. MOORE: Right, I remember now.

25          THE COURT: I have --

1 MR. MOORE: I have short term memory too.

2 THE COURT: I need a doctor's excuse. So -- I  
3 mean, I intend to question him about that a little  
4 bit this morning as well and you're welcome to  
5 question him about that. Okay. We'll bring in  
6 Number 193.

7 (Thereupon, Juror Number 193 was escorted into  
8 the courtroom by the court deputy and the proceedings were  
9 had as follows:)

10 THE COURT: Okay. Good morning Juror Number  
11 193. Please be seated. No, just be seated. Okay.  
12 First of all, I want to thank you for being here.  
13 Thank you for being patient with us regarding this  
14 process. The other day when you were here, not  
15 yesterday but the day before, we talked about rules  
16 governing your service as a juror. So, I'm going to  
17 speak to you about that first. Since those rules  
18 have been in place, have you read or been exposed to  
19 reading newspaper headlines and/or articles relating  
20 to this trial or its participants?

21 JUROR NUMBER 193: Well, I get a morning paper.

22 THE COURT: Okay.

23 JUROR NUMBER 193: I basically read the sports  
24 page.

25 THE COURT: So, you been exposed to about this

1 case reading newspaper headlines and/or articles  
2 related to this trial or its participants since these  
3 rules came into place? I'm going to talk to you  
4 about what you know about the case prior to coming to  
5 court, but since I implemented these rules.

6 JUROR NUMBER 193: No.

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

10 JUROR NUMBER 193: No, I have not.

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

14 JUROR NUMBER 193: I don't have a computer.

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

18 JUROR NUMBER 193: No, I have not.

19 THE COURT: Okay. Now, we're going to ask you  
20 some questions this morning. We're going to ask you  
21 about your knowledge of the case and then ask you  
22 some questions about the death penalty. In response  
23 to these questions, there's no right or wrong  
24 answers, we just ask you to be honest, complete,  
25 frank. Some people say Judge, can I say this? Yes,

1 you can say it. Some people are hesitant to say  
2 things, you don't need to be hesitant. Anything that  
3 you think we should know you should let us know.  
4 Also, we'll ask you questions, some of those  
5 questions solicit a response of yes or no. If you  
6 can't answer it yes or no, I don't know is an  
7 appropriate response as well. Okay? The first  
8 question I'm going to ask you, do you know anything  
9 about this case either from your personal knowledge,  
10 rumor, by discussions with anyone else, or from the  
11 media, including radio, television, Internet,  
12 electronic device, or newspapers?

13 JUROR NUMBER 193: I first moved here, back  
14 home, February -- I mean April 30th, 2012.

15 THE COURT: Okay.

16 JUROR NUMBER 193: And I remember this  
17 happening right about that time.

18 THE COURT: It happened a little bit before  
19 that.

20 JUROR NUMBER 193: Okay. But I remember it  
21 being in the paper about that time and then that was  
22 it, you know, because I told you my memory's kind of,  
23 and I remember it being in the paper about that time  
24 and that was it.

25 THE COURT: Okay.

1 JUROR NUMBER 193: And then I remember it being  
2 in the newspaper here lately about the jury getting,  
3 you know, about her anniversary of her death and  
4 something being named in her thing and maybe her  
5 burial and that's about it. But as far as -- that's  
6 about it.

7 THE COURT: Okay. So, let me talk to you --  
8 I'm going to ask you a couple of questions. It  
9 appears the source of your information is the  
10 newspaper?

11 JUROR NUMBER 193: Is the newspaper?

12 THE COURT: You say you don't have a computer.

13 JUROR NUMBER 193: I do not have a computer.

14 THE COURT: What about television?

15 JUROR NUMBER 193: Television yeah.

16 THE COURT: Have you heard television --  
17 anything on the TV about this case as well, news  
18 reports?

19 JUROR NUMBER 193: No I just do the, I do the  
20 6:00 o'clock, 6:00 to 6:30 and that's it.

21 THE COURT: 6:00 to 6:30, what station?

22 JUROR NUMBER 193: Two, Channel 2.

23 THE COURT: I know, I said this morning that  
24 was CBS but that's NBC.

25 JUROR NUMBER 193: That's NBC, yes.

1 THE COURT: I don't want to get any news  
2 channel mad at me.

3 JUROR NUMBER 193: Yeah, it's NBC.

4 THE COURT: I just remember 2, 6 and 9, that's  
5 all I remember.

6 JUROR NUMBER 193: Yeah, it's NBC.

7 THE COURT: Okay. Did -- so, you listen to it  
8 from 6:00 to 6:30.

9 JUROR NUMBER 193: Right.

10 THE COURT: Do you do that every day?

11 JUROR NUMBER 193: Pretty much.

12 THE COURT: Do you sit down and watch it from  
13 the beginning to the end?

14 JUROR NUMBER 193: Yeah, pretty much.

15 THE COURT: Or are you doing other things?

16 JUROR NUMBER 193: Well, I do other things but  
17 I pretty much watch that and the NBC evening news.

18 THE COURT: Okay. So, you watch it from 6:00  
19 to 7:00?

20 JUROR NUMBER 193: Yeah.

21 THE COURT: Okay.

22 JUROR NUMBER 193: Yes, Your Honor, excuse me.

23 THE COURT: That's okay, you don't have to do  
24 that. I mean, I'm happy that you give me that  
25 respect but.

1 JUROR NUMBER 193: Yeah.

2 THE COURT: If you -- I mean, when you read the  
3 newspaper, do you read it cover to cover?

4 JUROR NUMBER 193: Pretty much but, you know,  
5 definitely I read the sports page, definitely, but  
6 pretty many I go through it, you know. I might not  
7 read them all but pretty much I go through it.  
8 Because of my -- I stopped -- I was being hacked by  
9 my family, believe it or not, so I just cut off the  
10 cell phone and cut off my computer. I just cut it  
11 off. I just cut it off.

12 THE COURT: So, can I make the assumption that  
13 if it was on Channel 2 or if it was in the newspaper  
14 you probably read about it?

15 JUROR NUMBER 193: Probably.

16 THE COURT: So, give me some specific  
17 information about when you believe you know about the  
18 case.

19 JUROR NUMBER 193: Well, what I just told you  
20 about the case pretty much sums it up. And the only  
21 other thing that I know is that you guys took a long  
22 time -- should I be speaking to you guys as well?

23 THE COURT: They can hear you talking.

24 JUROR NUMBER 193: Well, what I do know is it's  
25 taking a lot longer than usual to pick a jury. I

1 know that.

2 THE COURT: Okay.

3 JUROR NUMBER 193: And I read those articles  
4 from time to time as I'm reading through my newspaper  
5 is that is sure has taken a long time to read a  
6 newspaper. And then it also in that I seen pictures  
7 on the 6:00 o'clock news of him, you know, where they  
8 flash and I see where the channels have been in here  
9 videotaping and they always show a picture of him in  
10 the court and usually a picture of you, I'm not sure,  
11 and that's about it.

12 THE COURT: Okay.

13 JUROR NUMBER 193: But as far as back when it  
14 happened, because it's so far back I just basically  
15 forgot about it because I just moved back home and I  
16 just remembered that it happened, but I don't  
17 remember any specifics of it. I couldn't have even  
18 told you who did it or anything, I just remember that  
19 happened as soon as I moved back home.

20 THE COURT: So, you know from the other day  
21 this case involves the death of a police officer.

22 JUROR NUMBER 193: Right.

23 THE COURT: What other specifics do you know  
24 from maybe listening to the news program or reading  
25 the paper?



1 JUROR NUMBER 193: That she was a female.

2 THE COURT: Okay.

3 JUROR NUMBER 193: I remember that.

4 THE COURT: Okay. Anything else?

5 JUROR NUMBER 193: I think that she was a  
6 sheriff.

7 THE COURT: Yes. Anything else?

8 JUROR NUMBER 193: And that's about it.

9 THE COURT: Okay. Do you know -- did you here  
10 anything about a codefendant?

11 JUROR NUMBER 193: Yeah, that there was a girl  
12 also involved.

13 THE COURT: What do you know about that?

14 JUROR NUMBER 193: And that she, she was  
15 arrested and now she is -- she was arrested and now  
16 she's on their side, she's going to testify.

17 THE COURT: Okay. Did you know anything else  
18 about -- you know about the death of a police  
19 officer, about the circumstances of the death of the  
20 police officer?

21 JUROR NUMBER 193: No, I don't know anything  
22 about that.

23 THE COURT: You don't have any recollection of  
24 that?

25 JUROR NUMBER 193: No, I don't. I have a short

1 term memory and I just -- I don't know no anything  
2 about that.

3 THE COURT: Okay. I'll talk to you about the  
4 short term memory in just a moment.

5 JUROR NUMBER 193: Okay.

6 THE COURT: Have you formed any fixed opinions  
7 about this case?

8 JUROR NUMBER 193: Have I formed?

9 THE COURT: Has it caused any emotional  
10 responses in you?

11 JUROR NUMBER 193: Have I formed any -- whether  
12 he's guilty or not, is that what you?

13 THE COURT: I mean, I'm letting you tell me  
14 what you think.

15 JUROR NUMBER 193: What do I think? He's --  
16 well, you're innocent until proven guilty, I do  
17 believe in that. I definitely believe in that. But  
18 I've done jury duty twice and when I've done it you  
19 had it for the week and once you got called you were  
20 there for the week and the first time I did it four,  
21 I did four and I got it every time.

22 THE COURT: Is that -- you did that in Brevard  
23 County?

24 JUROR NUMBER 193: No, I did it in Louis County  
25 in Washington State and I got called every time and I

1 got -- we got it down to guilty ever time.

2 THE COURT: So, you said that -- so, you've  
3 done that twice and it's been a --

4 JUROR NUMBER 193: Yeah, and the first time I  
5 got four cases, second time I got five cases and.

6 THE COURT: And you went to a jury verdict?

7 JUROR NUMBER 193: And I was on the jury each  
8 time.

9 THE COURT: So, that would be like I think nine  
10 cases.

11 JUROR NUMBER 193: Nine cases. Nine cases,  
12 yeah. And in his case, like I said, I don't remember  
13 that much about it but from what I've seen about it,  
14 you're innocent until proven guilty and I don't think  
15 they'd have a lot of defendants there. So, he must  
16 have quite a case, that's just from me just since  
17 I've been in here.

18 THE COURT: A lot of defendants, you mean a lot  
19 of Defense attorneys?

20 JUROR NUMBER 193: I mean a lot of Defense  
21 attorneys.

22 THE COURT: That's not unusual to have -- I  
23 mean, it's a death penalty case under consideration.  
24 So, that's not unusual. The State has two. So, they  
25 have their's too.

1 JUROR NUMBER 193: Yeah.

2 THE COURT: Okay. I'm going to ask you a  
3 couple of questions. Can you set aside anything that  
4 you may have learned about this case, serve with an  
5 open mind and reach a verdict based only on the law  
6 and the evidence presented in this trial in this  
7 courtroom?

8 JUROR NUMBER 193: Yes, I'm half black and  
9 German. My mother's German. So, yeah, I'm totally  
10 impartial.

11 THE COURT: Okay. But can you set aside what  
12 you may have learned?

13 JUROR NUMBER 193: Yeah.

14 THE COURT: Now, let's say you go back into the  
15 deliberation room and you've heard the evidence in  
16 the case and you never heard -- you go back there and  
17 you remember something else that you had read or  
18 heard about but it never came into this courtroom as  
19 evidence, can you set that aside and not consider it  
20 and reach your verdict in this case?

21 JUROR NUMBER 193: Yeah, you only consider what  
22 was in the courtroom.

23 THE COURT: What happened in the courtroom.

24 JUROR NUMBER 193: That's it.

25 THE COURT: And then let's talk about the

1 presumption of innocence. You know from serving on a  
2 jury before that the State has the burden of proof.

3 JUROR NUMBER 193: Right.

4 THE COURT: The State has to prove each element  
5 of each count, and there's four counts, beyond and to  
6 the exclusion of every reasonable doubt. They have  
7 that burden. They know they have that burden. They  
8 know that's their job. The Defense does not have to  
9 prove anything.

10 JUROR NUMBER 193: Right.

11 THE COURT: In fact, at this point because  
12 there's no evidence whatsoever, the defendant is not  
13 guilty, is presumed to be innocent.

14 JUROR NUMBER 193: Right.

15 THE COURT: Can you give the defendant that  
16 presumption?

17 JUROR NUMBER 193: Right, yes, totally.

18 THE COURT: Okay.

19 JUROR NUMBER 193: Now, I can give you an  
20 example. The toughest case I had in Washington  
21 State, and there was a girl and she was -- now, we  
22 got her guilt but -- and she was charged with linking  
23 this one man of a hundred thousand dollars and -- but  
24 he was older than her and he reminded me of my older  
25 brother and this twenty-seven year old girl that he

1 lives with and if he didn't give her all this money  
2 or anything (unintelligible) and everybody agreed to  
3 go guilty but me and I said guys, just listen to me.  
4 Okay. My brother, he's given this girl all his money  
5 and just doesn't want any of it, but my brother  
6 rather than be alone, he waist three hundred and  
7 fifty bucks, three hundred and fifty pounds, rather  
8 than be alone, he just gives her anything. You know,  
9 the kind of drugs I don't even know about because I'm  
10 older, you know, she's just milking him but he wants  
11 to be milked. So, I think my brother needs to go to  
12 jail or something and she just needs to go to  
13 treatment center. You know, I don't really think  
14 she's guilty. She even told us she wasn't  
15 (unintelligible) and told on. So, I spent four hours  
16 trying to tell them all this and they said no, she's  
17 still guilty and I said, okay, I vote guilty too, I  
18 just wanted you guys to hear this because my brother  
19 (unintelligible) but if you guys don't change your  
20 mind and find him guilty, fine with me. You know, I  
21 just wanted you guys to hear this perspective, that I  
22 changed had my vote to guilty.

23 THE COURT: Okay.

24 JUROR NUMBER 193: You know, I just wanted them  
25 to hear that and so we all voted guilty.

1 THE COURT: Okay. You talked about memory  
2 loss.

3 JUROR NUMBER 193: Yeah, I have short term  
4 memory loss.

5 THE COURT: And I do have the doctor's note  
6 that talked about having brain surgery and that you  
7 had a tumor. So, you had brain surgery and it does  
8 affect your memory. We did talk about that you will  
9 have the availability to write and take notes.

10 JUROR NUMBER 193: Yeah, I write notes all the  
11 time everywhere.

12 THE COURT: So, this is a trial of some length.  
13 Normally we have a trial two to three days, maybe a  
14 week. I mean, we expect this to go through probably  
15 the first week of April now, maybe even the second  
16 week of April. There will be lots of evidence.  
17 There will be lots of exhibits. Do you think this  
18 would be the type of case that you need to be  
19 involved with?

20 JUROR NUMBER 193: What type of length are we  
21 talking about? When I listened before it seem like  
22 it was just going to be three, four days.

23 THE COURT: Oh, no, this is a case -- I talked  
24 about the end of March before, but now since jury  
25 selection has taken longer than I expected, it's

1 probably -- this case is probably going to go through  
2 the first week of April, possibly the second week of  
3 April.

4 JUROR NUMBER 193: Starting next week.

5 THE COURT: Starting next week.

6 JUROR NUMBER 193: So, like two, three weeks?

7 THE COURT: No, that would be --

8 JUROR NUMBER 193: Oh, even longer.

9 THE COURT: I can tell you if it starts next  
10 week, that's at least four weeks.

11 MR. MOORE: Your Honor, we stipulate.

12 THE COURT: Okay. Okay. Juror Number 193, I  
13 think they're concerned about the length of the trial  
14 and with your -- the note from your doctor and with  
15 you serving.

16 JUROR NUMBER 206: Okay.

17 THE COURT: Okay. And obviously it's a matter  
18 of who the Defense and the State feel comfortable  
19 with for purposes of this jury. So, I am going to  
20 release you from service as this jury.

21 JUROR NUMBER 193: Okay.

22 THE COURT: I do appreciate you being here, do  
23 appreciate you being willing to serve. Probably  
24 going to get called again here sometime in the near  
25 future because usually if you called once it appears



1 that you'll get called again and so it might be more  
2 appropriate to serve on a case that's not of this  
3 length.

4 JUROR NUMBER 193: Yeah, whatever. I  
5 appreciate it, Your Honor.

6 THE COURT: I'm going to give you this note  
7 back.

8 JUROR NUMBER 193: Okay.

9 THE COURT: So, thank you for being here, sir.  
10 You are released. You can go downstairs, talk to the  
11 jury assembly room and they'll send you on your way.

12 JUROR NUMBER 193: Okay. Thank you.

13 (Thereupon, Juror Number 193 exited the  
14 courtroom.)

15 THE COURT: Okay. For the record, Juror Number  
16 193 was released for cause. We can bring in Juror  
17 Number 195.

18 (Thereupon, Juror Number 195 was escorted into  
19 the courtroom by the court deputy and the proceedings were  
20 had as follows:)

21 THE COURT: Okay. Good morning Juror Number  
22 195. Thank you for being here.

23 JUROR NUMBER 195: You're welcome.

24 THE COURT: Thank you for being patient with us  
25 regarding this process. The other day when we were

1 in court I talked to you about some rules that govern  
2 your service as a juror. So, I'm going to start with  
3 those. And just so you know, those rules came into  
4 effect at that time that I announced them. I'm going  
5 to talk to you in a few minutes about what you may  
6 have known prior to that, but since I announced those  
7 rules, have you read or been exposed to reading  
8 newspaper headlines and/or articles relating to this  
9 trial or its participants?

10 JUROR NUMBER 195: No.

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

13 JUROR NUMBER 195: No.

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

17 JUROR NUMBER 195: No.

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

22 JUROR NUMBER 195: No.

23 THE COURT: Okay. I'm going to ask you some  
24 questions about your knowledge of the case prior to  
25 coming to court and about the death penalty. In

1 response to my questions, the State will have an  
2 opportunity to also to ask you questions and the  
3 Defense will have an opportunity to ask you  
4 questions. There are no right or wrong answers.  
5 What we ask you to do is be honest, complete, frank.  
6 If there's information you think we should know, tell  
7 us that information. We will ask you questions that  
8 normally would solicit a response of yes or no. You  
9 know, some of these issues you may not have ever  
10 thought of before, especially regarding the death  
11 penalty. So, if the answer is I don't know, that's a  
12 proper response as well. Okay?

13 JUROR NUMBER 195: Okay.

14 THE COURT: Now, the first question I'm going  
15 to ask you, do you know anything about this case  
16 either from your own personal knowledge, rumor, by  
17 discussions with anyone else, or from the media,  
18 including radio, television, Internet, electronic  
19 device, or newspapers?

20 JUROR NUMBER 195: A little bit, yes.

21 THE COURT: Okay. So, you know a little bit  
22 about the case. Tell me when you heard that what  
23 information you think you know and from what source.

24 JUROR NUMBER 195: I just remember it being a  
25 couple of years now and I've kind of really forgotten

1 about it until a couple weeks ago when I heard  
2 something about -- I can't really tell I remember  
3 what I heard, I just heard something on the news  
4 about it, that it had run and I just know that a  
5 police officer had been shot and I really can't  
6 remember if somebody had stolen a thing or a burglary  
7 or what exactly it was to tell you the truth.

8 THE COURT: That led up to that?

9 JUROR NUMBER 195: Um-hmm.

10 THE COURT: Anything else?

11 JUROR NUMBER 195: No.

12 THE COURT: What are your news local news  
13 watching habits or reading habits with regard to  
14 local news?

15 JUROR NUMBER 195: Well, usually I just kind of  
16 try and read through the paper. I don't have that  
17 much time to read it so I try to kind of glance  
18 through it and read some of the headlines and if it's  
19 interesting I'll read about it in the local but I  
20 haven't read anything lately.

21 THE COURT: Do you recall reading anything  
22 about this case?

23 JUROR NUMBER 195: No, I don't. I mean, it's  
24 been a couple of years since I've seen anything about  
25 it.

1 THE COURT: Okay. Do you have any specific  
2 impressions about the case?

3 JUROR NUMBER 195: I don't know how to answer  
4 that. I mean.

5 THE COURT: Okay. Did the case -- some people  
6 feel real strong about the fact scenario in the case,  
7 some people feel, you know, it didn't make an  
8 impression. So, did the case make an impression with  
9 you?

10 JUROR NUMBER 195: I guess the only impression  
11 I had when I heard about it at the time was that, you  
12 know, it was a police officer had been shot which  
13 yes, it bothered me and it bothered me to hear about  
14 that a lot, but really when anybody gets shot. So,  
15 that's really the only -- I guess that really was  
16 sitting in my mind.

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

23 JUROR NUMBER 195: Yes.

24 THE COURT: Okay. So, if you were back in the  
25 jury deliberation room at the end of the trial and

1 you remembered something, oh, yeah, I remember I  
2 heard this and that never came in as evidence in the  
3 trial, you never heard that as evidence, could you  
4 set that aside and not consider that when you are  
5 deciding, you know, this case, guilty or not guilty?

6 JUROR NUMBER 195: I could.

7 THE COURT: Okay. That would not be -- you're  
8 confident in your ability to do that?

9 JUROR NUMBER 195: Yes.

10 THE COURT: Okay. I'm going to talk to you  
11 about, and I'm going to talk a little later about  
12 this as well, but the State has the burden of proof  
13 in every criminal case. They have to prove each  
14 element of each count, and there's four counts in  
15 this case if you remember, beyond and to the  
16 exclusion of every reasonable doubt. They know  
17 that's their job. That's their job in every criminal  
18 case. The defendant and the Defense do not have to  
19 prove anything. They -- because the State has the  
20 burden of proof, at this phase, today as we sit here,  
21 there's been no evidence presented. So, the  
22 defendant is presumed to be not guilty. In fact, the  
23 defendant is presumed to be innocent at this time.  
24 Do you have any problem with that concept that right  
25 at this moment -- I mean, can you look at the

1 defendant and say he's innocent at this time?

2 JUROR NUMBER 195: Yeah, I think I could.

3 THE COURT: Okay. When you say think, some  
4 people say that as a matter of speaking and we know  
5 people say that. Sometimes that's just a form of  
6 speech, sometimes it means I'm not sure I can do that  
7 or not. So, how would that be for you?

8 JUROR NUMBER 195: I could. (Unintelligible)  
9 until proven guilty and I try to look at it that way.

10 THE COURT: So, you would assume, make the  
11 presumption that the defendant is innocent and make  
12 the State prove their burden of proof?

13 JUROR NUMBER 195: Yes.

14 THE COURT: Okay. I'm going to switch gears on  
15 you now.

16 JUROR NUMBER 195: Okay.

17 THE COURT: I ask this question real general, I  
18 do that on purpose. What are your views about the  
19 death penalty?

20 JUROR NUMBER 195: My view is if somebody is  
21 proven guilty and they have killed someone else, that  
22 beyond a shadow of a doubt I would think they should  
23 be put to death to because why should you have a  
24 right to live after you killed somebody else and you  
25 be allowed to and just appreciate what we have when

1 somebody else's life has been taken.

2 THE COURT: Okay let me talk to you about the  
3 process. I'm going to talk to you basically about  
4 the process, the attorneys may talk to you more about  
5 the process. The first part of the trial is called  
6 the guilt phase, we call it the guilt phase. On  
7 Count I, and Count I is really the only count that  
8 this pertains to, if the jury returns a verdict of  
9 guilty on Count I, Count I is murder of the first  
10 degree, then we move into a penalty phase and in the  
11 penalty phase you're going to hear evidence of  
12 aggravating circumstances, I talked about those the  
13 other day, and mitigating circumstances. What your  
14 job is, and I give you some instructions, is to weigh  
15 the aggravating circumstances against the mitigating  
16 circumstances and then you're instructed to make a  
17 recommendation to the Court and that recommendation  
18 is -- of a penalty to the Court and that  
19 recommendation is either death or life in prison  
20 without the possibility of parole. Now, in order to  
21 serve as a juror you have to be able to consider both  
22 possibilities, would you be able to do that?

23 JUROR NUMBER 195: Yes.

24 THE COURT: Okay. So, let me ask you this  
25 because -- based on what you said previously. Are



1 you of the opinion that death is the only appropriate  
2 penalty for murder in the first degree and would you  
3 be open -- and is that opinion so strong that you  
4 could not consider life in prison without the  
5 possibility of parole as a penalty under any  
6 circumstances?

7 JUROR NUMBER 195: No, I could consider it.

8 THE COURT: So, you are -- I'm going to ask  
9 you -- I'm going to break that down a little bit.  
10 So, are you of the opinion that death is the only  
11 appropriate penalty for murder in the first degree?

12 JUROR NUMBER 195: No.

13 THE COURT: And you will be open to consider  
14 both possibilities, death or life in prison without  
15 the possibility of parole, in the event there's a  
16 guilty verdict on Count I, murder in the first  
17 degree?

18 JUROR NUMBER 195: Yes.

19 THE COURT: Okay. Today no one is going to ask  
20 you, no one is allowed to ask you and they're not  
21 going to ask you what your, what your recommendation  
22 to the Court would be. No one is going to ask you  
23 that. They're going to ask you if you would certain  
24 things with regard to aggravating and mitigating  
25 circumstances. Can you consider this? Are you --

1 can you -- would you be open to this process, open to  
2 consider this? Okay. So, just so you know, no one  
3 is going to ask you would you do this, would you do  
4 that in this specific case or in any fact scenario.  
5 They're going to talk in hypotheticals and they're  
6 going to talk into considerations. Okay? All right.  
7 Questions by the State.

8 MR. BROWN: Yes, Your Honor. Juror Number 195,  
9 good morning. I'm going to go through the process  
10 with you, if I can, about what a juror has to do and  
11 evaluations and analysis you have to do to be able to  
12 make that decision or recommendation to the Court of  
13 either a recommendation of sentence of life or a  
14 recommendation of a sentence of death, just make sure  
15 that you understand the process and how we do it step  
16 by step. I know some of this that the Court did  
17 cover with you a couple of days ago when you were  
18 here in a group but she gave you a lot of information  
19 in a condensed period of time. So, I'd like to do it  
20 step by step with you.

21 The first is that the death penalty is only a  
22 consideration if the jury comes back with a guilty  
23 verdict of first degree murder. If the jury comes  
24 back with a lesser verdict of say second degree  
25 murder or some other lesser charge, the death penalty

1 is off the table, the sentencing is entirely up to  
2 Her Honor and the jury's duty at that point ends.  
3 Obviously, if they come back not guilty, then there  
4 is no sentencing.

5 Now, there are two ways the State can prove  
6 first degree murder, one is by premeditated murder  
7 and one is by felony murder, and those terms will be  
8 explained to you at a later date. Felony murder is a  
9 murder that's committed in the course of certain  
10 types of felonies. Either one is considered first  
11 degree murder. We may prove one or the other in this  
12 case or both, but either one gets you to first degree  
13 murder where the death penalty is under  
14 consideration. You understand there is no automatic  
15 death penalty? You understand that?

16 JUROR NUMBER 195: Yes.

17 MR. BROWN: Okay. I do need verbal answers  
18 because there's a microphone behind you and  
19 everything needs to be recorded so we can make a  
20 record. And it doesn't matter what the murder is for  
21 as far as the type of first degree murder, you know,  
22 being a mass murderer or murder of a child, there is  
23 no automatic, it has to go through the penalty and  
24 the aggravating circumstances and mitigating  
25 circumstances have to be weighed by the jury

1           regardless of the facts of the murder. Do you  
2 understand?

3           JUROR NUMBER 195: Yes.

4           MR. BROWN: So, what the Court -- if the jury  
5 comes back with first degree murder, we would  
6 reconvene, the jury would hear additional evidence,  
7 the Court would give you her final set of  
8 instructions and then, of course, you would have to  
9 go deliberate. In those instructions the first thing  
10 she's going to tell you to do is to look at and  
11 examine what are the aggravating circumstances in the  
12 case, and the Judge will give you what those are. As  
13 she told you a couple of days ago, it's a statutory  
14 list, it's circumstances which may increase the  
15 gravity of the crime or the harm to the victim. I  
16 expect in this case it will be more than one, three,  
17 four, five, six, she's going to give you that list  
18 and it's to those and only to those that you're  
19 allowed to look to to justify the death penalty. You  
20 can't look outside of those but you have to look at  
21 those aggravating circumstances to see legally  
22 whether the death penalty is justified in the case.

23           Now, those have to be proven and the burden of  
24 proof is the same as in the guilt phase and she  
25 covered this, it's beyond and to the exclusion of

1 every reasonable doubt. So, you look at that and the  
2 first question is has the State proven any of those  
3 aggravating circumstances. If you find that we've  
4 proven none, then your recommendation has to be for  
5 life, excuse me, because you would have found that  
6 there's no aggravation in this first degree murder.  
7 You understand?

8 JUROR NUMBER 195: Yes.

9 THE COURT: If you find that we've proven at  
10 least one, you may find that we've proven more than  
11 one or all of them, but if we've proven at least one,  
12 then you look at those that have been proven and ask  
13 yourself do these justify the death penalty, do these  
14 aggravating circumstances. If your answer is no,  
15 then your recommendation has to be for life. If your  
16 answer is yes, these aggravating circumstances  
17 justify the death penalty, we move on to the next  
18 step in the process. That's where you consider what  
19 are called mitigating circumstances. And if you  
20 recall, the Court when she spoke to you all she said  
21 those are -- mitigating circumstances come from the  
22 defendant, his life, background, character, things of  
23 that nature and they're items that could and may  
24 suggest a sentence of life to you. And those have a  
25 burden of proof as well. It's a lower burden, it's

1 to the greater weight of the evidence. It's still a  
2 burden but less than the burden for aggravating  
3 circumstances. And the Judge is ultimately going to  
4 tell you that you have to weigh those aggravating  
5 circumstances that have been proven with the  
6 mitigating circumstances that have been proven and  
7 you weigh those two and that's ultimately how you  
8 come to your decision.

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

11 JUROR NUMBER 195: Yes.

12 MR. BROWN: Most of have. When you've made  
13 those decisions, did you try to consider everything?

14 JUROR NUMBER 195: Yes.

15 MR. BROWN: And that's what we try to do, most  
16 people do. When you looked at all the factors in  
17 those decisions, some of the factors you looked at  
18 you decided they were pretty darn important and you  
19 gave them great weight in your decision making  
20 process, right?

21 JUROR NUMBER 195: Right.

22 MR. BROWN: Other factors you looked at and you  
23 considered them, you looked at them and you said  
24 these just really aren't that important to me, I'm  
25 going to give these factors little weight, right?

1 JUROR NUMBER 195: Correct.

2 MR. BROWN: And you arrived at your decision.  
3 That's how most of us make important decisions.  
4 Court's going to tell you that's what you do here.  
5 You look at everything that's been proven, consider  
6 everything that's been proven, you determine -- and  
7 you have to weigh, you determine how much weight to  
8 give them. You may decide an aggravator gets X  
9 amount of weight and a mitigator how much weight to  
10 give. The Court's not going to tell you how much  
11 weight to give or even how to decide. She's not  
12 going to tell you aggravator one gets X amount of  
13 weight and mitigator one gets Y amount of weight,  
14 it's a decision you have to make. And when we ask  
15 you -- we talk to you, both myself and Defense  
16 counsel, this morning, we can't tell -- we could but  
17 it wouldn't be a fair question to ask you how much  
18 weight you would give to something because at this  
19 point you don't know. You have to hear all the  
20 evidence, you have to hear everything and that's how  
21 you determine the weight and you weigh it against  
22 each other. The key is would you consider.  
23 Aggravator number one or mitigator number one, would  
24 you consider. Aggravator two would you consider,  
25 mitigator number, would you be open to consider, not

1           how much weight you would give. And you may look at  
2           it and say well, that type of aggravator and that  
3           type of mitigator, the question is asked and you  
4           think about I wouldn't give that much weight, that's  
5           a decision for you, but would you at least look at it  
6           and consider it and that's the key. If it's been  
7           proven you have to consider it. It's up to you when  
8           you determine back in that room after you've heard  
9           everything how much weight to give.

10           Okay. Court's going to tell you when you go  
11           through that weighing process that when you weigh the  
12           aggravation and the mitigation, if you find that the  
13           mitigation outweighs the aggravation that's -- you  
14           have to make at that point a recommendation of life.  
15           On the other hand, if you find the mitigation does  
16           not outweigh the aggravation, at that point you're  
17           legally justified in recommending a sentence of  
18           death, but you have to go through -- that's the steps  
19           in the process to get to the point where you can make  
20           that death recommendation.

21           Now, the Court's not going to tell you if the  
22           State proves A, B, C and D that at that point you  
23           must recommend death. Okay. It's the opposite.  
24           What she's going to tell you is you are never  
25           required to recommend the death penalty. What you



1 are required to do is go through that weighing  
2 process and weigh the aggravators and mitigators. If  
3 you find the mitigation does not outweigh the  
4 aggravation and after going through that weighing  
5 process that those aggravators in your mind still  
6 justify the death penalty, that's when you can  
7 recommend the death penalty. Okay?

8 JUROR NUMBER 195: Yes.

9 THE COURT: Any questions about that process?

10 JUROR NUMBER 195: No.

11 MR. BROWN: Okay. Any -- in your mind do you  
12 have any concern about your ability to go through  
13 that process step by step?

14 JUROR NUMBER 195: No.

15 MR. BROWN: Okay. Are you open to considering  
16 the list of aggravators that the Court will give you  
17 in this case that apply?

18 JUROR NUMBER 195: Yes.

19 MR. BROWN: That my apply if proven?

20 JUROR NUMBER 195: Yes.

21 MR. BROWN: Some people come in with a concept  
22 of well, you know, unless it's a case of a mass  
23 murderer or a child, I'd consider the death penalty  
24 in those but not in any other circumstances and  
25 they're not open to considering the list that the

1 Court's going to give us. Can you assure us that  
2 you're open to considering the list that the Court  
3 gives?

4 JUROR NUMBER 195: Yes.

5 MR. BROWN: Okay. And likewise with mitigation  
6 which Defense will talk to you about that, could be  
7 anything from his background, are you open to  
8 considering whatever mitigation that they present to  
9 you?

10 JUROR NUMBER 195: Yes.

11 MR. BROWN: Like I said, no one is going to ask  
12 you the weigh, that's a decision you make when you  
13 hear everything, you just have to be open to consider  
14 all that's presented and proven. That's it. Thank  
15 you, Your Honor.

16 THE COURT: Okay. Questions by the Defense.

17 MR. MOORE: Good morning.

18 JUROR NUMBER 195: Good morning.

19 MR. MOORE: I want you to reflect on this for  
20 just a second. We're talking in a hypothetical,  
21 hypotheticals what do you suppose this means, what  
22 does that mean, what are you capable of doing, what  
23 you feel that you can't do. The point of this, the  
24 main point which is not hypothetical, is that we're  
25 not talking about death, the death penalty in the

1 abstract of somebody out there, we're talking about a  
2 real living breathing human being, that gentleman  
3 right there, twenty-four years old, that young man,  
4 Brandon Bradley. So, we're talking about you  
5 possibly being a part of a process that could result  
6 in him being sentenced to death and executed. So,  
7 don't lose site of that. We're not just speaking in  
8 the abstract, we're talking about that person over  
9 there, his life is at stake in case.

10 Now, when you reflect on what you heard and saw  
11 on TV, and I think you may have gotten some of the  
12 information about the case from newspapers. You're  
13 nodding so I assume that you're agreeing with me?

14 JUROR NUMBER 195: Yes.

15 MR. MOORE: Okay. Unless you say no or shake  
16 your head I'm going to assume you agree with me.

17 JUROR NUMBER 195: Yes.

18 MR. MOORE: You mentioned something about  
19 you're aware that a deputy, law enforcement officer,  
20 female was shot and killed.

21 JUROR NUMBER 195: Correct.

22 MR. MOORE: You knew that. And you heard  
23 something you thought might have been a burglary,  
24 could have been a robbery, something preceded that.

25 JUROR NUMBER 195: Yes.

1 MR. MOORE: You recall something about items  
2 being stolen?

3 JUROR NUMBER 195: Really don't.

4 MR. MOORE: A chase or a pursuit or anything  
5 like that?

6 JUROR NUMBER 195: That does sound familiar.

7 MR. MOORE: Do you recall whether there was  
8 more than one defendant?

9 JUROR NUMBER 195: No, I don't.

10 MR. MOORE: And who do you believe from what  
11 you heard and read was the alleged shooter?

12 JUROR NUMBER 195: I don't remember what the  
13 name was but I just knew that they said they caught  
14 the person that shot the deputy.

15 MR. MOORE: Did you see pictures of Mr. Bradley  
16 either in the paper or on TV?

17 JUROR NUMBER 195: I really don't remember.

18 MR. MOORE: All right. So, you know that  
19 Mr. Bradley is charged with that homicide.

20 JUROR NUMBER 195: Correct, I do know that.

21 MR. MOORE: And so when you read the paper,  
22 when you watch TV, you don't accept everything as the  
23 gospel truth but you do give some credibility to what  
24 you read or you wouldn't read it.

25 JUROR NUMBER 195: Right.

1 MR. MOORE: Got to be discriminating in what  
2 you accept as probably being true and what you can  
3 disregard. But on the points that you did read or  
4 hear in the media, a deputy sheriff, female deputy  
5 sheriff was shot and killed and so would you say that  
6 the media probably got that correct?

7 JUROR NUMBER 195: Correct, yes.

8 MR. MOORE: And that somebody was arrested for  
9 that and charged with that offense?

10 JUROR NUMBER 195: Yes.

11 MR. MOORE: And now that you know Mr. Bradley  
12 is that somebody, what are your feelings at this  
13 point really? I mean, as best you can describe to us  
14 with respect to whether Mr. Bradley is innocent or  
15 guilty.

16 JUROR NUMBER 195: I really don't have any  
17 feelings about it.

18 MR. MOORE: Well, feelings is a bad word.  
19 What's are your thoughts? What's your opinion with  
20 respect to whether at this point in time you think  
21 he's guilty?

22 JUROR NUMBER 195: Guilty or not. I -- at  
23 first I would tend to believe he was but I'm open to  
24 listening to all the facts and I just know they said  
25 he's guilty because I read that or I saw it on TV and

1 everybody thinks whoever got caught is guilty, I'm  
2 open to I want to hear all the facts and see what  
3 they have to say to prove it.

4 MR. MOORE: Okay. Do you belong to a church?

5 JUROR NUMBER 195: Yes.

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

8 JUROR NUMBER 195: No.

9 MR. MOORE: When you were asked by Judge  
10 Reinman about whether you're for it or against it,  
11 you said you were for is, it is that an opinion that  
12 you arrived at because you thought about it, maybe  
13 discussed it with other people before you got  
14 involved in this process?

15 JUROR NUMBER 195: No, I've thought about that  
16 in the past when I heard about different things but  
17 that doesn't mean that I can't change my mind if I,  
18 you know, think that there's a possibility that the  
19 person's not guilty.

20 MR. MOORE: Well, what I'm -- yes. Let me, I'm  
21 not being critical. Sorry. I don't mean in this  
22 case.

23 JUROR NUMBER 195: Okay.

24 MR. MOORE: We're not talking are you for or  
25 against it right now. That's a ridiculous question

1 because you don't know anything about this case other  
2 than what you've said. So, you can answer that  
3 question about what you think the sentence would be  
4 at this point. What I'm asking is just your general  
5 opinion unrelated to this case of the death penalty  
6 and you're for it. At least that's the response you  
7 gave to the Judge, right?

8 JUROR NUMBER 195: Right.

9 MR. MOORE: And you've had that opinion for  
10 some time.

11 JUROR NUMBER 195: Yes.

12 MR. MOORE: Okay can you think of reasons --  
13 why you're not being challenged here.

14 JUROR NUMBER 195: Okay.

15 MR. MOORE: You're not going to be criticized  
16 but we're just curious about what your answers. Can  
17 you think of reasons why you're for the death  
18 penalty? In general, removed from this case. What  
19 do you think are the reasons why you would say you're  
20 for it as opposed to against it?

21 JUROR NUMBER 195: I'm for it if the person has  
22 been caught in the act and he has been seen killing  
23 somebody or it's been proved beyond a reasonable  
24 doubt that he's -- the person is -- I don't want to  
25 say the person that killed whoever it was. I think

1 why should they live when they killed somebody else  
2 unless there's some reason they can prove to me that  
3 they should still live.

4 MR. MOORE: Okay. Well, let me try this.  
5 Let's say you magically become the governor of  
6 Florida. Okay. How's that feel?

7 JUROR NUMBER 195: Shocking.

8 MR. MOORE: And you were asked as the governor  
9 what your position on the death penalty is, why are  
10 you for it, why are you against it? If you look at  
11 that from the policy standpoint, can you think of  
12 reasons why you would be for it from a policy  
13 standpoint?

14 JUROR NUMBER 195: I guess -- I really don't  
15 now how to answer that.

16 MR. MOORE: That's a tough question but you're  
17 going to be asked some tough questions. You're going  
18 to be asked to make a tough decision. Let me ask  
19 about that. Where would rank -- if you're sitting on  
20 a jury and if the jury, again a hypothetical, found  
21 Mr. Bradley guilty of first degree murder, then  
22 you're asked to decide his fate basically, what --  
23 how would that rank in terms of decisions you've made  
24 in your life? Would that be just another decision,  
25 would that be in the middle somewhere?



1 JUROR NUMBER 195: No, spend a lot of time  
2 think about it all and all the facts and everything  
3 that's been presented to us and it would take me a  
4 long time to...

5 MR. MOORE: On a scale of difficulty, where  
6 would you rank it related to other decisions you've  
7 had to make?

8 JUROR NUMBER 195: A ten. (Unintelligible) ten  
9 or above.

10 MR. MOORE: Can you think of types of homicides  
11 where you read about it, you hear about it you think  
12 that's so awful that the only sentence I could  
13 imagine for that person is death? Have you ever  
14 encountered a case like that a serial killer, the guy  
15 up in Ohio who held three women captive for all that  
16 time and what he did to them. Let's say you're  
17 sitting on a jury like that, would you be open to  
18 mitigating circumstances, whatever those are, in a  
19 case like that or would you just thing no, the only  
20 sentence that guy should get is death? Do you  
21 understand what I'm asking?

22 JUROR NUMBER 195: Yes.

23 MR. MOORE: Would that be such a case for you?

24 JUROR NUMBER 195: I think I probably would say  
25 he should be put to death.

1 MR. MOORE: Now, what I'm getting at is in a  
2 case like that, you know, it's just so awful, would  
3 it be one where your mind would not be open to  
4 considering mitigating circumstances at all?

5 JUROR NUMBER 195: It would be hard for me  
6 because the guy's, I don't want to say caught in the  
7 act, you know, he was caught there from what I  
8 remember and -- but I would still have -- I would  
9 have an open mind, I think I would be more towards  
10 the death.

11 MR. MOORE: All right. Let me ask in this  
12 case. We have an alleged first degree murder of a  
13 police officer, female deputy sheriff, in the line of  
14 duty, is this a case where you would not be open to  
15 mitigating circumstances? Would it be one of those  
16 cases where you wouldn't consider it?

17 JUROR NUMBER 195: No, I would be open to  
18 consider it. I really -- I don't know all the facts,  
19 I don't know -- since he got caught and they say that  
20 he admitted that he was the actual person, I really  
21 don't know what went on.

22 MR. MOORE: Now, let me ask what you think life  
23 without parole is.

24 JUROR NUMBER 195: Life without parole you  
25 said?

1 MR. MOORE: Yes. You know, if you get to the  
2 penalty sentencing phase, then you have two choices,  
3 one is death, you know what that is.

4 JUROR NUMBER 195: Yes.

5 MR. MOORE: Life without parole, what do you  
6 think that is?

7 JUROR NUMBER 195: That he's going to be behind  
8 bars forever.

9 MR. MOORE: If I tell you that is the law and  
10 that's exactly write, that a person sentenced to life  
11 without parole will never be free again, will always  
12 be, will die in prison, that is life without parole  
13 means. You accept that?

14 JUROR NUMBER 195: Yes.

15 MR. MOORE: Without question?

16 JUROR NUMBER 195: Yes.

17 MR. MOORE: When the Judge said she would give  
18 great weight, the law, the law requires the judge who  
19 presides over a first degree capital homicide trial  
20 if it gets to the penalty phase whatever verdict,  
21 whatever the recommendation is by the jury, the judge  
22 is required to give great weight to the  
23 recommendation. What -- what how do you -- in your  
24 thinking at this point, how significant of a role  
25 does the jury's recommendation play in the sentence

1 imposed on the defendant? How important is your  
2 recommendation as a jury on the sentence? How  
3 important is that to the sentence that the Judge  
4 actually imposes?

5 JUROR NUMBER 195: Well, I would hope it would  
6 weigh a lot, it would mean something to the Judge  
7 that the jury actually considered what our decision  
8 was.

9 MR. MOORE: If I told you that the Judge cannot  
10 arrive at a decision, regardless of what the Judge  
11 wants to do personally, that the Judge cannot arrive  
12 at a decision on sentencing without the jury's  
13 recommendation, it's essential, would you accept  
14 that?

15 JUROR NUMBER 195: Yes.

16 MR. MOORE: In other words, the Judge just  
17 can't do what the Judge, well, whatever, the jury  
18 says death, whatever, I'll do what I want to do, the  
19 Judge can't do that. You accept that? You see that?

20 JUROR NUMBER 195: Yes.

21 MR. MOORE: It's extremely important because  
22 some people think our part in this isn't that  
23 important, the Judge is going to do the right thing.  
24 So, we don't need to take this as seriously as we  
25 would if, you know, we were playing an essential role

1 in what the sentence is going to be because you do  
2 play an essential role.

3 JUROR NUMBER 195: Yes.

4 MR. MOORE: The judge can't arrive at a  
5 sentencing decision without your recommendation.

6 JUROR NUMBER 195: Yes.

7 MR. MOORE: You accept that?

8 JUROR NUMBER 195: Yes, I do.

9 MR. MOORE: Now, if -- now, let me explain  
10 this, and you may already get it. The sentence of  
11 life without parole is never off the table, it's  
12 always on the table. Okay. And the sentencing  
13 possibility -- first of all, you have to find, if you  
14 do, guilty of first degree murder. Get to that point  
15 then you get into this penalty process we're talking  
16 about. If there's a finding of guilty of first  
17 degree murder, then death is not on the table either  
18 unless you find beyond a reasonable doubt that the  
19 State has proven at least one aggravating  
20 circumstance. Until that point in time, death is not  
21 on the table. If that point is reached, death is on  
22 the table but so is life without parole. You  
23 understand?

24 JUROR NUMBER 195: Yes.

25 MR. MOORE: Life without parole is never off

1 the table. Now, from what you've heard, do you  
2 believe that there's ever a point in time when you  
3 shall or must vote death? What is your -- what are  
4 your thoughts at this point? Do you think you're  
5 ever required to vote for a death penalty?

6 JUROR NUMBER 195: No.

7 MR. MOORE: So, if you do not find aggravating  
8 circumstances, the sentence has to be life without  
9 parole and life is never off the table, right? If  
10 you find that mitigating circumstances outweigh  
11 aggravating circumstances, death is off the table.  
12 Life without parole is off the table. And even if  
13 you found no mitigating circumstances and every  
14 aggravating circumstance that the State attempts to  
15 prove, life without parole is still an option. Okay?

16 JUROR NUMBER 195: Um-hmm.

17 MR. MOORE: And the list of aggravating  
18 circumstances is limited. It's what is on the list,  
19 five, six, whatever the State chooses to present, but  
20 no more than that. You can't go beyond that list and  
21 say, well, I think he should die for these other  
22 reasons. It's limited strictly. The aggravating  
23 circumstances, the circumstances that support a death  
24 sentence is limited to what's on the list.  
25 Mitigating circumstances are unlimited, anything

1 related to the defendant, his background,  
2 circumstances of the case, circumstances that you  
3 think of as jurors individually or as a group which  
4 maybe the lawyers don't even think of, you know,  
5 whatever you think of as a mitigating circumstance,  
6 you can consider that. Okay?

7 JUROR NUMBER 195: Yes.

8 MR. MOORE: There is a type of evidence that  
9 you will be presented with if you're on the jury  
10 called victim impact.

11 JUROR NUMBER 195: What?

12 MR. MOORE: Victim impact evidence and it has  
13 to do with the impact of Deputy Pill on her family,  
14 community, friends, and you will receive with that an  
15 instruction that says it is not an aggravating  
16 circumstance, it is not a circumstance which suggests  
17 that death is an appropriate sentence. It can't be  
18 considered in deciding what is an appropriate  
19 sentence. It's different from aggravating  
20 circumstances. It's not an aggravating circumstance.  
21 You accept that?

22 JUROR NUMBER 195: Yes.

23 MR. MOORE: Do you think, of course, and you're  
24 trying to imagine what that would be like, it could  
25 be emotional, certainly upsetting, heart wrenching,

1 but do you think that you would be able to follow  
2 that instruction that victim impact evidence may not  
3 be considered as an aggravating circumstance?

4 JUROR NUMBER 195: Yes.

5 MR. MOORE: Will you have any trouble following  
6 that instruction?

7 JUROR NUMBER 195: No.

8 MR. MOORE: Let me ask about specific types of  
9 mitigating circumstances you may be asked to consider  
10 to see if you would be open to considering that or  
11 not. Okay. Do you think mental health is a choice?

12 JUROR NUMBER 195: No.

13 MR. MOORE: Okay. You've known people who have  
14 been diagnosed with a mental illness?

15 JUROR NUMBER 195: No.

16 MR. MOORE: Never?

17 JUROR NUMBER 195: With a mental illness?

18 MR. MOORE: Yes, ma'am, or know of people who  
19 are mentally ill.

20 JUROR NUMBER 195: No.

21 MR. MOORE: But you recognize that's not  
22 something you can choose.

23 JUROR NUMBER 195: Correct.

24 MR. MOORE: To be mentally ill or mentally  
25 well. So, if you were presented with testimony from



1 qualified experts that Mr. Bradley has been diagnosed  
2 with or suffers from a mental illness, is that  
3 something that you would be open to consider?

4 JUROR NUMBER 195: Yes.

5 MR. MOORE: If you heard testimony from  
6 qualified experts of brain damage or brain injury of  
7 Mr. Bradley, is that something that you will be open  
8 to consider?

9 JUROR NUMBER 195: Yes.

10 MR. MOORE: Have you known anybody who has  
11 struggled with drug addiction? Different from drug  
12 use.

13 JUROR NUMBER 195: Right.

14 MR. MOORE: It's down the road when you start  
15 somewhere with drugs but then you wind up, some  
16 people, addicted. Do you believe drug addiction is a  
17 choice?

18 JUROR NUMBER 195: No. Well, I would say it  
19 depends drinking, well, I say drinking because I hear  
20 it not often but to me that's a drug and --

21 MR. MOORE: Well --

22 JUROR NUMBER 195: -- by choice if you're  
23 drinking or you're smoking or whatever it is and  
24 you're dependent on it, at first it was your choice  
25 and then it turns out that.

1 MR. MOORE: So, you've know people -- well,  
2 let's call it substance addiction. Let's call it  
3 that, that includes everything, alcohol, drugs. So,  
4 you've known people who have struggled with alcohol?

5 JUROR NUMBER 195: Yes.

6 MR. MOORE: You recognize some people struggle  
7 with it more than others?

8 JUROR NUMBER 195: Yes.

9 MR. MOORE: And that it may not be a choice,  
10 may not be as simple as that for some people.

11 JUROR NUMBER 195: Right.

12 MR. MOORE: If you were presented with  
13 testimony of a drug addiction and drug abuse, would  
14 you be open to considering those circumstances as  
15 potentially mitigating?

16 JUROR NUMBER 195: Yes.

17 MR. MOORE: If you were presented with  
18 testimony of childhood physical emotional abuse, is  
19 that something that you would be open to consider?

20 JUROR NUMBER 195: Yes.

21 MR. MOORE: You've been told at this point that  
22 at the guilt/innocence phase of the trial where  
23 you're asked to decide as a jury whether Mr. Bradley  
24 is guilty of crime that he's charged with or not  
25 guilty or guilty of some lesser crime, the verdict

1 has to be unanimous, everybody has to be agree on it.  
2 So, there is some pressure there for agreement. I  
3 mean, sometimes juries can't agree and that's just  
4 the way it is, but the verdict, whatever it is, has  
5 to be unanimous.

6 JUROR NUMBER 195: Yes.

7 MR. MOORE: At the sentencing phase there's  
8 know unanimity requirement. Each juror is entitled  
9 to his or her own vote when you vote life without  
10 parole, death, those are your choices, but you are  
11 entitled to your individual vote and you are not  
12 required to agree with other people.

13 JUROR NUMBER 195: Correct.

14 MR. MOORE: Right? And you have right not to  
15 browbeaten or intimidated by others into -- because  
16 they think you should agree with them.

17 JUROR NUMBER 195: Yes.

18 MR. MOORE: You owe them the courtesy of  
19 extending -- or you have the responsibility of  
20 extending that courtesy to them as well.

21 JUROR NUMBER 195: Yes.

22 MR. MOORE: That's your opinion, you're  
23 entitled to it. You don't have to explain or justify  
24 your vote at the penalty phase, you understand that?

25 JUROR NUMBER 195: Yes.

1 MR. MOORE: Or at the guilt phase either. You  
2 done have to say, you know, I'm going to stand my  
3 ground here and this is my opinion and here's why.  
4 If you feel like doing that you can but you can't be  
5 made to do that. Okay?

6 JUROR NUMBER 195: Yes.

7 MR. MOORE: Okay. A moment.

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

10 MR. MOORE: If you're selected to sit on the  
11 jury you will see photographs of Deputy Pill after  
12 her death, which will include autopsy pictures, and  
13 you would see a videotape of the actual shooting, do  
14 you think if you saw that, you can imagine that it's  
15 not like a TV or movie depiction where the director  
16 says cut and the actors go home, this is real, if you  
17 see that, do you think you would be able still to  
18 keep an open mind, if you found Mr. Bradley guilty of  
19 first degree murder, and still engage in this process  
20 that we've been describing or would that, would that  
21 be it for you, you would be unable to consider  
22 mitigating circumstances?

23 JUROR NUMBER 195: No, I could still consider  
24 mitigating, that would not turn me off if that's what  
25 you're saying, I would still be open minded to decide

1 either life or death.

2 MR. MOORE: Yeah, I just go back to the  
3 statement that you made that you're found guilty  
4 of -- you're caught in the act and you're found  
5 guilty of killing someone you should give up your  
6 life.

7 JUROR NUMBER 195: I think (unintelligible),  
8 yes.

9 MR. MOORE: Okay. So, if you saw a video like  
10 that, are you able then to still engage in this  
11 process or is there some doubt in your mind about  
12 whether you could do what the law requires you to do  
13 which is consider mitigating circumstances?

14 JUROR NUMBER 195: No, I could consider the  
15 mitigating circumstances.

16 MR. MOORE: You know that?

17 JUROR NUMBER 195: Yes.

18 MR. MOORE: Thank you, ma'am.

19 JUROR NUMBER 195: You're welcome.

20 THE COURT: Okay. Juror Number 195, you're  
21 going to be released for today. You need to report  
22 back here tomorrow at 8:30 for the second part of the  
23 jury selection process. You are still being  
24 considered as a potential juror in this case.

25 During this recess you must continue to abide

1 by the rules governing your service as a jury. Do  
2 not discuss this case with anyone else. Avoid  
3 reading newspaper headlines or articles about the  
4 case. Avoid seeing television, Internet, radio  
5 comments about the case, and don't conduct any  
6 independent research. Do you have any questions or  
7 concerns?

8 JUROR NUMBER 195: No.

9 THE COURT: Okay. So, tomorrow morning report  
10 at 8:30 to the jury assembly room. Okay? Okay.  
11 Thank you much.

12 JUROR NUMBER 195: You're welcome.

13 (Thereupon, Juror Number 195 exited the  
14 courtroom.)

15 THE COURT: Okay. I think it will be  
16 appropriate for us to take a morning break. So,  
17 we'll be in recess for ten minutes. Thank you.

18 (Thereupon, a recess was taken in the  
19 proceedings.)

20 THE COURT: Okay. We can bring out  
21 Mr. Bradley.

22 (Thereupon, the defendant was escorted into the  
23 courtroom by the court deputy.)

24 THE COURT: Okay. Unless I hear something  
25 else, we'll bring in Juror Number 196.

1           (Thereupon, a benchside conference was had as  
2 follows:)

3           THE COURT DEPUTY: Deputy McCarty advised me  
4 that apparently 196 and 198 were having a  
5 conversation regarding guilt or innocence, he  
6 intervened and nothing else was said but that's what  
7 happened.

8           THE COURT: Okay.

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

11          THE COURT: Bring in 196.

12          (Thereupon, Juror Number 196 was escorted into  
13 the courtroom by the court deputy and the proceedings were  
14 had as follows:)

15          THE COURT: Okay. Good morning Juror Number  
16 196.

17          JUROR NUMBER 196: Good morning.

18          THE COURT: Thank you for being here. Thank  
19 you for being patient with us with regard to this  
20 process. The other day when I spoke to everyone I  
21 talked about some rules that came into place. Those  
22 rules started at that time. So, the first thing I'm  
23 going to address are those and it started as of that  
24 time. Have you read or been exposed to reading  
25 newspaper headlines and/or articles relating to this

1 trial or its participants?

2 JUROR NUMBER 196: No.

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

5 JUROR NUMBER 196: No.

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

9 JUROR NUMBER 196: No.

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

13 JUROR NUMBER 196: No.

14 THE COURT: Okay. Was there any discussions  
15 about this case with anyone else outside in the  
16 waiting area today?

17 JUROR NUMBER 196: No.

18 THE COURT: Okay. All right. I'm going to ask  
19 you some questions about your knowledge about the  
20 case prior to coming here. I'm going to talk to you  
21 about -- ask you questions about the death penalty.  
22 The attorneys may have an opportunity to question you  
23 as well. In answering there's no right or wrong  
24 answers. What we ask you to do is to be honest,  
25 complete, frank. If there's information that you



1 think we should know, you need to tell us that.

2 JUROR NUMBER 196: Okay.

3 THE COURT: Sometimes we'll ask a question that  
4 solicit a response of yes or no. If you can't answer  
5 it yes or no -- I mean, there may be some hard  
6 questions posed to you today, if you can't answer yes  
7 or no and the answer is I don't know, that's an  
8 appropriate response as well. Okay. The first  
9 question I'm going to ask you is do you know anything  
10 about this case either from your own personal  
11 knowledge, rumor, by discussions with anyone else, or  
12 from media, including radio, television, Internet,  
13 electronic device, or newspaper?

14 JUROR NUMBER 196: Television.

15 THE COURT: Okay. And what information do you  
16 believe that you know about this case? And be  
17 specific.

18 JUROR NUMBER 196: Well, when it first happened  
19 I saw it on the TV.

20 THE COURT: Okay.

21 JUROR NUMBER 196: And after that I saw a  
22 little bit about it but I was going out of state.

23 THE COURT: Okay.

24 JUROR NUMBER 196: To stay at my parents up in  
25 Illinois.

1 THE COURT: Up in Illinois?

2 JUROR NUMBER 196: Yes.

3 THE COURT: Okay.

4 JUROR NUMBER 196: And when I came back --  
5 well, I had stayed up there for like two or three  
6 months, I really didn't hear too much about it after  
7 that except for when I came back I did see a little  
8 bit about the funeral, that's about it.

9 THE COURT: Okay. So, you know that a -- do  
10 you know that a deputy sheriff was shot?

11 JUROR NUMBER 196: Yes.

12 THE COURT: What other details do you have a  
13 recollection of?

14 JUROR NUMBER 196: They showed pictures on TV  
15 about the day it happened and a chase.

16 THE COURT: Okay.

17 JUROR NUMBER 196: And I saw that.

18 THE COURT: Okay.

19 JUROR NUMBER 196: And I guess that's about it.

20 THE COURT: Did you see -- you said you saw  
21 something about the funeral?

22 JUROR NUMBER 196: Yes.

23 THE COURT: Okay. Did you watch that?

24 JUROR NUMBER 196: A little piece of it, I was  
25 like in and out and the TV was on. So, I didn't

1 really pay a lot of attention to it but I did see  
2 that they had a big funeral procession and such.

3 THE COURT: Okay. Did you -- what about since  
4 this case has been set for trial, did you hear  
5 anything about jury selection?

6 JUROR NUMBER 196: I think I might have heard  
7 something a couple -- about a week ago or so on TV.

8 THE COURT: And what would that have been?

9 JUROR NUMBER 196: Before I was called. Just  
10 that they were doing a jury selection, that's about  
11 all.

12 THE COURT: Did you hear anything about a  
13 codefendant?

14 JUROR NUMBER 196: No, I did not.

15 THE COURT: Do you know anything about a  
16 codefendant?

17 JUROR NUMBER 196: No.

18 THE COURT: Did you see pictures of Mr. Bradley  
19 on TV?

20 JUROR NUMBER 196: Yes.

21 THE COURT: Okay. And what's your local news  
22 watching habits, what do you do?

23 JUROR NUMBER 196: Well, we -- my husband and I  
24 usually watch the news. I quit getting the newspaper  
25 so I don't read that anymore. I figured TV -- quit

1 getting the newspaper, you can just read it on line  
2 he want to and I thought that was fine with me and  
3 I'm back and forth to Illinois and back and it didn't  
4 matter to me about that, but I do watch the news  
5 sometimes.

6 THE COURT: Okay. When you watch the news some  
7 people say okay, every night between 6:00 and 6:30 I  
8 watch the news, I sit down, we watch the news. Some  
9 people say it's on TV, sometimes I watch it,  
10 sometimes I don't. So, do you have any --

11 JUROR NUMBER 196: I would say sometimes I  
12 watch it, sometimes I don't.

13 THE COURT: Is it fair to say that your  
14 husband's watching and sometimes you're watching it  
15 and sometimes not?

16 JUROR NUMBER 196: Yes.

17 THE COURT: So, it's not unusual if it were on?

18 JUROR NUMBER 196: Right, correct.

19 THE COURT: Would that be in the morning or in  
20 the evening or in the afternoon?

21 JUROR NUMBER 196: In the evening.

22 THE COURT: Okay. Did -- when you heard about  
23 this case, did it solicit a response, an emotional  
24 response from you?

25 JUROR NUMBER 196: I would say yes.

1 THE COURT: Okay. In what respect?

2 JUROR NUMBER 196: The family, you know.

3 THE COURT: You're sympathetic for the family  
4 of Deputy Pill?

5 JUROR NUMBER 196: Yes.

6 THE COURT: Okay. Was that a lingering  
7 response?

8 JUROR NUMBER 196: No, I guess not.

9 THE COURT: Did it solicit any emotional  
10 response in you when you heard that this was that  
11 case?

12 JUROR NUMBER 196: No.

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

19 JUROR NUMBER 196: Yes.

20 THE COURT: Let's say you've heard all the  
21 evidence in the case and you're in the jury  
22 deliberation room during deliberation and you all of  
23 a sudden say, oh, I recall hearing this information  
24 but that never came in as evidence in the case, never  
25 was presented in evidence by way of testimony or

1 exhibits or you never heard that, are you going to be  
2 able to set that aside and not consider that?

3 JUROR NUMBER 196: I think I could.

4 THE COURT: Okay. Just so you know, when you  
5 say I think or I believe, those are -- everyone says  
6 that, almost everyone says that. What we don't know  
7 when you say that is if that's just a way of  
8 speaking, most people talk that way, sometimes I find  
9 I even say that, most people talk that way. So, we  
10 don't know if that means yes, I can do it or if that  
11 means I'm not sure I can or not.

12 JUROR NUMBER 196: Okay. Yes, I could.

13 THE COURT: Okay. You would be surprised how  
14 many people talk that way when they mean yes or no  
15 but they say I think or I believe.

16 Now, the other thing is that I'm going talk to  
17 you later that the State has the burden of proof.  
18 They have to prove each element of each count, and  
19 there's four counts, beyond and to the exclusion of  
20 every reasonable doubt. That's their job. They know  
21 that's their job. That's their job in every criminal  
22 case. The Defense does not have to prove anything.  
23 They have no obligation to prove anything. In fact,  
24 the defendant is -- at this stage because there's no  
25 evidence that's been presented before the Court is

1 not guilty. In fact, the defendant is presumed to be  
2 innocent. Now, would you be able to look at the  
3 defendant at this time, at this stage of the trial  
4 and give him the presumption of innocence that the  
5 instructions require and make the State prove their  
6 burden, make the State prove, make the State prove  
7 their case, could you do that?

8 JUROR NUMBER 196: Yes.

9 THE COURT: Okay. Despite -- even despite what  
10 you may have heard or learned about the case?

11 JUROR NUMBER 196: Yes.

12 THE COURT: Okay. All right. Now I'm going to  
13 switch gears on you. What are your views about the  
14 death penalty?

15 JUROR NUMBER 196: I agree with it.

16 THE COURT: Okay. So, if I had to say you were  
17 for or against it, you would say I'm for the death  
18 penalty?

19 JUROR NUMBER 196: Yes.

20 THE COURT: If I had to put you in one  
21 category?

22 JUROR NUMBER 196: Yes.

23 THE COURT: In this case -- now, this is a  
24 brief overview. I talked about it more in detail the  
25 other day. In the first part of the trial which we

1 call the guilt phase, if the jury returns a verdict  
2 of guilty on Count I, and it only pertains to Count  
3 I, Count I is the first degree murder charge, if  
4 there's a guilty verdict on Count I, then we proceed  
5 to another phase called the penalty face. In the  
6 penalty phase you as a juror would hear information  
7 about aggravating circumstances and mitigating  
8 circumstances. And then the other day I talked about  
9 a weighing process and they're going to talk to you  
10 more about that today. And then at the end of that  
11 evidence I would instruct you to make a  
12 recommendation to me to the Judge, to the Court, of a  
13 possible penalty of death or life in prison without  
14 the possibility of parole.

15 Now, today no one is going to ask you in this  
16 case what would you do. You haven't heard any of the  
17 evidence, you haven't heard the case. So, it  
18 wouldn't be appropriate for someone to ask you that.  
19 What we do ask you is if you could consider things.  
20 So, today I'm going to ask you if I instruct you that  
21 you would need to consider -- that you have to  
22 presume that there's a guilty verdict on Count I,  
23 first degree murder, we move to the penalty phase,  
24 would you be able to consider both death or life in  
25 prison without the possibility of parole as a



1 penalty?

2 JUROR NUMBER 196: Yes.

3 THE COURT: Okay. You would be able to  
4 consider both?

5 JUROR NUMBER 196: Yes.

6 THE COURT: Are you of the opinion that death  
7 is the only appropriate penalty for murder in the  
8 first degree?

9 JUROR NUMBER 196: No.

10 THE COURT: Okay. You would be open to  
11 consider both? Now, the ultimate decision is yours  
12 based on what you decide, but we ask you to be open  
13 to participate in the process, hear the mitigating  
14 circumstances, hear the aggravating circumstances,  
15 you'll go through a weighing process, which I'll  
16 direct you to do, and then you come up with your  
17 decision. Would you be open to consider both?

18 JUROR NUMBER 196: Yes.

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

21 MR. BROWN: Yes, Your Honor, thank you. Juror  
22 Number 196, good morning.

23 JUROR NUMBER 196: Good morning.

24 MR. BROWN: I'm going to go through the process  
25 with you a little bit on the death penalty. I know

1 the Court covered some of this the other day when you  
2 were here as a group but she gave you a lot of  
3 information in a compressed period of time. So, I  
4 want to go through it step by step to make sure you  
5 understand the process and have some questions for  
6 you along the way. First, as she told you, the death  
7 penalty is only in consideration if the jury comes  
8 back with a guilty verdict on first degree murder.

9 JUROR NUMBER 196: Yes.

10 MR. BROWN: If the jury comes back with  
11 something less, a lesser included charge of say  
12 second degree, then sentencing is entirely up to the  
13 Court, death penalty is off the table, there is no  
14 recommendation from the jury. And obviously if it's  
15 a not guilty then there is no sentencing at all.

16 With that, there are two ways the State can  
17 prove to the jury the charge of first degree murder.  
18 There are two theories. One is what's known as  
19 premeditated murder and the other is what's known as  
20 felony murder which is a murder, a death occurring  
21 during the act of specific felonies. Either one if  
22 proven leads to a verdict of first degree murder and  
23 for each death penalty is on the table for  
24 consideration. In this case we may prove one, we may  
25 prove the other or we may prove both. Okay. But

1 either way it gets you to where you could consider  
2 first degree murder.

3 Now, in Florida there is no automatic death  
4 penalty for first degree murder, you understand that?

5 JUROR NUMBER 196: Yes.

6 MR. BROWN: And it doesn't matter what the  
7 circumstances were for the murder, nothing is  
8 automatic. So, you could have the worst serial  
9 killer that you would think of, you know, murder  
10 serial killer of children and the death penalty is  
11 not automatic, you have to go through the process of  
12 weighing the aggravators and mitigators. You  
13 understand that?

14 JUROR NUMBER 196: Yes.

15 MR. BROWN: So, nothing is automatic. With  
16 that, if the jury returns that verdict of first  
17 degree murder, we would reconvene, additional  
18 evidence is presented, Court would give you her final  
19 set of instructions and then you would go back to  
20 deliberate. The first thing the Court's going to  
21 tell you to look at are what's called aggravating  
22 circumstances, and the Court talked about those when  
23 she spoke to you. It's a statutory based list and  
24 those are circumstances which may increase the  
25 gravity of the crime or the harm to the victim. And

1 in this particular case she'll give you that list. I  
2 expect it to be more than one, maybe three, four,  
3 five, six. She's going to give you that list of what  
4 are known as aggravating circumstances and it's to  
5 that list and that list alone that you're allowed to  
6 look to to determine whether or not the death penalty  
7 is justified and those are the legal reasons to  
8 potentially justify a recommendation of a death  
9 penalty.

10 Now, those aggravating circumstances have to  
11 have proven beyond and to the exclusion of every  
12 reasonable doubt. Just like for the guilt phase, we  
13 have to prove those beyond and to the exclusion of  
14 every reasonable doubt. If you look and you find  
15 that the State of Florida has not proven any, then  
16 you've found there's no aggravation in this case and  
17 you must return a verdict of life recommendation. If  
18 you find the State's proven at least one, you may  
19 find that we've proven more than one, you may find  
20 that we've proven them all, but we have to prove at  
21 least one, then you look at those that you feel that  
22 we've proven and examine those and ask yourself do  
23 these aggravating circumstances that have been proven  
24 justify the death penalty. If your answer is no,  
25 then you have to return a verdict -- a recommendation

1 of life because you would have found they do not  
2 justify it. If your answer is yes, they do justify  
3 the death penalty, you move on to the next step in  
4 the process and that's to examine and look at what  
5 are known as mitigating circumstances. And if you  
6 recall, the Court talked to you yesterday, or a  
7 couple of days ago concerning those and they come  
8 from the defendant, his life, background and  
9 character. So, it's things involving him. Just like  
10 with aggravating circumstances they suggest a penalty  
11 of death, mitigating circumstances may suggest to you  
12 or to the jury a recommendation of life and that's  
13 what they're here for. Now, they have a burden of  
14 proof as well. It's lower than for the aggravating  
15 circumstances, it's to the greater weight of the  
16 evidence. There's still a burden but it's lower.  
17 And you have to look at those and determine whether  
18 these have been proven. Just like aggravators, if  
19 it's not proven, you disregard it. And the Judge is  
20 going to tell you that you look at the aggravators,  
21 you look at the mitigators and you have to do a  
22 weighing process.

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

25 JUROR NUMBER 196: Yes.

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

3 JUROR NUMBER 196: Yes.

4 MR. BROWN: And when you looked at those  
5 factors, some factors you looked at them and said  
6 these are pretty darn important to this decision and  
7 you gave them great weight?

8 JUROR NUMBER 196: Yes.

9 MR. BROWN: Other factors you looked at and you  
10 considered them, you try to consider everything, you  
11 looked at them and considered them and said, you  
12 know, these are not very important to my decision, I  
13 give them little weight, right?

14 JUROR NUMBER 196: Yes.

15 MR. BROWN: And that's like most of us make  
16 key, critical decisions. Her Honor is going to tell  
17 you it's the same process here, that you have to look  
18 at and consider all the aggravators that have been  
19 proven and the mitigators that have been proven to  
20 you, okay, and you determine how much weight to give  
21 those and that's a choice that's up to you. There's  
22 not going -- Court's not going to tell you aggravator  
23 one gets X amount of weight. She's not going to tell  
24 you mitigator one gets Y amount of weight. She's not  
25 going to give you a formula, it's entirely up to you.

1 You understand?

2 JUROR NUMBER 196: Yes.

3 MR. BROWN: Now, you can go back and discuss  
4 that with the other jurors and talk about it and talk  
5 about the aggravators and mitigators but ultimately  
6 you have to determine for your own self how much  
7 weight to give each one and how to weigh them. The  
8 reason for that is in the guilt phase the verdict has  
9 to be unanimous. All twelve have to agree what the  
10 verdict is. In the penalty phase, however, it does  
11 not have to be unanimous. Now, if it comes back to  
12 where it's 6/6 split between life and death, or a  
13 majority on recommending life, then it comes back as  
14 a life recommendation. If it's a majority that  
15 recommend the death penalty, it comes back as a death  
16 recommendation with the numbers. We won't know who  
17 voted what but we would get the number. Now,  
18 obviously if it's a 12/0 recommendation for death, we  
19 know everyone voted, but if it's anywhere from 11/1  
20 down to 7/5, it gets reported as death recommendation  
21 by a vote of 10 to 1, 10 to 2, 9 to 3, et cetera.  
22 So, that's why it's your vote. So, you have to  
23 determine on your own how much weight to give the  
24 aggravators and how much weight to give the  
25 mitigators and just like you would in the guilt phase

1 discuss it, talk about things, but it's ultimately  
2 your vote. The juror right next to you may have a  
3 different weighing process and he may weigh the  
4 aggravators more than you, less than you and this  
5 particular mitigator more than you or less than you.

6 And obviously as the Judge talked, no one is  
7 going to ask you how much weight you're going to give  
8 to an aggravator or a mitigator today because it's  
9 impossible for you to know. Even if we told you  
10 well, how about this particular mitigator, you don't  
11 know because you haven't heard the evidence and you  
12 don't have anything to weigh it against and decide,  
13 but the key is and what we need to ensure is that  
14 you're going to be willing to consider the list of  
15 aggravators the Court will give you and all the  
16 mitigators that have been presented and proven to  
17 you, are you open to consider it. You may hear and  
18 Defense may give you how about this of mitigation,  
19 this type or this type, A, B or C, and the key is are  
20 you open to consider those. You may in your own mind  
21 be thinking I may not give that a whole lot of weight  
22 but that's for you decide at a later date. The key  
23 is can you consider all that's been proven to you.  
24 Just like when you make your own personal decision,  
25 you consider everything and you decide the weight.



1 That's what we're trying to find out from you. Some  
2 people come in and say you know, I couldn't consider  
3 X, Y and Z, it doesn't matter. Some people come in  
4 and say I can consider the death penalty but only in  
5 a circumstance of a mass murder or a murder of a  
6 child, other circumstances I couldn't consider it.  
7 Other people might come in and say on certain  
8 mitigation I don't care about that, I would never  
9 consider that. Okay. But the key is we're looking  
10 for people who are open and to consider what's been  
11 presented and you determine the weight.

12 Judge is going to tell you that you have to go  
13 through that weighing process. You weigh the  
14 aggravators against the mitigators and if you find  
15 that the mitigation outweighs the aggravation, then  
16 your recommendation is for life. If you find the  
17 mitigation -- on the other hand, if you find the  
18 mitigation does not outweigh the aggravation, then at  
19 that time you're legally justified and you can  
20 legally recommend to the Court the death penalty.

21 The Court's not going to tell you that if the  
22 State proves A, B, C and D that you must return a  
23 recommendation of death. In fact, what she's going  
24 to tell you is you are not required, you are never  
25 required to recommend the death penalty. You are

1 required to go through the weighing process and you  
2 consider and you weigh. That's what you're required  
3 to do. And if you get to the point that you weigh  
4 them and you find the mitigation does not outweigh  
5 the aggravation and after going through that weighing  
6 process you feel that the aggravation justifies the  
7 death penalty, that's when you can recommend death.  
8 Okay. Do you understand the process?

9 JUROR NUMBER 196: Yes.

10 MR. BROWN: Okay. I have to go through it step  
11 by step. Are you comfortable in the process?

12 JUROR NUMBER 196: Yes.

13 MR. BROWN: Do you have any question about your  
14 ability to go through and make and do the weighing  
15 process?

16 JUROR NUMBER 196: No.

17 MR. BROWN: Okay. As I talked earlier, do you  
18 come in with any mind set that the death penalty  
19 should only apply -- you would only consider it in  
20 some extremely (unintelligible) like a mass murder or  
21 murder of a child? I talked about earlier some  
22 people look at it only in those type of  
23 circumstances. Do you find yourself in that camp?

24 JUROR NUMBER 196: Yes.

25 MR. BROWN: Okay. That you would only consider

1 it in those and no others?

2 JUROR NUMBER 196: Yes.

3 MR. BROWN: Okay. Tell me about that, what's  
4 your thought?

5 JUROR NUMBER 196: Well, I think that murder  
6 justifies -- a murder justifies the death penalty.

7 MR. BROWN: Okay.

8 JUROR NUMBER 196: That's just the way I feel.

9 MR. BROWN: Now, when you say it justifies, do  
10 you mean that in your mind it should be automatic or  
11 it's on the table?

12 JUROR NUMBER 196: No, if I had weighed all the  
13 evidence, then I would say that because I didn't know  
14 anything I would (unintelligible) justify. If you  
15 don't know any or have any evidence.

16 MR. BROWN: Right. So, if you get the  
17 conviction, then you have to go through the next step  
18 of weighing the aggravators and mitigators, right?

19 JUROR NUMBER 196: Um-hmm.

20 MR. BROWN: And would you be open to the  
21 consideration of the list of aggravators that the  
22 Court's going to give you to justify the death  
23 penalty?

24 JUROR NUMBER 196: Yes.

25 MR. BROWN: And you realize, as I talked about,

1 that's what you have to look at?

2 JUROR NUMBER 196: Right.

3 MR. BROWN: Now, are you also open to  
4 considering any mitigation evidence that's presented?

5 JUROR NUMBER 196: Yes.

6 MR. BROWN: And as we talked about, even if  
7 it's a horrendous circumstance of say a mass murder  
8 of children, even in that type of case, you  
9 understand that is not that, but if it was you would  
10 still have to be open to considering the mitigating  
11 circumstances, but there is no automatic death  
12 penalty.

13 JUROR NUMBER 196: Right.

14 MR. BROWN: And if the evidence as presented to  
15 you and aggravating circumstances are proven beyond  
16 any reasonable doubt, you weigh those against the  
17 mitigation and you find that the mitigation does not  
18 outweigh the aggravation and after doing that  
19 weighing process you feel that the aggravation, the  
20 aggravators still justify the death penalty, can you,  
21 I'm not asking will you, just can you make a  
22 recommendation of death?

23 JUROR NUMBER 196: Yes.

24 MR. BROWN: Your Honor, I have no further  
25 questions. Thank you.

1 THE COURT: Okay. Questions by the Defense.

2 MR. PIROLO: Yes, Your Honor. Good morning.

3 JUROR NUMBER 196: Good morning.

4 MR. PIROLO: How are you?

5 JUROR NUMBER 196: Okay.

6 MR. PIROLO: I want to start off with what you  
7 said you heard or saw in the media. I believe it was  
8 the day that that the event occurred, right?

9 JUROR NUMBER 196: Yes.

10 MR. PIROLO: And were you watching it in real  
11 time? You know, some people are watching live TV or  
12 was it later on in the day that you caught up on the  
13 news and you learned it?

14 JUROR NUMBER 196: I think it may have been  
15 live but I'm not sure. Thinking back, I'm not sure.

16 MR. PIROLO: All right. You saw -- you said  
17 that you saw pictures of some people that day,  
18 correct, on TV?

19 JUROR NUMBER 196: Yes.

20 MR. PIROLO: And you saw pictures of  
21 Mr. Bradley?

22 JUROR NUMBER 196: Yes.

23 MR. PIROLO: All right. Now, I know -- which  
24 channel were you watching, do you remember?

25 JUROR NUMBER 196: I think it was, I think it

1 was ABC.

2 MR. PIROLO: Okay.

3 JUROR NUMBER 196: I'm not sure.

4 MR. PIROLO: Okay. Did they indicate to you or  
5 did you hear that day or maybe the day after whether  
6 or not they mentioned who they believed was the  
7 shooter?

8 JUROR NUMBER 196: I believe I did. I think I  
9 did, yes.

10 MR. PIROLO: And do you remember them saying  
11 who was the shooter?

12 JUROR NUMBER 196: Yes.

13 MR. PIROLO: Who did they say? Do you remember  
14 who they said?

15 JUROR NUMBER 196: Oh. I think it was  
16 Mr. Bradley.

17 MR. PIROLO: Okay. Now, when you watch the  
18 news, obviously kind of you don't believe everything  
19 you hear on news or reading the newspaper, but you  
20 find it to a degree credible or you wouldn't watch  
21 it, right?

22 JUROR NUMBER 196: Right.

23 MR. PIROLO: Or you wouldn't pick up the  
24 newspaper and read it, right?

25 JUROR NUMBER 196: Right.

1 MR. PIROLO: Now, to what degree did you find  
2 that credible that -- when you heard the media say  
3 that Mr. Bradley was the shooter? Did you believe  
4 it.

5 JUROR NUMBER 196: Yes.

6 MR. PIROLO: All right.

7 JUROR NUMBER 196: I didn't know the name at  
8 the time, whether they said at the time, I name  
9 didn't do anything. I didn't even remember the name  
10 to tell you the truth.

11 MR. PIROLO: But you heard that on the news,  
12 the media had indicated that it was their belief or  
13 through their story that the male that you know now  
14 is Mr. Bradley was the shooter, right?

15 JUROR NUMBER 196: Right.

16 MR. PIROLO: Now, sitting here today, do you  
17 have, or before today, let's back up. Before today,  
18 did you have an opinion as to Mr. Bradley's guilt,  
19 whether or not he is guilty of this crime?

20 JUROR NUMBER 196: I never gave it much  
21 thought. I guess I just figured that if they said on  
22 the news then it probably was, I gave it credit. I  
23 didn't really think too much of it afterwards.

24 MR. PIROLO: Okay when you came in about two  
25 days ago and you realized that you could be a

1 potential juror in this case this case, did your mind  
2 go back and say I remember -- this is what I remember  
3 seeing on the news, I remember Channel 9 or whatever  
4 the media source said that they Mr. Bradley was the  
5 shooter and I'm sitting here and that's the guy who  
6 killed Deputy Pill? Did those thoughts go through  
7 your mind or?

8 JUROR NUMBER 196: Well, to be honest with you.

9 MR. PIROLO: Yes.

10 JUROR NUMBER 196: I didn't even know he was in  
11 here until about forty-five minutes later. But  
12 anyway, yes, I think it probably just what I saw on  
13 the news flashed in my head.

14 MR. PIROLO: And did you -- do you have those  
15 thoughts right now that Mr. Bradley is the shooter?

16 JUROR NUMBER 196: Yes.

17 MR. PIROLO: And I'm going to ask you this  
18 question but I don't want you to think that you have  
19 to give us an answer that you think is the right  
20 answer.

21 JUROR NUMBER 196: Okay.

22 MR. PIROLO: There are no right answers.

23 JUROR NUMBER 196: Okay.

24 MR. PIROLO: Okay. I know it's hard sometimes,  
25 you know, you're sitting there, you're looking up to



1 the Judge and the Judge is saying if I instruct you  
2 this, can you do it and internally you want to please  
3 especially a person of, you know, a figure like that  
4 and say yes, and some people say no. So, pretty much  
5 whatever your answer is, that's what we're asking  
6 for.

7 JUROR NUMBER 196: Yes.

8 MR. PIROLO: If it's a yes, let it be a yes.  
9 If it's a no, let it be a no. If it's I don't know,  
10 say I don't know. You're not here to please anybody.  
11 If I think he wants to hear a yes, I'll give him a  
12 yes. You have that feeling that Mr. Bradley is the  
13 shooter, correct?

14 JUROR NUMBER 196: Yes.

15 MR. PIROLO: Okay. Can you -- if the Court  
16 instructs you that you have to presume Mr. Bradley to  
17 be innocent, can you still do that or based on what  
18 you heard on Channel 9 or whatever other news outlets  
19 you listen to thoughts going through your head when  
20 you did figure out this was the case, this was  
21 Mr. Bradley and the thought that you have right now  
22 that he's the shooter, can you set that aside and sit  
23 here and look at Mr. Bradley and say Mr. Bradley sit  
24 how many feet away from me but he's sitting here not  
25 guilty, he's sitting here innocent of this crime?

1 Can you do that or do you have some doubt that you  
2 can do that?

3 JUROR NUMBER 196: Yes, I can do that.

4 MR. PIROLO: Do you have any doubt?

5 JUROR NUMBER 196: No.

6 MR. PIROLO: All right. Okay. You said  
7 earlier that you -- when you heard the story you felt  
8 some sympathy or were sympathetic for the family,  
9 Deputy Pill's family.

10 JUROR NUMBER 196: Um-hmm.

11 MR. PIROLO: Her family may be watching the  
12 trial. If you're selected on this jury and you're  
13 sitting in the jury seats and you noticed that family  
14 are in the courtroom, do you believe that would  
15 affect your ability to remain fair and impartial  
16 throughout this trial?

17 JUROR NUMBER 196: No.

18 MR. PIROLO: If and only if we get to the  
19 second part of the trial you may hear something that  
20 is called victim impact evidence and most likely if  
21 we get there you will hear it. What victim impact  
22 evidence is is it comes from friends and family  
23 members and it talks about the impact that that  
24 person had on them, the impact that Deputy Pill had  
25 on her friends and family, and you will probably hear

1 that from a family member. Now, what I will tell you  
2 is that the victim impact evidence is never to be  
3 considered as aggravating, as an aggravating  
4 circumstance. The court will tell you that. And  
5 again being told that is one thing but the way you  
6 feel when you hear something are two completely  
7 different things.

8 JUROR NUMBER 196: Yes.

9 MR. PIROLO: And I have a couple of questions  
10 about that. First going to your -- you said earlier  
11 that you felt sympathy for the family. If you hear  
12 victim impact evidence from a family member or two,  
13 will that cause you to be unable to be fair and  
14 impartial and would it cause you that your mind  
15 basically shuts down at that point, you're not going  
16 to go to the next step and consider mitigation?

17 JUROR NUMBER 196: No.

18 MR. PIROLO: You'd still be able to keep that  
19 open mind?

20 JUROR NUMBER 196: Um-hmm.

21 MR. PIROLO: And if you could say yes. I know  
22 you're agreeing with me, you're saying yes, but  
23 everything gets recorded.

24 JUROR NUMBER 196: Yes.

25 MR. PIROLO: Can you -- are you sure about

1 that, that won't affect your ability?

2 JUROR NUMBER 196: Yes.

3 MR. PIROLO: Now, I want to ask you some  
4 questions that are kind of general but in the same  
5 respect I don't want you to lose perspective even  
6 though the questions may be general. If you're  
7 selected on this case it's going to be very specific  
8 in this case. At some point if we get to the second  
9 phase of this you will literally have Mr. Bradley's  
10 fate in your hands. Okay. I'm not talking about  
11 some person outside of this courtroom, some, you  
12 know, hypothetical man or woman outside of the area.  
13 What we talk about are real human being, Mr. Bradley,  
14 twenty-four year old young man. What are your --  
15 what do you -- when you hear life without the  
16 possibility of parole, what does that mean to you?

17 JUROR NUMBER 196: Life in prison without  
18 parole.

19 MR. PIROLO: The person dies in prison?

20 JUROR NUMBER 196: Yeah, they're there for  
21 life.

22 MR. PIROLO: That's what the law is. You get  
23 an A plus on that question. Do you have any doubts  
24 of that? Do you question that in any way?

25 JUROR NUMBER 196: No.

1 MR. PIROLO: Okay. Earlier you indicated --  
2 the Court asked you what your views are on the death  
3 penalty, you said you agree with it. Can you tell us  
4 why? Why do you support the death penalty?

5 JUROR NUMBER 196: I just do. I just think  
6 that murder is -- if somebody is proven that they  
7 murdered somebody, I just think that that is what it  
8 should be, the death penalty.

9 MR. PIROLO: Okay.

10 JUROR NUMBER 196: That's a (unintelligible).

11 MR. PIROLO: You've indicated that a few times  
12 now. I think earlier you said any murder justifies  
13 the death penalty, correct?

14 JUROR NUMBER 196: Um-hmm.

15 MR. PIROLO: And you've indicated that again,  
16 you keep saying that's just the way I feel. Now, how  
17 long have you felt that way, the last ten minutes or  
18 prior to today?

19 JUROR NUMBER 196: No, it's prior to today.

20 MR. PIROLO: Okay. You understand -- I mean,  
21 the Court's already talked to you about -- she's read  
22 you an instruction, Mr. Brown from the State has sort  
23 of talked about it a little bit more, and again I  
24 always get back to it. It's always easy to say yes,  
25 yes, yes or yes, I can do it, yeah, I can follow

1 that, it just sounds like the fair thing to say, but  
2 two or three times that's just the way I feel,  
3 somebody kills somebody, the death penalty. Can --

4 JUROR NUMBER 196: With the evidence, you know,  
5 weighing the evidence. I'm not just saying that I  
6 just think that anybody automatically should get the  
7 death penalty if they murdered somebody.

8 MR. PIROLO: Okay. When we get to -- earlier  
9 on in the instructions the term consider is thrown  
10 out a lot, you need to consider aggravating  
11 circumstances, you need to consider mitigating  
12 circumstances and then get into a weighing process,  
13 what does consider mean to you? The word consider,  
14 what does that mean to you?

15 JUROR NUMBER 196: Well, you do have to weigh  
16 certain things against others, the pros, the cons,  
17 you have to look at all the evidence.

18 MR. PIROLO: It's a lot more than just sitting  
19 there listening and nodding your head every once in a  
20 while, it's actually you're reflecting on it.

21 JUROR NUMBER 196: Right, you have to look at  
22 all the evidence you have in front of you to make a  
23 decision on weighing.

24 MR. PIROLO: It just concerns me because we  
25 throw all those terms at you and sometimes, you know,

1 we assume people, you know, look at the word  
2 consider, or think of the word consider and it's yes  
3 how we talk about weighing and considering them,  
4 reflecting on things, not just mere, you know,  
5 listening to them. Yeah, I'll listen to it but the  
6 way I feel is this.

7 Can you tell me -- can you give us an argument  
8 why you would be -- and I know you're not opposed to  
9 the death penalty, but can you think of a reason to  
10 oppose the death penalty?

11 JUROR NUMBER 196: Well, if you -- looking at  
12 the evidence and whatever, you know, there's a list  
13 it sounds (unintelligible) then I don't think the  
14 case should be debt penalty.

15 MR. PIROLO: If there was what, I'm sorry?

16 JUROR NUMBER 196: If it was murder  
17 (unintelligible), I don't think that the death  
18 penalty should come into play.

19 MR. PIROLO: Well, you understand the death  
20 penalty is only where another human being is killed?

21 JUROR NUMBER 196: Right.

22 MR. PIROLO: And specifically it only comes  
23 into play when it's first degree murder, not second  
24 degree murder, not manslaughter, it's only for first  
25 degree murder. Do you understand that?

1 JUROR NUMBER 196: Yes.

2 MR. PIROLO: All right. If you --  
3 hypothetically, we're going to put the cart way in  
4 front of the horse. Okay?

5 JUROR NUMBER 196: Okay.

6 MR. PIROLO: You're selected on this jury and  
7 through the first phase the jury comes back with a  
8 guilty verdict on first degree murder.

9 JUROR NUMBER 196: Okay.

10 MR. PIROLO: Then and only then do we move to  
11 the second phase.

12 JUROR NUMBER 196: Okay.

13 MR. PIROLO: Now, let's say we get to the  
14 second phase and let's say going into the second  
15 phase you found the person guilty of first degree  
16 murder.

17 JUROR NUMBER 196: Okay.

18 MR. PIROLO: And you found -- and if you  
19 remember, Mr. Brown told you earlier there's two ways  
20 of getting to first degree murder, there's felony  
21 murder and premeditated murder.

22 JUROR NUMBER 196: Okay.

23 MR. PIROLO: Now, say your verdict is because  
24 you found that it was premeditated, the person meant  
25 to do it, planned it, did it. Okay?



1 JUROR NUMBER 196: Okay.

2 MR. PIROLO: At that point can you still go  
3 through the weighing process or are you of a mind set  
4 that if the person planned to do it, meant to do it  
5 and did it, killed another human being, that the  
6 death penalty is the only option? Is that your mind  
7 set or can you still go through the process of  
8 listening for the aggravating circumstances and  
9 listening and considering the mitigating  
10 circumstances?

11 JUROR NUMBER 196: Yes, I can do that.

12 MR. PIROLO: I'm sorry.

13 JUROR NUMBER 196: I could go through the  
14 process, yes.

15 MR. PIROLO: In this particular case obviously  
16 you know that it involves a female police officer, a  
17 deputy sheriff, do you think that's a case that the  
18 death penalty should be automatic?

19 JUROR NUMBER 196: No.

20 MR. PIROLO: Now, I'm going to ask you this  
21 question. Again, putting the cart way in front of  
22 the horse. We arrive at a second phase, the State  
23 has presented evidence of aggravating circumstances.  
24 If you find that the aggravating circumstances do  
25 exist beyond a reasonable doubt, at that point do you

1 have an opinion of whether or not anything is  
2 required of you at that point, or what is required at  
3 that point?

4 JUROR NUMBER 196: I think that you would have  
5 to have mitigating before I make a decision.

6 MR. PIROLO: A plus again. Good job. It's  
7 confusing because this is the first time you've heard  
8 all this stuff.

9 JUROR NUMBER 196: (Unintelligible).

10 MR. PIROLO: Right. And that's fine, but what  
11 I'm getting at is I want to make sure that even at  
12 that point we get to the second phase, State puts on  
13 aggravating circumstances, you find that aggravating  
14 circumstances exist beyond a reasonable doubt.

15 JUROR NUMBER 196: Right.

16 MR. PIROLO: That it's not over.

17 JUROR NUMBER 196: Right.

18 MR. PIROLO: You still follow the instructions,  
19 have to consider mitigating circumstances.

20 JUROR NUMBER 196: Right.

21 MR. PIROLO: Even at that points you are never  
22 ever, ever required to recommend the death penalty.  
23 Okay?

24 JUROR NUMBER 196: Yes.

25 UNIDENTIFIED JUROR: If we just stop and you've

1 heard aggravating circumstances, if we just stopped  
2 there.

3 JUROR NUMBER 196: Right.

4 MR. PIROLO: At that point there's no law that  
5 this Judge or any other judge will ever tell you that  
6 you're required to do that.

7 JUROR NUMBER 196: Right.

8 MR. PIROLO: That you should do it, that you  
9 shall do it, most likely you do it, it's none of  
10 that.

11 JUROR NUMBER 196: Right.

12 MR. PIROLO: At that point you could still say  
13 I believe this case it should be life without parole.

14 JUROR NUMBER 196: Right.

15 MR. PIROLO: Okay. We get through aggravating  
16 circumstances and let's say you've heard six, six  
17 different aggravating circumstances and you believe  
18 each one's been proven beyond a reasonable doubt and  
19 when it's time to consider the mitigating  
20 circumstances you can hear a pin drop, you hear  
21 nothing, it's still not required to return a  
22 recommendation for death penalty. You understand  
23 that?

24 JUROR NUMBER 196: Yes.

25 MR. PIROLO: Okay. At no point will you ever

1 hear an instruction that life without parole is off  
2 the table, it's always on the table. Okay?

3 JUROR NUMBER 196: Okay.

4 MR. PIROLO: Mr. Brown talked to you about  
5 earlier how the voting process happens in the second  
6 part of the trial. If it's a 6/6, it's life, that's  
7 it, death is off the table.

8 JUROR NUMBER 196: Okay.

9 MR. PIROLO: Okay. If there's a majority vote  
10 for life, that's it, it's life, death penalty is off  
11 the table. Okay? But never is life off the table.  
12 Okay?

13 JUROR NUMBER 196: Um-hmm.

14 MR. PIROLO: During this case if you're  
15 selected you will see photographs of how Deputy Pill  
16 looked like after she was shot and they are very  
17 graphic. Now, this isn't a photograph you've seen on  
18 if you watch CSI or Criminal Minds.

19 JUROR NUMBER 196: I don't watch those shows.

20 MR. PIROLO: Or any other movies, this is a  
21 photograph of a real person, something that really  
22 happened to her. It's not makeup or anything like  
23 that. Okay. Do you think graphic photographs like  
24 that will influence you or affect your ability to be  
25 remain fair and impartial?

1 JUROR NUMBER 196: I don't think so. I  
2 (unintelligible).

3 MR. PIROLO: And that's not required, you never  
4 shut down and --

5 JUROR NUMBER 196: Obviously (unintelligible).

6 MR. PIROLO: Do you have some doubt in you that  
7 you think that if you saw photographs that were very  
8 graphic in nature that that could affect your ability  
9 to remain fair and impartial?

10 JUROR NUMBER 196: No.

11 MR. PIROLO: Would that -- same question  
12 regarding the photographs, would that cause you to  
13 shut down in terms of being able to consider  
14 mitigating circumstances?

15 JUROR NUMBER 196: No.

16 MR. PIROLO: You will see a videotape that  
17 shows the last moments of Deputy Pill's life. It  
18 shows her being shot and killed and that too is very  
19 graphic. I don't know what kind of, you know, TV  
20 shows or movies you watch, you know, that never  
21 depict any violence, but again this is the real  
22 thing.

23 JUROR NUMBER 196: Right.

24 MR. PIROLO: Do you think watching a graphic  
25 video like that would affect your ability to be fair

1 and impartial?

2 JUROR NUMBER 196: No.

3 MR. PIROLO: How about would it cause you to  
4 shut down and not be able to consider any mitigating  
5 circumstances?

6 JUROR NUMBER 196: No.

7 MR. PIROLO: You're confident about that?

8 JUROR NUMBER 196: Yes.

9 MR. PIROLO: Remember that show Who Wants To Be  
10 A Millionaire? You ever watch it?

11 JUROR NUMBER 196: I don't think I've seen  
12 that.

13 MR. PIROLO: They just would always ask are you  
14 confident, is that your final answer, you can be  
15 confident?

16 JUROR NUMBER 196: Yes.

17 MR. PIROLO: Because midway through the trial  
18 if you feel like, oh, man, this is not for me, that  
19 presents a big problem.

20 JUROR NUMBER 196: Yes.

21 MR. PIROLO: Right. I want to talk to you  
22 about some things that you hear regarding to  
23 mitigating circumstances and what I'm going to ask  
24 you is can you consider them as mitigating  
25 circumstances.

1 JUROR NUMBER 196: Okay.

2 MR. PIROLO: Not that you would say you have to  
3 tell me right now will you, you know, consider  
4 anything, how much weight, but can you be open to  
5 considering them. First would be mental illness. If  
6 you heard evidence from obviously qualified experts  
7 that Mr. Bradley is suffering from mental illness,  
8 can you consider that as a mitigating circumstance?

9 JUROR NUMBER 196: Yes.

10 MR. PIROLO: All right. And you understand  
11 what we mean by mitigating?

12 JUROR NUMBER 196: Um-hmm, yes.

13 MR. PIROLO: It lessens, it gives you a reason  
14 to return a life without parole recommendation.

15 JUROR NUMBER 196: Yes.

16 MR. PIROLO: Okay. And before I get to the  
17 next example, the Court will tell you is that it is  
18 unlimited. There is -- all -- anything you can think  
19 of or that you've heard in the trial throughout the  
20 trial, throughout the second part of the case that  
21 you -- your mind feels is mitigating, that's  
22 mitigating and you can consider that.

23 JUROR NUMBER 196: Yes.

24 MR. PIROLO: Next is if you hear again from a  
25 qualified expert Mr. Bradley suffers from a brain

1 injury or brain damage, can you consider that as  
2 well?

3 JUROR NUMBER 196: Yes.

4 MR. PIROLO: How about Mr. Bradley when he was  
5 a child was physically or emotionally abused, would  
6 you consider that?

7 JUROR NUMBER 196: Yes.

8 MR. PIROLO: And how about drug addiction, not  
9 drug use? Can you see the difference between drug  
10 use and drug addiction?

11 JUROR NUMBER 196: Yes.

12 MR. PIROLO: First, do you think drug addiction  
13 is a choice?

14 JUROR NUMBER 196: Pardon me?

15 MR. PIROLO: Do you think drug addiction is a  
16 choice? Again separated from --

17 JUROR NUMBER 196: Yeah.

18 MR. PIROLO: -- drug use.

19 JUROR NUMBER 196: No.

20 MR. PIROLO: Can you -- would you be able to  
21 consider drug addiction as a mitigating circumstance?

22 JUROR NUMBER 196: Yes. Addiction?

23 MR. PIROLO: Yes.

24 JUROR NUMBER 196: Yes.

25 MR. PIROLO: Some of the things that we've



1 talked about, mental illness and brain damage, drug  
2 addiction, abuse as a child, can you look at those  
3 things and in your mind say okay, well, if I heard  
4 evidence like that, that would go more towards why  
5 someone did what they did, or would you look at them  
6 and say, you know, I'll listen to that stuff but this  
7 just sounds like excuses to me? And again I know --

8 JUROR NUMBER 196: Yeah.

9 MR. PIROLO: -- you haven't heard what, you've  
10 heard very general.

11 JUROR NUMBER 196: Right.

12 MR. PIROLO: But are those things that you  
13 could look at and say okay, well, if I hear from --  
14 you know, if it's something that needs qualified  
15 expert, if I hear it, can I --

16 JUROR NUMBER 196: Take that and use it.

17 MR. PIROLO: Consider it. Can I look at that  
18 and will I look at it as possibly a reason why  
19 someone did something, an explanation why they  
20 behaved a certain way?

21 JUROR NUMBER 196: Yes.

22 MR. PIROLO: Or are you just going to look at  
23 it and say that's an excuse to me?

24 JUROR NUMBER 196: No, I don't think I would  
25 look at it that way, no.

1 MR. PIROLO: I'm going to -- during the  
2 weighing process, after the weighing process is done  
3 and you come back and you make your vote, you've  
4 heard that the Judge, or if you haven't heard you're  
5 going to hear it now, the Judge has to give that vote  
6 great weight. What does that mean to you, great  
7 weight?

8 JUROR NUMBER 196: She has to what?

9 MR. PIROLO: Give your vote, whatever your  
10 recommendation is she has to give it great weight  
11 before she imposes the actual sentence. What does  
12 great weight mean to you?

13 JUROR NUMBER 196: For (unintelligible) great  
14 weight is great weight, it's a big thing.

15 MR. PIROLO: Very important?

16 JUROR NUMBER 196: Yes.

17 MR. PIROLO: Do you think the judge will look  
18 at it and say I don't care what this jury's vote is,  
19 I'm just going to do what I want?

20 JUROR NUMBER 196: No.

21 MR. PIROLO: First of all, she can't do her  
22 job. If we get -- again, cart in front of the horse,  
23 but if we get to that point she could not impose a  
24 sentence without your recommendation. You understand  
25 great weight means that most likely what your

1 recommendation is would be what she may do?

2 JUROR NUMBER 196: Yes.

3 MR. PIROLO: Most likely do?

4 JUROR NUMBER 196: Yes.

5 MR. PIROLO: Okay. How do you feel about that?

6 What if your recommendation turns out, winds up being

7 that --

8 JUROR NUMBER 196: It's an important decision  
9 (unintelligible).

10 MR. PIROLO: You think you can do it?

11 JUROR NUMBER 196: I think it's very important  
12 and I take it seriously, yes.

13 MR. PIROLO: Do you think you can do it?

14 JUROR NUMBER 196: Yes.

15 MR. PIROLO: Okay if mitigating circumstances  
16 are shown to you and you believe them.

17 JUROR NUMBER 196: Yes.

18 MR. PIROLO: You keep hearing reasonable doubt,  
19 reasonable doubt, reasonable doubt as to guilt or  
20 innocence, reasonable doubt as to aggravating  
21 circumstances. There is no reasonable doubt standard  
22 for the mitigating circumstances, it's less, it's you  
23 have to be reasonably convinced, greater weight of  
24 the evidence and you can appreciate that. Again,  
25 we're talking about someone's life, so.

1 JUROR NUMBER 196: Yes.

2 MR. PIROLO: The burden is much less. First,  
3 do you appreciate that? Would you somehow say, well,  
4 I keep hearing reasonable doubt, I think it's only  
5 fair that the mitigating circumstances need to be  
6 proved beyond a reasonable doubt?

7 JUROR NUMBER 196: No.

8 MR. PIROLO: Do you think that way or that's  
9 what --

10 JUROR NUMBER 196: Yes, I agree.

11 MR. PIROLO: No, what I'm saying is -- I don't  
12 want to put words in your mouth. You've heard the  
13 aggravating circumstances have to be proven beyond a  
14 reasonable doubt.

15 JUROR NUMBER 196: Yes.

16 MR. PIROLO: Which is a higher standard than  
17 mitigating circumstances.

18 JUROR NUMBER 196: Right.

19 MR. PIROLO: Can you follow that or in your  
20 mind are you going to say, well, that's kind of  
21 unfair, the State has to prove aggravators by a  
22 higher standard, the Defense should be able to prove  
23 mitigating even higher. Do you understand that's not  
24 the case?

25 JUROR NUMBER 196: Yes.

1 MR. PIROLO: That's it's lower.

2 JUROR NUMBER 196: Yes.

3 MR. PIROLO: What I'm trying to get to is that  
4 can you follow that, the Judge will instruct you on  
5 that, can you follow that?

6 JUROR NUMBER 196: Yes.

7 MR. PIROLO: Okay. And you understand that  
8 when you're in the deliberation room, whatever your  
9 vote is that nobody can twist your arm or force you,  
10 and they shouldn't, force you to changing your vote?  
11 You understand that?

12 JUROR NUMBER 196: Yes.

13 MR. PIROLO: Okay. In the same respect, you  
14 can't do that to someone else. If the man or woman  
15 sitting next to you disagrees with your vote, you  
16 can't force them to talk about it, you can say well,  
17 this is what I think, you know, but it's up to you.  
18 Especially the second part, your vote is your vote  
19 regardless if ten people, you know, disagree with  
20 you.

21 JUROR NUMBER 196: Right.

22 MR. PIROLO: Or eleven disagree with you,  
23 you're the only one I'm sorry, but this is the way I  
24 look at it, this is the way I considered the  
25 mitigation and this is the weight I attached to each

1           circumstance I've heard and this is my vote. Can you  
2           do that?

3                   JUROR NUMBER 196: Yes.

4           MR. PIROLO: Let me -- I asked earlier if you  
5           feel comfortable about going through this process.  
6           Do you want to be on this jury?

7                   JUROR NUMBER 196: I mean, I could go either  
8           way. I believe that everybody should do their -- go  
9           through it. I think it's a big responsibility. Yes.  
10          Yes, I guess I should go through it.

11          MR. PIROLO: Okay. And I was going to follow  
12          it up by why? If you were going to say yes, I want  
13          to be on the jury, why?

14                  JUROR NUMBER 196: It's a right to, you know --  
15          I just think it's important, too many people try to  
16          get out of it and I think it's our duty to do this as  
17          a citizen. That's -- I think it's -- I could go  
18          either way, if I don't get on the jury, that's fine  
19          if I do, that's fine too.

20          MR. PIROLO: Okay. You indicated earlier  
21          that -- is it your mom that lives in Illinois?

22                  JUROR NUMBER 196: Um-hmm.

23          MR. PIROLO: I guess you're from Illinois  
24          originally?

25                  JUROR NUMBER 196: Yes.

1 MR. PIROLO: A few years ago the governor in  
2 Illinois needed a lot of -- or all of death sentences  
3 to life without parole, do you remember hearing that?

4 JUROR NUMBER 196: I'm sorry, (unintelligible).

5 MR. PIROLO: Okay.

6 JUROR NUMBER 196: I'm taking care of my  
7 parents, I'm busy taking care of them, I don't pay  
8 attention to that.

9 MR. PIROLO: No one in your family talked about  
10 it or over the phone say hey, you know what the  
11 governor just did here?

12 JUROR NUMBER 196: No.

13 MR. PIROLO: Do you have any feelings toward  
14 that, I mean, now that you've sort of heard that, the  
15 governor of your state, or the State you grew up in I  
16 guess?

17 JUROR NUMBER 196: No, I don't have any  
18 feelings about it.

19 MR. PIROLO: Okay. Earlier on when we talked  
20 about your feelings where you indicated you felt that  
21 Mr. Bradley was the shooter, you also then said you  
22 could follow the Judge's instruction about being able  
23 to presume him innocent.

24 JUROR NUMBER 196: Right.

25 MR. PIROLO: With that being said, do we -- are

1 going to need to change your mind to show you that he  
2 is not guilty?

3 JUROR NUMBER 196: Well, I would have to see  
4 the evidence, I can't say that.

5 MR. PIROLO: Tell me what you mean by that, you  
6 have to see evidence. You have to see evidence from  
7 us, meaning do we the Defense have to --

8 JUROR NUMBER 196: From everybody I guess. I  
9 understand it's not going to be as much as the State  
10 would have to prove but I can't sit here and say  
11 right now. I mean...

12 MR. PIROLO: Well, the Judge will instruct you  
13 that the Defense has does not have to prove a thing  
14 or disprove anything. We can literally just sit here  
15 and do nothing. That's not going to happen, but we  
16 could just literally sit here and do nothing, say  
17 nothing. Are you going to be able to follow that  
18 instruction that the Defense never has to prove a  
19 thing or disprove anything or are you going to come  
20 in here saying okay, I have this feeling in my mind  
21 Mr. Bradley is the shooter, yeah, I'll presume him  
22 innocent, but if those Defense lawyers don't show me  
23 something, don't prove something to me, he's guilty,  
24 would that come into your thinking? Would that go on  
25 in your mind?



1 JUROR NUMBER 196: No.

2 MR. PIROLO: You would be able to as you sit  
3 here right now and presume Mr. Bradley to be  
4 innocent?

5 JUROR NUMBER 196: Um-hmm.

6 MR. PIROLO: Can you?

7 JUROR NUMBER 196: I think so, yes.

8 MR. PIROLO: You say -- we need you to be sure.

9 JUROR NUMBER 196: I'll say yes on that.

10 MR. PIROLO: And that's fine. We know some  
11 people say I think and it means, you know, yes, I'm  
12 definitely sure, but some people have that doubt and  
13 we need to make sure you don't have the doubt. Can  
14 you assure us that we you're not going to expect us  
15 to change your mind if we don't present evidence?  
16 What I'm getting at is does the State have a leg up  
17 on us before we even start the trial?

18 JUROR NUMBER 196: No.

19 MR. PIROLO: That's all I have.

20 THE COURT: Okay. Okay. Juror Number 196, I'm  
21 going to release you for today. You'll be free to go  
22 about your business. I need you to report back to  
23 the second phase of jury selection for tomorrow 8:30.  
24 You are still being considered as a juror in this  
25 case.

1           Now, during this recess you must continue to  
2           abide by your rules governing your service as a  
3           juror. Do not discuss this case with anyone else.  
4           You can tell them you're here for jury service, what  
5           hours you're going to be here, where you're at, don't  
6           talk about what case or the specifics of this case.  
7           Do not -- don't -- avoid reading newspaper or  
8           articles regarding this case. Avoid seeing  
9           television, radio, or Internet comments about the  
10          case, and do not conduct any research yourself.  
11          Okay. Any questions or concerns?

12           JUROR NUMBER 196: I don't think so.

13           THE COURT: Okay. Be here tomorrow at 8:30,  
14          report to the jury assembly room.

15           JUROR NUMBER 196: Okay.

16           THE COURT: Okay. Thank you.

17           JUROR NUMBER 196:

18           (Thereupon, Juror Number 196 exited the  
19          courtroom.)

20           THE COURT: Okay. I'm going to bring in 198.

21           (Thereupon, the proceedings were previously  
22          transcribed.)

23           THE COURT: Okay. We're going to go ahead and  
24          break for lunch. I have them coming back at 1:15 but  
25          I would normally give you an hour. Do you want an

1 hour or can we do forty-five minutes or if you want  
2 an hour I'll give you an hour.

3 MR. LANNING: Judge, an hour.

4 THE COURT: Okay. Then be back here at 1:45.  
5 The jury is supposed to be back at 1:15 but they  
6 can -- we'll have them wait in the jury, grand jury  
7 room and bring them up -- go ahead and bring them up  
8 about twenty minutes -- I mean, bring them up at like  
9 1:35 and then they'll be ready to go at 1:45.

10 THE COURT DEPUTY: Yes, ma'am.

11 THE COURT: Does that work?

12 MR. MOORE: Sure.

13 THE COURT: Okay. We'll be in recess until  
14 1:45.

15 (Thereupon, a lunch recess was taken in the  
16 proceedings. Thereafter, the defendant was escorted into  
17 the courtroom by the court deputy.)

18 THE COURT: Okay. Mr. Brown.

19 MR. BROWN: Judge, I just wanted to at least  
20 have the Court thinking, you may have already thought  
21 about this, contrary to yesterday, I think we're  
22 probably going to at least get to our fiftieth  
23 (unintelligible) which is good.

24 THE COURT: Fifty is you all's number. Fifty  
25 isn't necessarily my number, but that's okay.

1 MR. BROWN: Right. My concern is we have now  
2 nine for this afternoon and it may very well be that  
3 we're not going to get through all nine. I don't  
4 know what time the Court would need to let them know  
5 downstairs because I hate to bring in the fifty and  
6 have them sitting downstairs all morning to bring  
7 them in just to send them home to come back after  
8 lunch or something.

9 THE COURT: Well, we have forty-eight.

10 MR. BROWN: Right.

11 THE COURT: My intention at this time is not to  
12 request any jurors for tomorrow.

13 MR. BROWN: No, no, no, I'm not thinking but I  
14 thought we had the panel coming back tomorrow.

15 THE COURT: At 8:30.

16 MR. BROWN: Right. What I'm saying is I  
17 don't -- unless we get a lot of ones that we go  
18 through quickly today, I don't necessarily think  
19 we're going to get through the nine we have left this  
20 afternoon.

21 THE COURT: With all due respect, we can only  
22 hold fifty-three in the courtroom. We may get  
23 through the nine, we may not. So, what are we  
24 requesting?

25 MR. BROWN: Well, I just wanted to let the

1 Court at least be thinking, I don't know what time  
2 you need to call downstairs and perhaps delay those  
3 ones coming in in the morning.

4 THE COURT: They've already called in.  
5 Everyone is all set for 8:30 tomorrow morning. They  
6 were told to call in between 9:00 and 11:00 and those  
7 who didn't call in have been called.

8 MR. BROWN: Okay.

9 THE COURT: So. It's not necessarily nine in  
10 three hours, if we get the first five, we're done,  
11 because we can only -- the courtroom only holds  
12 fifty-three. So, if we get the first five, we're  
13 done. If we don't, you know, we're just going to  
14 have to go through the process. I already know at  
15 least one juror that may have a doctor's excuse. We  
16 have to see what the doctor's excuse is. That will  
17 go through faster. So, we're going to do the best we  
18 can. With all due respect, it's taken a long time, I  
19 need -- my job is to keep the case moving, we're  
20 going to keep the case moving. So, I'm hoping to  
21 get, you know, jury either be ready to start the case  
22 on Monday or Tuesday, that's my goal. Depending on  
23 how far we get tomorrow, I'm not going to limit, you  
24 know, your questioning of the second panel. So, if  
25 it takes Monday and Tuesday, I'm willing to do that.

1 MR. MCMASTER: Judge, I know the Court reserved  
2 ruling on several of the items on the motion in  
3 limine that the Defense filed and I didn't know if it  
4 was the Court's intention, because you indicated in  
5 the order you wanted to proffer testimony. Did you  
6 want that proffer to be live testimony proffer or do  
7 you want the deposition transcripts and report  
8 summaries of their testimony be submitted to the  
9 Court.

10 MR. MOORE: I'm trying to remember which --

11 MR. MCMASTER: It's Dieguez, stuff from Miss  
12 Kerschner, the statements by Amanda Ozburn.

13 MR. MOORE: I would ask for live.

14 THE COURT: Yeah, I was assuming that before  
15 they testified we'd have them come in and do a  
16 proffer. That was my assumption.

17 MR. MCMASTER: I'm just thinking along the  
18 lines of what I'm going to be able to say in opening  
19 statements if the Court's reserving until they  
20 appear.

21 THE COURT: I mean, if you want to proffer them  
22 before opening statements, you could do that. I  
23 think it would have to be live proffer. I mean, what  
24 they say one time you would hope would be the same  
25 but not necessarily.

1 MR. MCMASTER: I understand. Does the Court  
2 have any time in mind to do that?

3 THE COURT: Is it -- do you want to do it  
4 before opening statements?

5 MR. MCMASTER: I would prefer, certainly, to do  
6 it before opening statements so that we have --

7 THE COURT: And how much proffers -- you know,  
8 with all due respect, you're kind of switching gears  
9 on me and I don't have an independent -- I know that  
10 I reserved ruling on some of the motions to dismiss.  
11 I can't call them out just like that. So, you appear  
12 to know which ones. So, how long -- it would be how  
13 many and how long?

14 MR. MCMASTER: I believe four different  
15 witnesses if I recall correctly. Robert Marks,  
16 Andria Kerschner.

17 MR. MOORE: Dieguez.

18 MR. MCMASTER: Jeffrey Dieguez.

19 MR. MOORE: Ozburn.

20 MR. MCMASTER: Amanda Ozburn.

21 THE COURT: Okay. So, it would be four  
22 witnesses to proffer and how long do you think it  
23 would take?

24 MR. MCMASTER: Probably ten or fifteen minutes  
25 per witness at least.

1 THE COURT: Maybe we could start the trial a  
2 little -- let's say -- you said -- how many did  
3 you -- how long did you say?

4 MR. MCMASTER: Four.

5 THE COURT: There's four and you said how long?

6 MR. MCMASTER: Fifteen to twenty minutes a  
7 piece. I mean, the motion in limine was pretty  
8 general, I mean, maybe two or three specific  
9 statements that they talked about but then they said  
10 anything along those lines. So, I wasn't quite sure  
11 what they were referring to in the motion in limine.

12 THE COURT: So -- I mean, that's -- do you  
13 think it would take more than an hour and a half?

14 MR. MCMASTER: I would hope not.

15 THE COURT: Mr. Moore, to proffer the four  
16 witnesses.

17 MR. MOORE: I think an hour and a half is as  
18 good an estimate as I could come up with.

19 THE COURT: Okay. I'll know that we'll need to  
20 do that before opening statements and let's start --  
21 see where we're at with regard to this and then  
22 I'll -- we'll do that before opening statements. So,  
23 we'll just start those -- we'll start the trial  
24 later.

25 MR. MCMASTER: Yes, ma'am.



1 THE COURT: And that will give me an  
2 opportunity -- I need to review the motion again.  
3 With all due respect, I remember that but I don't --  
4 I'll need to review it.

5 MR. MCMASTER: I have a copy here.

6 THE COURT: I'm good, I have a copy.

7 MR. LANNING: Judge, it may be that, you know,  
8 it may be that the Court may need to hear the  
9 testimony leading up to --

10 THE COURT: You know, with all due respect, I  
11 really have to review. You're switching gears on me,  
12 I can't do that that quickly without --

13 MR. MOORE: I don't have any of those  
14 materials, I don't want to get into it now.

15 THE COURT: No, I can't do it either. Let me  
16 look at that. I'll look at it tonight and we'll talk  
17 about it more.

18 MR. MCMASTER: That's fine.

19 THE COURT: Okay.

20 MR. MOORE: Judge, my notes reflect regarding  
21 210, Number 210, that this person is checking on  
22 hardship. I think it had to be with the project with  
23 (unintelligible). So, maybe we can take that one if  
24 that's going to be an issue with him and get him out  
25 of here.

1 THE COURT: You know what, I'm going to go in  
2 order because if I get five bang, bang, bang, I don't  
3 even get to 110. Okay. So, let's bring in -- I know  
4 203, was there an issue about 203 with regard to  
5 living in Sebastian?

6 MR. PIROLO: Yes.

7 THE COURT: Did we clear that up or do I need  
8 to ask that?

9 MR. MCMASTER: Judge, I Googled the address,  
10 lives in -- he actually lives in Micco, he's got a  
11 Sebastian mailing address. He does live on the north  
12 side of the Sebastian river.

13 THE COURT: So, what does that mean?

14 MR. MCMASTER: That should be Brevard County.

15 MR. MOORE: We need to ask when he comes in.

16 THE COURT: Okay. I'll ask him. All right.  
17 Let's bring in 203.

18 (Thereupon, Juror Number 203 was escorted into  
19 the courtroom by the court deputy and the proceedings were  
20 had as follows:)

21 THE COURT: Okay. Good afternoon Juror -- good  
22 afternoon Juror 203. I apologize for not getting to  
23 you before lunch and making you come back. We're  
24 doing the best we can to get through this process.  
25 So, thank you for being here. Thank you for your

1           patience. I need to ask you about your address.

2                   JUROR NUMBER 203: Okay.

3           THE COURT: Your address, do you reside in -- I  
4           don't want to put your address on the record so I'm  
5           not saying your address, but do you reside in Brevard  
6           County?

7                   JUROR NUMBER 203: Yes.

8           THE COURT: Okay.

9           JUROR NUMBER 203: Right on the line. Barefoot  
10          Bay/Micco area is right on the line but we get our  
11          mail out of Sebastian, Indian River County.

12          THE COURT: That's what we noticed is that your  
13          mailing address is not Brevard County.

14          JUROR NUMBER 203: Yes.

15          THE COURT: But you live -- you actually live  
16          in Brevard County?

17          JUROR NUMBER 203: Yes, I live in Micco, yes.

18          THE COURT: Okay. Do we need any further  
19          confirmation of that? Do you want me to have him  
20          come to the bench and put his address on the record?

21          MR. MOORE: I think we're okay.

22          THE COURT: Okay. We just wanted to make sure.  
23          Because we do have an address for you, we just don't  
24          mention it because we don't want it to part of the  
25          record for privacy purposes and things of that nature

1 but we're good to go.

2 JUROR NUMBER 203: Okay.

3 THE COURT: Okay. When I talked to you last  
4 week I talked about some rules that govern your  
5 service as a juror. Those rules started at that  
6 time. So, I'm going to ask you about that. Have you  
7 seen -- I mean have you read or been exposed to  
8 reading any newspaper headlines and/or articles  
9 relating to this trial or its participants? And  
10 that's since those rules came into effect.

11 JUROR NUMBER 203: No, ma'am.

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

14 JUROR NUMBER 203: No, ma'am.

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

18 JUROR NUMBER 203: No, ma'am.

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 203: No, ma'am.

23 THE COURT: Okay. This afternoon I'm going to  
24 ask you some questions and the State may have an  
25 opportunity to question you, the Defense may have an

1 opportunity to question you. There are no right or  
2 wrong answers, all we ask you to do is to be honest,  
3 frank, provide full disclosure. Sometimes people  
4 say -- if there's something you think that we may  
5 need to know, let us know. If -- some people say  
6 Judge, can I say that? I assure you you can say it.  
7 This is the only opportunity that you have to talk to  
8 us and that the attorneys have to talk to you. After  
9 that, you know, it will be -- you will be sitting in  
10 the box and if you have to communicate something it  
11 would be more of logistically communicating and that  
12 would be through the court deputies. We can't have  
13 an open dialogue.

14 JUROR NUMBER 203: I understand.

15 THE COURT: So, it's important that we get the  
16 information that you think we need to know. If a  
17 question's asked of you and it solicits a yes or no  
18 response, sometimes you can't answer yes or no. If  
19 you can answer yes or no, do that, but if you can't,  
20 I don't know is a recognized response too. We may be  
21 asking you some question that you never thought of  
22 before. These are issues that some people have never  
23 thought of before. So, I'm going to ask you about  
24 your prior knowledge of the case and then we're going  
25 to talk about the death penalty. So, the first

1 question is pretty easy. Do you know anything from  
2 this case either from your own personal knowledge,  
3 rumor, by discussions with anyone else, or from the  
4 media, including radio, television, Internet,  
5 electronic device, or newspapers?

6 JUROR NUMBER 203: Yes, I do.

7 THE COURT: So, you do know something about the  
8 case?

9 JUROR NUMBER 203: Yes, ma'am.

10 THE COURT: Tell me what information you  
11 believe you know and be specific if you can.

12 JUROR NUMBER 203: I've seen on the local news  
13 over the last year several newscasts about this case.

14 THE COURT: Okay.

15 JUROR NUMBER 203: Yes.

16 THE COURT: So, you say it would normally be --  
17 the information that would acquire would be by  
18 watching it on the news?

19 JUROR NUMBER 203: Yes.

20 THE COURT: What channel do you normally watch?

21 JUROR NUMBER 203: I watch 2 and 9, usually I  
22 watch 2 from 5:30 to 6:00 and 9 from 6:00 to 6:30.

23 THE COURT: Okay. So, is it fair to say that  
24 you -- when you're watching TV that you sit down and  
25 you watch it from those times to those times?

1 JUROR NUMBER 203: Yes, ma'am.

2 THE COURT: Okay. Because some people say it's  
3 on, Judge, but I'm doing other things.

4 JUROR NUMBER 203: No, I watch the news.

5 THE COURT: Okay. And how often a week would  
6 you do that?

7 JUROR NUMBER 203: Every day almost.

8 THE COURT: So, that's your daily -- that would  
9 be a normal routine?

10 JUROR NUMBER 203: Yes, that's how I get my  
11 news, I don't read the paper, I don't read magazines.

12 THE COURT: Don't do internet?

13 JUROR NUMBER 203: No.

14 THE COURT: Okay. So, if anything came on 2 or  
15 I think you said 6?

16 JUROR NUMBER 203: 9.

17 THE COURT: Or 2 or 9.

18 JUROR NUMBER 203: Yes.

19 THE COURT: You would have most likely have  
20 seen it?

21 JUROR NUMBER 203: Yes.

22 THE COURT: Is that a fair statement?

23 JUROR NUMBER 203: Yes.

24 THE COURT: So, tell me the information -- I  
25 mean, you know that a deputy sheriff was shot?

1 JUROR NUMBER 203: Yes, ma'am.

2 THE COURT: Tell me what you know before that,  
3 tell me what you know after that.

4 JUROR NUMBER 203: I don't remember all ever  
5 detail of the case. Like I say (unintelligible).  
6 So, they all kind of jumble together whether it's a  
7 shooting or whatever but I just remember the deputy  
8 sheriff that got killed, Barbara Pill.

9 THE COURT: Okay.

10 JUROR NUMBER 203: I don't remember detail  
11 every detail and circumstances leading up to that  
12 point, I just recall seeing that on the news.

13 THE COURT: Okay. What about after that?

14 JUROR NUMBER 203: Like I said, it's been on  
15 several times over the last year. So, you know, what  
16 exactly was broadcasted at the time I don't recall  
17 every detail of it but I do recall seeing it  
18 approximately three times over a year on different  
19 news media.

20 THE COURT: Okay. Did you ever see a picture  
21 of Mr. Bradley on the news?

22 JUROR NUMBER 203: Yes.

23 THE COURT: Did you -- were you aware that  
24 there was a codefendant?

25 JUROR NUMBER 203: Yes, I think he did have a



1 codefendant, a person with him.

2 THE COURT: Okay. What do you know about that?

3 JUROR NUMBER 203: The only part that I  
4 remember of it is that there was one, exactly what  
5 part, whether she was a female or not, I think she  
6 was, but I don't recall what part in that she played.

7 THE COURT: Okay. Do you know anything about  
8 what may have -- may or may not have happened in her  
9 case?

10 JUROR NUMBER 203: In her case?

11 THE COURT: Yes.

12 JUROR NUMBER 203: No, I do not.

13 THE COURT: What about jury selection, did you  
14 hear things about jury selection?

15 JUROR NUMBER 203: The only part that I caught  
16 on the news is that they were having difficulty  
17 seating jurors.

18 THE COURT: Okay. For purposes of being  
19 here -- well, I'll ask you this first. Well. For  
20 purposes of being here, can you set aside anything  
21 that you may have learned about this case, serve with  
22 an open mind and reach a verdict based only on the  
23 law and the evidence presented in this trial in this  
24 courtroom?

25 JUROR NUMBER 203: Sure.

1 THE COURT: Okay. So, let's say you're back in  
2 the jury deliberation room, you've heard all evidence  
3 in this case and you're back deciding the verdict and  
4 all of a sudden you go, whoa, I remember something  
5 from before but I never heard it in this courtroom,  
6 no one ever -- it was never introduced as evidence in  
7 the courtroom, can you set aside what you may have  
8 learned before?

9 JUROR NUMBER 203: Yes.

10 THE COURT: And only judge this case based on  
11 the evidence that you learn in this courtroom?

12 JUROR NUMBER 203: Yes.

13 THE COURT: Okay. Now, when you heard these  
14 different news stories, did it -- did you have any  
15 type of emotional response to it?

16 JUROR NUMBER 203: No, the only emotional  
17 response is you hate to hear of anybody dying,  
18 period, and law enforcement seems to be a little, I  
19 don't know what you call it, severe or brought to my  
20 attention more.

21 THE COURT: Okay. Did it make you upset,  
22 angry, things of that nature?

23 JUROR NUMBER 203: Not really.

24 THE COURT: Okay.

25 JUROR NUMBER 203: A death is a death to me.

1 THE COURT: Okay. In this case the State has  
2 the burden of proof, and you would learn more about  
3 this indicate later. The State has the burden of  
4 proof. They have to prove each element of each count  
5 beyond and to the exclusion of every reasonable  
6 doubt. They know that that there's their burden of  
7 proof, that's in every criminal case. The Defense  
8 does not have to prove anything. They -- they do not  
9 have to prove anything and as you sit here today  
10 because the State hasn't presented any evidence, the  
11 defendant has to be considered by you to be not  
12 guilty.

13 JUROR NUMBER 203: Yes.

14 THE COURT: In fact, the defendant is given the  
15 presumption of innocence.

16 JUROR NUMBER 203: Yes.

17 THE COURT: So, at this time the defendant is  
18 innocent.

19 JUROR NUMBER 203: Yes.

20 THE COURT: Are you able to look at the  
21 defendant and say the defendant is innocent as I sit  
22 here and I'm going to hold the State to their burden  
23 and make them prove the case?

24 JUROR NUMBER 203: Yes.

25 THE COURT: Any reservations about that?

1 JUROR NUMBER 203: No.

2 THE COURT: Based on what you've heard, any  
3 reservations about that?

4 JUROR NUMBER 203: No.

5 THE COURT: Okay. I'm going to switch gears on  
6 you. I'm going to ask this very generally. What are  
7 your views about the death penalty?

8 JUROR NUMBER 203: I'm a supporter of the death  
9 penalty.

10 THE COURT: Okay. In this case in the first  
11 part of the case, we call it the guilt phase, in the  
12 event the jury returns a verdict of guilty on Count  
13 I, and it only pertains to Count I, Count I is the  
14 first degree murder charge, if there is a verdict of  
15 guilty on Count I, then we move into the second phase  
16 of the trial. The second phase is called the penalty  
17 face. In the penalty phase if you remember from the  
18 other day you receive evidence of aggravating  
19 circumstances, evidence of mitigating circumstances  
20 and you go through this weighing process and then in  
21 the end I instruct you to make a recommendation to me  
22 of a penalty of either death or life in prison  
23 without the possibility of parole. Are you able to  
24 consider both possible penalties in your decision  
25 making process?

1 JUROR NUMBER 203: Sure.

2 THE COURT: Okay. Let me tell you that no one  
3 today is going to say Juror 203, what would you do in  
4 this case. No one is going to ask you to do that  
5 because you haven't heard anything and that's why we  
6 go through this process, but what they are going to  
7 ask you is based on your believes and based on your  
8 background, can you consider things. Okay. So, I'm  
9 going to ask you, are you of the opinion that death  
10 is the only appropriate penalty for murder in the  
11 first degree and is that opinion so strong that you  
12 would not consider life in prison without the  
13 possibility of parole as a penalty under any  
14 circumstances?

15 JUROR NUMBER 203: No, I could consider both.

16 THE COURT: So, let me ask you -- I'm going to  
17 break that down. Are you of the opinion that death  
18 is the only appropriate penalty for murder in the  
19 first degree?

20 JUROR NUMBER 203: I prefer that, yes, I would  
21 rather swing that way, yes.

22 MR. MOORE: What was the second part of that?  
23 You prefer that and I didn't hear the second part.

24 THE COURT: I'd rather swing that way, yes.  
25 So, based on your prior beliefs you would lean

1 towards, that is that a fair statement?

2 JUROR NUMBER 203: Yes, I've always been an  
3 advocate of the death penalty, yes.

4 THE COURT: So, what we ask you to do -- and  
5 there's nothing wrong with that. Like I said,  
6 there's no right or wrong answers. What we ask you  
7 to do in this case is to listen to the aggravating  
8 circumstances, listen to the mitigating  
9 circumstances. Aggravating circumstances make things  
10 worse, mitigating circumstances make things less.  
11 Okay. And you kind of heard more about that the  
12 other day and the State and the Defense will talk to  
13 you more about that.

14 JUROR NUMBER 203: Okay.

15 THE COURT: Can you listen to the aggravating  
16 circumstances and the mitigating circumstances and  
17 consider both possible penalties?

18 JUROR NUMBER 203: Yes.

19 THE COURT: Okay. Now, you -- the jurors have  
20 the ultimate decision of what they would do. What we  
21 ask you to do is to be open minded enough to  
22 consider, to go through this weighing process and  
23 consider both possible penalties.

24 JUROR NUMBER 203: Yes.

25 THE COURT: You say that you can do that?

1 JUROR NUMBER 203: Yes.

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

4 MR. BROWN: Your Honor, may we approach  
5 briefly?

6 THE COURT: Yes, you may.

7 (Thereupon, a benchside conference was had out  
8 of the hearing of Juror Number 203 as follows:)

9 MR. MCMASTER: Judge, during lunch break one of  
10 the court deputies told me that he (unintelligible)  
11 conversation with the other jurors and 203 indicated  
12 that he knew Deputy James Troup from air boating way  
13 back then. I know that the name was read and he is  
14 one of our witnesses in this case. I know his name  
15 was read and I don't believe Juror Number 203  
16 (unintelligible). So, I'd ask the Court to inquire.

17 THE COURT: What was it, Agent Troup?

18 MR. MCMASTER: It's Deputy James Troup.

19 THE COURT: Deputy James Troup. Okay.

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

22 THE COURT: Okay. Juror Number 203, apparently  
23 there was a conversation with one of the court  
24 deputies at some time today about you knowing Deputy  
25 James Troup.

1 JUROR NUMBER 203: I use to airboat with a  
2 friend of mine that knew him very well and I was  
3 asking about an injury that he had received years ago  
4 because I thought that he might know about that and  
5 his answer was he don't remember that ever happening  
6 in his twenty years of law enforcement. So, I was  
7 just concerned. I did know Troup from my air boating  
8 days in the marsh with friends of mine.

9 THE COURT: Okay. Deputy Troup is listed as a  
10 witness in this case.

11 JUROR NUMBER 203: Oh, really? I don't know  
12 him personally, no.

13 THE COURT: I don't know if you heard that the  
14 other day.

15 JUROR NUMBER 203: No, I didn't.

16 THE COURT: There was a bunch of witnesses  
17 names.

18 JUROR NUMBER 203: I do remember that but I do  
19 not remember his name. Like I said, I only met him  
20 out on the ditch banks and while he was patrolling  
21 the marshes while we were hunting and stuff.

22 THE COURT: And how long ago would that have  
23 been?

24 JUROR NUMBER 203: About ten years ago I told  
25 this deputy and he said in his twenty years he had



1 not heard of him being injured.

2 THE COURT: Okay. My question is that it  
3 appears that Deputy Troup, there's a likelihood that  
4 he's going to be a witness in this case. So, if you  
5 were a juror you would be sitting there and he would  
6 be sitting here, we ask you as part of your  
7 instructions as a juror, I give you some instructions  
8 about how to weigh the credibility of witnesses.  
9 Now, once you go through the weighing process, apply  
10 these rules to a witness testifying you can determine  
11 how much weight to give that witness's testimony, how  
12 much credibility to give it and how much weight to  
13 give it.

14 JUROR NUMBER 203: Yes.

15 THE COURT: And I give you a little instruction  
16 of how to apply some rules. I tell you about some  
17 questions to ask in your mind about witnesses and  
18 apply those and then determine what weight you want  
19 to give a witness. I even tell you you can give the  
20 witness great weight, little weight or no weight at  
21 all, it's up to you.

22 JUROR NUMBER 203: Right.

23 THE COURT: But then the next thing I tell you  
24 is about law enforcement witnesses, I tell that you  
25 have to weigh their credibility and apply the same

1 rules to law enforcement witnesses, any witnesses in  
2 a profession as you do to any other witness.

3 JUROR NUMBER 203: Right.

4 THE COURT: Once you hear their testimony, you  
5 can determine, once again, what weight to give them,  
6 to give it but -- and I say this, you can't give a  
7 law enforcement extra credit just because of their  
8 profession.

9 JUROR NUMBER 203: Yes.

10 THE COURT: You can't give them like a leg up  
11 just because of their profession. Everyone has to  
12 come in on equal footing, then you hear the testimony  
13 and you apply those rules and then you can give it  
14 whatever weight you want. So, do you think you would  
15 give Deputy Troup, you would give him extra credit or  
16 weigh his testimony differently from other witnesses?

17 JUROR NUMBER 203: No, I do not.

18 THE COURT: Okay. So, you would not, you would  
19 not apply any different rules to his testimony as you  
20 would any other testimony including a lay person's?

21 JUROR NUMBER 203: No, I would not.

22 THE COURT: Okay. Would it be uncomfortable  
23 for you if he was a witness in this case and you were  
24 in the jury?

25 JUROR NUMBER 203: No, it would not.

1 THE COURT: Any concerns about that?

2 JUROR NUMBER 203: No.

3 THE COURT: Okay. Okay. Thank you then.

4 Mr. Brown.

5 MR. BROWN: Yes. Thank you, Your Honor.

6 THE COURT: Thank you.

7 MR. BROWN: Juror Number 203, good afternoon.

8 JUROR NUMBER 203: Good afternoon.

9 MR. BROWN: Let me cover first briefly the  
10 information that you saw on TV over the last couple  
11 of years I guess. When you were watching it, were  
12 you paying strong attention to it focusing on the  
13 details, anything like that?

14 JUROR NUMBER 203: I don't really focus on any  
15 of it because like I said, it all runs together when  
16 they go through every county and every newscast  
17 that's on the set. I do pick out some details of it,  
18 the main detail I picked out of this case was that it  
19 was a deputy sheriff that was injured. All the  
20 details of how it came about, I don't recall all of  
21 those details.

22 MR. BROWN: Okay. And would you agree that  
23 sometimes the news they may not -- while they're  
24 broadcasting may not have the complete full story?

25 JUROR NUMBER 203: Sure.

1 MR. BROWN: And sometimes they, despite their  
2 best efforts, may not always be accurate and they get  
3 some factors wrong.

4 JUROR NUMBER 203: Absolutely, yes.

5 MR. BROWN: And that's kind of why we go over  
6 what you may have heard and also your ability to  
7 simply set that aside.

8 JUROR NUMBER 203: Um-hmm.

9 MR. BROWN: And you realize that you're going  
10 to have to base your verdict just on the facts and  
11 evidence that you hear in the courtroom?

12 JUROR NUMBER 203: Yes.

13 MR. BROWN: And that's the correct way to do  
14 it, right?

15 JUROR NUMBER 203: Yes.

16 MR. BROWN: So, any question about your ability  
17 to simply put aside everything that you heard and  
18 base your verdict here?

19 JUROR NUMBER 203: I don't have any problem  
20 with that.

21 MR. BROWN: And likewise, you indicated you saw  
22 the defendant's picture on TV.

23 JUROR NUMBER 203: Yes.

24 MR. BROWN: And you realize, of course, it's  
25 our burden of proof in this case?

1 JUROR NUMBER 203: Yes.

2 MR. BROWN: We have to prove to you who did it  
3 and what they did.

4 JUROR NUMBER 203: Yes.

5 MR. BROWN: And, you know, defendant starts  
6 with a presumption of innocence.

7 JUROR NUMBER 203: Yes.

8 MR. BROWN: And if we failed to prove it, you  
9 find him not guilty, right?

10 JUROR NUMBER 203: Yes.

11 MR. BROWN: Okay. Next I want to talk about is  
12 the death penalty itself.

13 JUROR NUMBER 203: Okay.

14 MR. BROWN: And what I'd like to go through  
15 with you, sir, is step by step the process that you  
16 have to go through as a juror to be able to make a  
17 recommendation to the Court. And some of what I'm  
18 going to cover the Court covered with you back on  
19 Tuesday and a little bit of it here this afternoon  
20 but I want -- I know she gave you an awful lot of  
21 information on Tuesday in a condensed period of time.

22 JUROR NUMBER 203: Yes.

23 MR. BROWN: So, I just want to take it step by  
24 step to make sure you understand the process and try  
25 to answer any questions or concerns that you may

1 have. First thing is as she told you, death penalty  
2 is only a consideration if the jury comes back with a  
3 verdict of guilty of first degree murder. Jury comes  
4 back with second degree murder or some other lesser  
5 charge, death penalty is off the table and sentencing  
6 is entirely up to the Court.

7 JUROR NUMBER 203: Okay.

8 MR. BROWN: So, it only applies as a possible  
9 penalty for first degree murder.

10 JUROR NUMBER 203: Okay.

11 MR. BROWN: Now, first degree murder, the State  
12 has two ways to prove it. First way, first way is  
13 what's known as premeditated murder. The second way  
14 is what's known as felony murder and what felony  
15 murder is is a murder that's committed during the  
16 commission of specific felonies. Either one results  
17 in a first degree murder conviction. We may prove it  
18 through one method, one theory, the other theory or  
19 we may end up proving both theories but we don't have  
20 to prove both, it's just one. Either one leads you  
21 to -- we prove it to a result of guilty of first  
22 degree murder and if the jury comes back with a first  
23 degree murder conviction, we would reconvene, you  
24 would hear additional evidence, the Court would give  
25 you a new set of instructions and then you would go

1 back and deliberate and come up with a sentencing  
2 recommendation.

3 Now, to start with, as the Court's told you  
4 that there is no automatic death penalty for first  
5 degree murder in Florida. You accept that?

6 JUROR NUMBER 203: Yes.

7 MR. BROWN: And it doesn't matter how  
8 horrendous you can imagine a murder or murders could  
9 be, it could be a serial murder, serial murder of  
10 children, it's not automatic, it has to go through  
11 the process. There is no automatic this type of  
12 murder is death penalty. You accept that?

13 JUROR NUMBER 203: Yes.

14 MR. BROWN: In her instructions what she's  
15 going to tell you is that the first thing to look at  
16 are what's called aggravating circumstances, and she  
17 gave you on Tuesday the definition of that at this  
18 point and it's a statutory list of circumstances that  
19 may increase the gravity of the crime or the harm to  
20 the victim and it is those circumstances and only  
21 those circumstances that she's going to -- in that  
22 list she will give you that you can look to to  
23 justify the death penalty.

24 JUROR NUMBER 203: Okay.

25 MR. BROWN: And we have to prove those

1           aggravating circumstances, the State does, beyond and  
2           to the exclusion of every reasonable doubt, just like  
3           we have to prove -- same standard to prove guilt, we  
4           have to prove those aggravating circumstances. So,  
5           if you look at the list she's going to give you, and  
6           I expect it's going to be more than one, three, four,  
7           five, maybe six, she gives you that list, you go  
8           through those and you find that the State has not  
9           proven any of those, then your verdict, your  
10          recommendation must be life imprisonment because you  
11          will have found that there was no aggravation to this  
12          first degree murder.

13                    JUROR NUMBER 203: Okay.

14                    MR. BROWN: The only way to consider the death  
15          penalty is if the State of Florida has proven at  
16          least one. We may prove more than one, may prove  
17          every one on that list that she gives you, but the  
18          State of Florida has to prove at least one of those  
19          to consider recommending the death penalty. So, what  
20          you do is you look at the ones that the State of  
21          Florida has proven and then ask yourself this  
22          aggravating circumstance or those aggravating  
23          circumstances have been proven, more than one, do  
24          these when you put the together justify the death  
25          penalty and if your answer is no, then again since



1 you don't find any justification, you would have to  
2 recommend life.

3 JUROR NUMBER 203: Okay.

4 MR. BROWN: If you find that those aggravating  
5 circumstances do justify the death penalty, then you  
6 move to the next step in the process, that's when you  
7 consider what are called mitigating circumstances.  
8 And if you recall the Court from Tuesday, mitigating  
9 circumstances are circumstances basically from the  
10 defendant, his life, background, character, things  
11 about him, and as aggravating circumstances suggests  
12 penalty of death may be appropriate, mitigating  
13 circumstances are circumstances which may suggest to  
14 you or to another juror that a penalty of life would  
15 be appropriate.

16 So, there's a burden of proof for those, it's  
17 lower than the aggravating circumstances, it's to the  
18 greater weight of the evidence. It is a burden but  
19 it's lower than what the State has. And obviously  
20 you look at those and if you find something is not  
21 proven, you disregard it, but everything that's  
22 proven you have to go through what the Judge will  
23 tell you is a weighing process, weighing those  
24 aggravators versus those mitigators.

25 Now, during your lifetime have you had to make

1 some key, critical and important decisions?

2 JUROR NUMBER 203: Yes.

3 MR. BROWN: And when you made those decisions,  
4 did you try to look at all the factors involved?

5 JUROR NUMBER 203: Yes.

6 MR. BROWN: And some of the factors you looked  
7 at and said this is pretty darn important to this  
8 decision and you gave that factor great weight,  
9 right?

10 JUROR NUMBER 203: Yes.

11 MR. BROWN: Other factors you looked at and you  
12 considered them, looked at them and said, you know,  
13 this really isn't that important to my decision, I'm  
14 going to give it little weight.

15 JUROR NUMBER 203: Yes.

16 MR. BROWN: Right?

17 JUROR NUMBER 203: Yes.

18 MR. BROWN: What she's going to tell you is you  
19 go through the same process here. Everything that's  
20 been proven, you have to consider it as far as the  
21 aggravators and the mitigators, then you go through  
22 and you weigh those, weigh them against each other.  
23 Now, the Judge isn't going to tell you how much  
24 weight you should give to something. She's not going  
25 to tell you aggravator one gets this amount of weight

1 or mitigator one gets this amount of weight and it's  
2 not a, you know, okay, there's eight mitigators, four  
3 aggravators therefore the mitigators weigh, it's how  
4 much each one gets and combined. So, there's no  
5 magic number and there's no magic formula to  
6 determining the weight, that's something you as a  
7 juror has to decide and you decide it individually.  
8 You go back and talk to everybody, discuss what was  
9 proven, what wasn't proven, how much weight you think  
10 you should give to each one, but ultimately it's a  
11 decision you have to make. And the reason why you  
12 have to make it individually is for the guilt phase  
13 the verdict has to be unanimous, whether he's guilty  
14 or not guilty, guilty of what crimes. For the  
15 penalty phase the recommendation does not have to be  
16 unanimous. So, now if it comes back and it's a 6/6  
17 tie or a majority for life, it's simply reported as a  
18 life recommendation. If it comes back with a  
19 majority recommending the death penalty, what comes  
20 back to us, and you'll ultimately see it on the  
21 verdict form, is death is recommended by a vote of.  
22 Obviously, if it's 12/0, we know how everybody voted  
23 if it's less than that, we don't know who voted for  
24 what, we just know what the numbers are, if it's  
25 11/1, 10/2 down to 7/5. It doesn't report who voted

1 for what, just this is the breakdown.

2 JUROR NUMBER 203: Okay.

3 MR. BROWN: And that's why it's an individual  
4 juror's decision and vote because when you go back  
5 and discuss things each one ultimately votes and it's  
6 that's vote and there's no requirement of being  
7 unanimous.

8 So, you go through that weighing process and as  
9 I told you, the Court doesn't tell you how much  
10 weight to give things, doesn't even give you advice  
11 as to how to decide how much weight. All she's going  
12 to tell you is you have to weigh the aggravators  
13 versus the mitigators and when you go through that  
14 weighing she's going to tell if the mitigation  
15 outweighs the aggravation, then your recommendation  
16 has to be for life because the mitigation has now  
17 outweighed the aggravation. Make sense?

18 JUROR NUMBER 203: Yes.

19 MR. BROWN: Likewise, if the mitigation does  
20 not outweigh the aggravation, then you're in a  
21 position where you're legally justified in  
22 recommending the death sentence to the Court.

23 JUROR NUMBER 203: Okay.

24 MR. BROWN: But she's going to tell if the  
25 State proved, or what she will not tell you if the

1 State proves A, B, C and D that you must recommend  
2 the death penalty. In fact, what she's going to tell  
3 you is that you are never required to recommend the  
4 death penalty. So, what happens is, what you are  
5 required to do is consider everything and go through  
6 that weighing process and if after going through that  
7 weighing process if you feel that the mitigation does  
8 not outweigh the aggravation, the aggravators come  
9 out on top, and after weighing you feel that the  
10 death penalty based on that aggravation is still  
11 justified after you've done the weighing process,  
12 then you can recommend the death penalty. Okay.  
13 Still not required, but that's how you can get to the  
14 point where you can legally recommend it.

15 Now, with that, as she mentioned, I'm not going  
16 to ask you and it wouldn't be fair of me to ask you  
17 how much weight or how much weight you might give to  
18 this aggravator or how much weight you may give to  
19 this mitigation because at this point you don't know,  
20 right?

21 JUROR NUMBER 203: Right.

22 MR. BROWN: You haven't heard the evidence and  
23 until you get back and start weighing them against  
24 each other you don't know how much weight you're  
25 going to give.

1 JUROR NUMBER 203: Right.

2 MR. BROWN: It just would be all pure  
3 speculation at this point, but the key is that you're  
4 going to be open to consider it. Okay. And she'll  
5 give you that list of aggravators, that you're open  
6 to consider the list of aggravators that she gives  
7 you, that you're not coming in with an idea of well,  
8 I'd only listen if the State had this particular  
9 aggravator or this other one, the rest of them I  
10 wouldn't consider, I don't care about them, you have  
11 to be able to consider that list of aggravators she  
12 gives you.

13 JUROR NUMBER 203: Okay.

14 MR. BROWN: You open to do that?

15 JUROR NUMBER 203: Yes.

16 MR. BROWN: Likewise on the mitigation, you  
17 have to be open to the mitigation evidence that you  
18 would be presented to consider, and as she said, it  
19 could be anything concerning the defendant, his  
20 background, what's happened to him.

21 JUROR NUMBER 203: Okay.

22 MR. BROWN: Nobody -- it wouldn't be fair to  
23 ask you and nobody will be asking you how much weight  
24 you would give to an aggravator or a mitigator.

25 JUROR NUMBER 203: Okay.

1 MR. BROWN: Just whether you could consider it.  
2 You may in your mind say I can consider that, I may  
3 not give it a whole lot of weight that particular  
4 aggravator or that particular mitigator, but that's a  
5 decision of the weight you have to make down the  
6 line, at this point it's I'll consider it. Okay?

7 JUROR NUMBER 203: Okay.

8 MR. BROWN: And you determine the weight.  
9 There is no appropriate weight and they prove it to  
10 you or we may prove to you an aggravator and you're  
11 going to give it little weight, but you have to at  
12 least be open to consider it and decide how much  
13 weight, not just say I'm not going to listen to any  
14 of that type of stuff.

15 JUROR NUMBER 203: Okay.

16 MR. BROWN: Make sense?

17 JUROR NUMBER 203: Yes.

18 MR. BROWN: It's kind of same thing in the  
19 guilt phase is that the evidence that's been proven  
20 you have to go back and consider, it's no different  
21 when we get to the penalty phase, consider everything  
22 that's been proven. Now, that I went through the  
23 process with you, do you understand it?

24 JUROR NUMBER 203: Yes.

25 MR. BROWN: Do you have any questions about the

1 process?

2 JUROR NUMBER 203: No. I didn't know what  
3 mitigation meant but now I understand.

4 MR. BROWN: Let's say it can be broadened.

5 JUROR NUMBER 203: It's a lesson.

6 MR. BROWN: Anything concerning his background.  
7 Kind of when you look at the two, we use that term  
8 when it's really aggravators may suggest death  
9 penalty appropriate, mitigation may suggest that a  
10 life sentence is appropriate.

11 JUROR NUMBER 203: Okay.

12 MR. BROWN: And you consider it all and you  
13 just weigh it.

14 JUROR NUMBER 203: Okay.

15 MR. BROWN: And you make the decision and you  
16 make your own mind up and that's how you vote on your  
17 recommendation.

18 JUROR NUMBER 203: Okay.

19 MR. BROWN: With that, are you open to  
20 considering whatever the list of aggravators that the  
21 Court gives you?

22 JUROR NUMBER 203: Sure.

23 MR. BROWN: And would you be open to  
24 considering whatever type mitigation that the Defense  
25 presents concerning the defendant, anything in his



1 background?

2 JUROR NUMBER 203: Sure.

3 MR. BROWN: And you feel comfortable in your  
4 ability to go back, do that weighing process and  
5 recommend the sentence you feel is appropriate?

6 JUROR NUMBER 203: Yes.

7 THE COURT: And would you have any difficulty  
8 if you go back there and the State of Florida if we  
9 haven't proven any aggravators recommending a life  
10 sentence?

11 JUROR NUMBER 203: No problem.

12 THE COURT: And likewise, if you feel we've  
13 proven aggravators and either they don't justify the  
14 death penalty or they're outweighed by the  
15 mitigation, would you have any trouble returning a  
16 life recommendation?

17 JUROR NUMBER 203: No.

18 MR. BROWN: And likewise if it was the flip  
19 side of that, if the aggravators outweigh the  
20 mitigators and in your mind they justify the death  
21 penalty after you did that weighing process, could  
22 you recommend the sentence of death?

23 JUROR NUMBER 203: Yes.

24 MR. BROWN: Thank you. Your Honor, I have no  
25 further questions.

1 THE COURT: Okay. Questions by the Defense.

2 MR. MOORE: Good afternoon.

3 JUROR NUMBER 203: Good afternoon.

4 MR. MOORE: Would it be fair to say that you  
5 are avidly in the news, you watch daily, you watch  
6 two stations back to back pretty much?

7 JUROR NUMBER 203: Yes.

8 MR. MOORE: You like to stay informed about  
9 what's going on locally primarily.

10 JUROR NUMBER 203: I try to, yes.

11 MR. MOORE: And in your viewing experience of  
12 the news, would it be fair to say that sadly,  
13 unfortunately, homicides are fairly common?

14 JUROR NUMBER 203: You could say that.

15 MR. MOORE: For some reason that's what seems  
16 to appear in the news.

17 JUROR NUMBER 203: Yes, sir.

18 MR. MOORE: (Unintelligible) though. But of  
19 those homicides, police officer victims are more  
20 infrequent.

21 JUROR NUMBER 203: Yes.

22 MR. MOORE: Right. And so they're actually  
23 pretty unusual.

24 JUROR NUMBER 203: Yes.

25 MR. MOORE: Especially in Brevard County.

1           Would you say that your attention would have been  
2           focused on the story for, among other reasons, that  
3           reason?

4                     JUROR NUMBER 203:   Yes.

5                     MR. MOORE:   And in reviewing what you recall,  
6           you think you recall, you mentioned you knew  
7           deputy -- you knew that a deputy that had been shot,  
8           Deputy Pill, a white female.

9                     JUROR NUMBER 203:   Yes.

10                    MR. MOORE:   Deputy sheriff.

11                    JUROR NUMBER 203:   Yes.

12                    MR. MOORE:   And that there were more than one  
13           suspect arrested.

14                    JUROR NUMBER 203:   Yes.

15                    MR. MOORE:   One male, one female.

16                    JUROR NUMBER 203:   Yes.

17                    MR. MOORE:   White female and a black male.   And  
18           is it your recollection that there was furniture  
19           taken from a motel, a robbery, something of that  
20           nature, do you recall anything like that?

21                    JUROR NUMBER 203:   I remember it was a robbery  
22           but I'm not sure of what or where, the place, leading  
23           up to the shooting.

24                    MR. MOORE:   Do you remember whether there was  
25           chase, a pursuit involved?

1 JUROR NUMBER 203: It seems like I do remember  
2 a chase that led up to that, yes.

3 MR. MOORE: And do you remember that -- whether  
4 the news reported that Deputy Pill had made a stop  
5 and was shot during that stop?

6 JUROR NUMBER 203: Yes, I do recall that.

7 MR. MOORE: And you recall who of the two  
8 people in the car who were arrested the shooter was  
9 believed to be?

10 JUROR NUMBER 203: Yes.

11 MR. MOORE: And who would have that have been?

12 JUROR NUMBER 203: Mr. Bradley.

13 MR. MOORE: Mr. Bradley. And you say you did  
14 not see a picture of Mr. Bradley in the papers?

15 JUROR NUMBER 203: Yes.

16 MR. MOORE: You did see?

17 JUROR NUMBER 203: You said I what now?

18 MR. MOORE: I'm asking you did you say you did  
19 not see a picture of Mr. Bradley or did you see a  
20 picture?

21 JUROR NUMBER 203: I did see a picture on the  
22 news, yes. It might not have been a full face shot  
23 but I do recall seeing a picture of the suspect, yes.

24 MR. MOORE: And when you watch the news, you  
25 don't believe everything you hear.

1 JUROR NUMBER 203: No.

2 MR. MOORE: But you do take the news in because  
3 of the information about what's going on.

4 JUROR NUMBER 203: Yes.

5 MR. MOORE: In your world and you do that -- I  
6 mean, you do give some credibility to what you see on  
7 the news, otherwise you would be wasting your time.

8 JUROR NUMBER 203: Yes.

9 MR. MOORE: If it's total gibberish, why watch.

10 JUROR NUMBER 203: Yes.

11 MR. MOORE: So, you have to figure they got  
12 some things right, probably. I mean, at least as far  
13 as you're thinking.

14 JUROR NUMBER 203: Right.

15 MR. MOORE: It's not like you're endorsing the  
16 TV station, right?

17 Now, on the point that was made in the  
18 newscast, you say you saw at least three TV  
19 newscasts.

20 JUROR NUMBER 203: Yes.

21 MR. MOORE: Of the deputy sheriff named Pill  
22 being shot to death in the line of duty, you think  
23 they got that right.

24 JUROR NUMBER 203: Yes.

25 MR. MOORE: And you think they got two suspects

1 and arrested two suspects, that's probably right.

2 JUROR NUMBER 203: Yes.

3 MR. MOORE: And then say you give that some  
4 credibility.

5 JUROR NUMBER 203: Yes.

6 MR. MOORE: And then on the issue of one of the  
7 two suspects, Mr. Bradley was believed to have been  
8 the shooter.

9 JUROR NUMBER 203: Yes.

10 MR. MOORE: Now, you know, the credibility of  
11 the station is pretty high, you think, yeah, they got  
12 those things right, would you not feel that they  
13 probably got that right too, that the shooter  
14 probably was Mr. Bradley?

15 JUROR NUMBER 203: There's a chance that they  
16 may not have, but that's the way it was reported and  
17 that's the way it was received by me.

18 MR. MOORE: There's a chance but probably it  
19 was Mr. Bradley, at least the reaction you had in all  
20 honesty to it?

21 JUROR NUMBER 203: Yes.

22 MR. MOORE: Okay. You also recall that all of  
23 this happened from the time of the motel incident  
24 until the shooting was in a short period of time?

25 JUROR NUMBER 203: I believe so, yes.

1 MR. MOORE: And then the apprehension, it all  
2 happened pretty --

3 JUROR NUMBER 203: Yes.

4 MR. MOORE: Less than an hour, minutes?

5 JUROR NUMBER 203: Yes. I don't know the time  
6 frame but it happened.

7 MR. MOORE: And so that being your reaction to  
8 what you heard, when you came into court today, you  
9 know, you know what the Court's saying about to be  
10 the jury you have to keep an open mind and you have  
11 to be able to follow the instructions but my question  
12 is what right now what is your opinion of the guilt  
13 of Mr. Bradley in the shooting death of Barbara Pill?

14 JUROR NUMBER 203: I'd hate to say without  
15 hearing all the evidence but from listening to the  
16 news media you would presume that he's guilty.

17 MR. MOORE: I mean, compared to -- no right or  
18 wrong answers here. Compared to somebody who's not  
19 from around here, they moved here from Oregon, you  
20 know, like six months ago, they didn't know anything  
21 about it, they walk in and say I never heard of that,  
22 I don't have any opinion, you know, and your  
23 situation is different because there's been extensive  
24 publicity on the TV, papers, that you have formed an  
25 opinion and at this point you believe at least to a

1 degree that Mr. Bradley is guilty?

2 JUROR NUMBER 203: Yes.

3 MR. MOORE: Okay. Now, the Court would  
4 instruct you as she already has that to sit on the  
5 jury you would have to be able to say -- take an oath  
6 that you could follow the instructions which would be  
7 that you would rely exclusively in reaching a verdict  
8 in this case upon what you hear in this courtroom.

9 JUROR NUMBER 203: Yes.

10 MR. MOORE: Put everything else aside and so do  
11 you think that you would have trouble following that  
12 instruction or have some doubts about your ability  
13 given the opinion that you have currently?

14 JUROR NUMBER 203: No, I could do it.

15 MR. MOORE: Let me ask, this is all new to you.  
16 Have you been on a jury?

17 JUROR NUMBER 203: No.

18 MR. MOORE: How would you go about setting  
19 aside an opinion that you have already formed? How  
20 would you do that? Could you try to describe that  
21 process?

22 JUROR NUMBER 203: I don't know if I could as  
23 far as describing it (unintelligible).

24 MR. MOORE: Well, would it be fair to say that  
25 maybe you would not be able to entirely put that



1 opinion aside?

2 JUROR NUMBER 203: I may not be able to to be  
3 honest with you.

4 MR. MOORE: And to be honest, would it be fair  
5 to say that you have doubts? You know, we're grown  
6 ups here, I don't like for people to think that I  
7 have doubts.

8 JUROR NUMBER 203: Absolutely.

9 MR. MOORE: I feel the same way, but if there  
10 were ever a time to admit you might have doubts about  
11 something, this is it.

12 JUROR NUMBER 203: Absolutely.

13 MR. MOORE: There's a life at stake, life right  
14 there.

15 JUROR NUMBER 203: Absolutely.

16 MR. MOORE: So, if your thought is, you know, I  
17 heard some things about it and I have some -- I have  
18 an opinion, frankly in my heart of hearts I've got  
19 some doubts about whether I could keep that out,  
20 would that be a fair statement how you --

21 JUROR NUMBER 203: Yes.

22 MR. MOORE: -- feel right now?

23 JUROR NUMBER 203: Yes.

24 MR. MOORE: And would it be fair to say that it  
25 will be -- those doubts aren't just going to go away

1 because the Judge tells you they have to?

2 JUROR NUMBER 203: No.

3 MR. MOORE: So, would it be fair to say it  
4 would be difficult for you, if not impossible, to  
5 follow the instructions to leave what you've learned  
6 outside outside?

7 JUROR NUMBER 203: It would be different, yes.

8 MR. MOORE: Could we approach?

9 THE COURT: Okay. Bench conference.

10 (Thereupon, a benchside conference was had out  
11 of the hearing of Juror Number 203 as follows:)

12 MR. MOORE: Do I, do I need to go any further  
13 with this gentleman, spend another thirty minutes on  
14 the death penalty or does the State -- can the State  
15 accept -- if I move for cause, would the State agree?

16 MR. BROWN: I don't think I want to hear you  
17 explain it again.

18 MR. MOORE: I would move to strike this  
19 gentleman for cause.

20 MR. BROWN: I agree.

21 THE COURT: Okay.

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

24 THE COURT: Okay. Juror Number 203, I am going  
25 to release you from being considered as a juror in

1 this case. Once again, I want to thank you for being  
2 here. Thank you for being patient with us. Thank  
3 you for being part of the process. What I do need  
4 you to do is to go downstairs, speak to the jury  
5 clerk just briefly, they'll give you some brief  
6 information and send you on your way.

7 JUROR NUMBER 203: Okay. Thank you.

8 THE COURT: Okay. Thank you, sir.

9 JUROR NUMBER 203: Thank you.

10 (Thereupon, Juror Number 203 exited the  
11 courtroom.)

12 THE COURT: Okay. Just for the record, Juror  
13 Number 203 has been struck for cause. We'll go ahead  
14 and bring in juror Number 204.

15 (Thereupon, Juror Number 204 was escorted into  
16 the courtroom by the court deputy and the proceedings were  
17 had as follows:)

18 THE COURT: Okay. Good afternoon Juror Number  
19 204. One, I want to thank you for being here. Thank  
20 you for being part of this process. Thank you for  
21 being patient with us. I wish I could have gotten to  
22 you this morning, I know you were here from I believe  
23 8:30 on, I do apologize for that. We do the best we  
24 can, we just couldn't get -- at some point we had to  
25 eat some food too so we couldn't get to you. So, I

1 do appreciate you being patient with us. When I  
2 spoke to you the other day I talked about some rules  
3 that I placed into effect that governed your service  
4 as a juror. These rules came into effect at that  
5 time. So, I'm going to talk to you about that since  
6 that time. Since you came to court and since I  
7 implemented these rules, have you read or been  
8 exposed to reading newspaper headlines and/or  
9 articles relating to this trial or its participants?

10 JUROR NUMBER 204: No.

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

13 JUROR NUMBER 204: No.

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

17 JUROR NUMBER 204: No.

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

21 JUROR NUMBER 204: No.

22 THE COURT: Now I'm going to talk to you  
23 about -- I'm going to ask you some questions, the  
24 State may have an opportunity to ask you some  
25 questions and the Defense may have an opportunity to

1 ask you some questions. There are no right or wrong  
2 answers to these questions, we just ask you to be --  
3 with your answers to be honest, complete, frank,  
4 provide full disclosure. If there's something that  
5 you think we need to know, you need to tell us, okay,  
6 because we don't know. So, just tell us what you  
7 think we need to know. If you're asked a yes or no  
8 question, we'd like a yes or no answer but we  
9 understand sometimes it's not just a yes or no  
10 answer. So, if the answer to the question is I don't  
11 know, then tell us I don't know. I'm going to talk  
12 to you about your prior knowledge of the case and  
13 then I'm going to talk to you about the death  
14 penalty. My first question is do you know anything  
15 about this case either from your own personal  
16 knowledge, rumor, by discussions with anyone else, or  
17 from the media, including radio, television,  
18 Internet, electronic device, or newspapers?

19 JUROR NUMBER 204: Yes.

20 THE COURT: Okay. Tell me what information you  
21 think you know about the case and how you know it and  
22 when you heard it.

23 JUROR NUMBER 204: I knew the media  
24 (unintelligible) those doors who he was and who he  
25 was from seeing it on TV.

1 THE COURT: Okay. So, you've seen news reports  
2 on TV, is that your primary source for news reports?

3 JUROR NUMBER 204: Yes.

4 THE COURT: Okay. And there was -- there's  
5 been news reports at the time of the death of Deputy  
6 Pill, did you hear that?

7 JUROR NUMBER 204: Yes.

8 THE COURT: How often -- tell me how often you  
9 watch the news.

10 JUROR NUMBER 204: A lot, I'm retired, my  
11 husband's retired.

12 THE COURT: I don't know what a lot means, does  
13 that mean every day, twice a day?

14 JUROR NUMBER 204: Yes.

15 THE COURT: Okay. What's your normal news  
16 watching habits?

17 JUROR NUMBER 204: For how long or?

18 THE COURT: Like do you I get up in the  
19 morning, Judge, I turn on the TV, I watch the news  
20 from 9:00 to 10:00, I watch this channel and I do  
21 that pretty much every day? That's a response.

22 JUROR NUMBER 204: I watch a good hour in the  
23 morning, my husband's on the Internet and he reads it  
24 and he's saying come look at this, come look at this.

25 THE COURT: Okay.

1 JUROR NUMBER 204: All day long.

2 THE COURT: Okay. So, when some people are  
3 watching the news sometimes they just have it in the  
4 background and they catch different headlines and  
5 some people just sit down and watch it, what do you  
6 do?

7 JUROR NUMBER 204: I catch it in the  
8 background.

9 THE COURT: Okay.

10 JUROR NUMBER 204: Most of it. The first hour  
11 or so I sit and watch and listen to it.

12 THE COURT: You also say your husband brings it  
13 to your attention and says read this.

14 JUROR NUMBER 204: Yes.

15 THE COURT: Okay. Have you seen and read  
16 things specifically about this case?

17 JUROR NUMBER 204: Lately, no.

18 THE COURT: Not lately. But you said you knew  
19 that I was the Judge and you knew who the defendant  
20 was, would that be from previously or that would from  
21 recent?

22 JUROR NUMBER 204: No, (unintelligible) this  
23 week, when it happened.

24 THE COURT: Okay. What we ask you -- it sounds  
25 like you -- I mean, tell me what information that you

1 think you know about the case. What facts or  
2 information do you think you know? I mean, you know  
3 there was a death of a law enforcement officer.

4 JUROR NUMBER 204: Right.

5 THE COURT: So, tell me what you know --

6 JUROR NUMBER 204: (Unintelligible) car and he  
7 had somebody else with him.

8 THE COURT: Okay. We don't know what you know,  
9 we don't know much you were paying attention, that's  
10 why we need you to tell us this information.

11 JUROR NUMBER 204: He took off and they chased  
12 him down and finally got him.

13 THE COURT: Okay. And do you know if there was  
14 somebody else with him?

15 JUROR NUMBER 204: Yes.

16 THE COURT: I mean, some people come in here  
17 and say they know a lot about the case and then we  
18 ask them if there was a codefendant and they say they  
19 don't know. So, that's why we say you got to tell  
20 us. Okay. Because you're -- what you say you may  
21 know about the case may be different than what --

22 JUROR NUMBER 204: Right.

23 THE COURT: -- we know about case. Okay. So,  
24 what we say is can you set anything aside that you  
25 may have learned about this case, serve with an open



1 mind and reach a verdict based only on the law and  
2 the evidence presented in this trial in this  
3 courtroom, could you do that?

4 JUROR NUMBER 204: No.

5 THE COURT: Okay. Have you already -- I mean,  
6 when you heard this case, did you it solicit some  
7 emotions in you? Did it make you feel certain ways?

8 JUROR NUMBER 204: Yes.

9 THE COURT: Okay. How did it make you feel?

10 JUROR NUMBER 204: Terrible that a young man  
11 could do that.

12 THE COURT: Okay.

13 JUROR NUMBER 204: And that an officer or  
14 anybody had died.

15 THE COURT: Okay. So, did you -- have you  
16 already formed an opinion with regard to the guilt or  
17 innocence of Mr. Bradley?

18 JUROR NUMBER 204: Yes.

19 THE COURT: Okay. In this case we -- you know,  
20 there's the presumption of innocence and the  
21 defendant is afforded the presumption of innocence  
22 and the State has the burden of proof and they have  
23 to prove the case and the defendant doesn't have to  
24 prove anything. Could you make the State prove their  
25 case and give the defendant the presumption of

1 innocence?

2 JUROR NUMBER 204: No.

3 THE COURT: Okay. Okay. Is there anything I  
4 could say to change your mind about that?

5 JUROR NUMBER 204: No.

6 THE COURT: Okay. All right.

7 MR. MOORE: We'll stipulate.

8 THE COURT: Okay. With regard to Juror 104, I  
9 wish I could have gotten to you sooner, I have to go  
10 in an organized process and go by the numbers. So, I  
11 will release you from being considered as a juror in  
12 this case. Okay. So, if you'll go downstairs,  
13 report to the jury assembly room, they'll give you  
14 some brief information and send you on your way but  
15 thank you for being here.

16 JUROR NUMBER 204: Thank you.

17 THE COURT: Okay.

18 (Thereupon, Juror Number 204 exited the  
19 courtroom.)

20 THE COURT: Okay. For the record, Juror Number  
21 204 is released for cause. If we could bring in  
22 Juror Number 205.

23 (Thereupon, Juror Number 205 was escorted into  
24 the courtroom by the court deputy and the proceedings were  
25 had as follows:)

1 THE COURT: Okay. Juror Number 205, good  
2 afternoon.

3 JUROR NUMBER 205: Good afternoon.

4 THE COURT: Thank you for being here. Thank  
5 you for being patient with us with regard to this  
6 process. I'm going to ask you some questions about  
7 last two days ago, I think it was two days ago when  
8 you were here, I talked about some rules that we put  
9 in place about your service governing -- rules  
10 governing your service as a juror. So, I'm talking  
11 about since those rules came into play since you've  
12 been came to the courthouse. Since that time, have  
13 you read or been exposed to reading newspaper  
14 headlines and/or articles relating to trial or its  
15 participants?

16 JUROR NUMBER 205: No, ma'am.

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

19 JUROR NUMBER 205: No, ma'am.

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

23 JUROR NUMBER 205: No, ma'am.

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

1 allowed anyone to discuss it in your presence?

2 JUROR NUMBER 205: I discussed jury duty with  
3 my wife, I didn't describe the case though.

4 THE COURT: So, you told her that you were  
5 being considered as a juror and that you needed to be  
6 here and what time but you didn't tell her what case?

7 JUROR NUMBER 205: No, I told her the potential  
8 length of the case only.

9 THE COURT: Okay. That's acceptable. All  
10 right. I'm going to ask you some questions this  
11 afternoon, the State may ask you some questions, the  
12 Defense may ask you some questions. When I ask you  
13 these questions there's no right or wrong answers, we  
14 just ask you to provide, to provide complete, honest  
15 and a full disclosure of answers to the questions.  
16 If there's something that you think we need to know,  
17 tell us. Some people say Judge, can I answer this or  
18 can I say this? You can say whatever you think you  
19 need to say in here. If we ask you questions and  
20 it's a yes or no response and you just can't answer  
21 yes or no, then tell us you don't know or you can't  
22 answer it yes or no. I'm going to talk to you about  
23 your prior knowledge of the case and then I'm going  
24 to talk to you about the death penalty. The first  
25 question I'm going to ask is do you know anything

1 about this case either from your own personal  
2 knowledge, rumor, by discussions with anyone else, or  
3 from the media, including radio, television,  
4 Internet, electronic device, or newspapers?

5 JUROR NUMBER 205: Yes.

6 THE COURT: Okay. Tell me what you think you  
7 know and how you learned it and when you learned it.

8 JUROR NUMBER 205: I remember two years ago in  
9 the newspaper and TV and my remembrance of the  
10 incident was that there was a robbery and -- it was a  
11 male and female robbery and that when the deputies  
12 had pulled the, pulled those people over and that the  
13 deputy was shot.

14 THE COURT: Okay. And you would have heard  
15 that by -- on the TV?

16 JUROR NUMBER 205: Yes, TV and newspaper.

17 THE COURT: Okay. Do you read the newspaper  
18 regularly?

19 JUROR NUMBER 205: I don't, at the fire house  
20 we do.

21 THE COURT: Okay. You say at the fire house.  
22 I think you told me before that you're a [REDACTED]  
23 firefighter?

24 JUROR NUMBER 205: Yes, ma'am.

25 THE COURT: Okay. So, the newspaper is at your

1 work?

2 JUROR NUMBER 205: Yes.

3 THE COURT: Do you read it all the time or just  
4 read it occasionally?

5 JUROR NUMBER 205: Occasionally. I'm only on  
6 duty every third day to begin with and we're usually  
7 pretty busy so.

8 THE COURT: Did you discuss this case at work?

9 JUROR NUMBER 205: Two years ago when it  
10 happened, you know, we discussed it quite a bit.

11 THE COURT: Okay. Did you see pictures of  
12 Mr. Bradley in the newspaper or on TV?

13 JUROR NUMBER 205: Yes, ma'am.

14 THE COURT: Okay. What we ask you to do if you  
15 can be a member of this jury is to set aside anything  
16 that you may have known previously, serve with an  
17 open mind, kind of have a clean slate, and reach a  
18 verdict based only on the law and the evidence  
19 presented in this trial in this courtroom, do you  
20 think you could do that?

21 JUROR NUMBER 205: I would take that  
22 responsibility seriously, yes.

23 THE COURT: Okay. So, if you were back in the  
24 jury deliberation room and you've heard all the  
25 evidence in this case and you're thinking to yourself

1           whoa, wait a minute, I heard this on the TV and that  
2           never came in as evidence, you didn't hear that in  
3           the courtroom, could you set that aside and say I'm  
4           not going to consider that and I would only consider  
5           the evidence presented in this case in this trial?

6           JUROR NUMBER 205: The only thing that should  
7           be considered is what's presented here.

8           THE COURT: Okay. Now, when you heard about  
9           the death of Deputy Pill, did it solicit any strong  
10          response from you emotionally or based on prior  
11          opinion, based maybe on your profession, did that  
12          solicit any response from you?

13          JUROR NUMBER 205: Sure.

14          THE COURT: Okay. And how did that make you  
15          feel?

16          JUROR NUMBER 205: Disgusted.

17          THE COURT: Okay.

18          JUROR NUMBER 205: It's challenging that, you  
19          know, we work with police officers all the time as a  
20          public service and medical professional, they're  
21          people with families too and, you know, it's a sad  
22          thing all the way around, it was challenging to  
23          (unintelligible).

24          THE COURT: And I know I talked to you before  
25          about if firefighters came in to testify you said you

1           could weigh their testimony the same as you could  
2           weigh other peoples testimony because I guess you  
3           don't work with them, you know of them but you don't  
4           work with -- I think it was the Melbourne Fire  
5           Rescue.

6                     JUROR NUMBER 205: I'm acquainted with one of  
7           the Melbourne firefighters that was listed, I  
8           probably know some others by face, but I don't have  
9           friendships with them.

10                    THE COURT: Okay. I think that was Tom  
11           Morissette?

12                    JUROR NUMBER 205: Yes, ma'am.

13                    THE COURT: Okay. And in every criminal case  
14           the State has the burden of proof. They have to  
15           prove each element of each count beyond and to the  
16           exclusion of every reasonable doubt. The State -- I  
17           mean, that happens in every criminal case. The State  
18           knows that's their burden, they're ready to take that  
19           on. That's how every criminal case operates. The  
20           Defense does not have to prove anything. The Defense  
21           has -- and so -- and the Defense does not have to  
22           prove anything and at this time because there's been  
23           no evidence presented before you the defendant is not  
24           guilty because there's been no evidence.

25                    JUROR NUMBER 205: That's correct.



1 THE COURT: Now -- so, in fact, the defendant  
2 is presumed to be innocent.

3 JUROR NUMBER 205: That's correct.

4 THE COURT: Based on what you've heard, based  
5 on your profession, based on what you've learned of  
6 the case, can you sit here as a juror, presume the  
7 defendant to be innocent and hold the State to this  
8 burden of proof which be required for you to do as a  
9 juror in this case?

10 JUROR NUMBER 205: I would, yes, ma'am.

11 THE COURT: Okay. Now, do you have any doubts  
12 in your ability to do that?

13 JUROR NUMBER 205: No.

14 THE COURT: Okay. Did you -- I mean, when you  
15 read the news and you listened to the news, did you  
16 have tendency to believe that the defendant in this  
17 case was guilty?

18 JUROR NUMBER 205: Well, it seemed like there  
19 was evidence in the media that was supportive of  
20 that. So, it seemed obvious just from what the media  
21 was presenting, it doesn't mean that it's the same as  
22 what will be presented in the courtroom.

23 THE COURT: Okay. Do you recognize that the  
24 media sometimes may not, you know, present all the  
25 evidence or all the facts?

1 JUROR NUMBER 205: Yes, ma'am.

2 THE COURT: And that they may get the story  
3 wrong sometimes?

4 JUROR NUMBER 205: Absolutely.

5 THE COURT: Okay. So, you're -- but can you --  
6 I mean, are you confident in your ability to say  
7 look, I heard all that, I know that but I'm going --  
8 I can participate in this process and I can set that  
9 aside and I can do my job and follow these rules as a  
10 juror?

11 JUROR NUMBER 205: Yes, ma'am.

12 THE COURT: Okay. Now, sometimes people say  
13 things, we know you want to take -- we know you want  
14 to take this seriously, I can see that you want to do  
15 that, but this is a matter -- it's not -- it's a  
16 matter of whether you can do it or not and you're the  
17 only person that knows whether you can do that. Are  
18 you confident in your ability to do that?

19 JUROR NUMBER 205: Yes.

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

22 MR. BROWN: Judge, are you going to cover the  
23 death penalty?

24 THE COURT: I don't know, I got so involved in  
25 that I forgot about the death penalty. So, let me

1 ask that. Okay. Sorry, Juror Number 205. I'm going  
2 to ask you -- I'm going to switch gears on you, ask a  
3 general question. What are your views about the  
4 death penalty?

5 JUROR NUMBER 205: I don't disagree with it,  
6 it's provided for by law. So, if it's proven that  
7 it's appropriate within the perimeters of the law,  
8 then it's an appropriate punishment.

9 THE COURT: Okay. In this case the first part  
10 of the trial is called the guilt phase. In the guilt  
11 phase if the jury returns a verdict of guilty on  
12 Count I, it only pertains to Count I, Count I is the  
13 first agree murder charge, then and only then do we  
14 proceed to a second phase and the second phase is  
15 called the penalty phase. We talked about it a  
16 little bit the other day. The State will present  
17 evidence of aggravating circumstances, the Defense  
18 will present evidence of mitigating circumstances.  
19 We kind of -- we talked about a weighing process.  
20 We're going to go more in detail about that about. A  
21 weighing process and then at the end, the jury is  
22 required to make a recommendation to the Court of a  
23 penalty of death or life in prison without the  
24 possibility of parole. Now, in order to serve as a  
25 juror you would have to be open to consider both

1 possible penalties. Would you consider both possible  
2 penalties?

3 JUROR NUMBER 205: Absolutely.

4 THE COURT: Okay. No one is going to ask you  
5 today what you would do in this circumstance, no one  
6 is going to say based on, you know, how you would  
7 vote in this case, but what they are going to talk to  
8 you about is hypotheticals and they're going to talk  
9 to you about can you consider what you can consider,  
10 can you serve with an open mind to consider the  
11 aggravating circumstances, mitigating circumstances  
12 and then at the end reach your decision as to what  
13 would be an appropriate penalty. Do you have any  
14 doubts in your ability to consider both death or life  
15 in prison without the possibility of parole in this  
16 type of a case?

17 JUROR NUMBER 205: Yes, I wouldn't have a  
18 problem with it.

19 THE COURT: Okay. Are you of the opinion that  
20 death is the only appropriate penalty for murder in  
21 the first degree?

22 JUROR NUMBER 205: No.

23 THE COURT: And so you would consider life in  
24 prison without the possibility of parole?

25 JUROR NUMBER 205: Depending on what evidence

1 is submitted, yeah, I would.

2 THE COURT: Okay. All right. Questions by the  
3 State. Thank you.

4 MR. BROWN: Yes, Your Honor. Juror Number 205,  
5 good afternoon.

6 JUROR NUMBER 205: Hello.

7 MR. BROWN: Let me first cover what you heard  
8 in the media. I know the Judge covered it with you a  
9 little bit. But you recognize that -- I think you  
10 said that the media may not be always accurate, may  
11 not give you a full picture, you recognize that?

12 JUROR NUMBER 205: That's true.

13 MR. BROWN: And even though they make best  
14 efforts, they may not be entirely accurate because  
15 they're reporting it kind of as they hear it and on  
16 the go.

17 JUROR NUMBER 205: Absolutely.

18 MR. BROWN: And with that you understand that  
19 you have to be able to set that aside in this case?

20 JUROR NUMBER 205: Yes.

21 MR. BROWN: Almost build that wall in your mind  
22 and just base your verdict entirely on what you hear  
23 in this courtroom?

24 JUROR NUMBER 205: Yes, I think that's the only  
25 thing to do.

1 MR. BROWN: And that's the fair way and the  
2 right way to do it.

3 JUROR NUMBER 205: Right.

4 MR. BROWN: And, you know, defendant has the  
5 presumption of innocence, right, and you accept that?

6 JUROR NUMBER 205: Yes.

7 MR. BROWN: And you have to look to us at this  
8 table to overcome that.

9 JUROR NUMBER 205: Yes.

10 MR. BROWN: It's whether we do or we don't and  
11 if we fail to overcome it and we don't prove our  
12 case, don't prove all the elements, then your verdict  
13 has to be not guilty, correct?

14 JUROR NUMBER 205: Yes.

15 MR. BROWN: Now, any question in your mind  
16 about your ability to build that wall, set it aside  
17 and base it entirely on what you're going to hear in  
18 this courtroom?

19 JUROR NUMBER 205: I don't have a problem with  
20 any of that.

21 MR. BROWN: Now, concerning the death penalty,  
22 what I'd like to do is just kind of take you step by  
23 step through the process that you have to go through  
24 as a juror to ultimately make the recommendation of  
25 life or death. I know the Court covered some of this

1 with you all on Tuesday but she did throw an awful  
2 lot at all of you people in a condensed period of  
3 time. You understand in order to even have the death  
4 penalty be considered, the jury first has to come  
5 back with a verdict of guilty of first degree murder.

6 JUROR NUMBER 205: Okay.

7 MR. BROWN: The jury comes back with a lesser  
8 charge such as second grew, the death penalty is off  
9 the table and the sentencing is entirely with Her  
10 Honor.

11 There are two ways for the State to prove first  
12 degree murder. One is by premeditated murder and two  
13 is by what's called felony murder which is a murder  
14 that occurs during the commission of a  
15 specified felony.

16 JUROR NUMBER 205: Both of those apply to first  
17 degree you said?

18 MR. BROWN: Yes, yes. There's two ways or two  
19 theories to prove first degree murder and ultimately  
20 if you're selected as a juror and we'll probably talk  
21 about it more tomorrow and go through what those  
22 theories are and you'll hear the elements if you make  
23 it on to the jury panel, but those are two ways to  
24 prove first degree murder and under either theory, we  
25 may prove one theory, the other or both in this case,

1 under either theory you get to the point where the  
2 death penalty is on the table. In Florida there is  
3 no automatic death penalty, you understand that?

4 JUROR NUMBER 205: Okay.

5 MR. BROWN: It wouldn't matter how horrible or  
6 atrocious the crime is, you can picture the worst  
7 type imaginable like a mass murder of children and  
8 it's still not automatic. The jury has to go through  
9 the process of looking at the aggravators and looking  
10 at the mitigators and weighing them and making a  
11 decision, nothing is automatic. You accept that?

12 JUROR NUMBER 205: I understand that.

13 MR. BROWN: Now, if we get to the point of a  
14 conviction for first degree murder, we would  
15 reconvene, additional evidence is presented to the  
16 jury, the Judge would give her final set of  
17 instructions and then the jury would go back and  
18 deliberate. What the Judge is going to tell you the  
19 first thing to look at is what's called aggravating  
20 circumstances.

21  
22  
23  
24  
25 (CONTINUED TO VOLUME X)