

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

FILED IN 14-01
CLERK OF CIR. CT.
BREVARD CO. FL.

2014 OCT 28 P 1:44

SCOTT ELLIS

VOLUME III OF XI

TRANSCRIPT OF DIGITAL RECORDED JURY TRIAL

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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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Appearing for
Defendant

19
20
21
22
23
24
25
Brandon Lee Bradley, Defendant, present

* * * * *

1 JUROR NUMBER 93: Oh, no, Your Honor.

2 THE COURT: I'm going to talk to you about
3 before that in just a minute. Have you seen or heard
4 television, radio, or Internet comments about this
5 trial?

6 JUROR NUMBER 93: Before that.

7 THE COURT: Before. I mean since I implemented
8 those rules.

9 JUROR NUMBER 93: No, later on.

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

13 JUROR NUMBER 93: No.

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

17 JUROR NUMBER 93: We discussed with the other
18 jurors how long it took waiting around and all, that
19 was -- we didn't discuss the case.

20 THE COURT: Okay. I mean, as long as you don't
21 talk about what the charges are or what the case is
22 specifically. Okay.

23 JUROR NUMBER 93: No.

24 THE COURT: Okay. Now, I'm going you ask this
25 first just because the way you answered those

1 questions. Do you know -- you know, a lot of people
2 come in here and they know something about the case.
3 There's no right or wrong answers in this room. All
4 we ask you to do is be honest and frank with us and
5 tell us your views. So, do you know anything about
6 this case either from your own personal knowledge,
7 rumor, by discussions with anyone else, or from the
8 media, radio, television, Internet, or newspapers?

9 JUROR NUMBER 93: Well, ma'am, when the
10 shooting occurred I was up in North Carolina. So, I
11 didn't really -- and I don't read Florida Today so I
12 didn't really -- wasn't -- can I speak honestly? I
13 wasn't really -- the local news doesn't interest me
14 that much.

15 THE COURT: That's fine.

16 JUROR NUMBER 93: I did hear a few references
17 to the case made on -- I watch -- I listen to the
18 show called the Phillips Style and they talked about
19 the case on that radio station a couple of times, and
20 then when I got my jury notice thing I had -- it was
21 one of my business associates, you know, and he says,
22 well, you might, you know, you might get picked for
23 the five, you know, five week trial or, you know,
24 whatever, can't really recall but yes, I know, you
25 know, the basics --

1 THE COURT: Okay. So --

2 JUROR NUMBER 93: -- of the case.

3 THE COURT: So, tell me what information you
4 believe that you know about the case.

5 JUROR NUMBER 93: That a law enforcement
6 officer was killed in the performance of her duties.

7 THE COURT: Okay. Anything else?

8 JUROR NUMBER 93: That it happened in Melbourne
9 or Eau Gallie, somewhere around there.

10 THE COURT: Okay.

11 JUROR NUMBER 93: And -- that's about all I can
12 say.

13 THE COURT: Okay. And you said you would have
14 gained that information from how, the Phillips?

15 JUROR NUMBER 93: It was a radio show called
16 the Phillips Style, I just listen to it on the way,
17 you know, when I'm, you know, driving around, I
18 heard, I heard it referred to there and that's about
19 it.

20 THE COURT: You don't -- I'm not familiar with
21 the Phillips File. So, how did they -- what were
22 they talking about?

23 JUROR NUMBER 93: It's like -- it's like a talk
24 radio show. It comes, it comes out of Orlando, it's
25 104.1 and it's -- they have a panel of regulars on

1 there and it's, you know, just events of the day
2 basically.

3 THE COURT: So, were they giving their opinions
4 about the case or were they talking about what
5 happened?

6 JUROR NUMBER 93: There was, there was some
7 opinions mentioned, yes.

8 THE COURT: Okay. And if you could just tell
9 me what those opinions were.

10 JUROR NUMBER 93: Some statements like, you
11 know, make this, you know, real short, they're
12 basically talking about they used the term cop
13 killers and, you know, what should be done with cop
14 killers.

15 THE COURT: Okay.

16 JUROR NUMBER 93: That was the main thing that
17 stood with me.

18 THE COURT: Okay. So, if -- in this case one
19 of the things that we ask you to do if you were a
20 juror in this case, can you set aside anything that
21 you may have learned about this case, serve with an
22 open mind and reach a verdict based only on the law
23 and the evidence presented in this trial in this
24 courtroom?

25 JUROR NUMBER 93: Your Honor, I believe that if

1 you're selected to be on a jury the only thing that
2 should apply is the law, what counsel for the defense
3 and prosecution have to say and what the final
4 instructions are of the judge, they should hand them
5 to the juror and you judge a case by what the law
6 says and that's always been my belief.

7 THE COURT: So, if you were selected as a juror
8 in this case, can you set all that aside that you may
9 have heard, not consider it and only base your
10 opinion on what you hear in this courtroom?

11 JUROR NUMBER 93: What you hear on radio and
12 television sometimes is so colored by conjuncture and
13 personal opinion, I put about the same amount of
14 faith in that as I do in return of the five cent
15 cigar.

16 THE COURT: Okay. So, if I -- let's say the --
17 in all criminal cases the State has the burden of
18 proof, the defendant doesn't have to prove anything,
19 and you're going to get a lot more information about
20 that later, but -- and the State has to prove their
21 case beyond and to the exclusion of every reasonable
22 doubt and so at this stage, I mean, there has been no
23 proof, there has been no evidence, so you as a juror
24 would have to look at the defendant and say that the
25 defendant is innocent.

1 JUROR NUMBER 93: Correct.

2 THE COURT: Can you do that at this time?

3 JUROR NUMBER 93: I think I can, yes.

4 THE COURT: Okay. One of the things a lot of
5 people talk with I think and I guess and maybe,
6 whenever you say that everyone is going to pounce on
7 you because they're going to want you to say yes or
8 no, and I know that some people say that as a matter
9 of speech. When I started listening to jurors I
10 realize even I say that as a matter of speech
11 sometimes, it's just the way we talk. So, can you --

12 JUROR NUMBER 93: Short answer is yes.

13 THE COURT: Okay. Now, the next thing I'm
14 going to ask you is what are your views about the
15 death penalty?

16 JUROR NUMBER 93: Most cases -- based on where
17 I come from, I come from Michigan and they abolished
18 the death penalty back in the 1840s I believe and in
19 most cases I'm against it.

20 THE COURT: Okay. But -- so, the opposite of
21 that would be in some cases you're for it?

22 JUROR NUMBER 93: That's correct.

23 THE COURT: Okay. Let me tell you what's going
24 to happen in the process in this case. If and only
25 if the jury returns a verdict of guilty on Count I,

1 and Count I is first degree murder, then we move into
2 a second phase. First phase is called the guilt
3 phase, the second phase is called the penalty phase,
4 we move into the penalty phase and in the penalty
5 phase as a juror, as a jury, you would be asked to
6 make a recommendation to the Court, to me, of a
7 possible sentence and the penalties that you are to
8 consider are death and life in prison without the
9 possibility of parole. So, you would be instructed
10 that you would have to consider, and we're going to
11 give you more information about how you would weigh
12 that and consider that, but you would have to
13 consider both possible penalties, can you do that?

14 JUROR NUMBER 93: Your Honor, I have a
15 question.

16 THE COURT: Okay.

17 JUROR NUMBER 93: In the State of Florida life
18 in prison means life, that doesn't mean?

19 THE COURT: Life in prison without the
20 possibility of parole means that the defendant dies
21 in prison.

22 JUROR NUMBER 93: Okay. Got it.

23 THE COURT: Okay. So -- and that's a valid
24 question to ask. In fact, they'll probably talk to
25 you about that. So, if you were to, I mean, be a

1 juror, I would instruct you that you would have to
2 consider both those as a penalty in this case, can
3 you do that?

4 JUROR NUMBER 93: Yes, ma'am.

5 THE COURT: Okay. So, are you of the opinion
6 that death is the only appropriate penalty for murder
7 in the first degree and can you consider life in
8 prison without the possibility of parole as a
9 possible penalty under some circumstances?

10 JUROR NUMBER 93: Yes.

11 THE COURT: And I'm going to ask you the
12 opposite of that. Are you opposed to the death
13 penalty such that you could not consider it as a
14 penalty in this case?

15 JUROR NUMBER 93: That's a hard question for me
16 to answer as much as I don't know a whole lot about
17 the case.

18 THE COURT: Okay.

19 JUROR NUMBER 93: In other words, I haven't, I
20 haven't really -- I don't have enough information
21 other than, you know, what I heard on what the
22 defendant allegedly did.

23 THE COURT: Right. And you would have heard
24 that from me just telling you what the charges are,
25 that's not premature.

1 JUROR NUMBER 93: I listened to the charges
2 yesterday.

3 THE COURT: Okay. In this type of case you --
4 the juror needs -- obviously the jurors get to make
5 their recommendations, they do that by weighing the
6 aggravating circumstances against the mitigating
7 circumstances, and the State's going to talk to you
8 more about that and the defense is going to talk to
9 you more about that, but are you open to considering
10 both possible penalties?

11 JUROR NUMBER 93: Yes, ma'am.

12 THE COURT: Okay. You would follow my
13 instructions with regard to that?

14 JUROR NUMBER 93: Yes, Judge.

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

16 MR. BROWN: Yes, Your Honor. Juror Number 93,
17 good afternoon.

18 JUROR NUMBER 93: Hi. How are you?

19 MR. BROWN: Let me talk to you a little bit
20 concerning the death penalty. Now, you said
21 you're most cases against it.

22 JUROR NUMBER 93: Correct.

23 MR. BROWN: Why is that?

24 JUROR NUMBER 93: I, I have a personal -- if I
25 can just spend a moment.

1 MR. BROWN: Absolutely.

2 JUROR NUMBER 93: A friend of mind who was my
3 barber when I first moved to Florida, his little boy
4 was raped and murdered in very shallow grave like a
5 piece of garbage. Well, that man, not only did he
6 lose his family, his marriage split up, he lost his;
7 lost his business, he was never in his barber shop,
8 he was a small business man, and he didn't -- he
9 waited seventeen years for the state to carry out the
10 death penalty. Now, had the jury, the jury, the
11 jurors at the time, I don't know what the laws in
12 Florida were in at that point in time, but had the
13 jury brought back life as the judge said with no
14 possibility of parole, in other words, this child
15 molester, this guy spend the rest of his life in
16 prison, he may not have had the revenge that he
17 wanted to see this guy go to the electric chair but
18 he would have had closure. I believe it's like a
19 case of arbitration, they don't side with both
20 parties in a case, arbitration both feel that they
21 were wrong, probably have justice and that's frame.

22 Another reason I've been against the death
23 penalty as it's currently applied is that the amount
24 of time that the state spends, the amount of time
25 that the state is going to spend just on this case,

1 and then let's say that the jury, us as jurors, we
2 decide on the death penalty for the defendant, how
3 many years and how many hundreds of thousands of
4 dollars are going to be spent in the legal system
5 where I read that a simple life in prison is a lot
6 cheaper for the State. And while the victim's family
7 might not get what they want, for one thing they
8 would have closure, they know the person is never
9 going to be on the street again my primary reason.
10 In cases, very egregious cases, sure, I could vote
11 for the death penalty but I don't find it, I don't
12 find it really -- based on my personal experience
13 with this one poor man who lost his son, it's a
14 little emotional when I think about what this man
15 went through, seventeen years, he should have had --
16 his family would have had closure instead of
17 (unintelligible).

18 MR. BROWN: Given that, and obviously the
19 circumstances you described, it's hard to come up
20 with anything that would be more heinous, especially
21 the killing of a child and the raping of a child.

22 JUROR NUMBER 93: It's (unintelligible).

23 MR. BROWN: Right. I could actually come up
24 with things as evil but it's hard to get anything
25 more or much beyond that. Do you think based upon

1 what you know from that situation, I take it what
2 you're telling me that you think it would have been
3 better had the jury just recommended life?

4 JUROR NUMBER 93: It would have ended the
5 situation. You see, the State of Michigan where I'm
6 from life in prison is twenty-five to life, but as
7 the Judge explained to me life means life and yes, I
8 would -- I think that that family would have had
9 closure had that defendant just been given life in
10 prison. From what I understand about prison, child
11 molesters aren't held in very -- even in prison I
12 guess there's a social pecking order and the
13 defendant in that case I think he would have
14 suffered, his life would have been far worse serving
15 life then having (unintelligible).

16 MR. BROWN: Let me ask this. Obviously it's,
17 from a personal view point, your position is you're
18 against the death penalty?

19 JUROR NUMBER 93: My position is that it's not
20 economical and it doesn't give the families closure.

21 MR. BROWN: All right. So, with that
22 situation, why do you not describe your personal
23 position as being simply opposed to the death penalty
24 in all cases? I mean, you came up with a pretty
25 drastic that you think it would have been best had

1 there been a life sentence. Obvious, your position
2 is economically it's best for the state and all
3 taxpayers not to have the death penalty. So, why do
4 you not describe your position as being simply I'm
5 opposed to the death penalty?

6 JUROR NUMBER 93: Because when I see some of
7 the things I'm starting to see these days, my
8 position on it is evolving somewhat. In other words,
9 I think there are some cases that could be so
10 egregious that while it might not be my personal
11 consideration or choice, once I got the instructions
12 from the Judge and being told I had to keep an open
13 mind on it, I would take an oath to be a juror, I
14 would, but I'm not going to sit here, sir, and sail
15 under any false pretenses. All right. I vote
16 for the death penalty, a lot of my fellow jurors felt
17 that way, the instructions that I got from the Judge
18 were such that the death penalty would be applied
19 under the law, I could go either way on it.

20 MR. BROWN: Okay. Let me let you know this.
21 Obviously, for the guilt phase, to determine
22 someone's guilty the verdict has to be unanimous.

23 JUROR NUMBER 93: Yes, sir.

24 MR. BROWN: But when the jury comes back to
25 make a recommendation after a first degree murder

1 verdict, that decision does not have to be unanimous.

2 JUROR NUMBER 93: It's not even, it's not even
3 up to the jurors ultimately, it's up to Judge
4 Reinman, is it not?

5 MR. BROWN: Well, you make a recommendation to
6 her, she's required to give it great weight and only
7 in rare circumstances is she going to do something
8 different than what you recommend.

9 JUROR NUMBER 93: But she can.

10 MR. BROWN: Rare circumstances, but basically
11 she has to give your recommendation great weight and
12 we can't proceed without a jury recommendation.

13 JUROR NUMBER 93: All right.

14 MR. BROWN: It would basically stop it in its
15 tracks. The jury recommendation is key and critical
16 to this process.

17 JUROR NUMBER 93: Okay. Counselor, in the
18 second, in the penalty phase of the trial you say
19 that does not have to have -- it has to be 12 to 0 to
20 find the defendant guilty of either first degree
21 or -- is second degree murder a charge also, Your
22 Honor?

23 THE COURT: Second degree could be a
24 consideration, it would be a lesser included offense.

25 JUROR NUMBER 93: Okay.

1 THE COURT: You're going to get instructions,
2 I'll tell you what you can consider.

3 JUROR NUMBER 93: Okay.

4 THE COURT: It will be in writing laid out for
5 you.

6 JUROR NUMBER 93: I understand that.

7 MR. BROWN: The verdict in the guilt phase be
8 it guilty of any charge or not guilty, whatever it is
9 has to be unanimous for everybody.

10 JUROR NUMBER 93: I understand that, counselor,
11 but what I don't understand is the penalty phase what
12 the odds, I'm sorry, not the odds, but -- in other
13 words, the jury vote 7 to 5.

14 MR. BROWN: Then it comes back as a 7 to 5
15 recommendation. It would be -- if the jury was
16 unanimous for death, it would come back and say we
17 recommend death by a 12 to 1 vote or 12 to 0 vote.
18 If it's 11 to 1, 10 to 2, 8 to 4, 7 to 5 or it comes
19 back where it's 6/6, if the majority is life, then
20 it's a life recommendation, it's tied or less, it's a
21 life recommendation.

22 JUROR NUMBER 93: I understand.

23 MR. BROWN: If it's a death recommendation,
24 it's by the number. So, if you're sitting back there
25 with eleven jurors wanting to vote for death, you can

1 vote for life and that's what's reported back to the
2 Court, it's 11 to 1 and then it's considered a death
3 recommendation but the score -- the Judge knows what
4 the vote total is.

5 JUROR NUMBER 93: Understood, counselor.

6 MR. BROWN: So, knowing that, we're talking
7 about if you're back there eleven jurors wanted to
8 vote for death, you could go either way, how does
9 that affect you?

10 JUROR NUMBER 93: I would still have to listen
11 to the case and hear the evidence before I vote to
12 answer that question.

13 MR. BROWN: What -- given your positions that
14 you've expressed, what circumstances are out there
15 that you would look at, look to and say this would
16 justify the death penalty?

17 JUROR NUMBER 93: The aggravating
18 circumstances.

19 MR. BROWN: Do you have any in your own mind
20 that to you would aggravate something to put it to
21 the level where you would vote for the death penalty?

22 JUROR NUMBER 93: Can I give you an example?

23 MR. BROWN: Sure.

24 JUROR NUMBER 93: That gentleman, that guy in
25 Ohio that did what he did with those --

1 MR. BROWN: The three women?

2 JUROR NUMBER 93: Right. That's so far beyond
3 pale, in a case like that with true aggravating
4 factors in a case like that, even someone like myself
5 that traditionally doesn't find it economical nor
6 does he find it gives closure. It's a case that
7 sometimes where the aggravating parts of the crimes
8 are so horrible that the death penalty can and should
9 be applied.

10 MR. BROWN: And is that kind of in your mind
11 the standard that has to be to a degree of that
12 horrible or -- is that kind of in your own mind the
13 threshold of the bar?

14 JUROR NUMBER 93: In many respects I'd have to
15 say yes.

16 MR. BROWN: And if you get a situation or a
17 circumstance where you don't have -- because
18 obviously that case involved a long period of years
19 of torture.

20 JUROR NUMBER 93: Correct.

21 MR. BROWN: If you're in a position where you
22 do not have that, something that's going on for that
23 length of time, in your mind would that fall under
24 the bar and not be something that would be considered
25 for death?

1 JUROR NUMBER 93: Another example, I'm from an
2 area of Detroit, Michigan, we have a rather high
3 crime rate as said. Someone goes in and they rob a
4 liquor store, my opinion, it's not -- that's not,
5 that's not really an egregious case. It's horrible,
6 it's a tragedy when one person takes another person's
7 life but again, you know, you have to be -- what I
8 apply, what I'd have to apply is, you know, this
9 wasn't ongoing or there was torture involved or
10 something that's very, very heinous.

11 MR. BROWN: And anything less than that just
12 wouldn't met the bar?

13 JUROR NUMBER 93: That's pretty much the way I
14 feel about it, yes, sir.

15 MR. BROWN: Now, obviously, we talked earlier
16 the financial consideration, you feel pretty strongly
17 in that regard.

18 JUROR NUMBER 93: If I had lost, if I lost a
19 family member and even if I wanted the guy dead, the
20 jury brought back a life in prison where life means
21 life, the State of Michigan (unintelligible) clipped
22 somebody and then after twenty-five or twenty years
23 of good behavior they're back on the streets. Well,
24 that's not justice. I think life in prison in a
25 capital case I think could be justice.

1 MR. BROWN: Okay. But given the situation,
2 I'll take them one at a time and then combine the
3 two. Your position of the money aspect, and that's a
4 valid concern, a lot of people share your position,
5 knowing that part of your opposition to the death
6 penalty, is the overall cost to society, and
7 obviously that's something that you've thought about
8 over the timeframe, that's not something you walked
9 in today and I just thought about it today, it's a
10 long held belief that you've had I take it?

11 JUROR NUMBER 93: Yes, it's a long held belief.

12 MR. BROWN: Having that mindset, having that
13 I'll call it a core belief, would you be able to set
14 that core belief aside and not let the money issue
15 affect how you view things or do you think that's
16 always going to be in your mind and affecting your
17 decision making process?

18 JUROR NUMBER 93: It's going to be in my mind
19 but I wouldn't say that that would be -- that
20 wouldn't be my ultimate consideration, i.e., you have
21 aggravating circumstances, I wouldn't just say
22 automatically, well, I don't want -- as a taxpayer I
23 don't want to see the state spending another five or
24 six million dollars, I truly don't know what the
25 average cost of the taxpayers are in a capital, but

1 I've read several business journals and everything
2 that in most cases it's more economical to the state,
3 you know, you offer a plea, you know, they get life
4 in prison and then, you know, the legal cost anyway,
5 you know, that you have, the cost of incarceration.

6 MR. BROWN: You indicated that's not going to
7 be your core, but is that going to be part of your
8 thought process in coming to a decision?

9 JUROR NUMBER 93: Yes it would be.

10 MR. BROWN: Okay. And likewise, the very
11 tragic situation you talked about earlier with your
12 friend and the closure issue, having that firsthand,
13 that personal experience with that, seeing how it
14 affected your friend which you believe would have
15 been best for him and the rest of his family, that
16 strong held belief that you have there, is that also
17 going to be part and parcel of your mindset and your
18 thought process in arriving at what you believe to be
19 the appropriate sentence in this case?

20 JUROR NUMBER 93: I'd have to say both of them
21 would have equal weight.

22 MR. BROWN: Okay. Now, I want to go through
23 the process with you a little bit, and I think you
24 listened -- your responses quite well to the Court's
25 instructions to you yesterday. We get to the

1 process, it starts with a verdict of first degree
2 murder. Anything less, you don't get to the process.
3 So, if it's second degree or lesser, other lesser
4 included charge, you don't get there. The jury comes
5 back with first degree, we reconvene and additional
6 evidence is presented. The Court then at the
7 conclusion is going to give you the list of
8 aggravating circumstances, and obviously I think as
9 you understand those are things which could increase
10 the gravity of the crime, harm to the victim, that
11 type of -- that's what the list will be. The proof
12 of that may come in the original guilt phase and the
13 State may present additional proof of one or more of
14 those in the penalty phase.

15 JUROR NUMBER 93: Yes, I understand.

16 MR. BROWN: It's not just limits to what we
17 present at penalty, it's the entire process, it's one
18 trial. The Court's going to give you that list, we
19 have to prove those beyond any reasonable doubt and
20 if those -- you find we proved one or more of those
21 aggravators, then you look at them and say these
22 justify the death penalty. If you find that they do,
23 then you look at the mitigating circumstances given
24 by the defendant that's presented, the defendant's
25 character, life, things concerning him, they have to

1 be proven to a lesser agree, to a degree that's the
2 greater weight of the evidence and then you compare
3 the two and you go through a weighing process. Just
4 like you do in critical decisions you've had to make
5 in your life, you look at all the factors, some you
6 find to be very important you give great weight,
7 others you find to have little importance and you
8 give little weight. It's the same process she's
9 going to tell you to go through weighing the
10 aggravators against the mitigators. If you find the
11 mitigators outweigh the aggravators, you recommend
12 life. If you find the aggravators -- the mitigation
13 does not outweigh the aggravators, the aggravators
14 weigh more, then you're in a position where you could
15 legally recommend to the Court the death penalty.

16 JUROR NUMBER 93: I understand.

17 MR. BROWN: She's not going to tell you --

18 JUROR NUMBER 93: The Judge instructions.

19 MR. BROWN: She's not going to tell you you
20 have to, she's not going to say if the State proves
21 A, B, C and D then you have to return a verdict of
22 life, you'd just be in a position where you can, and
23 it's your choice looking at those aggravators and
24 saying is the death penalty justified in this case.
25 So, you have to look at the aggravators and the

1 mitigators.

2 Now, part of what we try to do in a jury trial
3 is to come up with people who are in a position
4 walking in with a clean slate. People may just
5 ordinarily in certain cases, certain instances have
6 an internal preconceived notion, bias, thoughts that
7 put us more to one side, more to the other when we
8 start and obviously the goal is to have everybody in
9 that even playing field to start right where you're
10 supposed to be at. Okay. Knowing in this case that
11 process, you have to weigh the aggravating
12 circumstances versus the mitigating circumstances
13 which deal with the defendant's life, can you
14 eliminate from your thought process, from your
15 mindset going in when you do that weighing process to
16 make your recommendation, can you eliminate the idea
17 of, well, my belief is it's cheaper for the
18 taxpayers, it's cheaper for the state and the whole
19 cost issue and focus just on those aggravators and
20 mitigators, or is that strong belief that you hold,
21 that core belief of that cost issue going to start
22 coming into play and affecting your weighing process?

23 MR. MOORE: Your Honor, objection. Can we
24 approach?

25 THE COURT: Yes, you may.

1 (Thereupon, a benchside conference was had out
2 of the hearing the Juror Number 93.)

3 MR. MOORE: Your Honor, we object in that
4 excluding that as a consideration is not required by
5 law or any rule that I'm aware of. The decision has
6 to do with the sentence, the defendant's background,
7 circumstances of the case and those types of
8 considerations are -- fall in this broad undefined
9 category of circumstances of the case. There is no
10 rule of law or any other rule that says that that
11 cannot be a consideration, or that a witness -- or
12 that a juror should be excluded because that may be
13 in the man's mind when he has already indicated that
14 he is for it in certain circumstances and that he --
15 if there is sufficient aggravating circumstances he
16 can vote for the death penalty. So, that's not a
17 proper area of inquiry because it doesn't lead to
18 anything that could be the basis for excluding this
19 witness.

20 MR. BROWN: Judge, I absolutely disagree, it is
21 clear, case law is clear, it is not a mitigator.
22 They can not present evidence of this. It is not
23 going to come up in trial. There is nowhere in the
24 instructions for the juror to consider that issue.
25 They have to look at the aggravating circumstances

1 and the mitigation evidence which is concerning the
2 defendant. The cost issue, their thinking of this
3 has no play and it does not come into at all in their
4 consideration. This is clearly a core belief that he
5 has, he's already said that that would weigh in his
6 mind of his mindset and I'm just trying to further
7 establish that that this is something he cannot set
8 aside because it should not go in, it's not part of
9 the consideration.

10 MR. MOORE: I would like to see a case which
11 says that this man cannot consider that as a part of
12 his deliberation process and they should exclude him
13 in a situation like this where this man says that
14 he's for it in limited circumstances, that he will
15 engage in the fact finding process of aggravating and
16 mitigating circumstance and weigh them and arrive at
17 a conclusion. I'd like to see a case which says he
18 should be excluded on that ground and there is none.

19 MR. BROWN: There's case law that says it is
20 not a mitigator. I think Mr. Moore agrees it is not
21 a mitigator.

22 MR. MOORE: We're not offering it as a
23 mitigator, we can't.

24 MR. BROWN: He cannot. If it's not a
25 mitigator, it does not come into consideration. The

1 Court tells the jury they are to weigh the
2 aggravators and the mitigators, we can not argue,
3 they should not be allowed to consider things that
4 are not aggravators or mitigators.

5 MR. MOORE: Then have the Court, Your Honor,
6 instruct him to say that if the Court gives
7 instructions as aggravating circumstances and
8 mitigating circumstances, can he follow that
9 instruction? Let's do it that way. That's the law.

10 THE COURT: I'm going to overrule the objection
11 but, Mr. Brown, I still -- once again, this is the
12 same thing I'm concerned about. He has -- one of the
13 questions has to be asked if the Court tells you to
14 follow the Court's instructions and the Court's
15 instructions are that you would have to consider
16 what's in this courtroom and happens in this
17 courtroom, can you follow the Court's instructions.

18 MR. BROWN: I thought I did that by going
19 through these are the aggravators and the mitigators
20 what the mitigators are and that you have to compare
21 and weigh those.

22 THE COURT: You say the law says, the law, you
23 know. I want to hear if the Court instructs you in
24 this case that you have to follow the instructions in
25 this case, can you do that? I mean, that's the

1 question that has to be asked. The same way I felt
2 in the other, the other one before this, that has to
3 be asked. So, I'm going to overrule the objection
4 though.

5 MR. LANNING: Judge, can I use the restroom?
6 There's no way I'm going to make it through there Mr.
7 (unintelligible).

8 THE COURT: Okay. Go ahead. Just come back
9 in.

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

12 MR. BROWN: Juror Number 93, let me back up a
13 step or two. You understand when I talk to you about
14 the aggravators and the mitigators, you're going to
15 be given those and what the Court's going to tell you
16 is that's what you consider. You consider those
17 aggravators, you consider the mitigators and you
18 weigh those two and, I shouldn't say those two, those
19 two types, because there will be multiple of each,
20 you weigh those and that's how you arrive at your
21 decision. If that's how the Court instructs you to
22 weigh that class of evidence, the aggravators, that
23 class the mitigators, can you assure us that you can
24 put aside this view, the core believe that you have
25 concerning the cost issue?

1 JUROR NUMBER 93: Absolutely on the cost issue.

2 MR. BROWN: Okay. Then the next step would be
3 your personal opinion that -- the personal experience
4 that you've had with your friend and the affect you
5 saw that it had on him and I assume, I don't know if
6 he had any other family.

7 JUROR NUMBER 93: He did.

8 MR. BROWN: The affect it had on him and his
9 family and the ripple effect as you described it
10 continued, can you set aside that obviously strong
11 impact that that had on you and on your core belief,
12 can you set that aside and simply weigh in this case
13 the aggravators and the mitigators or is did that
14 make such an impact on you that that's always going
15 to be with you and not separate the two?

16 JUROR NUMBER 93: That's a hard question.

17 MR. BROWN: Absolutely.

18 JUROR NUMBER 93: When you have someone' life
19 is in your hands possibly, I think the only way I can
20 arrive to hear the evidence to answer your question
21 as safely as I can, the cost issue I can put aside,
22 and depending on what the aggravating circumstances
23 versus the mitigating circumstances are, I take an
24 oath as a juror, then I'm bound by the law to follow
25 the laws of the State of Florida. The cost factor is

1 something that happens to be -- that's just an
2 economic belief of mine, that's something that -- I
3 can put that aside probably a lot easier than I could
4 the closure part because that affects, the victim's
5 already dead, closure for the family, that's
6 basically -- that would have a heavier determination
7 and in my deliberation in the penalty phase that the
8 jury arrive at a guilty verdict. I'm not going to
9 sit here and tell you I can put that aside until I
10 hear, until I hear the evidence. One thing I can
11 tell the Court is that I would be willing to keep an
12 open mind until I hear the evidence and then I would
13 know what my thoughts might be.

14 MR. BROWN: Do you have a reasonable question
15 in your mind as to whether you could put that aside?

16 JUROR NUMBER 93: I'm sorry?

17 MR. BROWN: Do you have a reasonable question
18 in your mind as to whether you could put your
19 knowledge of that personal experience that you've had
20 aside in this case?

21 MR. MOORE: Judge, I object to that the
22 question the way it was asked. I object to the form
23 of the question, it's misleading. May we approach?

24 THE COURT: Yes, you may.

25 (Thereupon, a benchside conference was had out

1 of the hearing of Juror 93 as follows:)

2 MR. MOORE: I don't think he's getting what --
3 the point that Mr. Brown is trying to make. I mean,
4 I think what -- the more -- the way the question has
5 to be asked is not just put it aside, it's something
6 he can never forget, but have it not affect his
7 deliberations in this case. That's the way it should
8 be asked and not just can you put it aside because
9 obviously it's affected him and probably will for
10 life. So, it has to be put in the context of this
11 case and whether despite that he can still follow the
12 Court's instructions and engage in this process and
13 not have it affect his deliberations in this case and
14 that is that situation not affect his deliberations
15 in this case. If he's concerned about closure for
16 this family, I mean, that's different, that's a
17 different question all together and that's where I'm
18 objecting. I think it's getting all confused in his
19 mind.

20 THE COURT: I tend to agree with him. Your
21 question asking him to set that aside, I don't think
22 he can ever set it aside. So, it needs to be can you
23 follow the Court's instructions in this case and
24 not --

25 MR. BROWN: And set things aside or be fair and

1 impartial. I'm using the term that comes from the
2 jury instructions and terms that the Court has used.
3 I'm not inventing these out of thin air.

4 MR. MOORE: He can't throw a switch and not be
5 affected by that.

6 MR. BROWN: That's part of the issue but it
7 isn't necessary critical.

8 MR. MOORE: The question has to be limited to
9 the context of this case, can he follow the
10 instructions in this case.

11 THE COURT: And not make that part of your
12 consideration. I tend to agree with the question as
13 asked and the contents as asked is confusing and I'll
14 sustain the objection.

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

17 MR. BROWN: Juror Number 93, obviously we can't
18 wait until you're back there to determine whether or
19 not this issue and the personal experience you went
20 through would affect you, would affect your
21 deliberating. So, we can't wait until you hear all
22 the evidence to decide how that may or may not affect
23 you. So, that's why we have to speak and talk about
24 it now. Because once you're selected we don't get to
25 question you, this is it and there's no going back

1 and saying, you know, now I think it's going to
2 affect me and therefore I'm off, I stay on. So, it's
3 to the issue now and what we have to determine is for
4 this case, for your deliberations in this case, can
5 you set it aside and base your recommendation just on
6 what the Court has indicated are the main aggravators
7 and mitigators from this case or will it stick with
8 you and play with you in your deliberation and affect
9 how you weigh the aggravators and mitigators, or do
10 you have a reasonable doubt about your ability to set
11 it aside?

12 JUROR NUMBER 93: It's reasonable doubt, I
13 won't sit here and lie to you, I have a reasonable
14 doubt about that but I'll preface that. Based on the
15 final instructions that we get from the Judge in the
16 case, I think I can take the two, you know, primary
17 objections that I have. I know I could put the
18 financial consideration aside, that I can assure you.
19 As far as the other is concerned with, who the heck
20 knows what you're going to think after you've heard
21 the evidence. It's almost absurd, with all due
22 respect, it's almost like, you know, the imposition
23 of (unintelligible) where you're asking -- as a juror
24 you're asking me if I can put aside feelings that,
25 you know, in one case versus another one. I can't

1 sit here and say, say to you, sir, with respect that
2 I'll go one way or the other just based on, you know,
3 the answers that I give in this case
4 (unintelligible).

5 MR. BROWN: And that's -- we're not trying
6 to -- I'm not trying to get from you how you would go
7 one way or the other.

8 JUROR NUMBER 93: Right.

9 MR. BROWN: The goal here is to try to come up
10 with jurors who are going to be coming in with a
11 clean slate and coming upon everybody's background
12 and what's happened, what they see and how close
13 they've been to a situation sometimes can color you
14 to the point of this type of case you may not be the
15 best juror on, you should be on another type of case
16 where you don't have that type of experience that's
17 so close. Likewise, that type of a case somebody may
18 be too close to that and may be better suited for
19 this case. So, that's where I'm trying to go and
20 that's why I asked you about your own thought process
21 and whether you had a reasonable doubt whether you
22 can set that aside and just -- and I think you
23 indicated that you do have a reasonable doubt as to
24 your ability to do that.

25 JUROR NUMBER 93: As far as the closure part.

1 MR. BROWN: Right. Absolutely.

2 JUROR NUMBER 93: But again --

3 MR. BROWN: Financial?

4 JUROR NUMBER 93: -- the Judge's instructions
5 to the jury in the penalty phase I would put more
6 faith in. I've never sat on a jury for a capital
7 case. So, again, maybe I'm speaking here
8 (unintelligible) but I've always believed that when
9 the Judge charges the jury, that's where the rubber
10 meets the road, so to speak, and sometimes you have
11 to put aside, you know, some preconceived notions,
12 but I'm not going to sit here and, you know, try to
13 mislead the Court. The situation in this other
14 murder case, I saw how it tore a family apart and --
15 but after listening to the Judge's instructions, I'll
16 tell you this, I can go in there and give this a shot
17 same as anybody else, but nobody can come in and say
18 they don't have preconceived notions about everything
19 in a case. Just trying to be honest with you.

20 MR. BROWN: Absolutely, sir, I appreciate your
21 honesty and I appreciate the completeness of your
22 answers and that's what we're looking for. As the
23 Court said earlier, she said it to others, there's no
24 right or wrong answer. There is a wrong answer when
25 it's not a complete answer. That's what we're asking

1 to get your complete and full view. So, I do
2 appreciate it, sir. Thank you. Your Honor, no
3 further questions.

4 THE COURT: Okay. Questions by the Defense.

5 MR. PIROLO: Yes, Your Honor, thank you. Good
6 afternoon Juror Number 93. How are you?

7 JUROR NUMBER 93: Feeling like I'm the
8 defendant in the Nurenberg trials.

9 MR. PIROLO: I'm sorry. You understand why
10 this is important though obviously?

11 JUROR NUMBER 93: I understand.

12 MR. PIROLO: You've mentioned it already that
13 we are talking about someone's life and it's not in
14 the abstract some person out in the hallway or
15 outside of this courtroom, jurors feed away, we're
16 talking about Mr. Bradley, you could considering his
17 life if chosen on and this jury and if we even get to
18 the second part of the trial.

19 JUROR NUMBER 93: Correct, yeah.

20 MR. PIROLO: We already -- usually start off
21 with getting into life without parole, if you
22 understand what it means and I now take it you
23 understand that in Florida life without parole means
24 life. Mr. Bradley gets sentence had to life in
25 prison without parole, that's where he dies, never

1 sees the outside of prison.

2 JUROR NUMBER 93: I understand.

3 MR. PIROLO: Okay. I know you went into a
4 couple of ideas of what you believe and you also
5 indicated that your position on the death penalty has
6 been evolving over the last I guess for years. I
7 know you mentioned some cases. Would a case --
8 before I even ask that. I know it's difficult
9 because a lot of this is just hypothetical.

10 Unfortunately, I can't stand here and tell you these
11 are the list of potential aggravators that you might
12 hear from the State. Unfortunately, I can't tell you
13 that. What I can do in a little bit is mention some
14 mitigators that you can hear but we can't get into
15 the aggravators. But knowing that there are -- if
16 you -- let me back up. There's a conviction for
17 first degree murder, then we move on to this process
18 and that is an offense that you would have to decide
19 whether -- or give a recommendation on whether life
20 in prison without parole is warranted or the death
21 penalty.

22 Now, this isn't a case that involves torture of
23 people, you understand that? This is a case that
24 involves the death of a police officer and it
25 involves the death of a police officer while she was

1 on duty. Can you think of circumstances in this kind
2 of a case where the death, the death of a law
3 enforcement officer occurred that could elevate it to
4 considering the death penalty?

5 JUROR NUMBER 93: Again --

6 MR. PIROLO: We being unable to tell you what
7 the possible aggravators could be.

8 JUROR NUMBER 93: Okay. When it comes to the
9 murder of a police officer, I was a soldier for
10 twenty years, that's the life I chose. I also knew
11 that after -- I served during the Vietnam War
12 actively and I choose that life knowing that there
13 was a possibility I could be killed or wounded. I
14 think law enforcement officers, God knows, have I
15 have tremendous amount respect for them, they take on
16 the same risks. So, if a regular citizen is
17 murdered, do I think that the murder of a law
18 enforcement officer, is that person's life greater
19 than the life of a normal citizen, a police officer
20 or military man goes into that life knowing that the
21 chances of him being harmed or even killed are far
22 greater than say a florist. So, I don't know what --
23 I don't know if the murder of a law enforcement
24 officer bears more weight than a regular citizen
25 being killed.

1 MR. PIROLO: If you were instructed that that
2 was an aggravating circumstance, would you be able to
3 consider that?

4 JUROR NUMBER 93: Yes, I would.

5 MR. PIROLO: And would you be able to consider
6 that and if warranted consider the death
7 recommendation? And we haven't even touched the
8 mitigation.

9 JUROR NUMBER 93: Right, I understand what
10 you're saying.

11 MR. PIROLO: But if it's -- if you're
12 instructed that that is an aggravating circumstance,
13 the victim in our case is a police officer, law
14 enforcement officer, could you consider that as an
15 aggravating circumstance if that's what the Court
16 instructs you?

17 JUROR NUMBER 93: That's what the instructions
18 for the jury are, yes, then I'd have to considering
19 that.

20 MR. PIROLO: And what I want to do is touch on
21 mitigation and then we're going to kind of come back
22 to the aggravators, but before I do that, the
23 aggravators you understand at this point the State
24 has to prove them beyond a reasonable doubt and
25 aggravators are limited, the law sets aside certain

1 aggravating circumstances and you'll hear the
2 instruction from the Judge of what those aggravating
3 circumstances are and you have to weigh those. If
4 you find one or more, then we go on to considering
5 the mitigating circumstances. Now, the mitigating
6 circumstances are unlimited. We're going to touch
7 upon a few in a little bit but they're unlimited.
8 Also, it's -- the burden is less. Now, I'm sure you
9 can appreciate why the burden is less, we are talking
10 about someone's life, Mr. Bradley's life. So, the
11 aggravating circumstances have to be proved beyond a
12 reasonable doubt, mitigating you have to be
13 reasonably convinced that a mitigating circumstance
14 exists. Okay.

15 Now, would you be open to considering mental
16 illness as a mitigating circumstance and a mitigating
17 circumstances would be to consider a life
18 recommendation?

19 JUROR NUMBER 93: You're asking me if a
20 mitigating circumstance was that -- say for the sake
21 of our discussion the defendant was insane at the
22 time.

23 MR. PIROLO: We're not talking about insanity,
24 we have a qualified expert and that qualified expert,
25 a psychologist, psychiatrist, talks to you about

1 evaluations, opinions of Mr. Bradley, and tells you
2 that Mr. Bradley had suffered from a mental illness
3 at the time, could you consider that as mitigation?

4 JUROR NUMBER 93: That's, that's -- if you have
5 a medical professional?

6 MR. PIROLO: Right.

7 JUROR NUMBER 93: Yeah.

8 MR. PIROLO: Not just me telling you, hey, by
9 the way, it's actually an expert.

10 JUROR NUMBER 93: Yeah, I got it.

11 MR. PIROLO: How about brain damage or brain
12 injury? Again, you hear it from someone who's
13 qualified to talk about those things, that
14 Mr. Bradley had a brain injury or brain damage at the
15 time, would you consider that as a mitigating
16 circumstance in this case?

17 JUROR NUMBER 93: I would consider it.

18 MR. PIROLO: How about physical and emotional
19 abuse, would you consider that as a mitigating
20 circumstance?

21 JUROR NUMBER 93: That he was physically -- the
22 police officer had --

23 MR. PIROLO: No, if there would be evidence
24 that in his childhood or as he was grown up there was
25 physical abuse or emotional abuse, would you consider

1 that as mitigating?

2 JUROR NUMBER 93: If it's presented I have to
3 consider it.

4 MR. PIROLO: And as it's been told, you give
5 whatever weight you want to that circumstance. You
6 can give it great weight, you give it not so great
7 weight, but what I'm asking you is could you consider
8 it? Would you be open to considering that?

9 JUROR NUMBER 93: I would be open to it but
10 I've got to tell you, I would be -- I would consider
11 the case more with, you know, the, you know, the
12 evidence of the crime.

13 MR. PIROLO: As opposed to -- the evidence of
14 the crime would talk about what you consider in the
15 first phase. Would you be --

16 JUROR NUMBER 93: Sir, does a mitigating, does
17 a mitigating circumstance take place during the first
18 phase of the trial or the second phase of the trial?

19 MR. PIROLO: We get to those in the second
20 phase.

21 MR. LANNING: Well, both.

22 MR. PIROLO: Both but.

23 MR. MOORE: Wherever you see it. Wherever you
24 see it.

25 MR. PIROLO: Just like the aggravators, you see

1 the mitigating. If you hear things in the guilt
2 phase, you consider those. Okay. So, could you
3 be -- could you consider those mitigating
4 circumstances of so far the ones we've talked about
5 as mitigating in considering a life recommendation in
6 this case?

7 JUROR NUMBER 93: I would say so.

8 MR. PIROLO: I want to -- what are your
9 thoughts on drug addiction? Do you think drug
10 addiction is a choice?

11 JUROR NUMBER 93: I chose to quit drinking
12 thirty-six years ago. I took a choice to pick up the
13 first drink when I was around fifteen years old and
14 then when I turned thirty I decided to put it down.
15 So, I think that -- I don't think -- I think whether
16 someone decides to use drugs or not, I believe that
17 they're the ones that make that decision. Nobody
18 puts a glass of booze in your hand or a bowl of meth,
19 whatever, you know, people make free will decisions.

20 MR. PIROLO: Do you agree that some people are
21 stronger to kick the habit, so to speak, as opposed
22 to other people?

23 JUROR NUMBER 93: Oh, sure, I've seen that.

24 MR. PIROLO: Some people that no matter what
25 they can't break an addiction?

1 JUROR NUMBER 93: Maybe if their desire is to
2 (unintelligible), their lives become unmanageable and
3 they have to quit or they die.

4 MR. PIROLO: If you heard evidence of drug
5 addiction, would you be able to consider that as
6 mitigating?

7 JUROR NUMBER 93: I would consider it as a
8 factor, but would I put a real heavy -- would I put a
9 lot of stock on it as a mitigating factor, not so
10 much.

11 MR. PIROLO: I'm going to read two separate
12 instructions to you and I'm going to -- after each
13 one I'm going to ask you if you would be able to
14 consider it as mitigating in this case. The capital
15 felony was committed while the defendant was under
16 the influence of extreme mental or emotional
17 disturbance, would you be able to consider that as
18 mitigating in this case?

19 JUROR NUMBER 93: Yes.

20 MR. PIROLO: The capacity of the defendant to
21 appreciate the criminality of his conduct or to
22 conform his conduct to the requirements of the law
23 was substantially impaired, would you be able to
24 consider that in this case?

25 JUROR NUMBER 93: At the time -- would you read

1 that back to me?

2 MR. PIROLO: Sure?

3 JUROR NUMBER 93: I don't quite understand
4 that.

5 MR. PIROLO: No problem. The capacity of the
6 defendant to appreciate the criminality of his
7 conduct or to conform his conduct to the requirements
8 of the law were substantially impaired.

9 JUROR NUMBER 93: And that will be a penalty
10 phase or all throughout the trial?

11 MR. PIROLO: It could come all throughout.

12 JUROR NUMBER 93: All throughout.

13 MR. PIROLO: You're listening from the very
14 beginning to the very end of the trial each phase.

15 JUROR NUMBER 93: I would have to say I would
16 consider it along with the aggravating circumstances.

17 MR. PIROLO: And that's what you have to do.

18 JUROR NUMBER 93: Yeah, you know, it's like you
19 said, they have to be weighed.

20 MR. PIROLO: Knowing that this is not a limited
21 list, we just talked about some potential mitigating
22 circumstances, but at least the ones we've talked
23 about, would you consider them, would you consider
24 them if you heard them as an explanation for behavior
25 or as an excuse?

1 JUROR NUMBER 93: I would have to say more of
2 an excuse.

3 MR. PIROLO: And which is that, all the ones
4 we've talked about or?

5 JUROR NUMBER 93: More along the ones of the
6 second question you asked.

7 MR. PIROLO: How about the mental illness
8 aspect and the brain damage or brain injury?

9 JUROR NUMBER 93: I would have to look at a
10 factor.

11 MR. PIROLO: As an explanation to someone's
12 behavior as opposed to an excuse?

13 JUROR NUMBER 93: Exactly.

14 MR. PIROLO: Going back now to aggravating
15 circumstances, we talked about they're limited and
16 you need to decide obviously if they've been proven,
17 one or more, and you've indicated to us that you
18 would be able to consider first whether or not
19 they've been -- you would be able to consider any
20 aggravating circumstances that are proven to you,
21 correct?

22 JUROR NUMBER 93: Yes, sir.

23 MR. PIROLO: I want to get into something that
24 we anticipate is going to happen in this trial and
25 that's something called victim impact evidence. I'm

1 going to read you a portion of it and we'll discuss
2 it. You have heard evidence about the impact of this
3 homicide on the family, friends and community of
4 Deputy Pill. This evidence is presented to show the
5 victim's uniqueness as an individual. However, you
6 may not consider this evidence as an aggravating
7 circumstance. What we anticipate is going to happen
8 is you will hear from her friends, family, coworkers,
9 things like that, and they will tell you what her
10 life affected them and how the loss of her life has
11 impacted them and will -- I bring this up because
12 obviously you talked about something that's pretty
13 close to you.

14 JUROR NUMBER 93: Right.

15 MR. PIROLO: And would you be relating what
16 certain family members would say to your experience
17 we talked about today? Would you then start weighing
18 that back to your own personal experience with how
19 you saw a child's family impacted?

20 JUROR NUMBER 93: You have two separate, two
21 separate, two separate crimes. It's my understanding
22 that -- when you read the charges yesterday, Your
23 Honor, that the officer was acting on the color of
24 authority, she was in the performance of her duties
25 as a law enforcement officer, correct?

1 MR. PIROLO: Right.

2 JUROR NUMBER 93: Are you asking me whether the
3 statements of the victim's, the victim impact
4 statements would have any impact on my thinking back
5 to that previous case, sure, it's a possibility, but
6 they're two different sets of -- two different
7 crimes.

8 MR. PIROLO: Will you be able to follow the law
9 that would be presented to you from this Judge that
10 the victim impact evidence is not an aggravating
11 circumstance?

12 JUROR NUMBER 93: Yes, sir.

13 MR. PIROLO: There will be photographs that
14 will be presented to you that show -- graphic
15 photographs that show how Deputy Pill looked like
16 after she got shot, would that turn you off to
17 mitigating circumstances?

18 JUROR NUMBER 93: I've seen some pretty grizzly
19 things in my life, sir, that weren't all photographs.
20 If you're asking me if the sight of those photographs
21 would inflame me as a juror, I'd have to say no.

22 MR. PIROLO: On the same lines, there was be a
23 video that would depict how she was killed, from your
24 previous comment I take it you've seen things
25 firsthand in your life, but same question with the

1 video, would you be unable to consider mitigating
2 circumstances after seeing the video of that nature?

3 JUROR NUMBER 93: I'd have to say no. Like I
4 said, I'd have to see -- you know, after, after,
5 after serving two combats, there's not a whole hell
6 of a lot that I haven't seen unfortunately.

7 MR. PIROLO: If we get to this second phase and
8 the Court instructs you that you have to consider
9 both the death penalty and life without parole as
10 possible sentences in this case, recommendations, can
11 you do that?

12 JUROR NUMBER 93: I think I could.

13 MR. PIROLO: If the aggravating circumstances,
14 if you felt that a death recommendation was
15 appropriate, could you return that sentence?

16 JUROR NUMBER 93: Yes, after balancing the
17 aggravating circumstances versus the circumstances
18 that the Defense intends to present, I think I could
19 after I look at the evidence. Again, it's like we're
20 going in and you're asking somebody (unintelligible)
21 life's piece of canvas, but I would weigh the, you
22 know, the aggravating versus the mitigating factors.

23 MR. PIROLO: You know what I'm going to ask you
24 next. If after that weighing process you -- would
25 you be able to return a life recommendation if

1 appropriate?

2 JUROR NUMBER 93: If I deemed it appropriate.

3 MR. PIROLO: After your weighing --

4 JUROR NUMBER 93: Right.

5 MR. PIROLO: -- the aggravators and the
6 mitigators?

7 If you're -- you now know that the second part
8 the recommendation does not have to be unanimous, do
9 you feel that someone can talk you out of a position
10 or force you out of position that you have or will
11 you be able to stick with what your feelings are
12 after you weigh the aggravating circumstances and
13 mitigating circumstances?

14 JUROR NUMBER 93: Well, put it this way, if I
15 had a true belief in my opinion of the case, I would
16 not let other people intimidate me into voting
17 (unintelligible).

18 MR. PIROLO: And you know what I'm going to do
19 now, I'm going to flip it and say if you disagree
20 with somebody, you may disagree with it but you would
21 respect it and not try to browbeat them into changing
22 their vote, have that healthy discussion back and
23 forth?

24 JUROR NUMBER 93: You can have debate but it
25 doesn't have to be personal.

1 MR. PIROLO: In fact, you just agree to
2 disagree. Judge, can I have a moment?

3 THE COURT: Yes, you may.

4 (Thereupon, a pause was taken in the
5 proceedings.)

6 MR. PIROLO: Judge, I don't have anymore
7 questioning. May we approach?

8 THE COURT: Yes, you may.

9 (Thereupon, a benchside conference was had out
10 of the hearing of Juror 93 as follows:)

11 MR. PIROLO: Judge, I was just going to request
12 that the Court could, and I don't know if you have it
13 separately, but read the bracketed instruction, I
14 believe it's on page J62, it's a 2014 --

15 THE COURT: Tell me what it is.

16 MR. PIROLO: It is --

17 MR. MOORE: Outlines the penalty phase
18 proceeding in a paragraph.

19 THE COURT: Why?

20 MR. MOORE: So, we can --

21 THE COURT: Haven't we gone -- everyone's
22 gone --

23 MR. MOORE: No, not the whole picture, not the
24 whole paragraph and then asking -- I mean, it's been
25 piecemealed and there's been a lot of focus on his

1 ability to set aside an emotionally significant
2 experience in his life and use that.

3 THE COURT: Are you going to ask that he be
4 excused?

5 MR. MOORE: No, I'm not going to.

6 THE COURT: Are they going to ask that he be
7 excused?

8 MR. MOORE: I expect they will.

9 MR. BROWN: Yes.

10 MR. MOORE: I expect they will and that would
11 be improper.

12 THE COURT: Because I'm going to deny that.

13 MR. MOORE: Oh. Then we don't need to.

14 THE COURT: I'm going to deny that.

15 MR. BROWN: Judge, if you deny it, you deny it
16 without prejudice, I believe there's case law. I
17 think he was pretty clear in his position about he
18 has a reasonable doubt about his ability to set aside
19 that issue, the closure issue for that family and
20 friend, set that aside and he was quite clear on
21 that.

22 THE COURT: One of my problems with both sides
23 questioning is then the next question becomes if the
24 Judge instructs you that you have to, can you do
25 that, and he was pretty clear that if the Judge

1 instructs. That was my issue before with the Defense
2 is you have to ask that last question because most
3 people will follow the law or, you know, they will --
4 can't always guarantee they're going to do it but
5 they will make an attempt to follow the law and he
6 said he could do it.

7 MR. BROWN: He said he would make an attempt.

8 THE COURT: No, he said he could do it.

9 MR. BROWN: Judge, I respectfully disagree. I
10 pointblank because we had a lengthy discussion, when
11 I went back I said what the Court's going to tell you
12 this is what you must weigh, the aggravators and the
13 mitigators, and it's from the evidence that you get
14 in this courtroom is what you weigh, is that personal
15 experience you had going to affect you in that
16 weighing process, can you set it aside. He
17 acknowledged he has a reasonable doubt about his
18 ability to set that aside.

19 MR. MOORE: That's the problem, their whole
20 penalty phase is going to be about the impact on the
21 victim, the victim's family and there's no way that
22 he can leave all those experiences outside the
23 courtroom and not have the State's, you know, all the
24 witnesses for the victim, their husband, their sons
25 and not have that impact him and not have that be

1 tied into some experience he's had in his life. That
2 is -- that's going to be their -- that's going to be
3 their penalty phase is their victim impact.

4 MR. BROWN: I agree, he can't set it aside.

5 MR. MOORE: Nobody can.

6 MR. BROWN: That's the problem with him though.

7 THE COURT: Well, then what was asked of him,
8 the second part of it is if the Judge told you that
9 you had to do, could you follow the law, could you
10 follow her instructions and he said yes.

11 MR. PIROLO: Judge, he also said he would
12 consider coming back with a death recommendation as
13 well.

14 MR. BROWN: We're not arguing that issue,
15 that's neither here nor there. What I'm arguing and
16 I think there's specific case law on point. Judge,
17 all I'm asking at this point is I've made the
18 objection, if the Court would at least allow me to
19 reargue it at a later date if we choose obviously
20 before we completed jury selection.

21 THE COURT: Okay. I mean, I'm going to deny
22 the challenge for cause. If you have case law, I'll
23 be open to listen to case law. Usually I'm open to
24 listen to case law if it comes up later but I'm
25 denying the request for cause. Okay.

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

3 THE COURT: Okay. Juror Number 93, what I'm
4 going to ask you to do, you're still being considered
5 for a possible juror for this panel but you are
6 released today. I'm going to ask you to go
7 downstairs and talk to the jury clerks. They're
8 going to give you a phone number. You need to call
9 back on Wednesday between 1:00 and 5:00 and they'll
10 tell you when you need to return next. It's possibly
11 you're going to need to return next Thursday or next
12 Friday, okay, but you will not have to return Monday,
13 Tuesday -- tomorrow, Monday, Tuesday or Wednesday.

14 JUROR NUMBER 93: Could you repeat the first
15 part for me, Your Honor?

16 THE COURT: Okay. They're going to give you
17 these instructions again downstairs just so you know,
18 but you're released for today. You're not going to
19 be here tomorrow, Monday, Tuesday or Wednesday, but
20 next Wednesday you're going to call, and they're
21 going to give you the number downstairs because I'm
22 not going to give out phone numbers here, they're
23 going to give out the number downstairs and you're
24 going to call between 1:00 and 5:00 and they're going
25 to tell you when to report next.

1 JUROR NUMBER 93: So that would be?

2 THE COURT: Most likely it's going to be
3 Thursday or Friday of next week. A week from today.

4 JUROR NUMBER 93: Yes, ma'am.

5 THE COURT: Okay. During this break you must
6 continue to abide by your rules governing your
7 service as a juror. You need to not talk to anyone
8 about this case. You must avoid reading newspaper
9 headlines and articles relating to this trial or its
10 participants. Avoid seeing or hearing television,
11 radio, or Internet comments about the trial. Do not
12 conduct any research concerning any matters
13 concerning this case or its participants. Okay. Any
14 questions or concerns?

15 JUROR NUMBER 93: No, ma'am.

16 THE COURT: Okay. I'll have you report
17 downstairs. Thank you.

18 (Thereupon, Juror Number 93 exited the
19 courtroom.)

20 THE COURT: Okay. We're going to take a
21 recess. Let's say it's 4:15, take a ten minute
22 recess, be back at 4:25. So, court will be in
23 recess. Thank you.

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

1 THE COURT: Okay. Before we bring in the
2 next -- we need to bring in Mr. Bradley.

3 (Thereupon, the defendant was escorted into the
4 courtroom by the court deputy.)

5 THE COURT: Before we bring in the next
6 numbered juror, I would like if we're still in jury
7 selection just try to start next Thursday at 8:30.
8 That's March the 6th. With all due respect, we
9 thought we might be in opening statements on that
10 day, I don't think that's going to happen. I would
11 note that we're not starting on March the 6th for a
12 request made by the family. So, I would ask the
13 State to inquire if that's going to be an issue and
14 we -- so the Court can start March the 6th. I don't
15 intends to go forward with openings or with evidence
16 but if we're still in jury selection, I'd like to
17 start at 8:30 on March the 6th.

18 MR. BROWN: Judge, we do not have a problem
19 with that. I don't believe, unless they've popped in
20 when I haven't been looking, I don't believe that
21 we've had the family here. We had talked to them at
22 length about attending jury selection and telling
23 them the pros and cons and the relative value of
24 attending that. So, I don't think it's a problem at
25 all for us to start.

1 THE COURT: Okay. If we do, we'll make those
2 decisions definitely, final decisions tomorrow but
3 that is what the Court would like to do.

4 MR. BROWN: Yes, ma'am.

5 THE COURT: So, if I hear something else, let
6 me know. Otherwise, we'll finalize the schedule
7 tomorrow. We'll see how far we get to tomorrow but
8 that's what I would like to do. I'm trying to shoot
9 to start the case March the 10th if we can do.
10 That's obviously going to depend on how far we get in
11 this process. Okay. Anything else I need to discuss
12 before I bring in Number 96?

13 MR. BROWN: Nothing from the State.

14 THE COURT: Okay. We'll bring in Number 96.

15 (Thereupon, Juror Number 96 was escorted into
16 the courtroom by the court deputy and the proceedings were
17 had as follows:)

18 THE COURT: Okay. Juror Number 96, the first
19 think I would like to do is to thank you, thank you
20 for your service, thank you for being here. Thank
21 you for being patient with us with regard to this
22 process. I know it's been a long process for you, I
23 assure you it's been a long process for us as well
24 but it is somewhat necessary to go through this
25 process and we're going as quickly as we can. So, I

1 just want to thank you because we understand, you
2 know, it's not probably that convenient for you to be
3 sitting out there and waiting for us. So, having
4 said that, when we recessed before I put some rules
5 in place. Those rules kind of did start on that day.
6 So, I'm going to ask you about those. Have you read
7 or been exposed to reading newspaper headlines and/or
8 articles relating to this trial or its participants?

9 JUROR NUMBER 96: I don't know, from when?

10 THE COURT: Since I imposed the rules.

11 JUROR NUMBER 96: No.

12 THE COURT: I'm going to talk to you about what
13 you may have know before in a few minutes. Have you
14 seen or heard television, radio, or Internet comments
15 about this trial?

16 JUROR NUMBER 96: No.

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

20 JUROR NUMBER 96: No.

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

24 JUROR NUMBER 96: No.

25 THE COURT: Okay. I'm going to go ahead and

1 start with what you do know about the case. And to
2 tell you the truth, the purpose of these questions is
3 for you to be open, frank, honest. There's no right
4 or wrong answers. You can say whatever you want.
5 You're allowed to say whatever you want, we won't be
6 offended, we just want to know what your views are
7 about these things. Don't need to be hesitant, just
8 say what's on your mind. Do you know anything about
9 this case either from your own personal knowledge,
10 rumor, or by discussions with anyone, or from the
11 media, radio, television, Internet, electronic
12 device, or newspapers?

13 JUROR NUMBER 96: Yes.

14 THE COURT: Okay. Tell me what information you
15 believe you know about this case.

16 JUROR NUMBER 96: I read the newspaper
17 regularly and when the case first happened I followed
18 it in the newspapers and on the TV.

19 THE COURT: Okay. So, I'm assuming is the
20 newspaper you read, is that Florida Today?

21 JUROR NUMBER 96: Yes, it is.

22 THE COURT: And you followed it on TV?

23 JUROR NUMBER 96: Yes.

24 THE COURT: What's your normal schedule as far
25 as reading newspapers and watching news programs?

1 JUROR NUMBER 96: Newspaper I read it every
2 day, television on and off.

3 THE COURT: The newspaper, do you read more or
4 less cover to cover?

5 JUROR NUMBER 96: Usually.

6 THE COURT: Okay. And what is it that you
7 believe that you know? Be specific about the facts.

8 JUROR NUMBER 96: Well --

9 THE COURT: Or about information.

10 JUROR NUMBER 96: I remember there was a
11 robbery at a hotel I believe on 192 and Mr. Bradley
12 and his girlfriend were, I don't know, I don't
13 remember what they took, I guess it was reported and
14 Deputy Pill stopped their car, I don't remember where
15 that was.

16 THE COURT: Okay.

17 JUROR NUMBER 96: Down the road. And deputy
18 stopped the car and (unintelligible) window and then
19 she was fired upon and he drove off with the
20 girlfriend and a high speed chase and he overturned
21 in like a little water ditch and then they were
22 arrested. So, I've seen different articles and
23 coverage in the paper and all about Deputy Pill's
24 memorial service.

25 THE COURT: Okay.

1 JUROR NUMBER 96: And I've known a couple of
2 people that knew her, her and her family, and spoke
3 to them a little bit about it, very difficult, but
4 that's all.

5 THE COURT: Okay. There's been -- I believe
6 there's been some articles recently, do you know
7 about those?

8 JUROR NUMBER 96: Let's see. Before I came
9 there was some, you know, talk about the trial that
10 was going to be starting and what not. There was
11 something about his drug use or selling cocaine or
12 something about addictions and things like that. And
13 there was stuff about the girlfriend, that she is
14 going to testify against him.

15 THE COURT: Okay. Now, you also said that you
16 knew -- you talked to someone who knows the Pill
17 family?

18 JUROR NUMBER 96: Well, a woman I know in
19 church, her husband use to work with the sheriff's
20 office and he knew the Pill family.

21 THE COURT: Okay. And so did you talk to that
22 person about what?

23 JUROR NUMBER 96: I did not talk to him, I
24 talked to her and she was just telling me that she
25 was such a wonderful person and all, and he didn't go

1 into much more than that. She was worried about her
2 own husband who's in the line of work and she was
3 horrified about what could happen.

4 THE COURT: All right. One of the things that
5 we ask you to do if you're selected as a juror is to
6 set aside anything that you might learn about this
7 case, serve with an open mind and reach a verdict
8 based only on the law, the evidence presented in this
9 trial in this courtroom, do you think based on what
10 you know about the case you would be able to do that?

11 JUROR NUMBER 96: I don't think I would be able
12 to forget all the things that I have read.

13 THE COURT: Okay. Because that's going to be
14 my next question I was going to ask you is that the
15 State has the burden of proof. They have to prove
16 each element of each count by and to the exclusion of
17 every reasonable doubt. The defendant does not have
18 to prove anything. In fact, he has the presumption
19 of innocence as we sit here, sit here. If -- because
20 of the knowledge that you have, let's say the State
21 presents their case and there's something out there
22 that you know and you didn't hear it in here, you
23 didn't hear anything about it in this courtroom and
24 you say, hey, I know that from reading this, are you
25 going to take that into consideration or are you

1 going to be able to say no, I didn't hear that,
2 that's not part of what I'm going to consider?

3 JUROR NUMBER 96: I don't think I would be able
4 to do that. That kind of bothers me about other
5 trials that I read about, you know, that jurors don't
6 know some of the information and unless you know it,
7 I just can't say no, I can ignore that.

8 THE COURT: Okay. There's no right or wrong
9 answers in here, you just got to tell us what you
10 think you can do and can't do. Do you think at this
11 time you could presume Mr. Bradley to be not guilty,
12 to be innocent as you sit here at this time?

13 JUROR NUMBER 96: (Shakes head.)

14 THE COURT: If I tell you as part of your
15 instruction that that's what you have to do in order
16 to serve as a juror, can you follow my instructions
17 and do that?

18 JUROR NUMBER 96: No, I don't believe I can.

19 THE COURT: Okay. Some people say -- when they
20 use the word believe, they use it as a term of
21 speech, some people that means, you know, I have
22 doubts.

23 JUROR NUMBER 96: No, I can't, I really -- I
24 mean, I believe he's guilty of first degree murder.

25 THE COURT: Okay. Okay. Questions by the

1 State.

2 MR. BROWN: No, Your Honor.

3 THE COURT: Questions by the Defense.

4 MR. PIROLO: No, Your Honor. Stipulate.

5 MR. BROWN: Agreed.

6 THE COURT: Okay. All right. Juror Number 96,
7 I want to thank you for being here. Thank you for
8 your service. You know, I have to go in number order
9 so I have to do this in an orderly process so it took
10 a little while to get to you so I appreciate you
11 being patient. I'm going to release you as a juror
12 in this courtroom. So, if you'd go downstairs and
13 you tell the -- go to the jury clerks, tell them that
14 you have been released from Judge Reinman's
15 courtroom, they're mostly going to take your badge.
16 I see they made you a badge for today. Did they make
17 that up for today?

18 JUROR NUMBER 96: Yesterday.

19 THE COURT: Oh, okay. Then you can be on your
20 way.

21 JUROR NUMBER 96: Okay.

22 THE COURT: Okay. Thank you very much.

23 (Thereupon, Juror Number 96 exited the
24 courtroom.)

25 THE COURT: Okay. Just for the record, Juror

1 THE COURT: Since I gave you the rule.

2 JUROR NUMBER 101: No.

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

5 JUROR NUMBER 101: No.

6 THE COURT: Has anyone -- have you conducted or
7 been exposed to any research regarding any matters
8 considering -- concerning this case?

9 JUROR NUMBER 101: No.

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

13 JUROR NUMBER 101: No.

14 THE COURT: Okay. The first question I'm going
15 to talk to you about is do you know anything about
16 this case?

17 JUROR NUMBER 101: Yes.

18 THE COURT: Okay. Either from your own
19 personal knowledge, from rumors, from discussing it
20 with other people, from the media, radio, television,
21 Internet comments, Internet, electronic device or
22 newspapers and you said yes. Tell me what
23 information you believe you know about the case. And
24 before you say that, let me tell you, one, there's no
25 right or wrong answers in here. It doesn't matter

1 covering it, Channel 6 when they were covering it
2 (unintelligible) a motel, the whole thing, basically
3 everything they reported on, I've either read or
4 heard it.

5 THE COURT: Okay. So, part of your daily
6 activity you say you read the newspaper daily. Tell
7 me what your news habits are.

8 JUROR NUMBER 101: My news habits?

9 THE COURT: Yeah, in watching news.

10 JUROR NUMBER 101: When I get home from work, I
11 live with my father and he watches news all day long.
12 So, I sit there and talk to him. I take care of him
13 and I talk to him about an hour or so.

14 THE COURT: And does he -- you say news all day
15 long, does he keep it on -- is it Channel 13 that he
16 keeps on?

17 JUROR NUMBER 101: Yes, ma'am?

18 THE COURT: Some people will sit there with the
19 TV on do other things and maybe catch things here or
20 there, other people just sit there and watch it.

21 JUROR NUMBER 101: He just sits there and
22 watches.

23 THE COURT: Well, what do you do?

24 JUROR NUMBER 101: Well, when I'm there talking
25 to him, like I said, for about an hour because after

1 an hour it's the same thing.

2 THE COURT: Yeah, it does like -- they repeat
3 after that unless there's a new story. So, you --
4 so, that's -- so, you say for about an hour for sure
5 every day you watch Channel 13?

6 JUROR NUMBER 101: Yes, ma'am.

7 THE COURT: Okay. Tell me what you think,
8 general overview of what you think you know, what
9 information you received about the case.

10 JUROR NUMBER 101: What they showed and what
11 they printed.

12 THE COURT: You need to be more specific if you
13 can.

14 JUROR NUMBER 101: There was a robbery involved
15 and then a deputy responded, confronted the person
16 and there was a shooting and the deputy was killed.

17 THE COURT: Okay. Anything else?

18 JUROR NUMBER 101: And he was caught.

19 THE COURT: Okay. Have you read -- do you know
20 anything recently, more recently?

21 JUROR NUMBER 101: Yes, ma'am, that the person
22 that was with him has plea bargained down to testify
23 against him.

24 THE COURT: Okay.

25 JUROR NUMBER 101: Just about everything they

1 printed.

2 THE COURT: So, the next question becomes can
3 you set that aside, anything that you may have
4 learned about this case, serve with an open mind and
5 reach a verdict based only on the law and the
6 evidence presented in this trial and this courtroom,
7 can you do that?

8 JUROR NUMBER 101: (Unintelligible).

9 THE COURT: Okay. When you serve as a juror
10 the State has the burden of proof, they have to prove
11 each element of each crime beyond and to the
12 exclusion of every reasonable doubt and so when you
13 walk in the courtroom the defendant is presumed to be
14 not guilty and is presumed to be innocent because at
15 this time when you first start the State hasn't
16 presented any evidence so there's nothing before you
17 to find the defendant guilty. So, you have to come
18 in here pretty much with a clean slate, do you think
19 you would be able to do that?

20 JUROR NUMBER 101: (Unintelligible).

21 THE COURT: Okay if the State -- if you sat
22 through the trial and the State has the burden of
23 proof and they presented evidence and there was stuff
24 that you learned outside the courtroom and you didn't
25 hear anything about that during the trial, could you

1 not consider that or do you think you would consider
2 that?

3 JUROR NUMBER 101: I would probably consider
4 it.

5 THE COURT: So, you would think at this time
6 you would be bias in favor of the State?

7 JUROR NUMBER 101: Yes, ma'am.

8 THE COURT: Okay. And if I instruct you as a
9 matter of law that you would have to set that aside
10 in order to have a fair and impartial trial in this
11 case and that will be part of your duty as a juror,
12 can you do that?

13 JUROR NUMBER 101: I can try but I don't think
14 I could. I mean, if it's the law I'd have to but.

15 THE COURT: There's no right or wrong answer.

16 JUROR NUMBER 101: I'm just saying as much as
17 I've read and I've already formed my opinion, I
18 formed my opinion in the first week. I mean, I never
19 knew this was coming up. I get pretty opinionated on
20 one side.

21 THE COURT: And what's your opinion at this
22 stage?

23 JUROR NUMBER 101: I can tell you honestly?

24 THE COURT: That's what I said, you can say
25 whatever you want.

1 JUROR NUMBER 101: He's guilty.

2 THE COURT: Okay.

3 JUROR NUMBER 101: I mean, that's just my
4 opinion.

5 THE COURT: Okay.

6 JUROR NUMBER 101: It was pretty well cut and
7 dry.

8 THE COURT: Okay. Questions by the State.

9 MR. BROWN: No, Your Honor.

10 THE COURT: Questions by the Defense.

11 MR. PIROLO: No, Your Honor. Stipulate.

12 MR. BROWN: Agreed.

13 THE COURT: Okay. Juror Number 101, I want to
14 thank you for being here. Thank you for this
15 process. I wish I could have gotten to you sooner, I
16 just couldn't do that. I have to go in an orderly
17 fashion and it wouldn't be fair to take anyone out of
18 order. So, I am going to release from being
19 considered for a juror in this case. I'm going to
20 ask you to go downstairs, report to the jury assembly
21 room and basically they're just going to take your
22 badge, give you some information and send you on your
23 way.

24 JUROR NUMBER 101: Yes, ma'am.

25 THE COURT: Okay. Thank you, sir.

1 (Thereupon, Juror Number 101 exited the
2 courtroom.)

3 THE COURT: Okay. Just for the record, Juror
4 Number 101 has been released for cause. We can bring
5 in Juror 102.

6 (Thereupon, the proceedings had were previously
7 transcribed.)

8 THE COURT: Okay. We can bring in Number 103.

9 (Thereupon, Juror Number 103 was escorted into
10 the courtroom by the court deputy and the proceedings were
11 had as follows:)

12 THE COURT: Okay. Juror Number 103, the first
13 thing I want to do is thank you for being here.

14 JUROR NUMBER 103: Yes, ma'am.

15 THE COURT: Thank you for being patient with
16 us. This has been a long process. I assure you it's
17 been long for you, it's been long for us. We are
18 doing the best we can to try to get through everyone
19 the best way we can. This is a long process but I do
20 appreciate you being patient with us.

21 JUROR NUMBER 103: Yes, ma'am.

22 THE COURT: When we broke before I issued some
23 rules. So, I'm going to talk to you about those
24 rules. And just so you know, those rules came into
25 effect when I issued them because I'm going to talk

1 to you about what you may have known before. But
2 since I issued these rules, have you read or been
3 exposed to reading newspaper headlines and/or
4 articles relating to trial or its participants?

5 JUROR NUMBER 103: No, ma'am.

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

8 JUROR NUMBER 103: No, ma'am.

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

12 JUROR NUMBER 103: No, ma'am.

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

16 JUROR NUMBER 103: No, ma'am.

17 THE COURT: Okay. The first question I'm going
18 to ask you is -- and before I ask you that, let me
19 tell you. There's no right or wrong answers in here.
20 We want you to be as frank, as honest and have candor
21 with the Court and you can -- we want to know your
22 views. So, whatever -- the best way you can answer
23 the questions, answer the questions. Don't hesitate
24 about how you answer it. There's no right or wrong
25 way, there's no right or wrong answers. Okay. The

1 first question I'm going to ask is do you know
2 anything about this case either from your own
3 personal knowledge, rumor, by discussion with anyone
4 else, or from the media, radio, television, Internet,
5 any electronic device, or newspaper?

6 JUROR NUMBER 103: Only the media.

7 THE COURT: And what source would that be?

8 JUROR NUMBER 103: I work at [REDACTED]
9 [REDACTED], security at [REDACTED], and the
10 day, I think the day that it happened or the day
11 after, the gentleman that works with me, Officer
12 [REDACTED], he was called to come to a pursuit and he had
13 to tell me he was going because he was leaving me in
14 charge of security, and then when he left he came
15 back and said, well, there was a problem, there was a
16 shooting with one of the officers and then he
17 mentioned a name, he mentioned a name, and that's
18 when I first heard of it and I didn't really say
19 nothing about it.

20 THE COURT: Okay. So, you heard it about it at
21 that time?

22 JUROR NUMBER 103: Yeah.

23 THE COURT: Did you read anything about it in
24 the newspaper?

25 JUROR NUMBER 103: No.

1 THE COURT: Have you seen anything on
2 television?

3 JUROR NUMBER 103: No.

4 THE COURT: That's the only thing you know?

5 JUROR NUMBER 103: That's it.

6 THE COURT: Have you had any discussions with
7 him or with anyone else since then?

8 JUROR NUMBER 103: No, he's retired since then.

9 THE COURT: So, anything recently? Have you
10 heard anything or seen anything recently?

11 JUROR NUMBER 103: No, not that I can recall,
12 no.

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

19 JUROR NUMBER 103: Yes, ma'am.

20 THE COURT: Okay. I'm going to ask you a
21 pretty general question and I do that on purpose just
22 to get some response from you to see what you think.
23 What are your views about the death penalty?

24 JUROR NUMBER 103: I do -- because of my
25 profession, I'm a pastor, I've been a pastor for the

1 last ten years, and -- but I do believe that a person
2 is innocent until they're proven guilty and I do
3 believe we all are responsible for the actions that
4 we commit in this life.

5 THE COURT: Okay.

6 JUROR NUMBER 103: But as far as the death
7 penalty, I don't agree with taking a life because we
8 can't give a life and only from that standpoint I can
9 see any other punishment other than the taking of a
10 life.

11 THE COURT: Okay. So, I'm going to tell you
12 how the process works and I'm going to follow up a
13 little bit. We have the first part of the trial
14 which we call the guilt phase. In the guilt phase if
15 the jury returns a verdict of guilty on Count I, and
16 it only pertains to Count I, and Count I is murder in
17 the first degree, if they return a verdict of guilt
18 to murder in the first degree, then and only then we
19 move on to the second phase and the second phase is
20 what we call the penalty phase. In the penalty phase
21 you would be, if you were a juror, you would be
22 instructed by me, these would be the rules that you
23 follow, the law, you would be instructed that you
24 would make a recommendation to me after you hear
25 fact -- after you hear evidence and you hear the

1 attorneys and witnesses, you would make a
2 recommendation to me of a possible sentence and that
3 penalty would be either death or life in prison
4 without the possibility of parole. Now, I give you
5 instructions on how to consider which penalty and how
6 to take aggravating circumstances and mitigating
7 circumstances and weigh them, and the attorneys will
8 talk to you more about that process, but are you
9 opposed to the death penalty such that you would not
10 consider it as a penalty under any circumstances?

11 JUROR NUMBER 103: I would, I would have to
12 continue to believe that (unintelligible) take a
13 life.

14 THE COURT: Okay. What if I were to instruct
15 you that as part of your service as a juror that you,
16 that you would need to consider death as a possible
17 penalty, would you be able to do that?

18 JUROR NUMBER 103: If --

19 THE COURT: There's no right or wrong answers,
20 we just want to know your view.

21 JUROR NUMBER 103: I believe I could do that
22 knowing that I guess basically in the end take the
23 right path, the honest answer, my heart would still
24 be to not give the death (unintelligible).

25 THE COURT: Okay. In order to serve on the

1 jury you have to consider both possible penalties and
2 there will be a process you'll go through in that
3 consideration, and that will be explained to you
4 more, would you be able to consider death as a
5 possible penalty if I instruct you that as a juror
6 that would be what you would need to do?

7 JUROR NUMBER 103: Yes.

8 THE COURT: Okay. Questions by the State.

9 MR. BROWN: Yes, Your Honor. Juror Number 103,
10 good afternoon. Let me talk to you for a little bit
11 about your position on the death penalty. Clearly
12 you indicated you oppose it.

13 JUROR NUMBER 103: Yes.

14 MR. BROWN: And obviously you've been a pastor
15 for ten years. Faith is a wonderful thing. And I
16 think you also said you do not agree with taking a
17 life. Now, with that situation, and the Court's
18 going to tell you in part of its instructions that
19 you're on the jury and you get to that point that
20 your never required to return or vote for a
21 recommendation of death. So, it's not going to be a
22 situation where if the State proves A, B, C or D that
23 you must return a verdict recommendation for the
24 death penalty, you understand that?

25 JUROR NUMBER 103: Um-hmm.

1 MR. BROWN: Okay. The Court's going to
2 specifically tell you you are never required to do
3 that. So, with that in mind, I know she talked about
4 whether you could consider that, could you vote and
5 recommend to the Court that the death penalty be
6 imposed?

7 JUROR NUMBER 103: Again, I would have to give
8 consideration there and the evidence was there.
9 Again, because of my faith, I don't have to say -- if
10 that's the case, I could still see -- I could clear
11 my faith about choice and that would be because it
12 would still be what is the right thing to do as far
13 as me. As far as I'm concerned, I think
14 (unintelligible). I'm not saying I initially say I
15 could do it, but that's the cost, that's that price,
16 you know what I'm saying. So, I think that, I think
17 I could still stay with my faith and I could still
18 impose the death penalty.

19 MR. BROWN: So, let me understand. I know
20 you're going through the thought process in your head
21 as we speak. So, when you say you have to still
22 stand with your faith, does that mean that you could
23 not impose a recommendation of death, you could not
24 for the death penalty?

25 JUROR NUMBER 103: Basically.

1 MR. BROWN: And, you know, when the Court spoke
2 to you about considering, what it really comes down
3 to is can you vote for the death penalty? That's why
4 we have these questions and, you know, if someone
5 comes in and says I don't care what the facts are,
6 I'm voting for the death penalty, that's not an
7 appropriate juror in the case. And likewise the flip
8 side of it is if someone cannot vote for it because
9 of their beliefs, which there's nothing wrong in
10 anybody's beliefs, and that's my question. So, it's
11 pretty clear, you've had some time to kind of think
12 about it and digest that because of your faith and
13 your strongly held beliefs that you could not vote
14 for the death penalty in any circumstances?

15 JUROR NUMBER 103: Yes.

16 MR. BROWN: So, when I -- staying with your
17 faith, I just have to kind of get the yes or no
18 question, yes or no answer from you if I can, you
19 could not vote for the death penalty due to your
20 faith under any circumstances?

21 JUROR NUMBER 103: No.

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

23 THE COURT: Questions by the Defense.

24 MR. PIROLO: Yes, Judge, thank you. Good
25 evening. How are you, sir?

1 JUROR NUMBER 103: Fine.

2 MR. PIROLO: Just want to -- I respect the
3 answers you've given so far, I respect your
4 profession as well, what I want to ask you is can you
5 think of a case of a first degree murder where the
6 death penalty would be warranted?

7 JUROR NUMBER 103: Well, when you ask it like
8 that, I could see how it definitely could be
9 warranted for (unintelligible) but as you and I know,
10 we as the people (unintelligible). So, only thing I
11 can say is (unintelligible). I could see, I could
12 see a death penalty, a case where you have the death
13 penalty as a result, yes, I can see that, but that
14 still doesn't mean I have to believe that death
15 (unintelligible).

16 MR. PIROLO: Would you be -- I think -- I don't
17 know put any words in your mouth, you correct me if
18 I'm wrong, I believe what you have said, I'm going to
19 break this up into small pieces, that you would be
20 able to follow the Court's instruction, she instructs
21 you that you are to consider that, you are to
22 consider both options of a possible sentence, the
23 death penalty and life without parole, you would be
24 able to consider that, correct?

25 JUROR NUMBER 103: Yes.

1 MR. PIROLO: Okay. You understand that during
2 the second part of this trial you would be presented
3 what we call aggravating circumstances, that would
4 come from the State. State could show you multiple
5 circumstances that would sort of heighten this case,
6 make it where the death penalty may be more
7 deserving. You understand that?

8 JUROR NUMBER 103: Um-hmm, I understand what
9 you're saying.

10 MR. PIROLO: Would you be open to listening to
11 that evidence and considering the aggravating
12 circumstances?

13 JUROR NUMBER 103: Let me say this. I would be
14 willing to listen to whatever, I just think the
15 bottom line I would say the fact (unintelligible). I
16 have to say you must (unintelligible).

17 MR. PIROLO: Unfortunately I can't sit here, or
18 stand here and tell you what the aggravating
19 circumstances could be. They're limited. There's a
20 list of them and I can't say well what about if you
21 heard this, would that change your mind, or this or
22 that. So, I'm kind of handcuffed in a way. But
23 could you think of a scenario where you were
24 presented with multiple aggravating circumstances
25 where you would then be able to consider a death

1 recommendation and able to return one deeming it
2 appropriate because of how many aggravating
3 circumstances were presented to you?

4 JUROR NUMBER 103: No.

5 MR. PIROLO: You understand there could be
6 things that you hear that in your mind say, wow, I
7 never thought I'd hear that, that's kind of maybe
8 changed my mind, still be able, still be able to
9 render or consider returning a death recommendation?

10 JUROR NUMBER 103: I still say no.

11 MR. PIROLO: We're just asking questions. I
12 just thank you for your honesty. Nothing else, Your
13 Honor.

14 THE COURT: Okay.

15 MR. BROWN: May we approach?

16 THE COURT: Yes, you may.

17 (Thereupon, a benchside conference was had out
18 of the hearing of Juror 103 as follows:)

19 MR. BROWN: State would move for cause.

20 MR. PIROLO: Judge, I'm just going to object on
21 the grounds of the 5th, 6th, 8th and 14th Amendments
22 of the United Constitution, Article 1, Sections 9,
23 16, 17 and 22 of the Florida Constitution, and here's
24 the problem. I know where the Court's going to go
25 with the ruling but I need to make the record clear.

1 THE COURT: Okay. I'm okay with making a
2 record, we do that any time you need to.

3 MR. PIROLO: What we have is a person who's
4 able to consider the penalty, and I understand what
5 his ultimate decision is, he's been very clear what
6 his ultimate decision would be, but we have a
7 situation where we're stacking the jury with people
8 who are willing to essentially commit, or have the
9 State commit murder but -- and that's okay. But a
10 person's going to share some humanity is not okay. I
11 think it's fundamentally unfair. It's fundamentally
12 prejudicial. Mr. Bradley is entitled to a jury of
13 his peers, he's entitled to a jury that encompasses
14 all walks of life, not just those that are willing to
15 kill him and that's what we're stacking the jury with
16 is people that are willing to kill Mr. Bradley as
17 opposed to those that are willing to show him some
18 mercy, some humanity, a sense of redemption down the
19 road. And again I state the objections I've stated
20 constitutional grounds and more on a fundamental
21 nature that the jury should encompass a jury of his
22 peers of age and gender and philosophical beliefs.
23 That's my objection.

24 MR. BROWN: It would be hard to impanel a jury
25 of twelve people (unintelligible) police officers if

1 that's what he believes but. Judge, do I need --

2 MR. PIROLO: No, I didn't say that for the
3 record.

4 THE COURT: I mean, if you want for record but
5 I'm going to grant it. Okay. Juror Number 103 will
6 be struck for cause. Thank you.

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

9 THE COURT: Okay. Juror Number 103, the first
10 thing I want to do is thank you for being here.
11 Thank you for your patience, we really appreciate it.
12 I am going to release you from being considered as a
13 jury, juror member for this case. I'm going to ask
14 you to go downstairs, report to the jury assembly
15 room. Basically they're going to take your badge and
16 send you on your way, but I do appreciate you being
17 here. You're released at this time. Okay. Thank
18 you, sir.

19 (Thereupon, Juror Number 103 exited the
20 courtroom.)

21 THE COURT: Okay. We can bring in Juror 105.

22 (Thereupon, Juror Number 105 was escorted into
23 the courtroom by the court deputy and the proceedings were
24 had as follows:)

25 THE COURT: Okay. Juror Number 105, the first

1 thing I want to do is thank you for being here.
2 Thank you for being patient with us. This is a long
3 process. I assure you it's long for you, it's long
4 for us, but I do appreciate you being here. It's a
5 necessary process. We wish we could do it faster but
6 we really can't. You know, it depends on what
7 happens when we're in here as to how long it takes
8 so. Before when we recessed I talked to you about
9 some rules that govern your service as a juror. So,
10 I need to ask you about those rules first. And just
11 so you know, those rules came into place when I first
12 initiated them. So, I'm going to talk to you about
13 some things that may have happened prior to that.
14 So, have you read or been exposed to reading
15 newspaper headlines and/or articles relating to this
16 trial or its participants since those rules were in
17 place?

18 JUROR NUMBER 105: No.

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

21 JUROR NUMBER 105: Since those rules, no.

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

25 JUROR NUMBER 105: No.

1 THE COURT: Have you discussed this case with
2 other jurors or with anyone else or allowed anyone to
3 discuss it in your presence?

4 JUROR NUMBER 105: No.

5 THE COURT: Okay. Now I'm going to talk to you
6 about what you may have known before you heard those
7 rules. So, did you know anything about this case
8 from either your own personal knowledge, rumor, by
9 discussions with anyone, or from the media, radio,
10 television, Internet, electronic device, or
11 newspaper?

12 JUROR NUMBER 105: Yes.

13 THE COURT: Okay. What information do you
14 believe that you know about this case? And before
15 you answer that, let me tell you. There's no right
16 or wrong answers in here, all we want you to do is
17 tell us your views. Don't be afraid to say anything.
18 Sometimes people say can I say this, can I not say
19 this, you can say whatever you want in here. Also,
20 all we ask you to do is be honest, frank and have
21 candor with the Court. So, having said that, what
22 information do you believe that you know?

23 JUROR NUMBER 105: I just heard something on
24 had radio, that was the latest thing I heard, I think
25 it was a Tuesday, heard on the radio about the jury

1 selection ongoing, and I think they had an audio of
2 the question that the Defense was asking potential
3 jurors about brain damage or however, how that could
4 factor in something. I remember hearing something
5 when the case originally broke back in 2012, heard it
6 on the radio that an officer was killed in action or
7 something like that.

8 THE COURT: It sounds like most of your sources
9 are the radio, is that correct?

10 JUROR NUMBER 105: Yes.

11 THE COURT: Do you watch on a daily basis news?

12 JUROR NUMBER 105: I do not. I don't have
13 Florida to do and I don't, I don't read local news.

14 THE COURT: Do you watch TV? I mean, you watch
15 news on TV?

16 JUROR NUMBER 105: No. Let me -- every now and
17 then like Weather on 1's kind of thing but for the
18 most part I don't watch local news.

19 THE COURT: So, where you would gain the
20 information would be radio?

21 JUROR NUMBER 105: Yes, radio.

22 THE COURT: And any other information that you
23 know about the case?

24 JUROR NUMBER 105: What information I picked
25 up?

1 THE COURT: Specifics.

2 JUROR NUMBER 105: Just remember hearing
3 something about a car chase, I want to say the area
4 for some reason I want to say like 192, John Rodes
5 type area, nothing more than that.

6 THE COURT: Okay. What we ask you to do when
7 you come -- if you were chosen as a juror in this
8 case is to set aside anything that you might have
9 learned about this case, serve with an open mind and
10 reach a verdict based on the law as I instruct you
11 and the evidence that's presented in this trial in
12 this courtroom, can you do that?

13 JUROR NUMBER 105: Yes.

14 THE COURT: Okay. Do you have any concerns or
15 questions that you can do that?

16 JUROR NUMBER 105: No.

17 THE COURT: What if you learned something on
18 the outside, okay, and you were in the trial and you
19 never heard anyone talk about that in this courtroom
20 could you say, okay, for purposes of what I have to
21 do as my job as a juror, I can't consider that and I
22 won't consider that?

23 JUROR NUMBER 105: I could do that.

24 THE COURT: Okay. The next thing I'm going to
25 ask you is a pretty general question and I do that on

1 purpose. What are your views about the death
2 penalty?

3 JUROR NUMBER 105: I don't have any like hard
4 core views on the death penalty, I'm neither really
5 for it or against it. I don't have a problem with
6 our State having one I guess is a better way of
7 phrasing it.

8 THE COURT: Okay.

9 JUROR NUMBER 105: The death penalty is not an
10 issue that sways my vote if I have to vote.

11 THE COURT: Okay. Either for or against?

12 JUROR NUMBER 105: I have no problem with it I
13 guess the answer would be.

14 THE COURT: All right. I'll tell you what the
15 process generally is and then the State and the
16 Defense will have an opportunity to question you. We
17 have the first phase of the trial and the first phase
18 of the trial is called the guilt face. In the event
19 the jury were to return a verdict of guilty on Count
20 I, murder in the first degree, and that's the only
21 count that it pertains to, then if in that event
22 there was a guilty verdict on Count I we would move
23 into a second phase of the trial called the penalty
24 face. In the penalty phase I would instruct you as a
25 juror that -- I would instruct you to make a

1 recommendation to me, the Judge, of a possible
2 sentence and the penalties that you would be asked
3 to -- or would be required to consider would be death
4 or life in prison without the possibility of parole.
5 So, the question becomes are you of the opinion that
6 death is the only appropriate penalty for murder in
7 the first degree, because remember, we've already
8 found the defendant guilty of that in order to even
9 get to the penalty phase, and is that opinion so
10 strong that you could not consider life in prison
11 without the possibility of parole under any
12 circumstances?

13 JUROR NUMBER 105: No on both counts.

14 THE COURT: Okay. No, you're not of the
15 opinion that death --

16 JUROR NUMBER 105: I'm not of the opinion that
17 death is the only penalty.

18 THE COURT: Okay. Then you would consider life
19 in prison as a possible penalty?

20 JUROR NUMBER 105: Yes, ma'am.

21 THE COURT: Okay. And remember, I would
22 instruct you that you would have to consider both,
23 both penalties as a possibility, would you be able to
24 do that?

25 JUROR NUMBER 105: Yes.

1 THE COURT: Okay. Questions by the State.

2 MR. BROWN: Yes, Your Honor, thank you. Juror
3 Number 105, good afternoon, almost evening.

4 THE COURT: It's after 6:00, I think it's
5 evening.

6 MR. BROWN: Still don't want to think that way.

7 THE COURT: I know.

8 MR. BROWN: I'm going to talk to you a little
9 bit about the death penalty and obviously you
10 indicated it's probably one of these issues until
11 today or maybe at least yesterday you hadn't given it
12 much thought. Do you feel just before I even go
13 through the process that you're in a position that if
14 you felt it was justified could you vote for a
15 recommendation of death?

16 JUROR NUMBER 105: Yes.

17 MR. BROWN: I want to go through a little bit
18 of the process so you at least understand how a juror
19 gets to that position to make that recommendation.
20 As the Court indicated, the first thing would be the
21 jury has to come back with a verdict of first degree
22 murder. If you come back with anything else, then
23 the death penalty is off the table and the jury would
24 not be making a recommendation to the Court. If the
25 jury comes back with that recommendation, then when

1 we reconvene additional evidence is presented and you
2 would hear another set of instructions from the
3 Court. The first thing she's going to tell you is
4 that you look at what are called aggravating
5 circumstances and those are circumstances that
6 increase the gravity of the crime or the harm to the
7 victim, and she would have a list. I suspect it's
8 going to be more than one but it will be broken down
9 one, two, three, four, whatever the total number is.
10 She would give that list to you and you would have to
11 decide whether or not the State has proven those
12 beyond and to the exclusion of every reasonable
13 doubt, same burden as it is in the guilt phase. Now,
14 the proof of that evidence can come from the original
15 trial as well as the penalty phase. You may have to
16 be relying on proof introduced initially or may be
17 additional evidence that's presented to you. Just
18 because we're in phase two doesn't mean you would
19 ignore and forget everything in phase one. You
20 understand that?

21 JUROR NUMBER 105: Right.

22 MR. BROWN: So, you would look at the
23 aggravating circumstances that I'll present to you.
24 The first question is has the State proven at least
25 one of those. If we've proven at least one or more

1 than one, then you go to the next step. If we
2 haven't proven any, your recommendation by law has to
3 be a life recommendation. If we've proven at least
4 one, whatever number we've proven, you look at those
5 circumstances and ask yourself do these justify the
6 death penalty and if your answer is no, then return a
7 life recommendation. If the answer is yes, then you
8 go on to the next step. The next step is looking at
9 the mitigating circumstances.

10 Now, the Court I believe told you yesterday
11 mitigating circumstances are things concerning the
12 defendant's life, background, character, it comes
13 from him and you take those and what she's going to
14 tell you is that those have to be proven as well.
15 It's a lower burden of proof, to the greater weight
16 of the evidence. So, something's presented but in
17 your mind not proven, you disregard it. You take the
18 aggravating circumstances that have been proven and
19 you take the mitigating circumstances that have been
20 proven. She's going to tell you you weigh those
21 against each other.

22 Obviously, I think your questionnaire said
23 you're an engineer.

24 JUROR NUMBER 105: Um-hmm.

25 MR. BROWN: So, you're used to looking at

1 everything. Same thing in your personal life or
2 business life where you have to make key and critical
3 decisions, you try to look at all factors involved,
4 right? And when you look at some factors you deem to
5 much more important than others and you give those
6 great weight. Right? Some factors you look at and
7 say this isn't very important, I'm giving this little
8 weight. Same process we do here with the aggravators
9 and mitigators. We simply need to confirm that
10 you're going to be able to consider what's presented
11 and proven. The weight that you give to each thing
12 is totally up to you. The Judge isn't going to tell
13 you aggravator number two or mitigator number one how
14 much weight you should give to those, you have to
15 decide personally how much weight to give them. You
16 can give great weight to some, you can give little
17 weight to some, you can give little weight to them,
18 it's all up to you in the level of importance that
19 you attach to each of those. You understand?

20 JUROR NUMBER 105: Yes.

21 MR. BROWN: Comfortable with that process thus
22 far?

23 JUROR NUMBER 105: Yes.

24 MR. BROWN: She's going to tell you you take
25 those mitigating circumstances that have been proven

1 and weigh those against the aggravators, if they
2 outweigh the aggravators, then you return a
3 recommendation of life. If the mitigation does not
4 outweigh the aggravation, then you're in a position
5 where legally you can recommend to the Court the
6 death penalty.

7 The Judge is not going to tell you as she
8 talked about earlier if the State proves A, B, C and
9 D you must return a verdict for the death penalty.
10 You understand that?

11 JUROR NUMBER 105: Yes.

12 MR. BROWN: In fact, she's going to tell you
13 that you're not obligated to return a recommendation
14 of death. She's going to say you have to go through
15 that weighing process, weigh the aggravators and
16 mitigator and if you feel the aggravators justify the
17 death penalty, then that's when you can return the
18 death recommendation. Any questions about that
19 process?

20 JUROR NUMBER 105: No.

21 MR. BROWN: Feel comfortable with it?

22 JUROR NUMBER 105: Yes.

23 MR. BROWN: If you go through that process and
24 you find that the aggravators justify the death
25 penalty, can you recommend a sentence of death?

1 JUROR NUMBER 105: Yes.

2 MR. BROWN: Now, coming in, do you have in your
3 mind any views or notions that, you know, in my mind
4 situation A or situation B would justify a death
5 penalty, if it's not one of those two things I'm not
6 voting for death?

7 JUROR NUMBER 105: I don't have any situations.

8 MR. BROWN: You will listen to what the Court
9 tells you are the aggravating circumstances?

10 JUROR NUMBER 105: Will I listen?

11 MR. BROWN: Yes.

12 JUROR NUMBER 105: Yes.

13 THE COURT: As we talked about and what her
14 instructions have said already is those are the
15 things that you look at to determine whether they
16 justify the death penalty and whether they increase
17 the gravity of the crime. So, that's the guidance,
18 that's where you look to for those factors that you
19 can legally consider to justify the death penalty.

20 One other topic I want to cover and I've
21 covered this with every person I've been speaking to.
22 As we've talked about, if you return a verdict of
23 first degree murder, then you have to come back and
24 maybe be in that situation where you have to make the
25 decision, make the recommendation of a life sentence

1 or a death sentence. If you return a verdict for
2 less than first degree, you're not going to be in
3 that situation, you're not going to be making that
4 recommendation. You understand?

5 JUROR NUMBER 105: Yes.

6 MR. BROWN: So, my question is if the State
7 proves to you first degree murder, this defendant is
8 guilty of first degree murder, knowing and sitting
9 back and saying, you know, they've proven first but
10 if I just go down to second, I'm not going to be
11 faced with that next step I have to make that
12 decision, is that a thought process that you're going
13 to allow to entertain at all?

14 JUROR NUMBER 105: No.

15 MR. BROWN: Would you agree that justice
16 requires that the evidence -- the verdict that the
17 evidence proves ought to be the verdict you return?

18 JUROR NUMBER 105: Yes.

19 MR. BROWN: And if it's we've proved first
20 degree, then you return a verdict of first?

21 JUROR NUMBER 105: Yes.

22 MR. BROWN: You understand the State's concern
23 that somebody might do that?

24 JUROR NUMBER 105: Right.

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

1 further questions.

2 THE COURT: Questions by the Defense.

3 MR. PIROLO: Thank you, Your Honor. Juror
4 Number 105, how are you, sir?

5 JUROR NUMBER 105: Good. How you doing?

6 MR. PIROLO: Good. I want to ask you first,
7 you mentioned earlier you had heard something on the
8 radio I guess it was on Tuesday?

9 JUROR NUMBER 105: Yeah, just a -- I think it
10 was just covering the jury selection.

11 MR. PIROLO: Do you remember what station that
12 was?

13 JUROR NUMBER 105: Maybe 95.9. I'm trying to
14 think. Either 95.9 or 101.

15 MR. PIROLO: You said they had commented or at
16 least --

17 JUROR NUMBER 105: There was an audio clip.

18 MR. PIROLO: About a question regarding brain
19 damage?

20 JUROR NUMBER 105: If I recall correctly, yes.

21 MR. PIROLO: Was that followed up with any
22 comments?

23 JUROR NUMBER 105: From the jurors?

24 MR. PIROLO: No, from -- well, yes, from the
25 juror.

1 JUROR NUMBER 105: I just remember hearing the
2 question asked by I'm assuming the defense attorney
3 and no, I didn't hear -- I don't recall any comments,
4 them commenting.

5 MR. PIROLO: You didn't hear the juror
6 commenting or?

7 JUROR NUMBER 105: Or the station.

8 MR. PIROLO: Guys working on the station. Did
9 you hear anything else about the trial and the jury
10 selection process from that station?

11 JUROR NUMBER 105: No.

12 MR. PIROLO: All right. I want -- before we
13 start talking about the death penalty and the
14 aggravating and mitigating circumstances, I want to
15 make sure you understand one thing and I don't know
16 if it's been brought up to you yet. In Florida life
17 without parole means that persons that get sentenced
18 to life without parole they die in prison. You
19 accept that? You don't question that in any way?

20 JUROR NUMBER 105: Yeah, I accept that.

21 MR. PIROLO: And the other things, and we've
22 talked sometimes in generalities but I want to make
23 sure you understand. This case we're going to be
24 talking about a person. That person's got a face,
25 the person's got a name, that's Mr. Bradley who's

1 sitting next to where I am.

2 JUROR NUMBER 105: I agree.

3 MR. PIROLO: And I know your position is you
4 have no problem with the death penalty, you don't
5 really have a view on it, you know, one way or
6 another. Can you tell us why you're not opposed to
7 it, why you're not sitting there saying I'm adamantly
8 opposed to it?

9 JUROR NUMBER 105: I have -- I don't have any
10 believes that say the death penalty is wrong, you
11 know, the financial aspect if it's proven
12 (unintelligible) life imprisonment is a big financial
13 burden on the State. So, in that respect. I mean,
14 not to say, hey, he's guilty, he's got to be
15 executed, to me it's just that I don't see -- I don't
16 have any views to say it shouldn't happen. Just
17 looking at a number, financially it's not right, not
18 justified, we start counting and looking at budgets
19 and this and I don't have any personal beliefs.

20 MR. PIROLO: Okay. Could you open to argument
21 both why should we have it?

22 JUROR NUMBER 105: Why should we have it?

23 MR. PIROLO: Yes.

24 JUROR NUMBER 105: I feel it all boils down to
25 the circumstances, the aggravating circumstances, the

1 heinous of the crime, there are truly some that do
2 deserve it.

3 MR. PIROLO: Can you think of one where you
4 feel the death penalty should be automatic? A case
5 where defendant's convicted of first degree murder,
6 the death penalty should be automatic, can you think
7 of one or?

8 JUROR NUMBER 105: Ted Bundy.

9 MR. PIROLO: Okay.

10 JUROR NUMBER 105: That's everything.

11 MR. PIROLO: Does it have to be multiple
12 victims or could you also think of one where it was
13 just one victim?

14 JUROR NUMBER 105: I can't think of one.

15 MR. PIROLO: How about the death of a child,
16 you think that's a case where the death penalty is
17 more deserved?

18 JUROR NUMBER 105: Depending on the
19 circumstances.

20 MR. PIROLO: How about our case we're talking
21 about the death of a law enforcement officer?

22 JUROR NUMBER 105: Again, it still depends on
23 the circumstances, a law enforcement officer is no
24 different than a child (unintelligible).

25 MR. PIROLO: You won't say the death penalty

1 should be automatic in this case but also you have to
2 weigh both aggravating and mitigating circumstances?

3 JUROR NUMBER 105: Right.

4 MR. PIROLO: Let's get to that portion. You
5 understand we don't get to the second part of the
6 trial if there is a not guilty verdict? You
7 understand that?

8 JUROR NUMBER 105: Right.

9 MR. PIROLO: Or a verdict of second degree
10 murder or manslaughter?

11 JUROR NUMBER 105: Correct.

12 MR. PIROLO: That happens, we thank you for
13 your time, you go home.

14 Let me get to this. If there's a conviction
15 for first degree murder, that conviction has to be
16 unanimous, all twelve of you would have to agree.

17 JUROR NUMBER 105: Correct.

18 MR. PIROLO: Now, the flip side, we get into
19 the recommendation part, that does not have to be
20 unanimous. You could break down the vote anyway you
21 want, a bunch of different ways you can break down
22 twelve people, but if -- whatever your vote is, you
23 understand the importance of. The Judge has to give
24 the recommendation great weight. She can't do her
25 job without your recommendation and it's very

1 critical that there's a vote. Don't think for any
2 reason that the Judge says that's nice, that's their
3 vote, I don't care what their vote, that's not what's
4 going to happen. How we get there is first the State
5 has to prove to you the aggravating circumstances and
6 they have to prove those beyond a reasonable doubt.
7 Do you understand and appreciate that even if they
8 proved to you aggravating circumstances you are never
9 obligated to vote for the death penalty?

10 JUROR NUMBER 105: I understand.

11 MR. PIROLO: Even if they present to you
12 aggravating circumstances and you find no mitigating
13 circumstances, you're still not obligated to vote for
14 the death penalty.

15 JUROR NUMBER 105: Right, I understand.

16 MR. PIROLO: In your mind would there be a
17 number of aggravating circumstances that at some
18 point you would say, you know, I just can't listen to
19 any mitigating circumstances, I've heard too much, my
20 mind is going to shut off?

21 JUROR NUMBER 105: No.

22 MR. PIROLO: Now, mitigating circumstances
23 are -- the aggravating circumstances will be limited,
24 I think that's already been discussed with you. I
25 unfortunately can't tell you what they are but

1 there's a set list. Now, mitigating circumstances
2 are unlimited and the burden of that is not beyond a
3 reasonable doubt, it's reasonably convinced. It's a
4 lesser burden than reasonable doubt. What I want to
5 get into is a few circumstances that may come up and
6 I want to know if you can consider that as mitigating
7 circumstances. Obviously a mitigating circumstance
8 would be something to have you consider that life is
9 a more suitable penalty. I'm going to start with
10 what you heard on the radio, but if you were to hear
11 evidence of brain damage or brain injury, would you
12 be able to consider that as a mitigating
13 circumstance?

14 JUROR NUMBER 105: Yes.

15 MR. PIROLO: How about mental illness, could
16 you consider that as mitigating?

17 JUROR NUMBER 105: Yes.

18 MR. PIROLO: How about physical or emotional
19 abuse, would you consider that as mitigating?

20 JUROR NUMBER 105: Yes.

21 MR. PIROLO: How about drug addiction? Not
22 drug use but -- do you see a difference in drug use
23 and drug addiction?

24 JUROR NUMBER 105: Yes, I do, yes, I could --
25 the answer's yes and yes, I do and (unintelligible).

1 MR. PIROLO: All right. As you sit here today,
2 you tell us that you can -- you can consider both
3 penalties? The Court instructs you you have to
4 consider both, you can consider both?

5 JUROR NUMBER 105: I can consider both.

6 MR. PIROLO: Now, if the mitigating
7 circumstances outweigh the aggravating circumstances,
8 can you return a life recommendation if you see that
9 was appropriate?

10 JUROR NUMBER 105: Yes.

11 MR. PIROLO: Do you have any hesitation about
12 that?

13 JUROR NUMBER 105: About returning a life as
14 opposed to?

15 MR. PIROLO: Right.

16 JUROR NUMBER 105: No, no, not at all.

17 MR. PIROLO: You may -- you will see
18 photographs that show how Deputy Pill was killed and
19 how she looked after she was shot, do you think
20 seeing photographs of that graphic nature would close
21 you up to any mitigation?

22 JUROR NUMBER 105: Do I think it would close me
23 up, no.

24 MR. PIROLO: Yeah. How about a video depicting
25 how she was killed?

1 JUROR NUMBER 105: No.

2 MR. PIROLO: Still be able to keep that open
3 mind?

4 JUROR NUMBER 105: Yes.

5 MR. PIROLO: I'm going to give you a scale and
6 I know this may be difficult for you but try your
7 best. On one end of the scale is ten, ten being you
8 strongly are in favor of the death penalty, the other
9 end zero, you oppose it. Can you put yourself
10 somewhere in that scale?

11 JUROR NUMBER 105: Strongly in favor of?

12 MR. PIROLO: Strongly would be ten.

13 JUROR NUMBER 105: Right.

14 MR. PIROLO: Zero would be opposed.

15 JUROR NUMBER 105: Strongly opposed, right. I
16 would say probably a six.

17 MR. PIROLO: Judge, can I have a moment,
18 please?

19 THE COURT: Yes, you may.

20 (Thereupon, a pause was taken in the
21 proceedings.)

22 MR. PIROLO: You talked about earlier some
23 economical or financial aspects, would the cost of
24 housing someone in prison for the rest of their life,
25 would that make you want to vote for the death

1 penalty?

2 JUROR NUMBER 105: No.

3 MR. PIROLO: You solely -- your decision would
4 be based on the mitigating circumstances as opposed
5 to money?

6 JUROR NUMBER 105: Money would not affect me.

7 MR. PIROLO: You would -- you appreciate that
8 money is money, human life is human life?

9 JUROR NUMBER 105: Right.

10 MR. PIROLO: When you brought that up with the
11 money, were you talking more about -- because you
12 also said money regarding the trials, focused more on
13 the money that happens later on in the appeals and
14 stuff like that?

15 JUROR NUMBER 105: It was -- when I was looking
16 on it from afar, not at anything specific on a
17 specific case, specific individuals, that would,
18 justify is a bad word, but there is a fresh side in
19 having, let me say logic, logic to having it based on
20 just facts. It's nothing that would sway, I'm not
21 going, I wouldn't go into anything negative about it.

22 MR. PIROLO: And you can assure us that the
23 money factor is not going to convince you in your
24 decision?

25 JUROR NUMBER 105: It will not.

1 MR. PIROLO: Thank you. I don't have any
2 further questions.

3 THE COURT: Okay. Juror Number 105, you are
4 going to be released for today. You're still being
5 considered as a potential juror for this case but
6 what I'm going to have you do is go downstairs,
7 report to the jury assembly room. They're going to
8 give you a phone number. You're going to call next
9 Wednesday, March the 5th, between 1:00 and 5:00 and
10 they're going to tell you when to report next. It
11 won't be tomorrow, it won't be Monday, Tuesday
12 Wednesday. It may possibly be Thursday or Friday of
13 next week, a week from today, but we don't know what
14 time, we don't want you to have to wait. We're
15 trying to do the best week so we'll tell you what
16 time to return next Wednesday between 1:00 and 5:00.

17 During this recess you must continue to abide
18 by your rules governing your service as a juror.
19 Specifically, do not discuss this case with anyone.
20 Do not -- you must avoid reading newspaper headlines
21 and articles relating to this trial or its
22 participants. Avoid seeing or hearing television,
23 radio, or Internet comments about this trial, should
24 there be any. Do not conduct any research yourself
25 regarding this case or any of its participants.

1 Okay. You'll be in recess until you hear otherwise
2 by making that phone call. Okay. Thank you, sir.

3 JUROR NUMBER 105: Thank you.

4 (Thereupon, Juror Number 105 exited the
5 courtroom.)

6 THE COURT: Okay. I did release Juror Number
7 6. I told Juror Number -- I mean 106, sorry. I
8 released Juror Number 106. I told Juror Number 106
9 be back at 9:00 a.m. in the morning because we're not
10 getting the juror panel to us as quick as we need and
11 we probably won't get them to us until quarter to
12 9:00 anyway. So, that way we can start at 9:00. If
13 it takes thirty minutes, it takes thirty minutes and
14 then we'll probably not have our panel to us yet and
15 we'll have a few minutes, but if it takes shorter, it
16 takes shorter but at least -- I can't see us getting
17 here at 8:30 being done at 9:00 and waiting for
18 forty-five minutes. So, we won't start until 9:00
19 a.m. and we'll do Juror Number 106 and then we'll
20 have a new panel ready to go. I guess they'll give
21 us the next numbers because they gave us the next
22 numbers this time. So, it will be 107 through -- 107
23 through, what, 159. We'll see how far we get
24 tomorrow and we'll talk about what we need to do the
25 week after.

1 MR. BROWN: (Unintelligible) convincing them
2 downstairs to do that.

3 THE COURT: Yes. It wouldn't have made sense
4 otherwise. So, I'm glad they did. Okay. Thank you.
5 You all have a good night, I'll see you in the
6 morning, 9:00 a.m.

7 (Thereupon, court was in recess for the day,
8 2/27/14. Thereafter, court was reconvened on 2/28/14 and
9 the proceedings were had as follows:)

10 THE COURT: Please be seated. Okay. We can
11 bring out Mr. Bradley.

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

15 THE COURT: Okay. Just for scheduling
16 purposes, I do plan to stop work today on or before
17 5:30 if that helps you with regard to your schedule.
18 We still have Number 106 to go, then we have another
19 panel.

20 Any preliminary matters on behalf of the State?

21 MR. BROWN: No, Your Honor.

22 THE COURT: Any preliminary matters on behalf
23 of the Defense?

24 MR. MOORE: No.

25 THE COURT: Are you ready to go with 106? Is

1 106 up?

2 THE COURT DEPUTY: Yes, ma'am.

3 THE COURT: Okay. We'll start with 106.

4 (Thereupon, Juror Number 106 was escorted into
5 the courtroom by the court deputy and the proceedings were
6 had as follows:)

7 THE COURT: Good morning Juror Number 106.

8 JUROR NUMBER 106: Good morning.

9 THE COURT: First of all, I want to thank you
10 for being here. I want to thank you for your
11 patience. We wanted to get to you last night, we
12 just couldn't do it. In fact, we -- I let you go and
13 we were probably thirty-five minutes more after that.
14 I just couldn't do it. I mean, at some point we have
15 to stop, we just can't keep going forever. So, I do
16 apologize for that. This process is taking a long
17 time. It is a necessary process. But I do
18 apologize, you just happened to be right at the
19 bottom based on the numbers and I just couldn't get
20 to you, but the good thing is you're first thing this
21 morning and we'll get to you quick and then you can
22 be on your way one way or another. So, the first
23 question I have to ask is when I left you before I
24 initiated some rules. Those rules came into place at
25 that time. So, since that time have you read or been

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

3 JUROR NUMBER 106: Well, I turned on the news,
4 said the trial's still going and turned off the
5 radio.

6 THE COURT: Okay. So, the minute you heard
7 that you turned it off?

8 JUROR NUMBER 106: Yes.

9 THE COURT: Okay. No substantive information
10 you learned at that time?

11 JUROR NUMBER 106: No.

12 THE COURT: Okay. And you said dah, I know the
13 trial's going, right? As in I can see that too on
14 the news. Has anyone -- have you seen or heard
15 television, radio, or Internet comments about this
16 trial?

17 JUROR NUMBER 106: No.

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

21 JUROR NUMBER 106: No.

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

25 JUROR NUMBER 106: No.

1 THE COURT: Okay. I'm going to ask you some
2 questions and then the State will have an opportunity
3 to question you and the Defense will have an
4 opportunity to question you. We know that people
5 have seen things about this case, what we ask you to
6 do in here this morning is there's no right or wrong
7 answers. You can say anything that you think is
8 appropriate based on the question that's asked. All
9 we ask of you is to be frank, honest, complete and
10 have, you know, have candor with the Court. That's
11 what we really ask of you. We just need to know your
12 views about certain things. The first thing I'm
13 going to ask you is do you know anything about this
14 trial either from your own personal knowledge, and
15 that's prior to those rules being in place, from your
16 own personal knowledge, rumor, by discussion with
17 anyone else, or from the media, radio, television,
18 Internet, electronic device, or newspaper?

19 JUROR NUMBER 106: No.

20 THE COURT: No?

21 JUROR NUMBER 106: I heard about it but just
22 that -- what he's being accused of, that's it.

23 THE COURT: So, you -- and I read the charges
24 the other day so you know what the charges are.

25 JUROR NUMBER 106: Right.

1 THE COURT: It's unusual for someone not to
2 know anything. So, you haven't heard anything like
3 at the time of the event?

4 JUROR NUMBER 106: I mean, way back at the time
5 of the event I heard about the person being killed.

6 THE COURT: You heard that a law enforcement
7 officer was killed?

8 JUROR NUMBER 106: Right.

9 THE COURT: You can say what you heard.

10 JUROR NUMBER 106: I mean, that's all I can
11 actually remember actually.

12 THE COURT: You don't know any other facts or
13 information?

14 JUROR NUMBER 106: No.

15 THE COURT: Or any other specifics or?

16 JUROR NUMBER 106: To be honest with you, I
17 start hearing about all the murders and robberies and
18 I turn off the news, so. I don't like to listen to
19 it all the time.

20 THE COURT: As part of your daily activities,
21 do you listen to the news?

22 JUROR NUMBER 106: I listen to the afternoon
23 news. The 11:00 o'clock news I usually start
24 listening and when I hear all the bad stuff I just
25 turn it off and go to bed or else I don't sleep at

1 night.

2 THE COURT: So, the afternoon news you say that
3 you listen to?

4 JUROR NUMBER 106: While I'm cleaning around or
5 doing something in the house.

6 THE COURT: So, like the TV set is on but
7 you're not -- you don't sit down and a hundred
8 percent focus on it?

9 JUROR NUMBER 106: No.

10 THE COURT: If you were selected as a juror in
11 this case, do you think you can set aside anything
12 that you may have learned about this case, serve with
13 an open mind and reach a verdict based only on the
14 law and the evidence presented in this trial in this
15 courtroom?

16 JUROR NUMBER 106: I believe so. I guess I
17 just have a lot of -- a little bit of trouble, to be
18 honest with you. A friend of mine said to me one
19 time when you come to court to the law, not
20 necessarily truth and justice, and I feel that when
21 you come to court there should be truth and justice.
22 So -- I've never been in the court, so, you know,
23 only on, you know, we see it on TV. Well, the TV
24 show's not real, so.

25 THE COURT: And it's -- with all due respect,

1 it's a lot different than what you see on TV.

2 JUROR NUMBER 106: Right. So, I can say I
3 think so, I'm an honest person, but am I going to
4 hear all the facts and be able to make a good
5 judgment, that's my rule.

6 THE COURT: Okay. I assure you that everyone
7 involved in this process is seeking truth and
8 justice. I think what happens more is you hear
9 things outside of the courtroom that perhaps are
10 slanted according to whoever's view you may hear it
11 from and in here there's certain specific rules that
12 prevent that from happening. So, I would hope that
13 everyone, the State and the Defense, are striving for
14 truth and justice.

15 JUROR NUMBER 106: Well, I can hear things up
16 the road and my opinion is usually that's rumor and I
17 don't know. So, unless I hear it from the source I'm
18 not going to take what I hear outside.

19 THE COURT: There's certain rules of evidence
20 that try to strive for what you're saying.

21 JUROR NUMBER 106: Right.

22 THE COURT: You're going to hear information
23 from the source. I mean, we are -- all parties and
24 anyone involved in the legal system clearly at this
25 level, at this level particularly, are interested in

1 the integrity of the process.

2 JUROR NUMBER 106: Okay.

3 THE COURT: I assure you of that. I mean,
4 that's really my job. My job is about maintaining
5 the integrity of the process and I take that very
6 seriously. And I would hope that you -- I mean,
7 we're all working hard and I would hope that you
8 all -- you think everyone's taking that very
9 seriously. We all have certain roles and certain
10 jobs and everyone has to play that role and that job
11 but everyone plays that role and that job seriously.
12 And I assure you everyone at this level is very
13 professional, very -- we'll stive to give you the
14 information that you're seeking, but if something
15 happened -- from what you're saying, you don't
16 particularly know a lot of information or other
17 things about the case. What I would be concerned
18 about is you might hear something outside of the
19 courtroom, you might have heard something outside of
20 the courtroom and then if you don't hear that at all
21 in this trial that you might say, hey, how come I
22 didn't hear about that, but it appears from what
23 you're saying you don't know a lot of -- you haven't
24 heard a lot of information about the case.

25 JUROR NUMBER 106: No.

1 THE COURT: Okay. I give you lots of
2 instructions with regard to your -- what your role is
3 as a juror, what I'm concerned is that you might not
4 believe in the process. Do you think that you
5 believe in this process and you would be okay sitting
6 here?

7 JUROR NUMBER 106: I'd like to think I do
8 believe in the process, I believe it's the best
9 process we've got. So, yes, I believe in it.

10 THE COURT: Okay. I mean, the fact that you
11 said it's the best process we have, I mean, that's
12 what -- I mean, the truth of the matter is it is the
13 best process we have.

14 JUROR NUMBER 106: Right.

15 THE COURT: It's better than what they have in
16 other countries.

17 JUROR NUMBER 106: Absolutely.

18 THE COURT: And, you know, it's been in place
19 for a long time and it gets tweaked here and there,
20 you know, depending on things we learn but it is, you
21 know, a better process than what most people -- most
22 countries have.

23 JUROR NUMBER 106: Yes.

24 THE COURT: So, if you tell me that you can
25 listen to the rules and do the best job that you can,

1 I mean, can you tell me that you can do that?

2 JUROR NUMBER 106: Yes.

3 THE COURT: Okay. Now, I'm going to change
4 subjects here and I ask this in a very general way
5 just to solicit a response, any response you want to
6 give me. What are your views about the death
7 penalty?

8 JUROR NUMBER 106: I mean, I don't like the
9 thought of putting someone to death obviously unless
10 you can be positive of a severe reason to do so.

11 THE COURT: Okay.

12 JUROR NUMBER 106: Obviously, you know, if they
13 killed someone maliciously and so forth,
14 unfortunately, yeah, I can believe that.

15 THE COURT: Okay. I think what I heard you say
16 is that you're --

17 JUROR NUMBER 106: I don't take it lightly.

18 THE COURT: You're for the death penalty but it
19 has to be under specific circumstances?

20 JUROR NUMBER 106: Correct.

21 THE COURT: Okay. I'm going to talk to you a
22 little bit about the process and then I'll go back to
23 that about the death penalty and then the attorneys
24 will be able to question you. How this process works
25 is we have the first phase of the trial which we call

1 the guilt phase. In the guilt phase if the jury
2 returns a guilty verdict on Count I, and it's only
3 Count I and Count I is murder of the first degree,
4 then we proceed to the second, a second phase which
5 we call the penalty phase. And remember, we only get
6 to the penalty phase if there is a guilty verdict on
7 Count I. In the penalty phase, as a juror you will
8 be instructed to return a recommendation to the Court
9 of a sentence. That sentence would be you're
10 instructed that you have to -- that that sentence
11 would be death or life in prison without the
12 possibility of parole and you're instructed that you
13 are to consider both possibilities and then you get
14 some detailed instructions to help you make that
15 consideration of both penalties. Now, as a juror,
16 will you be able to consider death as a possible --
17 death and/or life -- I mean death or life in prison
18 with the possibility of parole as a --

19 MR. MOORE: You said with the possibility of
20 parole.

21 THE COURT: I'm sorry. Death -- I mean, death
22 or life in prison without the possibility of parole
23 as a possible sentence, give both options due
24 consideration?

25 JUROR NUMBER 106: Yes.

1 THE COURT: Okay. And I'll just clarify that.
2 Life in prison without the possibility of parole
3 means life in prison, the defendant would spend his
4 life in prison and die in prison. Okay. Now, are
5 you of the opinion that death is the only appropriate
6 penalty for murder in the first degree and is that
7 opinion so strong that you would not consider life in
8 prison without the possibility of parole as a penalty
9 under any circumstances?

10 JUROR NUMBER 106: No.

11 THE COURT: Okay. So, you would give that
12 consideration?

13 JUROR NUMBER 106: Yes.

14 THE COURT: Okay. All right. Questions by the
15 State.

16 MR. BROWN: Yes, Your Honor, thank you. Juror
17 Number 106, good morning. I want to cover just --
18 you indicated that when you look at the news that if
19 you see something, bad news, murders, things like
20 that you turn it off or else you won't be able to
21 sleep.

22 JUROR NUMBER 106: Right.

23 MR. BROWN: Obviously, this case is a first
24 degree murder.

25 JUROR NUMBER 106: Right.

1 MR. BROWN: Where the State is seeking the
2 death penalty. How do you feel about sitting as a
3 juror in this type of case?

4 JUROR NUMBER 106: Not great. I mean, I mean,
5 how many people really want to sit in listen to
6 (unintelligible).

7 MR. BROWN: During the process if you're
8 selected I expect you're going to see photographs and
9 videos that are graphic and are you going to be able
10 to watch those, look at those photographs, watch the
11 videos and digest that material and still listen to
12 the testimony and still be able to go home and night
13 and get sleep and be fresh and ready to go the next
14 day?

15 JUROR NUMBER 106: Well, I'm here, if I have
16 to. I mean, it's my life unfortunately.

17 MR. BROWN: Okay. I just want to make certain
18 because you said that and obviously --

19 JUROR NUMBER 106: Right. I mean, yeah, it
20 bothers me, I mean, but.

21 MR. BROWN: It's not a process that's going to
22 be easy for anybody.

23 JUROR NUMBER 106: Right.

24 MR. BROWN: But we just don't want it to be if
25 you're going home and you're literally not sleeping

1 at night and then by a few days you're not going to
2 be much of a juror, so.

3 JUROR NUMBER 106: Right. I mean, to be honest
4 with you, I would not like -- I don't know all the
5 facts of the case so I don't know if it's going to
6 bother me. When I hear on the news it's very easy to
7 just -- the answer is to turn it off. You know, I
8 like to think of the world as a good place, not as a
9 bad place. I'm honest.

10 MR. BROWN: Are you confident in your ability
11 to be able to see the portions of the trial that
12 would be graphic, listen to all the evidence and be
13 able to function and hear everything?

14 JUROR NUMBER 106: Yes.

15 MR. BROWN: Thank you. The next area I want to
16 cover with you is the death penalty itself. Let me
17 explain to you a little bit about the process, what
18 you have to go through to get in the position where
19 you can make a decision of recommending a sentence to
20 the Court. The first step would be, obviously, the
21 jury has to come back with a verdict of first degree.
22 They come back with a not guilty, then obviously
23 there is no sentencing. If they come back with a
24 lesser charge such as second degree murder, then the
25 death penalty is off the table and you will not be

1 making a sentencing recommendations to the Court.
2 So, jury comes back with a first agree murder
3 conviction, then we would reconvene. You would hear
4 additional evidence and you'd get a new set of
5 instructions from the Judge. She will tell you that
6 the first thing to look at is what are called
7 aggravating circumstances. And what she mentioned to
8 you yesterday is that aggravating circumstances are
9 circumstances that increase the gravity of the crime
10 or the harm to the victim. Obviously, going to come
11 from things related to the crime and what occurred.
12 She's going to give a list, it may be as few as one,
13 I expect it's going to be several, and she's going to
14 tell you that the State of Florida has to prove those
15 beyond a reasonable doubt and it's to those
16 circumstances, those aggravating circumstances that
17 you look to, and only to those, to justify the
18 imposition of a death penalty. They're the reasons
19 to give the death penalty. Okay. If the State of
20 Florida hasn't proven any of those, then obviously
21 your recommendation would be life. If you feel the
22 State has proven at least one, we may prove more than
23 one, but we have to prove at least one, then you look
24 at what we've proven and ask yourself does this
25 justify the death penalty. If your answer is no,

1 obviously you return life. If you look at those
2 aggravating circumstances and you feel they justify
3 the death penalty, you go to the next step in the
4 process. That's where you look at the mitigation
5 evidence, mitigating circumstances. Now, there's a
6 burden of proof for those. It's a lower burden, it's
7 to the greater weight of the evidence. Just because
8 something is said on the witness stand doesn't mean
9 that it's proven, you have to look at the evidence
10 that supports it, what the testimony was and
11 determine whether it's proven. Anything that you
12 feel is not proven, you disregard. You take what you
13 feel has been proven between the aggravating
14 circumstances and the mitigating circumstances and
15 you put it all together and you go through a weighing
16 process. The Judge is going to tell you about that.

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

19 JUROR NUMBER 106: Yes.

20 MR. BROWN: And when you've made those
21 decisions, did you turn and look at all the factors
22 that were involved, all the circumstances?

23 JUROR NUMBER 106: Yes.

24 MR. BROWN: And when you do that, some
25 circumstances you looked at and said this is pretty

1 darn important, you give it great weight in the
2 process, right?

3 JUROR NUMBER 106: Yes.

4 MR. BROWN: Other circumstances you look at you
5 give little weight. Right? That's the way we
6 normally, most of us, make our decisions, look at
7 everything, we consider everything and we decide how
8 much weight to give each of those factors and
9 circumstances in making a decision. Court's going to
10 tell you it's the same process here. You have to
11 agree to consider it. Anything that you find we've
12 be proven you consider but you determine how much
13 weight to give it. Court's not going to tell you
14 aggravating circumstance one you give X amount of
15 weight, mitigating circumstance one you give this
16 amount of weight. You decide personally how much
17 weight, how important each thing is to you. We can't
18 tell you, we may suggest in our arguments, but we
19 can't tell you how much weight to give to something.
20 All we can ask is to assure that you are going to
21 consider it.

22 So, you go through that weighing process and
23 you weigh the aggravating circumstances with those
24 mitigating circumstances and if you find that the
25 mitigators outweigh the aggravators, then you return

1 a recommendation of life. However, if you feel that
2 the mitigators do not outweigh the aggravators, the
3 aggravators are still on top, then you're in a
4 position where you can legally recommend to the Court
5 the death penalty. Okay.

6 Now, the Court's not going to tell you if the
7 State proves A, B, C and D that you are required to
8 return the death penalty. You're not going to hear
9 that instruction. She's going to tell you that
10 you're never required to return a penalty of death.
11 You have to go through that weighing process, you
12 have to weigh those aggravators and mitigators and at
13 the end of that weigh process you feel that the death
14 penalty is justified, then you can return that. Do
15 you understand that process?

16 JUROR NUMBER 106: Yes.

17 MR. BROWN: Step by step. Any questions about
18 it?

19 JUROR NUMBER 106: No.

20 MR. BROWN: With that, if you feel that the
21 aggravators justify the death penalty, can you
22 recommend the sentence of death?

23 JUROR NUMBER 106: If I feel (unintelligible),
24 yes.

25 MR. BROWN: Okay. Now, did you hear the Court

1 yesterday talk about the proof, for instance, of the
2 aggravating circumstances, we have to prove it beyond
3 any reasonable doubt? Did you hear the Court talk
4 about that? She read the reasonable doubt portion --

5 JUROR NUMBER 106: Yes.

6 MR. BROWN: -- yesterday. And she talked about
7 reasonable doubt, it's not a possible doubt,
8 speculative doubt, forced doubt, imaginary doubt.
9 Okay. That's the burden that we have to prove. Some
10 people beyond a shadow of a doubt, they think it's
11 similar, some people think it may be greater. Can
12 you follow the reasonable doubt standard the Court
13 talked about?

14 JUROR NUMBER 106: I believe so.

15 MR. BROWN: Okay. Now, just want to -- when
16 you use the term I believe, some people say I believe
17 so, I think so, or I don't think so may mean it one
18 of two ways. In the ordinary course of language you
19 say yes, I can do that, other times people say it
20 because they're unsure.

21 JUROR NUMBER 106: I'm not unsure.

22 MR. BROWN: Okay. And that's why I asked you.
23 You're in an airplane and the pilot's getting ready
24 to land and it's a little stormy out there, you don't
25 want to hear the pilot get on the loud speaker and

1 say I think I can land this plan. Right? You want
2 to hear him say I can land this plane. So, with that
3 situation, do you see that difference where the Court
4 talked about a reasonable doubt versus a possible,
5 speculative doubt?

6 JUROR NUMBER 106: Yes.

7 MR. BROWN: And you can apply that standard
8 that the Judge is going to give you?

9 JUROR NUMBER 106: Repeat that.

10 MR. BROWN: Can you agree to apply that
11 standard that the Court will give you?

12 JUROR NUMBER 106: Yes.

13 MR. BROWN: And with that standard, if we
14 proved the aggravators to you beyond any reasonable
15 doubt and you feel they justify the death penalty,
16 can you return a sentence of death?

17 JUROR NUMBER 106: Yes.

18 MR. BROWN: Anything in your background, moral
19 beliefs, philosophical beliefs, religious beliefs,
20 family history, whatever it may be, that causes you
21 any concern, hesitation, problems, issues with either
22 returning a sentence of death or just being in a
23 position where you have to make that decision?

24 JUROR NUMBER 106: I'd have to make that
25 decision but it's not, no religious.

1 MR. BROWN: Can you make it?

2 JUROR NUMBER 106: Yes.

3 MR. BROWN: The other topic is, and I address
4 this with each person, as we talked about, if the
5 jury comes back with second degree murder, then you
6 never get to the next phase, that's it, sentence is
7 to the Court and you don't have to make that
8 recommendation, you don't have to go back to the next
9 step. So, what my concern is is that the State of
10 Florida proves to you first degree murder, we've
11 proven to you beyond any reasonable doubt, but a
12 person sits back in that jury room and says you know,
13 first has been proven but I'm just going to go down
14 to second degree because I don't want to have to be
15 put in that position, I don't want to have to make
16 that difficult choice of voting for life or death.
17 You see my concern there? Would you let that thought
18 process enter into your deliberation at all?

19 JUROR NUMBER 106: Well, just a person
20 individual maybe decide their wrong. So, I'm not
21 quite sure what you're asking me. I mean, will it
22 change my view?

23 MR. BROWN: Yes.

24 JUROR NUMBER 106: Not if I feel
25 (unintelligible) that way.

1 MR. BROWN: So, if we prove to you first degree
2 murder, will you return a verdict of first degree
3 murder?

4 JUROR NUMBER 106: Yes.

5 MR. BROWN: And would you compromise down just
6 to avoid having to make that next decision of
7 recommending life or death?

8 JUROR NUMBER 106: No.

9 MR. BROWN: Can you see the concern that we
10 have is that somebody may think along those lines?

11 JUROR NUMBER 106: Yes.

12 MR. BROWN: And you can assure us that you're
13 going return a verdict that the evidence speaks to?

14 JUROR NUMBER 106: Yes.

15 MR. BROWN: You would agree that's what justice
16 is?

17 JUROR NUMBER 106: Yes.

18 MR. BROWN: Thank you. No further questions,
19 Your Honor.

20 THE COURT: Okay. Questions by the Defense.

21 MR. MOORE: Yes. Good morning. Tough
22 question, huh?

23 JUROR NUMBER 106: Yes.

24 MR. MOORE: What do you think the hardest, the
25 toughest decision is you've ever had to make?

1 JUROR NUMBER 106: Toughest decision I've ever
2 had to make? I mean, work choices, family choices.

3 MR. MOORE: Have you ever had to make a life or
4 death decision?

5 JUROR NUMBER 106: No.

6 MR. MOORE: How would you rank the decision you
7 have to make in this case? Looking at all the
8 decisions you've made in your life, how do you relate
9 this and rank it?

10 JUROR NUMBER 106: I have (unintelligible).

11 MR. MOORE: I want to make it clear that we
12 talked about the weigh and finding aggravating
13 circumstances and mitigating circumstances that you
14 are never required to vote for death. Doesn't matter
15 how many aggravating circumstances the State offers,
16 how many you find, even if, hypothetically, no
17 mitigating circumstances are offered, you are never
18 required to vote for death. You understand?

19 JUROR NUMBER 106: Yes.

20 MR. MOORE: And you are not required to give a
21 reason for your decision and each juror at what we
22 call the penalty part of the trial has the right to
23 his or her own vote. In other words, you don't have
24 to agree with the other people.

25 JUROR NUMBER 106: Right.

1 MR. MOORE: You don't have to justify your
2 position to other people. You can say I don't have
3 to give a reason because you don't have to give a
4 reason, it's just what you think is right. And you
5 have the right not to be bullied or arm twisted by
6 people who disagree strongly with you. You have a
7 right to whatever you fell is the correct decision
8 regardless of how many aggravating circumstances, how
9 many mitigating circumstances, what the weighing
10 process is, ultimately the choice is yours and yours
11 alone and then the vote of each jury of twelve
12 people, whatever the individual votes are given to
13 the Judge and the Judge has to give that
14 recommendation great weight.

15 Now, what -- I don't want to lose sight of the
16 fact that you've never been through this and this all
17 new to you and you're trying to grasp what this is
18 all about. So, I don't expect you to have a complete
19 full grasp on what we're trying to discuss here
20 right. It's part of a learning process. I mean?

21 JUROR NUMBER 106: That's good.

22 MR. MOORE: Ma'am?

23 JUROR NUMBER 106: That's good, a learning
24 process.

25 MR. MOORE: It is what it is and you'll be

1 given a complete set of instructions by the Court
2 before you're asked to go back and do those things.
3 And so when I tell you that the Judge has to give
4 your -- the jury's recommendation great weight, what
5 does that mean to you? I mean, if you had to sit
6 back and think, well, maybe that means the Judge
7 could just blow it off, maybe that means something
8 different from that. What does that mean if we tell
9 you that the Judge has to give great weight to the
10 jury's recommendation?

11 JUROR NUMBER 106: That she has to make final
12 decision I guess of what we decide.

13 MR. MOORE: That is --

14 JUROR NUMBER 106: She has to weigh it
15 seriously and make her decision just like we had to
16 make ours.

17 MR. MOORE: But you understand how important,
18 how essential the jury's recommendation is to the
19 Judge's decision?

20 JUROR NUMBER 106: Yes.

21 MR. MOORE: You see that. In other words, it's
22 not a situation where you don't have to take your
23 vote seriously for life or death because the Judge
24 will fix it, whatever, if you make the wrong decision
25 the Judge will do whatever she wants, that's not the

1 situation at all, I want you to understand that.

2 JUROR NUMBER 106: Yes, I do.

3 MR. MOORE: She can't make her decision without
4 your guidance. She -- technically she's a judge and
5 she makes the final decision but she cannot get to
6 that ultimate final decision which decides whether
7 Mr. Bradley lives or dies without your input.

8 JUROR NUMBER 106: I understand.

9 MR. MOORE: Now, I'm guessing that before you
10 came into this courtroom to be questioned about your
11 feelings about life, the death penalty, you may not
12 have had a position, would that be accurate, or would
13 you say that you did have a position over the death
14 penalty before you came in?

15 JUROR NUMBER 106: I did.

16 MR. MOORE: You did?

17 JUROR NUMBER 106: Um-hmm.

18 MR. MOORE: How long have you had that
19 position?

20 JUROR NUMBER 106: I don't know, probably for a
21 while. I mean, I can't pinpoint exactly how long but
22 I did have an opinion about that whether finding
23 somebody should be put to death or not. It's not an
24 easy choice but there are some extenuating
25 circumstances where I feel that it is necessary.

1 MR. MOORE: And as you put it, you may be -- it
2 maybe necessary in severe circumstances?

3 JUROR NUMBER 106: Correct.

4 MR. MOORE: Now, let me ask this. If -- I'm
5 asking you to put a number, let's say we've got like
6 on a scale one to ten, ten being the strongest
7 support for the death penalty, zero being against the
8 death penalty or not for it, what number would you
9 give yourself? Ten is the strongest, zero is opposed
10 to the death penalty, where would you put yourself on
11 that scale?

12 JUROR NUMBER 106: Three.

13 MR. MOORE: So, you're closer to the opposed to
14 the death penalty?

15 JUROR NUMBER 106: (Nods head.)

16 MR. MOORE: Is that a yes?

17 JUROR NUMBER 106: Yes.

18 MR. MOORE: We're recording.

19 JUROR NUMBER 106: Yes. Yes.

20 MR. MOORE: Somewhere in this building they're
21 recording.

22 JUROR NUMBER 106: Sorry. Yes.

23 MR. MOORE: And so the next question is since
24 you -- just, you know, for simplicity sake there are
25 two columns here, for the death penalty, against the

1 death penalty, you're a three but you're in the four
2 column, that's where I would put you, I think you
3 would agree to that.

4 JUROR NUMBER 106: Yes.

5 MR. MOORE: Now I'm asking what would be
6 reasons why you're in that column? I'm not asking
7 you to predict what you would vote in this case. You
8 can't. I can't ask that you, you couldn't answer
9 that, not now, but there is a -- if there's a reason
10 why you're in the four column, what would that reason
11 be? I'll give you some examples. Some people might
12 say, well, I'm for the death penalty because I
13 believe that's what the bible teaches, right or
14 wrong, that's what they believe, or I'm against it
15 because I think it's unfairly imposed or innocent
16 people have been sentenced to death. Those are
17 reasons. Now, they may not be your reasons. So,
18 that's what I'm asking you is to tell me, if you can,
19 why you're in the four column, why you are for the
20 death penalty although at level three.

21 JUROR NUMBER 106: Because I just feel that if
22 somebody does such horrendous acts of violence
23 against somebody else, they made that choice for
24 them, that if they have no qualm and no feeling of
25 killing someone else, then there's something wrong

1 there and keeping them in jail is not going to help
2 them, that they have done that act, if they have no
3 guilt and no shame, what's that for them then, you
4 know, and whatever, what's to prevent them from
5 getting out and doing it again.

6 MR. MOORE: Well, they're sentenced to life
7 without parole and that would be an obstacle from
8 them getting out.

9 JUROR NUMBER 106: I understand that but you
10 can't tell me that it's never happened.

11 MR. MOORE: What is that?

12 JUROR NUMBER 106: That somebody's gotten out
13 of jail that shouldn't have and then they've gone and
14 killed again.

15 MR. MOORE: So, you would be concerned that if
16 an inmate, Mr. Bradley was sentenced to life without
17 parole, that at least in the back of your mind that
18 he might escape?

19 JUROR NUMBER 106: Or kill somebody in jail.

20 MR. MOORE: Would that be a factor for you in
21 deciding which to vote, life or death?

22 JUROR NUMBER 106: If he was proven guilty in
23 the first degree, yeah, in the back of my mind I
24 would think that.

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

1 a limited number of what are called aggravating
2 circumstances. I can't tell you what they are. You
3 don't know what they are, you're trying to --
4 struggling to try to make sense of this and try to
5 answer this question in a rational intelligent way
6 without knowing what aggravating circumstances are.
7 What if the possibility of Mr. Bradley escaping and
8 harming other people, what if that's not on the list
9 of aggravating circumstances, is that still something
10 that you're going to consider?

11 JUROR NUMBER 106: I can't (unintelligible).

12 MR. MOORE: Well, here's the thing. In
13 describing your position and your reasons for it, but
14 you may also be asked to sit on a jury that
15 recommends whether Mr. Bradley lives or dies. So,
16 you understand why we have to spend the time and it's
17 essential to spend time trying to get at what your
18 thinking is. And I'm not criticizing, I will never
19 challenge you, but we have to find out what you're
20 thinking is and you have to tell us to the best of
21 your ability. So, maybe you can reflect on that for
22 a moment. And the question is to what degree might
23 you be influenced by the possibility of Mr. Bradley
24 harming someone else or escaping from prison and that
25 being a reason why you might impose death?

1 JUROR NUMBER 106: It depends on the case and
2 the evidence that prove he's guilty in the first
3 degree of murder.

4 MR. MOORE: Well, in explaining -- let me
5 explain it a different way. You don't even get to
6 the issue of the death penalty unless he's found
7 guilty of first degree murder.

8 JUROR NUMBER 106: So, I guess I would just
9 have to hear all the evidence to make that decision.

10 MR. MOORE: Would you be looking for evidence
11 of whether he might get out of jail? I mean, is
12 that --

13 JUROR NUMBER 106: No. I mean -- no, that
14 wouldn't come into my mind until after I heard all
15 the evidence and said that he was guilty of the first
16 degree and then I would have to weigh everything
17 after depending on the how bad the crime was.

18 MR. MOORE: Okay. Well, I'm still getting at
19 this issue of whether he might be dangerous in the
20 future, I think that's what you're saying, saying and
21 what if there's no evidence of that?

22 JUROR NUMBER 106: Well, then I probably
23 wouldn't make the death decision.

24 MR. MOORE: That's what I need.

25 JUROR NUMBER 106: You're asking me again what

1 if, you know, I don't have any evidence of the crime
2 itself, so.

3 MR. MOORE: Well, in the absence of evidence,
4 and this is all hypothetical, that's all we can do
5 right now.

6 JUROR NUMBER 106: Right.

7 MR. MOORE: So, to what degree as far as you
8 could tell is it going to be a factor for you in this
9 deliberation process, the possibility of Mr. Bradley
10 getting out of jail or harming somebody in jail, to
11 what degree would that be a factor for you to think?
12 Or can you say -- here's another way to look at it.
13 I can say -- can you say I can put that out of my
14 mind, it won't be a part of my deliberations at all,
15 or it's something that I may think about, I can't say
16 that it won't. Maybe that's what you're thinking is,
17 I don't know.

18 JUROR NUMBER 106: The second thing.

19 MR. MOORE: You think?

20 JUROR NUMBER 106: Yes.

21 MR. MOORE: And if the Court gives you a list
22 of these, hypothetical, aggravating circumstances,
23 you don't know what they are but that's not one of
24 them, you know, the possibility of Mr. Bradley being
25 dangerous to other people, if that's not on that

1 list, are you still saying that's going to be in your
2 mind?

3 JUROR NUMBER 106: No, he's not in danger of
4 other people, no.

5 MR. MOORE: But in your mind, is that something
6 that you're going to be thinking out? Because you
7 indicated a concern about that.

8 JUROR NUMBER 106: If I think he's a danger to
9 other people, yes, that will be in my mind. If I
10 don't feel he's a danger to other people, no, it
11 won't be.

12 MR. MOORE: Would you automatically think that
13 if Mr. Bradley was found guilty of first degree
14 murder that he would be danger?

15 JUROR NUMBER 106: No. I mean, just because,
16 just because someone does it once doesn't necessarily
17 mean it (unintelligible), it depends again on the
18 circumstances.

19 MR. MOORE: Okay. Well, let me ask about types
20 of homicides that you think are more deserving of the
21 death penalty than other types. Are there such first
22 degree murders where you say that is a death penalty
23 case?

24 JUROR NUMBER 106: To be honest with you, I
25 just can't answer that without hearing the case.

1 MR. MOORE: Well, do you --

2 JUROR NUMBER 106: I mean, I can't pinpoint in
3 my mind what my mind is going to say yes or no to
4 whether I think until I hear all the facts about it.

5 MR. MOORE: Some people would say, I'm not
6 saying you, but some people would say a first degree
7 murder involving multiple victims would be a death
8 penalty case without hearing anymore about it, or a
9 first degree murder involving the death of a child
10 would be a death penalty case in their mind as
11 opposed to a bar fight where two people get into a
12 fight and one guy says I'm going to kill you and
13 they're both going at each other, which may not even
14 be a first degree murder, very different from the
15 death of a child or a death of (unintelligible).

16 JUROR NUMBER 106: Okay. Yeah, I would say
17 that, yes, if the person was a serial killer, yes, I
18 think they deserve the death penalty. If they're a
19 child killer, yes, I would say they should receive
20 the death penalty.

21 MR. MOORE: What about the case where the
22 victim, as in this case, is a police officer in the
23 line of duty?

24 JUROR NUMBER 106: Again, I have to hear all
25 the facts to decide, you what was the thought process

1 or the actions going on both sides.

2 MR. MOORE: Do you -- can you think of
3 circumstances that would mitigate a first degree
4 murder? Now, that mitigation is a circumstance that
5 suggests that life without parole is a more
6 appropriate sentence, that lessens the severity of
7 the first degree murder, can you think of any
8 circumstances?

9 JUROR NUMBER 106: No.

10 MR. MOORE: If you were presented with evidence
11 of mental illness, is that a circumstance that you
12 might consider actually mitigating?

13 JUROR NUMBER 106: Maybe.

14 MR. MOORE: Do you think that mental health is
15 a choice?

16 JUROR NUMBER 106: No.

17 MR. BROWN: Do you think mental illness is a
18 choice?

19 JUROR NUMBER 93: No.

20 MR. MOORE: Do you have any familiarity with
21 the mental health profession, either you know
22 somebody who is receiving counselling or been
23 evaluated by a psychologist or a psychiatrist?

24 JUROR NUMBER 106: I know of people but I don't
25 know them very well.

1 MR. MOORE: If you were to hear testimony from
2 mental health experts, psychologists and
3 psychiatrists, is that something that you would
4 consider?

5 JUROR NUMBER 106: Yes.

6 MR. MOORE: If you were presented with evidence
7 of brain injury or brain damage, is that something
8 that you would consider potentially as a mitigating
9 circumstance?

10 JUROR NUMBER 106: Yes.

11 MR. MOORE: Have you ever heard of a
12 neuro-imaging test called an MRI?

13 JUROR NUMBER 106: Yes.

14 MR. MOORE: How about a PET scan?

15 JUROR NUMBER 106: Yes.

16 MR. MOORE: If you were presented with such
17 evidence, would you be open to considering that
18 evidence?

19 JUROR NUMBER 106: Yes.

20 MR. MOORE: Do you believe that drug addiction
21 is a choice? I'm not talking about drug use down the
22 road when a person, do you believe that that state of
23 addiction is a choice?

24 JUROR NUMBER 106: No.

25 MR. MOORE: Have you known people who have

1 struggled substance abuse, addiction, whether it's
2 alcohol or drugs?

3 JUROR NUMBER 106: No.

4 MR. MOORE: So, that's something that you would
5 at least be open to consider as potentially
6 mitigating?

7 JUROR NUMBER 106: Yes.

8 MR. MOORE: How about evidence of physical or
9 emotional abuse, is that something that you would
10 consider evidence of that, would potentially consider
11 as mitigating?

12 JUROR NUMBER 106: Yes.

13 MR. MOORE: I'd like a moment.

14 THE COURT: Yes.

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

17 MR. MOORE: Juror 106, what, what do you think
18 about life without parole? Your thoughts.

19 JUROR NUMBER 106: Really hadn't thought too
20 much of it. I mean, you're put away in prison for
21 the rest of your life.

22 MR. MOORE: If the State, if the State proves
23 Mr. Bradley is guilty of first degree murder of a
24 police officer, would you expect the Defense, us,
25 this table over here, to prove that Mr. Bradley is

1 not a danger, not a risk to escape? Will you be
2 looking at us to prove that?

3 JUROR NUMBER 106: Yes.

4 MR. MOORE: And if we did not prove that, would
5 that be a factor in your deliberations of life or
6 death? You indicated it would be?

7 JUROR NUMBER 106: It could be but, I mean,
8 I -- again, I don't know quite how to answer that.

9 MR. MOORE: You're going to be put in a tough
10 spot as other jurors that will have to make.

11 JUROR NUMBER 106: Right.

12 MR. MOORE: Have to answer questions.

13 JUROR NUMBER 106: Yes.

14 MR. MOORE: And so --

15 JUROR NUMBER 106: But I'll have a lot more
16 evidence.

17 MR. MOORE: Well, the point I'm looking to go
18 find out if you're going to be expecting us to
19 present evidence that Mr. Bradley is not a flight
20 risk, he does not prevent a risk of escaping? I
21 think you just said it would be.

22 JUROR NUMBER 106: Yeah, it might be.

23 MR. MOORE: If the Court instructed you to look
24 only to the aggravating circumstances and only to the
25 mitigating circumstances and consider all the

1 evidence that's presented in this case and other
2 instructions, would that still be a factor in your
3 mind? Would you still be expecting the Defense to
4 prove Mr. Bradley is not a flight risk or a risk of
5 escaping?

6 JUROR NUMBER 106: I would have to take into
7 fact the evidence provided and the overall picture.

8 MR. MOORE: But if the picture didn't have
9 that --

10 JUROR NUMBER 106: No, I'm not going to put in
11 extra thoughts on myself saying, oh, down the road is
12 he going to do that, no, I'm not going to add things
13 to it, I'm to take the evidence that's presented.

14 MR. MOORE: Well, I'm on the verge of, I think,
15 irritating you and that is --

16 JUROR NUMBER 106: No, I just --

17 MR. MOORE: That is not my intention.

18 JUROR NUMBER 106: No, I just feel like I don't
19 know how to answer you any better than I am. I can't
20 make a judgment call what I'm going to decide
21 probably weeks from now about hearing the whole
22 picture on the circumstances, that to me is a very
23 hard answer to be answered.

24 MR. MOORE: Yes, ma'am, it's a tough question
25 to ask, it's a tough one to answer but you've got

1 some tough decision making to make.

2 JUROR NUMBER 106: Yes, and I understand that
3 and I realize that I have to do that by the facts and
4 the evidence presented to me and I can't judge what
5 my decision is going to be.

6 MR. MOORE: I'm not asking for you to.

7 JUROR NUMBER 106: I mean, it's just like --
8 okay. Let me put it to you this way. You're
9 pregnant, you're a mother and you're pregnant and the
10 doctor says to you the baby might have a problem,
11 then you have to decide whether you're going to abort
12 that baby or whether you're going to carry that baby.
13 Well, I'm going to carry that baby.

14 MR. MOORE: Are you going to, use your analogy,
15 carry your concern about the possibility of escape
16 and danger to other people to the jury room with you?
17 Is that going to be with you despite the instructions
18 to just focus on aggravating and mitigating
19 circumstances, is that still going to be an issue for
20 you? Not to predict where you're going to wind up
21 with that, but are you still going to be looking to
22 us to prove that Mr. Bradley is not going to escape?
23 I think you've already indicated that's going to be a
24 concern for you. No right or wrong. You're not
25 being graded here, what do you think?

1 JUROR NUMBER 106: I know. I don't know how
2 to --

3 MR. MOORE: Would it be fair to say --

4 JUROR NUMBER 106: To be honest, I don't know
5 how to answer that.

6 MR. MOORE: Would it be fair to say that you
7 have doubts on that question?

8 JUROR NUMBER 106: Yes.

9 MR. MOORE: Is that a good resting point for
10 you?

11 JUROR NUMBER 106: That's a good resting point,
12 I have doubt from that.

13 MR. MOORE: Not taking this personally.

14 JUROR NUMBER 106: No, I know, you're asking
15 questions and I'm trying to answer them the best I
16 can. I'm trying to be honest and (unintelligible).

17 MR. MOORE: That's all I can ask. Thank you.
18 May we approach?

19 THE COURT: Yes, you may.

20 (Thereupon, a benchside conference was had out
21 of the hearing of Juror 106 as follows:)

22 MR. MOORE: What? Okay. Never mind. I'm
23 sorry.

24 THE COURT: I thought it was Mr. Lanning's turn
25 to question.

1 MR. MOORE: You done like what I?

2 THE COURT: No, it's the third day,

3 Mr. Lanning's supposed to question.

4 MR. PIROLO: We're saving Mr. Lanning for last.

5 We save the last.

6 MR. MOORE: The Judge just fired me.

7 THE COURT: I'm just saying, I want a little

8 variety here.

9 MR. MOORE: Never mind, we're going back.

10 MR. LANNING: Waiting for the new panel.

11 THE COURT: All right.

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

14 THE COURT: Okay. 106, at this time what's
15 going to happen is you're going to be released for
16 today. You don't need to be here the rest of the
17 day. Don't need to be here Monday, Tuesday or
18 Wednesday. Wednesday between 1:00 and 5:00 -- you're
19 going to go downstairs when you leave here, go to the
20 jury assembly room, they're going to give you a phone
21 number. Between 1:00 and 5:00 next Wednesday you're
22 going to call and they're going to tell you when to
23 come back. It may be the next day Friday, I mean, it
24 may be Thursday, it may be Friday. I mean, at this
25 point it may even be the Monday after that because we

1 don't want you sitting around and waiting while we're
2 going through this process, but you are still being
3 considered as a potential juror in this case.

4 So, during this recess you must continue to
5 abide by the rules governing your service as a juror.
6 Specifically, do not discuss this case with anyone.
7 You can say you're coming here for jury duty, what
8 time you need to be here, but you can't talk about
9 what case it is or talk about what the charges or the
10 specifics about the case. Avoid reading newspaper
11 headlines and/or articles relating to this trial or
12 its participants. Avoid seeing or hearing
13 television, radio, or Internet comments about this
14 trial. Do not conduct any research yourself
15 regarding any matters concerning this case. Any
16 questions or concerns?

17 JUROR NUMBER 106: Yes. My husband and I are
18 celebrating wedding anniversary and we have
19 reservations over in Orlando through the 10th.

20 THE COURT: Okay. Why didn't you tell me that
21 before?

22 JUROR NUMBER 106: I did tell you that, I said
23 that I might have a conflict on the 10th, that the
24 reservations for the 8th and the 9th and then check
25 out of the hotel on the 10th.

1 THE COURT: Okay. I don't have any notes with
2 regard to that. I think you said you might have a
3 conflict.

4 JUROR NUMBER 106: Yes, because we're checking
5 out on the 10th. So, that's why I'm hoping to know
6 if I would be needed in here whether I needed to see
7 if I can change it at the hotel, I don't know.

8 THE COURT: Okay.

9 JUROR NUMBER 106: That's why I wanted to know
10 because we weren't sure even if I was needed here,
11 needed here on the 10th.

12 THE COURT: When are you going over there?

13 JUROR NUMBER 106: Sat the 8th and we'll be
14 back the 10th.

15 THE COURT: I can't answer that today but I'll
16 probably know more by the end of the day. I mean,
17 there may be a chance that this won't --

18 JUROR NUMBER 106: I know, that's why --

19 THE COURT: -- interfere with that all or it
20 may be a chance that it will. I don't know. It
21 really depends on how many jurors I get today.

22 JUROR NUMBER 106: Right.

23 THE COURT: You know, and so I can't really
24 answer that. I mean, the best I can tell you is call
25 back that time. Probably could give you the

1 answer -- if you call -- with all due respect, if you
2 call on Monday between 1:00 and 5:00, they probably
3 would know the answer to that.

4 JUROR NUMBER 106: Yes, ma'am.

5 THE COURT: I'm having everyone call Wednesday
6 but I'll know the answer by the end of the day. So,
7 call Monday that same number they're going to give
8 you downstairs and they can tell you when to report
9 back.

10 JUROR NUMBER 106: All right.

11 THE COURT: Okay.

12 JUROR NUMBER 106: Because If I need to do
13 something.

14 THE COURT: Right, that will give you time to
15 do something. Okay. All right. So, have you report
16 downstairs, get that information. Do follow your
17 rules governing your service as a juror. Okay.
18 Thank you 20.

19 (Thereupon, Juror Number 106 exited the
20 courtroom.)

21 THE COURT: Okay. I hear they're having
22 some -- a little bit of a computer issues downstairs.

23 THE COURT DEPUTY: They're up.

24 THE COURT: The fifty-three are up?

25 THE COURT DEPUTY: Yes, ma'am.

1 THE COURT: So, I guess they're up, they just
2 haven't given us the list.

3 THE CLERK: She just told me I could start
4 doing it now.

5 THE COURT: I told them I only wanted
6 fifty-three, yeah. Are we starting with 107?

7 MR. MOORE: Yes.

8 THE COURT: Okay. What I'm going to do is step
9 off the bench for a few minutes. I'm going to ask
10 Miss Sherry to e-mail me directly when you've handed
11 them the list. I'll give you a few minutes after
12 that because most of the first part is me anyway.
13 So, I'll give you a few minutes after that and then
14 I'll come back out. So, as soon as I know that it's
15 been numbered, it's been copied, it's been handed to
16 you, then e-mail me. Okay. So, court will be in
17 recess for just a few minutes. Thank you.

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

20 THE COURT: Okay. Let me go on the record.
21 Oh, we're on the record. Oh, they're down there,
22 they just turned it. Okay. We're going to waive the
23 appearance of Mr. Bradley. For the record, we had an
24 emergency situation, there was a man with a gun that
25 was reported in the front of the courthouse, as a

1 result there was indeed a man with a gun and that man
2 has been fatally shot and the jury poll was privy to
3 that and we've all been in lock down for
4 approximately three hours. As -- there was some
5 discussions that the juror venire, the fifty-three
6 that was scheduled to come into the courtroom were
7 asked to lay on the ground during a portion of the
8 recess to be safe from the man with the gun, and I'm
9 just putting what I know -- I don't know if that's a
10 fact, that was just what was alleged.

11 Okay. Motions by either party.

12 MR. MOORE: Well, I choose to let this venire
13 go and (unintelligible) and continue proceeding
14 Thursday morning. What I'm wondering is the people
15 we have, the first sixteen, I think we have sixteen
16 people now, are they --

17 THE COURT: No, we have twenty-four. They
18 reported -- we have twenty-five today. We have
19 twenty-five today. Let me count. I think we have
20 twenty-five today if we add 106. They reported
21 twenty-five.

22 MR. BROWN: I have twenty-six.

23 MR. MCMASTER: Twenty-six, Judge. We had
24 twenty-five yesterday.

25 THE COURT: Let me tell you who I have because

1 I may be missing one. Do you have the numbers?

2 MR. MCMASTER: I do.

3 THE COURT: Tell me when you're ready and I'll
4 read off mine.

5 MR. MCMASTER: I'm ready.

6 THE COURT: Okay. 1, 2, 4, 5, 9, 11, 13, 14,
7 16, 17, 29, 36, 42, 58, 63, 65, 78, 82, 85, 87, 88,
8 93, 102, 105, 106.

9 MR. MCMASTER: Too fast for me.

10 THE COURT: Do you want me to do that again?

11 MR. MCMASTER: I was looking at my sheet.

12 MR. BROWN: I believe you missed --

13 THE COURT: Yeah. I mean, apparently I might
14 have missed one.

15 MR. PIROLO: I believe you missed 89.

16 THE CLERK: That's who I have.

17 THE COURT: Oh, okay, 89. I missed 89. I'm
18 not that unhappy about that, I'd just as soon have
19 more than none. Okay. So, then we have twenty-six.
20 Okay. I -- unless I hear an objection, I'm going to
21 discharge the panel for today.

22 MR. BROWN: Judge, we agree, I don't think it's
23 feasible. Nobody's had lunch, including the panel,
24 so.

25 MR. MOORE: We agree.

1 THE CLERK: Judge Harris -- they just sent an
2 e-mail. It says per Judge Harris we are evacuating
3 the building (unintelligible).

4 THE COURT: We weren't allowed to leave?

5 THE CLERK: That's what the e-mail says.

6 THE COURT: They're evacuating the building but
7 advising us we weren't allowed to leave?

8 THE CLERK: Yes, it says all court cases will
9 be rescheduled.

10 THE COURT: Okay. Well, we're going to
11 discharge the venire.

12 THE COURT DEPUTY: The south parking lot is
13 (unintelligible).

14 THE COURT: Okay. I got to put all this on the
15 record. So, we're going to release the venire for
16 today. I do -- I did order members for next Thursday
17 and I did order members for next Friday.
18 Unfortunately, I had a special panel that was ordered
19 just for me for these five days. I don't have those
20 for Thursday and Friday. So, hopefully we'll get
21 fifty-three but I can't guarantee we're going to get
22 fifty-three. I ask for fifty-three each day but I
23 don't know if that will happen.

24 With regard to the jurors who are scheduled to
25 come back, what I think I'll have them do is call --

1 they're going to call Wednesday between 1:00 and
2 5:00, I think I'll have them call back on Friday
3 between 1:00 and 5:00 and maybe by then we'll know
4 better what to tell them.

5 Okay. Any questions, concerns, other
6 discussions anyone wishes to have?

7 MR. MOORE: Well, just at some point we're
8 going to need to probably interview the twenty-six
9 we've got to see (unintelligible). I think maybe
10 just wait until we convene until we finally get the
11 golden number forty, whatever, and have in particular
12 those people who've been through and been in this
13 courtroom come in together so we can ask them how
14 this might impact them.

15 THE COURT: We can ask them that. I'm not
16 going to let you ask them individually. We'll ask
17 them as a group.

18 MR. PIROLO: Judge, on the same respect,
19 there's Channel 13 news, when it first aired it said
20 it occurred while Brandon Bradley's jury selection
21 was occurring and they weren't sure it was related to
22 the case. So, that's the concern I have as well is
23 some of these juror of the twenty-five we've got may
24 thing somehow it had to do with this case. We'll
25 need to address all these issues.

1 THE COURT: We can address all those. With all
2 due respect, I will not be available Monday, Tuesday,
3 Wednesday. If you send any motions or do anything,
4 the first opportunity I can get to see them is
5 Thursday morning, so. I mean, if you want to send
6 them in and they can be ready for me, but I won't be,
7 you know, able to review them until Thursday morning.
8 So, we'll be in recess. We'll go ahead and start
9 at -- since we have to let the panel get qualified,
10 we'll go ahead and start at 9:00 a.m. on Thursday,
11 March the 6th. Okay. Court will be in recess until
12 that time. Okay. Thank you.

13 (Thereupon, court was in recess for the day,
14 2/28/14. Thereafter, court was reconvened on 3/6/14 and
15 the proceedings were had as follows:)

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

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

19 THE COURT: Okay. Good morning everyone.

20 We'll go on the record in the case of State of
21 Florida versus Brandon Bradley. I have an update
22 with regard to one of our jurors. Juror Number 78,
23 he notified the office that he had just been
24 diagnosed with cancer, he has a tumor in his chest
25 and is currently undergoing more testing. I have the

1 name of his doctor if we want to confirm his
2 condition. I don't have a doctor's excuse. I
3 recognize the doctor's name. I have contact
4 information for the doctor, contact information for
5 Juror Number 78. Do we want to address that or do
6 you want me to get any further information?

7 MR. MOORE: Well, yes. It's probably too early
8 for him to tell us how serious this is, if it's just
9 skin cancer or --

10 THE COURT: It says tumor in his chest.

11 MR. MOORE: So, yeah.

12 MR. BROWN: Judge, if he was here and he said
13 that, we wouldn't ask for any further documentation.
14 I'll stipulate.

15 MR. MOORE: We would have to stipulate that he
16 be stricken for cause.

17 THE COURT: Okay. Juror Number 78 will be
18 struck for cause. If you could let the jury clerk
19 know that. Okay. Thank you.

20 Okay. We're going to have a new panel today.
21 The new panel starts at 107. I don't know if we have
22 all the information ready for that. Miss Sherry, do
23 we know the status of that? Okay. We're going to
24 have the fifty-three. Now, is there any preliminary
25 matters that we need to address on behalf of the

1 State?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Any preliminary matters on behalf
4 of the Defense?

5 MR. MOORE: No, just that the twenty-six that
6 have passed muster so far will need to be questioned
7 about the impact on what happened Friday.

8 THE COURT: You know, they weren't here.

9 MR. MOORE: I know, but they were --

10 THE COURT: I mean, with all due respect, that
11 would affect every single person that walks into this
12 courthouse every single day.

13 MR. MOORE: Some more than others because there
14 was some implication that it might be involved or
15 might be (unintelligible). I think there was a
16 statement in the Florida Today. I'm not saying let's
17 stop what we're doing with questioning but at some
18 point we're going to have to and maybe weak do it
19 on --

20 THE COURT: Well, you all can do that if you
21 wish, I don't think it's necessary. They weren't
22 here. If that were part of the Bradley case, that
23 information, one, they're not supposed to be reading
24 the news, they've been told not to do that. I'm
25 assuming if they're abiding by the rules of the court

1 they don't know that. With all due respect, I mean,
2 the initial reports just said we were doing jury
3 selection. I mean, it could affect every one that --
4 could, you know, affect anybody and everybody. I
5 mean, if that was the case, nobody in the courtroom
6 would be able -- nobody in the courthouse would be
7 able to select a jury.

8 MR. MOORE: Well, if they shouldn't be on the
9 jury, they shouldn't be on the jury but at some point
10 (unintelligible).

11 THE COURT: Okay. I don't intend to question
12 them, they weren't here, I don't see where it should
13 have had an impact on them because they shouldn't
14 have been reading the paper. So, I will question
15 them with regard to knowledge of the case and whether
16 they've done any research or whether they've been
17 exposed to any publications regarding the case.
18 Okay. My position on that is I don't see it as an
19 issue. If I bring it up it might become an issue and
20 that's what I'm concerned about.

21 MR. PIROLO: Judge, the concern we have is that
22 the jurors are lead to believe that they're not
23 supposed to read or watch anything concerning this
24 case. So, they may have been flipping through the
25 paper and --

1 THE COURT: Well, when I ask them about --

2 MR. PIROLO: -- this whole thing about the
3 courthouse.

4 THE COURT: They should tell me about. When I
5 ask them that, they should tell me that. I'm just
6 saying, we could bring up every potential thing that
7 happens and, you know, everyone could have a reason
8 not to seat of number of any jury. So, I just don't
9 see -- if they were here I would have asked them but
10 they weren't here so. They've been told to call back
11 Friday between 1:00 and 3:00, or 1:00 and 5:00 so we
12 should have -- hopefully we'll have some update about
13 where we stand with regard to the case.

14 MR. LANNING: Actually, Juror 106 had been
15 excused minutes before. Hopefully she was gone but.

16 THE COURT: If you want -- if we -- I mean, 106
17 might be a different story because 106 was here.
18 I'll question them with regard to my general about
19 exposure to the case. If you want to question her
20 outside of the presence of everyone else, I'll give
21 you an opportunity to do that but if nobody says
22 anything, you know. Like I said, I don't see it as
23 an issue, I don't want to give people a reason not to
24 be here. I mean, I don't want to make it an issue or
25 I don't think it is an issue.

1 MR. PIROLO: Judge, is our microphone off?

2 THE COURT: It should be with all due respect
3 but I'll ask her to make sure it's off. We're
4 waiting for the -- to get the new panel.

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

7 THE COURT: You know, one of my general
8 questions to them that I haven't gotten to yet, I do
9 ask the venire if there's any reason they think they
10 can't serve and I may get as open ended as possible.
11 So, if that's an issue, it might come up then as
12 well. And I also ask them a question with regard to
13 any personal issues that they think may not -- they
14 want -- that would prevent them from giving this case
15 their full attention. I think they'll have plenty of
16 opportunity to bring that up if they desire to do
17 that and I haven't gotten to those yet.

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

20 THE COURT: Okay. This is what I'm going to
21 do, I'm going to go ahead and step off the bench for
22 a few minutes. As soon as she gets the list she'll
23 make a copy because she has to make so many copies.
24 Once you get the list and it's since most of the
25 first part is my part and it does take a few minutes

1 to get that many people upstairs, do you need time to
2 look at it or can I get them upstairs and start my
3 part as soon as they get up here?

4 MR. BROWN: We're good as soon as they're here.

5 MR. MOORE: Sure.

6 THE COURT: Okay. So, what I'll have Miss
7 Sherry do, as soon as she gets the list I'll have her
8 make all the copies. As soon as they get the list we
9 can start bringing people up. And then when we're
10 ready, Miss Sherry, you'll e-mail me directly and
11 then I'll come out. Sound like a plan? Okay. So,
12 we'll be in recess for just a few moments. Okay.
13 Thank you.

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

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

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

20 THE COURT: Okay. We can go on the record.
21 You know, I want to give the State an opportunity to
22 respond to Mr. Moore's request about questioning the
23 panel. Does the State wish to -- about the shooting
24 the other day. Does the State wish to be heard?

25 MR. BROWN: Judge, it may be the safest course

1 of action as to phrase it in a general question to
2 ask them. We can do it in -- at this point --

3 THE COURT: Well, when we bring them back --
4 when I bring them back they're going to be mixed with
5 whatever. I mean, my intention was when I brought
6 them back to have the now twenty-five mixed with
7 the -- hopefully at least others, you know.

8 MR. MOORE: You mean for the group?

9 THE COURT: Yes, for the group voir dire
10 they're going to be back with the others.

11 MR. BROWN: Judge, part of the (unintelligible)
12 is Defense going question today and tomorrow's group
13 and question them and if we don't have a single
14 person that's bothered by it, that would be one
15 thing. If we question them and half of them have an
16 issue than that's another. So, just wait and see and
17 deal with it with this group of fifty-two and we'll
18 be in a better position to judge.

19 THE COURT: I hope there's fifty-three but.

20 MR. BROWN: Or fifty-three, sorry.

21 THE COURT: I hope there's fifty-three. Okay.
22 All right. Unless I hear something else, we'll bring
23 in the new panel.

24 (Thereupon, the proceedings were previously
25 transcribed.)

1 THE COURT: Okay. Anyone else in this row?
2 Number 110, yes, ma'am.

3 JUROR NUMBER 110: I'm a single mother, I have
4 a one year old at home and I work two jobs and it
5 would be a financial hardship.

6 THE COURT: Okay. Does anyone contribute to
7 your household?

8 JUROR NUMBER 110: Just -- I do get child
9 support.

10 THE COURT: And you say you work two jobs?

11 JUROR NUMBER 110: Um-hmm, I work as a dental
12 assist 9:00 to 5:00, Tuesday's 10:00 to 6:00 and then
13 I work on Wednesdays, my sister has a hair salon and
14 I work with her.

15 THE COURT: Okay. Your job as a dental
16 assistant, is that full time?

17 JUROR NUMBER 110: Yes.

18 THE COURT: And you work --

19 JUROR NUMBER 110: I work one day part time
20 with my sister and I work (unintelligible).

21 THE COURT: Okay. I heard -- tell me about the
22 dental assistant job first, you work Monday, Tuesday,
23 Thursday, Friday?

24 JUROR NUMBER 110: Yes.

25 THE COURT: And then the one day you work for

1 your sister?

2 JUROR NUMBER 110: Correct.

3 THE COURT: And what would happen with regard
4 to being able to pay your bills if you were here? I
5 do know you get some money if you're here, after the
6 fourth day you get thirty dollars per day.

7 JUROR NUMBER 110: Well, if we don't get paid
8 for jury duty at my work so I would probably have to
9 take vacation time.

10 THE COURT: And is that a possibility or is
11 that not?

12 JUROR NUMBER 110: It is a possibility.

13 THE COURT: That's not the way you want to
14 spend your vacation.

15 JUROR NUMBER 110: Right. And I'm also
16 actually scheduled to fly out on the 26th.

17 THE COURT: Of March?

18 JUROR NUMBER 110: Yes.

19 THE COURT: For what purpose?

20 THE CLERK: Just for vacation.

21 THE COURT: And how long were you going to be
22 on vacation?

23 JUROR NUMBER 110: Wednesday through Sunday.

24 THE COURT: And I know that that I believe is
25 probably spring break for your daughter.

1 JUROR NUMBER 110: Son, um-hmm.

2 THE COURT: Pardon me?

3 JUROR NUMBER 110: For my son, yes.

4 THE COURT: For your son.

5 JUROR NUMBER 110: Um-hmm.

6 THE COURT: I don't know why I presumed that
7 was a daughter. I don't know why I did that. That
8 was a presumption. So, you had -- is he going with
9 you?

10 JUROR NUMBER 110: Yes.

11 THE COURT: So, that was a family vacation that
12 was planned.

13 JUROR NUMBER 110: Right, yeah, the tickets are
14 already (unintelligible).

15 THE COURT: Okay. I think I saw another hand.
16 Number 112, yes, ma'am.

17 JUROR NUMBER 112: I'm a mother of three and I
18 think the only problem would be the last week because
19 spring break.

20 THE COURT: Okay. How old are your kids?

21 JUROR NUMBER 112: Seven, ten and thirteen.

22 THE COURT: I can't hear you very well. Seven?

23 JUROR NUMBER 112: Seven, ten and thirteen.

24 THE COURT: And you're saying they're on spring
25 break and you need someone to help watch them? The

1 first two days we won't be here, it's the Wednesday,
2 Thursday, Friday. You think you would be able to
3 accommodate that?

4 JUROR NUMBER 112: Yes.

5 THE COURT: Okay. I appreciate that. Okay
6 anyone else in the first row? (No response.) Second
7 row? Number 115, yes, sir.

8 JUROR NUMBER 115: I'm concerned if this goes
9 into the beginning of April as my two daughters and
10 three little grandchildren are flying in from England
11 for ten days and I'm the only person.

12 THE COURT: You're they're number one
13 entertainment while they're here?

14 JUROR NUMBER 115: Yes.

15 THE COURT: Okay. When are they coming?

16 JUROR NUMBER 115: The 6th of April for ten
17 days.

18 THE COURT: Okay.

19 JUROR NUMBER 115: I've already purchased the
20 tickets for them.

21 THE COURT: All right. Anyone else in the
22 second row? Number 117, yes, sir.

23 JUROR NUMBER 117: I'm a nurse, I work for a
24 very busy physician's office with one other person
25 with a high patient load, my absence will leave a

1 shortage of care for patients and delayed time for
2 the doctor to see the patients due to no one to
3 triage or take care of the patients prior to the
4 doctor's visit.

5 THE COURT: Okay. They don't have someone --
6 they can't do --

7 JUROR NUMBER 117: Not nurse wise, no, maybe
8 one other and we have about forty-five patience load
9 every day, for one nurse to take care of that many
10 would delay the doctor tenfold.

11 THE COURT: There isn't a temp agency they can
12 bring someone in?

13 JUROR NUMBER 117: Not that I'm aware of.

14 THE COURT: Are you an RN, LPN?

15 JUROR NUMBER 117: RN.

16 THE COURT: And you say there's -- you're the
17 only RN in the?

18 JUROR NUMBER 117: Me and one other person. We
19 do have medical assistants but they're not clear to
20 perform certain duties on the job.

21 THE COURT: Is it a possibility that you could
22 call, like over the lunch break call your office and
23 ask them if there was someone they could get to
24 assist with coverage if you were chosen to be here?

25 JUROR NUMBER 117: I could try.

1 THE COURT: Okay. If you could try to do that.

2 JUROR NUMBER 117: Sure.

3 THE COURT: I'd appreciate that. Okay. Anyone
4 else in the second row? (No response). Third row?
5 123, yes, ma'am.

6 JUROR NUMBER 123: I'm concerned about my
7 wages, I'm the only one at home.

8 THE COURT: Okay.

9 JUROR NUMBER 123: And my job only pays four
10 days of jury duty.

11 THE COURT: Okay.

12 JUROR NUMBER 123: So, that would interfere in
13 my being able to pay my rent and my bills.

14 THE COURT: When you say you're the only one at
15 home, do you have kids?

16 JUROR NUMBER 123: They're grown, I'm a widow.

17 THE COURT: So, you're the only one, you're the
18 only one financially responsible for your bills?

19 JUROR NUMBER 123: Right.

20 THE COURT: And no one assists you with that?

21 JUROR NUMBER 123: No.

22 THE COURT: Does anyone live with you other
23 than yourself?

24 JUROR NUMBER 123: No.

25 THE COURT: And are you worried that it may be

1 a financial hardship, you wouldn't be able to meet
2 your bills?

3 JUROR NUMBER 123: Yes.

4 THE COURT: And what do you -- what do you do
5 now? How often do you work?

6 JUROR NUMBER 123: Tuesday through Saturday.

7 MR. MOORE: I can't -- I'm sorry but I can't
8 hear.

9 THE COURT: Tuesday through Saturday.

10 JUROR NUMBER 123: 10:00 to 6:30 Tuesday
11 through Friday and Saturday 8:00 to 4:30.

12 THE COURT: And what do you do?

13 JUROR NUMBER 123: Sales.

14 THE COURT: What type of sales?

15 JUROR NUMBER 123: Beauty.

16 THE COURT: Pardon me?

17 JUROR NUMBER 123: Makeup, cosmetics.

18 THE COURT: And do you do that at a specific
19 place?

20 JUROR NUMBER 123: Yes.

21 THE COURT: Who do you do that for?

22 JUROR NUMBER 123: Walgreens.

23 THE COURT: Now, do you get paid on a
24 commission or do you get paid on a regular salary?

25 JUROR NUMBER 123: I get regular salary plus

1 commission. There's a sales goal that needs to be
2 met every day so I'm not for sure if they could --
3 I'm the only in that department, they don't have
4 anyone else.

5 THE COURT: Okay.

6 JUROR NUMBER 123: So, I'm not for sure, you
7 know, how that would go.

8 THE COURT: Tell me how it would affect if you
9 were here with regard to paying your expenses. And I
10 hate to put you on the spot but -- everything is
11 being recorded, I can't put words in your mouth so I
12 need you to tell me.

13 JUROR NUMBER 123: Well I make, I make more at
14 work for eight hours.

15 THE COURT: I mean, there would be certain
16 bills if you were here you wouldn't be able to pay?

17 JUROR NUMBER 123: It would -- my rent is what
18 I would basically be concerned about and my power
19 bill and basically food.

20 THE COURT: Okay. Now, I'm assuming from what
21 you're saying that you don't have money saved up that
22 could help accommodate that?

23 JUROR NUMBER 123: No, I wish I did.

24 THE COURT: Okay. Okay. All right. Anyone
25 else in the last row? Number 126, yes, sir.

1 JUROR NUMBER 126: I was just contacted
2 yesterday to make arrangements for back surgery, I
3 haven't called them back yet but I've been putting it
4 off ten years and I guess I can put it off a little
5 while longer.

6 THE COURT: Okay. So, you need back surgery?

7 JUROR NUMBER 126: Yes.

8 THE COURT: And you say that you could, you
9 could put it off until after March?

10 JUROR NUMBER 126: Hopefully, yes, I've dealt
11 with it for the last ten years so I guess I can
12 continue.

13 THE COURT: Okay. Are you having any issues
14 with your back at this time?

15 JUROR NUMBER 126: Always have issues.

16 THE COURT: Okay.

17 JUROR NUMBER 126: That's why I'm having back
18 surgery.

19 THE COURT: Because my next question which I'm
20 going to ask in a few minutes is any medical or
21 physical conditions that might affect your ability to
22 serve. I'm going to ask -- that's the next question
23 I'm going to ask. Is that going to be an issue for
24 you?

25 JUROR NUMBER 126: No.

1 THE COURT: Pardon me?

2 JUROR NUMBER 126: No.

3 THE COURT: All right. Anyone else? Anyone
4 here? Did I miss anyone? Then I go on this side,
5 the left side. The first row on the left side,
6 anyone on that first row on the left side that the
7 schedule in and of itself is a hardship for you?
8 Okay. Number 129.

9 JUROR NUMBER 129: Yeah, my parents are moving
10 this weekend and they're going to need my help.

11 THE COURT: Okay. It's the weekend?

12 JUROR NUMBER 129: Yeah.

13 THE COURT: We do not work on the weekends.

14 JUROR NUMBER 129: Okay. I just wanted to make
15 sure.

16 THE COURT: Okay. If I worked on the weekends
17 everyone here might revolt against me. We got to
18 keep the troops happy. Okay. Anyone else in the?
19 Okay. Number 130.

20 JUROR NUMBER 130: It would be a hardship for
21 me to miss work, I'm the sole support of myself and
22 my disabled son.

23 THE COURT: You're going to have to talk up
24 just a little bit. Sole support?

25 JUROR NUMBER 130: Yeah, myself and my disabled

1 son.

2 THE COURT: Okay. So, you're disabled son
3 lives with you?

4 JUROR NUMBER 130: Yes, ma'am.

5 THE COURT: And tell me what you do.

6 JUROR NUMBER 130: I work at a call center.

7 THE COURT: Who do you work for?

8 JUROR NUMBER 130: [REDACTED]

9 THE COURT: I can't hear you.

10 JUROR NUMBER 130: [REDACTED]

11 THE COURT: And what hours do you normally
12 work?

13 JUROR NUMBER 130: From 8:45 to 5:15.

14 THE COURT: Is that Monday through Friday?

15 JUROR NUMBER 130: Yes, ma'am.

16 THE COURT: Okay. You're concerned if you're
17 here you won't be able to pay your bills?

18 JUROR NUMBER 130: Yes, ma'am.

19 THE COURT: And you don't have -- do you have
20 anything saved that could help with that?

21 JUROR NUMBER 130: I wish.

22 THE COURT: Receive money from any other
23 source?

24 JUROR NUMBER 130: No.

25 THE COURT: You know, I hate to put people on

1 the spot but, one, we're making a record. So, I have
2 to make sure everything is on the record. Two, you
3 know, we want to do our job. We can't do our job
4 without having jurors that can serve. So, I have to
5 make sure that I'm getting all the information
6 presented so that we can make a good decision. Okay.
7 Anyone else in that first row? The first row. 132.

8 JUROR NUMBER 132: I'm concerned about my job,
9 we do time sensitive proposals and I'm involved in
10 two right now that (unintelligible).

11 THE COURT: Okay. And who do you work for?

12 JUROR NUMBER 132: [REDACTED]

13 THE COURT: You know, I can't hear you.

14 JUROR NUMBER 132: [REDACTED]

15 THE COURT: And what do you do?

16 JUROR NUMBER 132: I'm a proposal writer.

17 THE COURT: I don't know what [REDACTED]
18 does.

19 JUROR NUMBER 132: We do defense contracting,
20 defense commercial proposals.

21 THE COURT: And you say you're working on some
22 time sensitive projects at this time?

23 JUROR NUMBER 132: Two.

24 THE COURT: Do you know when the time -- what
25 does time sensitive mean?

1 JUROR NUMBER 132: Well, one's due Monday and
2 one's due on the 20th.

3 THE COURT: And is there anyone else that does
4 what you do?

5 JUROR NUMBER 132: There's a couple and I would
6 need to check and see if they can reassign them but.

7 THE COURT: Okay. Could you check that?

8 JUROR NUMBER 132: Yes.

9 THE COURT: Okay. Because we're going to do
10 some things this morning, take a break for lunch and
11 then we'll come back after lunch. So, if you could
12 check that.

13 JUROR NUMBER 132: Okay.

14 THE COURT: I think I got everyone in the first
15 row. Anyone in the second row? Okay. Number 134.

16 JUROR NUMBER 134: I work for a small
17 manufacturing company and we use leak tech machines
18 and I'm the only one there that knows how to fix them
19 and since they're from the 1970s they tend to break
20 down a lot, so.

21 THE COURT: You said the lead tech?

22 JUROR NUMBER 134: Leak.

23 THE COURT: What?

24 JUROR NUMBER 134: Leak. L-E-A-K.

25 THE COURT: Okay. Leak tech machines?

1 JUROR NUMBER 134: Yeah.

2 THE COURT: And what kind of company? What's
3 the name of company?

4 JUROR NUMBER 134: [REDACTED]

5 THE COURT: What do they do?

6 JUROR NUMBER 134: We make connectors for
7 military and space applications.

8 THE COURT: So, you say you're the only one
9 that's trained to repair the leak tech machines?

10 JUROR NUMBER 134: That's correct. We had
11 someone a year ago but he passed away. So, I was
12 trained before he died.

13 THE COURT: Okay. If you were here -- I mean,
14 how often does a machine break down say in a month?

15 JUROR NUMBER 134: Probably two need repaired
16 every month and we have --

17 THE COURT: I didn't hear.

18 JUROR NUMBER 134: Two machines break every
19 month.

20 THE COURT: So, if you were here, I mean, with
21 all due respect could you do it after hours on the
22 days that they broke down, would that be a
23 possibility?

24 JUROR NUMBER 134: Depends on how severe the
25 break is, sometimes it takes a day, sometimes it

1 takes a week.

2 THE COURT: Okay. Anyone else in that second
3 row? 133.

4 JUROR NUMBER 133: Yes, I was -- got reduced
5 from VRS not too long ago and I'm with a very small
6 start up and I know there's no vacation or anything
7 like that yet so I don't believe I would be covered
8 and I wouldn't get paid.

9 THE COURT: Okay. So, there would be two
10 concerns, one whether you would get paid?

11 JUROR NUMBER 133: Yes.

12 THE COURT: And two if you didn't get paid how
13 that would affect you.

14 JUROR NUMBER 133: That's right.

15 THE COURT: It would affect you financially?
16 Pardon me?

17 JUROR NUMBER 133: Yes.

18 THE COURT: I made you -- because you shook
19 your head.

20 JUROR NUMBER 133: That's all right. Yes.

21 THE COURT: I have to make sure we're doing a
22 record and so it's got to be verbal. I mean, could
23 you check about what would happen if you here say
24 through the end of March?

25 JUROR NUMBER 133: Yes, I will.

1 THE COURT: Okay. I know this is all new to
2 everyone so I appreciate your patience with regard to
3 that. I May give you more information about the case
4 as we go but I'm trying to do this in an orderly
5 fashion because this is the first question that comes
6 up. Okay. Anyone else in that second row? (No
7 response). How about the third row? Okay. I see
8 141, yes, sir.

9 JUROR NUMBER 141: Yeah, I do (unintelligible)
10 English.

11 THE COURT: Okay. Have you had trouble
12 understanding things that I have said?

13 JUROR NUMBER 141: Yeah, trouble.

14 THE COURT: Yes, trouble?

15 JUROR NUMBER 141: Yeah, I only know little
16 English, not much.

17 THE COURT: So, you speak a little bit of
18 English?

19 JUROR NUMBER 141: Yes.

20 THE COURT: What is your native -- I mean
21 what's your primary language?

22 JUROR NUMBER 141: I speak Chinese.

23 THE COURT: So, you have had trouble
24 understanding some of the things I've said?

25 JUROR NUMBER 141: Yeah.

1 THE COURT: Yes?

2 JUROR NUMBER 141: Yes.

3 THE COURT: Okay. I understand. Okay. Anyone
4 else? I think 142? Yes, sir.

5 JUROR NUMBER 142: Your Honor, my wife's got
6 severe back problems and I've been taking her to MRI,
7 C scans, doctor appointment and injections, you name
8 it, and I have nobody else that can take her to
9 these.

10 THE COURT: There's not anyone that can help
11 with that?

12 JUROR NUMBER 142: No, most of my kids live out
13 of the area, my grandchildren are in school during
14 the day and it's just me.

15 THE COURT: So, how -- I mean, how severe are
16 her back problems?

17 JUROR NUMBER 142: Very severe, that's why
18 she's got a top surgeon looking at it, he's got a
19 back center over at the medical center. She's had C
20 scans, MRI, epidurals. When they give you an
21 epidural, for example, and the inject you in the
22 back, you're not allowed to drive.

23 THE COURT: Okay. Okay. 143.

24 JUROR NUMBER 143: Yeah, I'm the sole
25 proprietor of my lawn business, I service fifty-five

1 lawns a week by myself and it would be a financial
2 burden on me to not be able to work.

3 THE COURT: And is there anyone else that can
4 help you with that?

5 JUROR NUMBER 143: No.

6 THE COURT: And when -- can you just explain to
7 me a little bit about what financial burden means to
8 you?

9 JUROR NUMBER 143: Not being able to pay the
10 bills. My wife works but I don't think by herself we
11 can pay the bills and, I may lose customers which
12 would be an added financial burden long term. Very
13 competitive field out here right now.

14 THE COURT: Okay. So, if you were to be here
15 for say the rest of the month of March and that
16 would -- there's -- you're concerned that you
17 wouldn't be able to cover your bills?

18 JUROR NUMBER 143: Correct.

19 THE COURT: And there's not any savings or
20 anything you could use to assist you in that?

21 JUROR NUMBER 143: I do have some savings.

22 THE COURT: Would that assist you or would it?

23 JUROR NUMBER 143: Well, it would assist me, my
24 other concern mainly is losing customers, you know,
25 that I built up over the years. Like I said, it's a

1 competitive field so it's, you know, if I'm not there
2 they can call somebody else.

3 THE COURT: Okay. You're concerned about the
4 effect it will have later on?

5 JUROR NUMBER 143: And now too but later on
6 also.

7 THE COURT: Okay.

8 JUROR NUMBER 143: Because I would be losing
9 clients.

10 THE COURT: Now I'm going to move to the right,
11 the first row on the right. Any hands on the first
12 row on the right? Okay. 144.

13 JUROR NUMBER 144: Yes, it's mainly concerned
14 with my children. Spring break part I can probably
15 pull off, I home school so a couple of days I could
16 probably do, something that long it's, you know, it's
17 mainly me, you know, who does it. My husband
18 travels.

19 THE COURT: And how old are your kids?

20 JUROR NUMBER 144: I have a fifteen year old
21 and a thirteen year old, the thirteen year old twins
22 is home schooled. So, it's not the age the spring
23 break part, it's just who's going to teach, you know.

24 THE COURT: And I -- you'll -- I'm not -- I
25 mean, can you do some of that after, after hours and

1 then they could work on it during the day?

2 JUROR NUMBER 144: I could try. I would do my
3 best, its not, you know.

4 THE COURT: It's not ideal.

5 JUROR NUMBER 144: No, I know, it's with my
6 husband travelling it would be tricker but he's more
7 my responsibility now during the day, it's not like.

8 THE COURT: No, I understand.

9 JUROR NUMBER 144: It's (unintelligible). He
10 relies on me for that. For that length of time that
11 was my concern. If it was a few days I could
12 certainly do it but for a few weeks (unintelligible).

13 THE COURT: No, I can understand that. Okay.
14 Anyone else? Did I see 145?

15 JUROR NUMBER 145: Yeah.

16 THE COURT: Yes, ma'am.

17 JUROR NUMBER 145: Financial hardship probably.
18 I work two jobs, I work in a manufacturing
19 (unintelligible), I do that full time. I pretty much
20 (unintelligible) government transactions one to three
21 times a week. Possibility I can get somebody trained
22 for that. The other part is my husband and I mow
23 lawns also and we service about forty-five accounts a
24 week and it's just he and I and between those incomes
25 it keeps the roof over our heads. So, I'd be a

1 little skeptical about how things would pan out if I
2 would for a couple of weeks.

3 THE COURT: Tell me about when you say
4 skeptical about the financial hardship part of it.

5 JUROR NUMBER 145: Just my income serves for
6 most of the house bills (unintelligible) all he does
7 write now and. He also works but it's not coming in
8 so. I traded to make the house payment and he's
9 taken some of the other bills so it's a wash but he
10 still gets the lawn income and that pays a good
11 portion of the bills as well and he can't do that by
12 himself forty-five lawns a week. The day job would
13 be okay, it's just in the afternoons, evenings we go
14 out pretty much every day to go cut grass so.

15 THE COURT: And you're concerned about being
16 able to meet your financial obligations if you were
17 here?

18 JUROR NUMBER 145: Yes.

19 THE COURT: Okay. Anyone else in that first
20 row? (No response). Okay. Second row? 153, yes,
21 sir.

22 JUROR NUMBER 153: Just basically financial
23 hardship. I'm retired but I work part time to make
24 up the difference between my retirement check and
25 what I was normally getting. Quite frankly, I have

1 savings but if I have to dip into savings I'm not
2 going to be a happy camper.

3 THE COURT: Okay. What do you do part time?

4 JUROR NUMBER 153: I'm a construction
5 inspector.

6 THE COURT: And how often do you do that?

7 JUROR NUMBER 153: Right now it's running six
8 to eight hours a week but I'm scheduled to start full
9 time shortly.

10 THE COURT: Okay. So, I heard six to eight
11 hours weekly.

12 JUROR NUMBER 153: Right now.

13 THE COURT: And full time shortly, what does
14 that mean?

15 JUROR NUMBER 153: Full time probably by the
16 end of March but, you know, in the meantime I work
17 like I said six to eight hours a week which is enough
18 to make up that difference.

19 THE COURT: Okay. All right. I heard you
20 about not going to be a happy camper part.

21 JUROR NUMBER 153: If I had to dip in my
22 savings I will not be a happy camper.

23 THE COURT: All right. Did I miss anyone in
24 the second row? (No response). Okay. The third
25 row. Number 158, yes, sir.

1 JUROR NUMBER 158: Yeah, I'm a third shift
2 worker at [REDACTED], I work in a secure
3 area, I'm the only one that works in that area at
4 night. (Unintelligible) train anybody, he'd have to
5 have a security clearance to work in there. So, I
6 don't think they could probably find anybody to cover
7 in there.

8 THE COURT: When you say third shift, what's
9 your hours?

10 JUROR NUMBER 158: I go in at 9:00 p.m. to 6:00
11 p.m.

12 THE COURT: Or 6:00 a.m.?

13 JUROR NUMBER 158: 6:00 a.m., yeah, 9:00 p.m.
14 to 6:00 a.m.

15 THE COURT: Could you check during lunch to see
16 if someone -- they would have someone that could help
17 with coverage if you had to be here?

18 JUROR NUMBER 158: I can try, yeah, I can try
19 to get ahold of my boss and see what he says.

20 THE COURT: And just apprise him of this
21 situation and see what his response is?

22 JUROR NUMBER 158: Yeah.

23 THE COURT: Okay. Now, did I miss anyone? (No
24 response). My next question is do any of you have
25 any medical or physical conditions that might affect

1 your ability to serve on the jury? I can tell you
2 that we have emergency personnel that are available
3 here at the courthouse. Those chairs are not
4 comfortable. Those chairs are a lot more comfortable
5 than the benches. If you need to bring a pillow, I
6 have a pillow, you need to bring a pillow, if you
7 need to put your feet up I mean on something to
8 elevate your feet, we can accommodate that. We do
9 take breaks every -- we don't normally go past two
10 hours without a fifteen minute break. So, you can go
11 downstairs and move around and do what you need to do
12 for fifteen minutes. Normally take a morning break,
13 take a lunch break, take an evening break and then
14 we're done. So, does anyone have any medical or
15 physical conditions that would affect your ability to
16 serve on the jury? Anyone over here? Okay. Number
17 119, yes, ma'am.

18 JUROR NUMBER 119: I'm dealing with a
19 diverticulitis attack right now, pain in my stomach,
20 nausea, frequent bathroom trips.

21 THE COURT: You're saying you're dealing with
22 that right now?

23 JUROR NUMBER 119: Yes.

24 THE COURT: Okay. Is it -- you know, I know a
25 little bit about that, it does affect you when it's

1 happening. How long does the attacks last?

2 JUROR NUMBER 119: Well I was diagnosed on
3 Thursday so I've had it since last Thursday.

4 THE COURT: Oh, so this --

5 JUROR NUMBER 119: I'm on antibiotics and
6 nausea medication.

7 THE COURT: I'm worried about the frequent
8 bathroom, tell me a little bit about that. I'm not
9 trying to embarrass you but.

10 JUROR NUMBER 119: Yeah, it's just when I have
11 to go, I have to go.

12 THE COURT: Okay. And is that affecting you --
13 I mean, have you had to go this morning or is it --

14 JUROR NUMBER 119: I've been okay this morning,
15 just nausea and I have a pain in my side.

16 THE COURT: Okay. Okay. Anyone in the -- on
17 the left side? (No response). I see no hands.
18 Anyone on the right side? Okay. Then if I could
19 have the attorneys, if they could approach the bench.
20 We'll have a bench conference.

21 (Thereupon, a benchside conference was had out
22 of the hearing of the prospective jury panel as follows:)

23 THE COURT: Is there anyone that we want to
24 address at this time?

25 MR. BROWN: Judge, Number 108, she said she

1 would check. I think 110 really financial for her.

2 MR. MOORE: I can agree.

3 THE COURT: Agree with 110?

4 MR. MOORE: Yes.

5 THE COURT: So, 110 will be released, that will
6 be due to hardship.

7 MR. BROWN: 115, I know he indicated they're
8 probably going to have to (unintelligible).

9 MR. MOORE: I don't think there's enough at
10 this point.

11 THE COURT: Okay.

12 MR. BROWN: Number 117, I got her she's going
13 to check.

14 THE COURT: I got that she was going to check.

15 MR. BROWN: Right. Number 123, financial.

16 MR. MOORE: I agree.

17 THE COURT: Okay. 123 will be for hardship.

18 MR. MOORE: 119 I think we should let go.

19 MR. BROWN: I agree.

20 THE COURT: Yeah, she might have some issues.
21 Number 119 will be for cause.

22 MR. BROWN: And I'm kind of surprised with
23 Number 126.

24 THE COURT: Seemed okay. So far so good.

25 MR. BROWN: Number 130.

1 MR. MOORE: I think we should let her go.

2 THE COURT: Okay. 130 will be for hardship.

3 MR. MOORE: We need talk to 132 some more.

4 THE COURT: I had 132 and 133 follow up with.

5 MR. BROWN: Right, they'll check. Number 134.

6 MR. MOORE: Probably got a pretty good reason.

7 THE COURT: All right. 134 will be for
8 hardship.

9 MR. BROWN: Number 141.

10 MR. MOORE: For sure.

11 THE COURT: 141 will be for cause.

12 MR. BROWN: 142.

13 THE COURT: You agree with 142?

14 MR. MOORE: Yes.

15 THE COURT: 142 will be for hardship.

16 MR. BROWN: 143.

17 MR. MOORE: Yes.

18 THE COURT: 143 will be for hardship.

19 MR. BROWN: 144.

20 MR. MOORE: She's going to check, isn't she?

21 THE COURT: I don't think she was going to
22 check, she was --

23 MR. BROWN: Yeah, she didn't --

24 MR. MOORE: Okay.

25 THE COURT: So, we're good with 144.

1 MR. MOORE: Agree.

2 THE COURT: Okay. 144 will be hardship.

3 MR. BROWN: 145.

4 MR. MOORE: I agree, hardship.

5 THE COURT: 145 will be hardship.

6 MR. MOORE: 153, he will not be a happy camper.

7 THE COURT: Unhappy camper. 153 will be for
8 hardship. And 158 was going to check. I think a
9 juror approached one of the deputies.

10 THE COURT DEPUTY: (Unintelligible) for a
11 second. Number 137, 137 has expressed that he has
12 really high social anxiety, he's being treated for
13 it. He's not taking any medication now but he's
14 very -- his heartbeat's rapid, his hands are
15 sweating, he really is uncomfortable in this
16 situation right now. So, I'm just letting you know.
17 137.

18 THE COURT: Do you want me to address it or? I
19 did see him approach the deputy when we took a break.

20 MR. MOORE: I don't see a reason to go into it.

21 THE COURT: Pardon me?

22 MR. MOORE: I would agree that he be stricken,
23 I don't think we need to go into it.

24 THE COURT: Okay. So, 137 will be for -- that
25 will be for cause. Okay. Are we good?

1 MR. MOORE: Yes.

2 THE COURT: Anyone else? Okay? Thank you.

3 (Thereupon, the benchside conference was
4 concluded. Thereafter, the proceedings were previously
5 transcribed.)

6 (Thereupon, a benchside conference was had out
7 of the hearing of the prospective jury panel as follows:)

8 THE COURT: Is anything that we need to discuss
9 before we break for lunch?

10 MR. LANNING: Judge, Jurors 109 and 132 both
11 indicated that they -- they're cause challenges.

12 THE COURT: Is that going to be a witness in
13 the case?

14 MR. MCMASTER: Well, the witness --

15 MR. MOORE: Both of them know the same Charles
16 Colon and it would be an issue for them. So, we
17 would not object. In fact, we'd ask that they be
18 stricken for cause.

19 THE COURT: Any objection?

20 MR. BROWN: No.

21 THE COURT: 109 and what was it?

22 MR. LANNING: 132.

23 MR. MCMASTER: 132.

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(CONTINUED TO VOLUME IV)