

A P P E A R A N C E S

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THE STATE OF FLORIDA:

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: You may be seated. All right.
3 We're back on the record. State of Florida versus
4 Adams Matos.

5 State, are you ready to proceed?

6 MR. SARABIA: Yes, Judge.

7 THE COURT: Defense?

8 MR. VIZCARRA: Judge, can I approach very
9 briefly?

10 THE COURT: Sure.

11 For the record, the defendant is present and
12 the State is too.

13 (Bench Conference.)

14 MR. VIZCARRA: Just to let you know, the State
15 hasn't provided me with those photographs, and I'm
16 going to object to those at the time and renew my
17 objection without all of the argument that we had
18 yesterday, and it's State's 404, 412 and
19 State's 428.

20 THE COURT: Give me the numbers again.

21 MR. VIZCARRA: 404, 412, 428.

22 THE COURT: All right. Do you have the photos
23 with you?

24 MR. LABRUZZO: I do, Judge. Give me a moment.

25 THE COURT: We're having the jury brought up

1 right now.

2 MR. LABRUZZO: Judge, here is State's 404.

3 THE COURT: Okay. All right. You can have it
4 back.

5 MR. LABRUZZO: And, Judge, since I'm in this
6 process, I'll just show the Court.

7 THE COURT: Just so you know, Maria is not
8 typing. So you're acting like she's taking it
9 down.

10 MR. LABRUZZO: Oh, sorry.

11 THE COURT: I'm just trying to get what 412
12 and 428 is so I can write it down here. I just
13 need 412 and 428. If you can show them to me. I'm
14 just writing them down what they are. I don't need
15 them in my hand.

16 MR. LABRUZZO: This is 412.

17 THE COURT: All right. Here you go.

18 MR. LABRUZZO: And I'll just show the Court
19 the things that I did and talked about.

20 THE COURT: Okay. 428, what's that look like?

21 MR. LABRUZZO: Yes, Judge. Just give me one
22 moment.

23 MR. VIZCARRA: That's Megan and that's
24 Margaret.

25 MR. LABRUZZO: I got it. I don't want to put

1 them out of order.

2 THE COURT: Oh, it's the inside of the brain.

3 It's the Margaret Brown brain picture.

4 MR. LABRUZZO: Yes, Judge.

5 THE COURT: The skull picture.

6 All right. So we're back on the record,

7 Maria? We're good.

8 Okay. We had a conversation yesterday after

9 the jury was out and left for the day about the

10 Medical Examiner's pictures. And the Defense

11 objected to 404, which is a full face picture of

12 Nicholas Leonard.

13 I've ruled that because that's the only

14 photograph that's available to the Medical Examiner

15 and because he had multiple injuries to the front

16 of his face, I'm allowing it over the objections

17 raised by the Defense and on the record.

18 412 is a picture of Nicholas Leonard's head,

19 the top of it. Again, because of the multiple

20 injuries to Mr. Leonard, this is a photograph the

21 Medical Examiner is going to use to talk about the

22 injuries, and it's a single photograph. And I'm

23 allowing it over the objection of the Defense.

24 And then 428 is a picture of the side of

25 Margaret Brown's skull showing a gaping wound into

1 the brain area and there is brain matter, that her
2 face is obscured. So at this point the Defense
3 again is objecting that it's too gruesome and
4 inflammatory and I've overruled that objection.

5 All of these objections were on the record
6 yesterday afternoon on 11/6. After the jury left
7 yesterday, all of these objections were raised and
8 argued on the record, but these are the actual
9 State marks on these photographs that we talked
10 about yesterday.

11 Defense?

12 MR. VIZCARRA: Thank you, Judge. And in
13 addition, Judge, I've been advised that the State
14 does intend on putting those on the Elmo.

15 MR. LABRUZZO: We're going to use the Elmo to
16 display them to the screen facing the jury.

17 THE COURT: Okay.

18 MR. VIZCARRA: So based on that, Judge, I
19 object to that. I know they're in evidence. I'm
20 not rearguing that, but I'm arguing that they not
21 be put on the Elmo and blown up or enlarged for
22 viewing by the jury, that that is also prejudicial
23 to the defendant.

24 It's also inflammatory and gruesome and that
25 it would distract the jurors from an unimpassioned

1 and a deliberate and making a good ruling without
2 that. It prejudices the defendant and they're
3 inflammatory and they're gruesome photographs.

4 THE COURT: Okay. I'm going to overrule the
5 objection. Because the only other way to do it is
6 to hold it up, have one of the lawyers hold it up
7 in front of the jury, which they're still going to
8 be right in front of the jury, so that the Medical
9 Examiner can point out the injuries to assist in
10 the presentation of the testimony.

11 And by putting it on the screen, we can turn
12 it where the camera, which is -- for the record, we
13 are being live streamed in this case. And this way
14 we can turn the screen so that the camera can't
15 pick up the photograph.

16 So I'm more worried about the camera picking
17 up the photographs than I am about the jurors,
18 because the jurors are going to have this
19 photograph one way or another. It's going to be in
20 evidence.

21 So I'm putting it on a screen so that the
22 Medical Examiner can kind of point out the
23 injuries, which actually makes it more clinical. I
24 would find it more helpful for the jurors than for
25 them all to crowd around while one assistant state

1 attorney holds it up or holds it up way up here and
2 have the cameras to be able to pick it up.

3 So I'm kind of going back and forth on that.
4 But we can turn the screen so that the camera can
5 pick up the photograph but the jury can still see
6 it.

7 MR. LABRUZZO: Yes.

8 THE COURT: And the Medical Examiner can -- I
9 assume we're going to use the pointer?

10 MR. LABRUZZO: Yes, Judge.

11 THE COURT: No. We're not enlarging it.
12 We've been over this before. You're putting it on
13 the Elmo, which is projecting it onto the screen,
14 but it's not being enlarged in any way, correct?

15 MR. LABRUZZO: Correct.

16 THE COURT: Yes. They're not going to zoom
17 in.

18 MR. VIZCARRA: Are you going to zoom in and
19 out on the Elmo?

20 MR. LABRUZZO: I wasn't really planning on it.

21 MR. VIZCARRA: Okay.

22 THE COURT: No. I mean I thought that was the
23 reason we had the one single photograph that show a
24 specific area. So you have a picture that shows
25 the whole and then you have a picture that shows

1 the --

2 MR. LABRUZZO: I'm going to make it fit the
3 screen. You follow what I'm saying? I'm not going
4 to zoom in.

5 THE COURT: Right. You're not going to be
6 zooming in making the picture bigger than it is.

7 MR. LABRUZZO: Correct.

8 THE COURT: It's going to stay the size that
9 it is.

10 MR. VIZCARRA: And that is still my objection,
11 Judge. I appreciate you overruling.

12 THE COURT: Okay.

13 MR. LABRUZZO: And, Judge, since we're up
14 here, as we discussed yesterday, I put all the
15 photographs that were subject to the motion in
16 limine and as to the discussion that we had
17 yesterday in a separate folder.

18 I've labeled it, "Object to photographs,
19 reviewed by the Court. Not in evidence for
20 appellate record." And I've labeled it a Court
21 exhibit. And I put the case number on it so that
22 it can travel with the case.

23 So I'm going to ask that we put this as a
24 Court exhibit. I haven't sealed it yet.

25 THE COURT: We're going to seal it. And it

1 will be Court Exhibit 1. And for the record, there
2 will be an envelope Court Exhibit 1, which will
3 entail all of the photographs that the State had
4 originally thought to or looked to introduce.

5 There was some that I ruled on. There was
6 some agreed to by the Defense.

7 MR. LABRUZZO: And the State.

8 THE COURT: And the State. So that the
9 appellate court can see that there was other
10 photographs that could have been shown to the jury
11 that were moot so that not to be inflammatory or
12 too overly gruesome. Just so that the appellate
13 court can see that there was a lot of work done to
14 try to minimize the photographs that were shown to
15 the jury.

16 MR. LABRUZZO: Yes.

17 THE COURT: But we got down to three that you
18 still objected to, which I'm allowing over your
19 objection. But these are all ones that I either
20 previously ruled were not coming in or the State
21 and the Defense got together and tried to eliminate
22 from the group that would be shown to the jury.

23 So I'm going to go ahead, and it will be Court
24 Exhibit Number 1, and it will be photographs.

25 And these are all from the Medical Examiner,

1 correct?

2 MR. LABRUZZO: There are some from the scene
3 that were taken by the Medical Examiner but not
4 from the Medical Examiner's Office.

5 THE COURT: But they're photographs that the
6 Medical Examiner would be using to testify. Okay.

7 All right. Anything else?

8 MR. LABRUZZO: Yes, Judge.

9 THE COURT: It's going to be Court Exhibit 1
10 sealed, confidential.

11 MR. LABRUZZO: Prior to the testimony of
12 Dr. Palma, there was four stipulations.

13 THE COURT: Of ID?

14 MR. LABRUZZO: Of ID.

15 THE COURT: Uh-huh. Any objection to me
16 reading the stipulations?

17 MR. LABRUZZO: Let me put them in order.

18 MR. VIZCARRA: I got Mr. Michailos is coming
19 up, Judge. He's handling this part of it.

20 THE COURT: He's just asking me to read them
21 before Dr. Palma testifies.

22 MR. MICHAÏLOS: The stipulation as to ID?

23 THE COURT: Uh-huh.

24 MR. LABRUZZO: And, Judge, they're in an order
25 because we referenced the number. Let me make sure

1 I'm pointing to it.

2 THE COURT: 17.

3 MR. LABRUZZO: I meant right here. Each one
4 ends in a number so they're in numerical number.

5 THE COURT: Oh, the numbers of the case number
6 for the Medical Examiner?

7 MR. LABRUZZO: Yes, Judge.

8 THE COURT: Okay. Got it. Any objection to
9 me reading these before Dr. Palma takes the stand?

10 MR. MICHAÏLOS: No objection, Your Honor.

11 THE COURT: Okay. Anything else?

12 MR. LABRUZZO: No, Judge.

13 THE COURT: All right. Where is Susan Miller?

14 MR. SARABIA: She's right outside the
15 courtroom ready to go.

16 THE COURT: Okay. Why don't we have her take
17 the witness stand.

18 Anything else from either side?

19 MR. MICHAÏLOS: No, Your Honor.

20 MR. LABRUZZO: Not at this time, Judge.

21 THE COURT: Okay. Step back.

22 (Open Court.)

23 THE COURT: We'll go ahead and put Ms. Miller
24 on the witness stand.

25 Good morning, Ms. Miller.

1 THE WITNESS: Good morning.

2 THE COURT: I'm going to have you retake the
3 witness stand and remind you you remain under oath.

4 All right. We'll bring the jury back in.

5 THE BAILIFF: Yes, Your Honor.

6 The jury is entering the hearing of the Court,
7 Your Honor.

8 THE COURT: Thank you.

9 (Jury Present.)

10 THE BAILIFF: All jurors present and seated,
11 Your Honor.

12 THE COURT: All right. Good morning, ladies
13 and gentlemen. How are you? Good?

14 THE JURY PANEL: Good morning.

15 THE COURT: Was everybody able to follow my
16 instructions? Yes?

17 THE JURY PANEL: Yes.

18 THE COURT: All right. I wanted to thank you
19 for letting us end a little early yesterday. Just
20 so you know, we did remain after you were gone and
21 worked on some matters to make today move a little
22 quicker or as quicker as we can get.

23 The lawyers have done an excellent job. So we
24 don't have a lot of objections and arguments here
25 at the bench in front of you. We try to do it when

1 you've not here. And we were able to work out a
2 lot of things yesterday afternoon, and the lawyers
3 worked really hard. We were here probably well
4 after 6:00 last night.

5 So I appreciate you going home a little early
6 yesterday, but it will make today go a little bit
7 quicker. Okay?

8 State, if you want to continue with your
9 questioning. Ms. Miller remains on the stand.

10 MR. SARABIA: Thank you, Judge. And may I
11 approach the witness?

12 THE COURT: You may.

13 Q. (By Mr. Sarabia) And, Ms. Miller, I want to
14 talk about a couple more of these photographs before we
15 actually start displaying them and going over them. Is
16 that all right?

17 A. Okay.

18 Q. Okay. So I'm now showing you State's
19 Exhibits 369 through 373. Can you look at those real
20 quick?

21 A. All right.

22 Q. Are those photographs of the refrigerator to
23 the east of the Chevy Blazer?

24 A. That's correct.

25 Q. Fair and accurate depictions?

1 A. Yes, it is.

2 MR. SARABIA: At this time, Judge, we'd like
3 to move State's Exhibits 369 through 373 into
4 evidence.

5 THE COURT: Any objection.

6 MR. MICHAÏLOS: No, Your Honor.

7 THE COURT: All right. 369 through 373 will
8 be admitted.

9 MR. SARABIA: And for the record, all these
10 photographs have been shown to Defense counsel
11 yesterday.

12 THE COURT: Okay.

13 Q. (By Mr. Sarabia) I'm showing you 374 through
14 376. If you could look at those real quick.

15 A. All right.

16 Q. Are those fair and accurate depictions of the
17 area to the east of the Chevy Blazer in the west garage
18 at 7719 Hatteras Drive?

19 A. Yes, they are.

20 MR. SARABIA: At this time the State would
21 like to move State's Exhibits 374 through 376 into
22 evidence.

23 THE COURT: All right. Any objection?

24 MR. MICHAÏLOS: No objection, Your Honor.

25 THE COURT: Mr. Sarabia, I know we're starting

1 off, but we need to move a little slower to keep
2 her throughout the day.

3 MR. SARABIA: Sorry. Judge.

4 THE COURT: Okay. I know. I appreciate that
5 you're trying to move through it, but I know she
6 has a hard time typing that fast.

7 MR. SARABIA: Thank you, Your Honor.

8 THE COURT: So that will be admitted 374
9 through 376.

10 Q. (By Mr. Sarabia) I'm showing you 377 through
11 381, State's Exhibits for identification. If you can
12 look at those real quick.

13 A. All right.

14 Q. Do you recognize those?

15 A. Yes, I do.

16 Q. Are those photographs of the boxes on the east
17 side of that Chevy Blazer in the west garage?

18 A. Yes, it is.

19 Q. Fair and accurate depictions?

20 A. It is.

21 MR. SARABIA: Judge, at this time the State
22 would ask to move State's Exhibits 377 through 381
23 into evidence.

24 THE COURT: Any objection?

25 MR. MICHAÏLOS: No objection, Your Honor.

1 THE COURT: All right. Photographs 377
2 through 381 is admitted.

3 Q. (By Mr. Sarabia) And I'm now showing you
4 State's Exhibits 382 through 387. If you can look at
5 those real quick.

6 A. Okay.

7 Q. Do you recognize those?

8 A. Yes, I do.

9 Q. Are those fair and accurate depictions of the
10 north wall in the west garage in the hallway area
11 leading into the rest of the house?

12 A. Yeah. That's the north wall of the west
13 garage.

14 Q. Okay.

15 A. Yes.

16 Q. Fair and accurate depictions?

17 A. It is.

18 MR. SARABIA: At this time, Judge, the State
19 would like to move State's 382 through 387 for
20 identification into evidence.

21 THE COURT: Any objection?

22 MR. MICHAÏLOS: No, Your Honor.

23 THE COURT: All right. So 382 to 387 is
24 admitted.

25 Q. (By Mr. Sarabia) Now I'm showing you State's

1 Exhibits 388 to 395. If you can look through those.

2 A. All right.

3 Q. Do you recognize those?

4 A. I do.

5 Q. Are those photographs of the south wall in the
6 little hallway on the east side of the west garage?

7 A. That's correct.

8 Q. Okay. Fair and accurate depictions?

9 A. It is.

10 MR. SARABIA: At this time the State would
11 like to move State's Exhibits 388 through 395 into
12 evidence.

13 THE COURT: Any objection?

14 MR. MICHAÏLOS: No, Your Honor.

15 THE COURT: All right. 388 through 395 will
16 be admitted.

17 Q. (By Mr. Sarabia) I forgot this one from
18 yesterday. 396, is that a fair and accurate depiction
19 of an area of the west garage?

20 A. Yes, it is.

21 MR. SARABIA: At this time we'd ask to move
22 State's Exhibit 396.

23 THE COURT: Any objection?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: All right. 396 is in evidence.