

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
CASE NO. 2014CF5586CFAXWS

STATE OF FLORIDA,	:
	:
Plaintiff,	:
-VS-	:
	:
ADAM MATOS,	:
	:
Defendant.	:

PROCEEDINGS: JURY TRIAL
JURY SELECTION

BEFORE: HONORABLE MARY HANDSEL
Circuit Judge

DATE: November 1, 2017

PLACE TAKEN: Pasco County Government Center
7530 Little Road
New Port Richey, FL 34654

REPORTED BY: Maria A. Fortner, RPR
Notary Public
State of Florida at Large

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

2 THE COURT: All right. Good morning. Please
3 be seated.

4 All right. We're on the record for the State
5 of Florida versus Adams Matos. The State is here.
6 The Defense is here. The defendant is present.

7 So after people went home last night, they
8 decided, after thinking about it, that they would
9 be unable to serve for some reason and they came in
10 this morning saying to Arlene downstairs that, you
11 know, they can't do this, they can't do this, they
12 can't do this.

13 So there are three people downstairs so far
14 that have checked in that have indicated to the
15 staff down there that after sleeping on it, they're
16 not able to serve. So what I asked them to do
17 downstairs is to give me a list of those people.

18 Pauline is picking them up, the three people,
19 bringing them upstairs and putting them into the
20 room outside. Pauline is going to bring us the
21 names so you can pull them out -- and some of them
22 were from the first 50, and some are from the ones
23 from yesterday that we talked to -- and that way we
24 can readdress their ability to sit as jurors
25 outside the panel.

1 Additionally, there was a gentleman -- and
2 she's going to bring me his name, it's on a sticky
3 pad -- who was in the original 50, I believe it's
4 Depree? Yes.

5 THE CLERK: D-e-p-r-e-e.

6 THE COURT: Larry Depree, Juror Number 6. He
7 literally called this morning and said that he
8 wasn't coming in and that he couldn't do this and
9 that he would lose his house if he came in. So he
10 has a job.

11 So I don't know how you all want to address
12 that, since he did not even appear. He just merely
13 called and left a message. So I wanted to bring
14 that to you all's attention, and definitely have
15 the defendant present when we talk about this, what
16 we're going to do about that.

17 Are we going to just excuse him? Do I send
18 bailiffs out to get him? Do I inform the Clerk to
19 recall him and tell him he that he needs to show up
20 or he'll be arrested? I don't know what you all
21 want to do. Whatever it is, the consensus is, then
22 I will do that.

23 I have never had a trial that was going to
24 take this long as a judge. I had a trial as a
25 prosecutor that took this long. I, you know,

1 blacked out the jury selection. Because the trial
2 takes so long, you completely forget jury
3 selection. So I don't remember if we had this
4 issue or not and what happened at the beginning,
5 but I've never had a jury trial take this long as a
6 judge.

7 So as far as I'm concerned, since we haven't
8 done a lot of questioning in this case, other than
9 do you know these people on this witness list,
10 whatever the consensus is from both sides, you
11 know, I'm fine with that. So why don't you talk
12 amongst yourselves.

13 MR. SARABIA: Judge, we would move for cause
14 on Mr. Depree.

15 THE COURT: Okay.

16 MR. SARABIA: I think being here is a
17 prerequisite to being a fair and impartial juror.

18 THE COURT: All right. So the State's thought
19 pattern is that we just excuse for cause
20 Mr. Depree.

21 How does the Defense feel about that?

22 MR. LIVERMORE: Does anybody else on the panel
23 know that he's doing this?

24 THE COURT: No.

25 MR. LIVERMORE: Okay.

1 THE COURT: They have absolutely no idea.

2 MR. LIVERMORE: Just so we don't tell the
3 whole panel that if they refuse to come in, they
4 get struck for cause.

5 THE COURT: No. And we had people yesterday
6 and we excused them from that same panel. So he
7 would be no different. Maybe, you know, the jurors
8 already have lost three to four from yesterday. So
9 as far as they know, he came in, he came up here,
10 and we excused him. I mean, they're not keeping
11 track of each other. There's 90 people down there.

12 MR. LIVERMORE: Right.

13 THE COURT: And that's just ours. Judge
14 Campbell has her own group of jurors down there
15 too.

16 So we have almost a hundred jurors downstairs
17 anyway. So one person is not being picked out.
18 And nobody is discussing any of this with any of
19 the other jurors.

20 MR. LIVERMORE: I believe we're in agreement.

21 THE COURT: So we'll cause challenge
22 Mr. Depree.

23 If he would have showed up, we probably would
24 have done the same thing. But I just don't like
25 people not showing up. I will probably make a

1 phone call to him later on today and express my
2 concerns. But I don't see a reason to send the
3 Sheriff out there to get him, unless you both
4 wanted that.

5 So Juror Number 6, Larry Depree, will be cause
6 challenged.

7 The other three are Nancy Sieder, S-i-e-d-e-r,
8 we talked to her late yesterday afternoon; Alexa
9 Updyke; and Julie Croussore, C-r-o-u-s-s-o-r-e, I
10 think it is, she's on the first panel. She's Juror
11 Number 12 on the first panel, Julie is; Updyke is
12 Juror Number 31, on the first panel; and Ms. Sieder
13 we talked to yesterday.

14 I will read into the record the note that they
15 wrote. I asked them if someone came up to them in
16 the jury room and said, you know, I can't do this
17 or I'm having a problem, to go ahead and write down
18 what the issue was, give it to them downstairs, and
19 we would bring them up with the note.

20 So the first juror I have is Julie Croussore,
21 which is Juror Number 12, on the first panel. And
22 it says, "Driving from Dade City. Do not know when
23 to leave to get here on time. Two days took a
24 little over an hour and one day took over two
25 hours. To feel safe to get here on time, would

1 have to leave my home at 5:30 AM."

2 Now, I don't know why it was taking two hours
3 or what way she's coming, but I think she's
4 concerned that she would have to leave her house at
5 5:30 every day if she was picked as a juror.

6 Do we want to speak to her?

7 MR. SARABIA: Sure.

8 THE COURT: Okay. Can we bring in Julie
9 Croussore.

10 THE BAILIFF: Yes, Your Honor.

11 THE COURT: It's C-r-o-u-s-s-o-r-e.

12 We can have her sit in that chair in the
13 second row. That's fine.

14 Good morning, ma'am. How are you? Is it
15 Croussore?

16 PROSPECTIVE JUROR CROUSSORE: Croussore.

17 THE COURT: Croussore.

18 Ms. Croussore, I have the note that you wrote
19 downstairs, that you're concerned about sitting on
20 the panel because of the amount of time it's taking
21 you to get here from Dade City.

22 PROSPECTIVE JUROR CROUSSORE: (Indicating
23 affirmatively.)

24 THE COURT: Is that a "yes"?

25 PROSPECTIVE JUROR CROUSSORE: "Yes".

1 THE COURT: Okay.

2 PROSPECTIVE JUROR CROUSSORE: Yes.

3 THE COURT: Now, after today we would not
4 start and would not have you come and be here until
5 9:30. So you're saying it could take as much as
6 two hours to get here. I'm not sure exactly where
7 in Dade City or what happened, why it would take
8 two hours.

9 PROSPECTIVE JUROR CROUSSORE: There is
10 construction.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR CROUSSORE: Well, I don't
13 know yesterday what all happened, because I had all
14 kinds of emergency vehicles going around me.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR CROUSSORE: It started to
17 back up from San Antonio.

18 THE COURT: Okay. And you're coming through
19 Wesley Chapel area?

20 PROSPECTIVE JUROR CROUSSORE: No.

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR CROUSSORE: I'm coming down
23 52 to San Antonio.

24 THE COURT: Okay. So given the worst case
25 scenario, if you had to be here at 9:30, that would

1 be leaving your house at 7:30. But still you're
2 concerned about the amount of time you're giving up
3 in your day to get here on time?

4 PROSPECTIVE JUROR CROUSSORE: Yes. I would
5 have to leave before 7:30, if it takes two hours,
6 to be here at 9:30.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR CROUSSORE: Because I don't
9 know when I'll hit that, because yesterday I
10 allowed three hours to get here.

11 THE COURT: Okay. And I can tell from your
12 voice that this is quite upsetting to you.

13 PROSPECTIVE JUROR CROUSSORE: Unfortunately.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR CROUSSORE: I didn't think
16 it be this bad to get here.

17 THE COURT: All right. And is it the stress
18 of your worry that you're holding up the jury trial
19 and holding up everyone that's causing you, or is
20 it that you're sitting in traffic just thinking
21 about what you have to do and that's causing you
22 the stress?

23 PROSPECTIVE JUROR CROUSSORE: Sitting in
24 traffic and worried that I'm going to be late and
25 being in trouble for it.

1 THE COURT: Okay. Well, I never, ever hold
2 people accountable for traffic. Okay? Now, I've
3 lived in this county and the other counties around
4 Florida for a very long time. I completely
5 understand things happen. So you would never get
6 in trouble for being late. Do you have a cell
7 phone with you?

8 PROSPECTIVE JUROR CROUSSORE: Yes.

9 THE COURT: Okay. So I can *give you a
10 number, you could call and say, I'm in traffic, I'm
11 on my way, and we would just wait for you to get
12 here.

13 If you knew that you weren't going to get in
14 trouble for being late, would that alleviate the
15 issue that you have with the stress?

16 Or are you just one of those people -- I have
17 a sister like you who if I have to be there at
18 9:00, that means she really has to be there at
19 8:45. And if she's not there at 8:45, she's
20 stressed out, and that's 15 minutes early.

21 So is that how you are?

22 PROSPECTIVE JUROR CROUSSORE: I have to be
23 more than just a few minutes.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR CROUSSORE: That's just the

1 way I was --

2 THE COURT: So you're the 15 minutes early or
3 you're a late person?

4 PROSPECTIVE JUROR CROUSSORE: Yes.

5 THE COURT: And so even if I told you you
6 wouldn't be in trouble, you still think that you're
7 going to have a hard time balancing the stress of
8 the traffic that you're in to come here every day
9 for the next three weeks?

10 PROSPECTIVE JUROR CROUSSORE: Probably, yes.

11 THE COURT: Okay. State?

12 MR. LABRUZZO: No questions, Your Honor.

13 THE COURT: Defense, any questions?

14 MR. PURA: No, ma'am.

15 THE COURT: All right. We're going to have
16 you step outside, and we'll give you further
17 directions. Okay?

18 PROSPECTIVE JUROR CROUSSORE: Okay.

19 THE COURT: Thank you, ma'am.

20 All right. State?

21 MR. LABRUZZO: Judge, we would move for cause.

22 And just add that I know the Court made an
23 observation, we as well made an observation, that
24 the sound of her voice definitely sounded like she
25 was on the verge of tears the entire time she

1 spoke. So we would move for cause.

2 THE COURT: Defense?

3 MR. LIVERMORE: No objection.

4 THE COURT: Okay. So Juror Number 12 will be
5 cause challenged. And you can let her know, take
6 her badge here, she's to leave the courthouse, not
7 to speak to any of the other jurors or talk about
8 what happened. Okay? Last thing we want is a rush
9 on the "we can't be here".

10 All right. And then the next person I have is
11 Juror Number 13, which is Alexa Updyke.

12 MR. PURA: Juror 31.

13 THE COURT: 31?

14 MR. PURA: Alexandra.

15 THE COURT: There she is, 31.

16 Ms. Updyke said that she has chronic
17 migraines. Sure she can obtain a medical excuse.

18 I don't know what that means. Do you want to
19 speak to her about the migraines? She's outside in
20 the anteroom if we need to speak to her. Both
21 sides want to talk to her?

22 MR. LIVERMORE: We should. Yes, I think we
23 should.

24 THE COURT: State, are you okay with that?

25 MR. LABRUZZO: Yes, Judge.

1 THE COURT: Bring Ms. Updyke in.

2 Good morning, Ms. Updyke. How are you?

3 PROSPECTIVE JUROR UPDYKE: All right. How are
4 you?

5 THE COURT: Great. Ms. Updyke, you had
6 further updated us on some medical issues that we
7 didn't talk about the other day.

8 PROSPECTIVE JUROR UPDYKE: Yes, ma'am.

9 THE COURT: Okay. And it says that you have
10 chronic migraines.

11 PROSPECTIVE JUROR UPDYKE: Yes.

12 THE COURT: Are you having one now?

13 PROSPECTIVE JUROR UPDYKE: Yeah. Since day
14 one I had a little bit of a headache. I thought it
15 was just nerves from, you know, my first time being
16 on a jury.

17 THE COURT: Right.

18 PROSPECTIVE JUROR UPDYKE: I couldn't even
19 focus on the list of names or, you know, what he
20 was being accused of, and I feel like I don't think
21 that would be good for me to not be able to focus
22 on the trial. I think it's a big case and it's
23 very important that it gets done right.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR UPDYKE: And if I can't

1 focus, it's not --

2 THE COURT: All right. And so the longer you
3 were here the first day and yesterday, the
4 migraines that you have started to affect your
5 ability to concentrate, to listen, and to
6 understand what was going on?

7 PROSPECTIVE JUROR UPDYKE: Correct.

8 THE COURT: Are you one of those persons that
9 get multiple migraines a month?

10 PROSPECTIVE JUROR UPDYKE: Yeah. They last
11 weeks, five days.

12 THE COURT: Okay. And are you on medication
13 or do you have medication that you take when the
14 migraines --

15 PROSPECTIVE JUROR UPDYKE: I do. I've taken
16 two the first day, two the second day. I actually
17 take four every day. Like, I have a daily regimen,
18 and then I have ones that I take when I get them,
19 and that's not even helping.

20 THE COURT: Okay. And so you've taken your
21 normal medication, and you are currently suffering
22 from migraines and so you've taken additional
23 medication and that's not fixing the issue that you
24 have?

25 PROSPECTIVE JUROR UPDYKE: Yes.

1 THE COURT: Okay. State?

2 MR. LABRUZZO: No questions, Your Honor.

3 THE COURT: Defense, any questions?

4 MR. LIVERMORE: No, ma'am.

5 THE COURT: All right. Ma'am, we're going to
6 have you step outside. My bailiff will give you
7 further directions. Okay? Thank you.

8 State, where do you stand on Ms. Updyke?

9 MR. LABRUZZO: Judge, we would move for cause
10 based on the medical condition.

11 THE COURT: Defense?

12 MR. LIVERMORE: We agree.

13 THE COURT: All right. So Juror Number 31,
14 Ms. Updyke, will be released for cause. Again,
15 same thing, we'll take her badge, we'll tell her
16 that she's released, she can leave the courthouse,
17 do not speak to anyone about what has occurred.
18 Okay?

19 Next we have Nancy Sieder from yesterday.
20 It's S-i-e-d-e-r. I actually have the two
21 individuals we asked to, you know, respond to
22 whether they were going to be paid. So it's
23 Ms. Sieder and Mr. Hadesty, Robert Hadesty. Both
24 of them did write down their responses from
25 yesterday. So they have provided the responses.

1 So she said, "I am not going to be paid for
2 serving on the jury and I cannot afford to miss a
3 possible two or three weeks of pay. Also,
4 yesterday when I got home, my dog is ill, I have
5 been at the ER vet most of the evening, and I'm not
6 sure he is going to make it," and she had to leave
7 him there. And so that's going to be a problem
8 with money. And she said, "I hope you understand.
9 Thank you very much."

10 So it's a very nice note, but she's saying
11 that -- we asked her to go back and find out. She
12 was one of the two. She said she wanted to do it
13 and if she was being compensated, she could; but if
14 she wasn't being compensated, she wasn't sure that
15 she would be able to afford to do it.

16 So do you want me to bring her back in so we
17 can further address that matter?

18 MR. LIVERMORE: We don't think that's
19 necessary.

20 THE COURT: State?

21 MR. SARABIA: We can release her, Judge.

22 THE COURT: All right. So we're okay to
23 release her?

24 MR. LIVERMORE: Yes.

25 THE COURT: All right. So we can go ahead and

1 let her go, and take her badge, and tell her she's
2 free to go back to the doggy ER.

3 THE BAILIFF: Yes, Your Honor.

4 THE COURT: All right. And then the other
5 person was Robert Hadesty, it's H-a-d-e-s-t-y, I
6 believe, from yesterday. We asked him about
7 whether he was going to be paid. He wasn't sure.
8 They paid for, I think, yesterday and was probably
9 going to pay for today, but he wasn't sure if
10 they'd pay further. He said, "Asked about
11 compensation for time off. My employer will not
12 pay for the time off."

13 Now, he didn't give me any further indication.
14 I think yesterday he said that if he was paid, he
15 could do it; but if he wasn't paid, he didn't think
16 he could do it. But I'll leave that to you all's
17 recollection from yesterday.

18 State, do you want to bring him in or do you
19 want to release him or do you want him to stay?

20 MR. LABRUZZO: Judge, if we could just have a
21 moment? We missed the name when you initially said
22 it. We're just going to pull the sheet out.

23 THE COURT: Okay. He was near the end
24 yesterday. He was one of the last group. The last
25 two, right?

1 THE CLERK: Uh-huh.

2 THE COURT: Yes. That's why I have such a
3 good recollection. These two both were, I think,
4 in the last ten people.

5 MR. LABRUZZO: Judge, we'll agree to release
6 him.

7 THE COURT: Are you okay with that?

8 MR. LIVERMORE: Yes.

9 THE COURT: All right. So Mr. Hadesty, also
10 we'll take his badge, and he'll be released and he
11 can leave immediately, do not talk about anything
12 with anybody.

13 THE BAILIFF: Yes, Your Honor.

14 THE COURT: I will tell you all that I didn't
15 want to wait for this part. I didn't know how long
16 this would take. So I told the clerk downstairs to
17 randomize all the people from yesterday, put them
18 in a chart, one through whatever, and whatever we
19 did with these people, we just crossed them off.

20 So you're going to get a chart, these people
21 are going to be on it, and then we're just going to
22 write a thing and write cause challenge. Because I
23 didn't want to wait to start because they're
24 hand-typing the names in, so I told them start
25 doing that, move that along as quickly as possible.

1 So we can take these people off our chart.
2 That's not a problem. So the chart is almost done.
3 These people that we just released are going to be
4 on the chart. Everybody will take their chart,
5 make a thing, write the cause challenge.

6 Yes?

7 MR. LIVERMORE: And we're not replacing them?

8 THE COURT: No, we're not replacing them.

9 I wanted them randomized. They did that this
10 morning at about 8:00, and they're typing the names
11 in, and anybody that get's released, I figure it's
12 just like if we release them when they come up.

13 MR. LABRUZZO: Judge, I'm sure the Court is
14 going to do this. I just want to make sure that
15 before we bring them in, we have everything, go
16 over the seating, make sure that everyone we have
17 is the people that we've all agreed to.

18 THE COURT: No. I thought I'd just put them
19 in there and then you can figure them out.

20 MR. LABRUZZO: Well, I just know that we
21 caused some people from the day before. I just
22 want to make sure I have everyone. I figured you
23 would. I just wanted to make it known, in case you
24 didn't, I'd be lost.

25 THE COURT: No problem. I will tell you that

1 you're going to get a new chart. The people are
2 going to be in the exact same seat number that they
3 were, 1 through 50.

4 We rearranged the numbers in each little place
5 that they're seated. Because you guys saw the
6 other day, when we sat them in there, we kind of
7 shoved them in together. We had a few too many
8 people in each pew, so we spread them out.

9 So I'll tell you that the chart that you have
10 now, the 1 through 50 or 53, whatever it was, those
11 people are in the exact same seat number that they
12 were in before. The chart might look a little
13 different.

14 Seat Number 54 will start the new group
15 randomized going forward. Okay? And then as soon
16 as the chart is done, they're hand-typing the names
17 in, they'll bring them up. You'll have time to
18 look at it, correspond to what the chart you
19 already have, and be able to write notes in it
20 before we bring them up. Okay? So that's one of
21 the reasons I did not want them to wait because
22 it's going to take them a little while to
23 hand-write in all the names.

24 Deputy Cleaver, we don't have anybody else out
25 in the jury room waiting for us?

1 THE BAILIFF: No, Your Honor.

2 THE COURT: Okay. I wanted to make sure.

3 The other thing we were going to address this
4 morning is the CD, or the phone calls, or the
5 recording, or some sort of redactions, correct?

6 MR. SARABIA: Yes, Judge.

7 THE COURT: All right. Why don't we address
8 that now.

9 MR. SARABIA: We provided the Defense with an
10 approximately 12- to 13-minute video of the
11 defendant's interview with the Tampa Bay Times that
12 we had already cut down for purposes of entering it
13 into evidence.

14 There were things that they told me I think it
15 was late Friday that they were going to object to,
16 and we have a disagreement on those things, so the
17 Court is going to need to weigh in there.

18 THE COURT: Okay. I assume you've provided
19 them the redacted version that you would like to
20 provide to the jury?

21 MR. SARABIA: Correct.

22 THE COURT: Okay. So we're talking about
23 something that was originally much longer, you've
24 already redacted out things, and you've provided
25 that redacted version to the Defense?

1 MR. SARABIA: Correct.

2 THE COURT: All right. And, Mr. Michailos,
3 what is it you are objecting to in the State's
4 redacted version?

5 MR. MICHAIILOS: Thank you, Judge. And I did
6 give the times where these requested redactions are
7 located. But I'll begin with the last one
8 chronologically is at 11 minutes, where the
9 reporter, in questioning Mr. Matos, makes --
10 basically it's sort of like a leading question,
11 "Well, you're the only suspect," or something to
12 that effect.

13 First of all, that's actually factually
14 accurate, Judge. In the beginning Mr. Mattos was
15 only arrested for assault. The investigation went
16 on for a few more weeks before he was actually
17 arrested on murder charges.

18 And they were all wrong in the beginning, all
19 the potential suspects, at least one, which was an
20 estranged girlfriend of one of the victims,
21 Nicholas Leonard, her name is Michelle Stinson. So
22 that's just inaccurate and misleading to the jury
23 and it's just a falsity. So we ask that that
24 clearly be redacted.

25 Do you want me to keep going?

1 THE COURT: Yes.

2 MR. MICHAILOS: Okay. Second, there is three
3 instances mentioning --

4 THE COURT: Before you go on -- I apologize.
5 Is there an answer to that question?

6 MR. SARABIA: Judge, I can read you exactly
7 what it said in there.

8 THE COURT: Okay. Thank you.

9 MR. SARABIA: The Tampa Bay Times reporter
10 says, "So what do you feel is going to happen at
11 this point? I mean, you got -- there is a lot of
12 pressure in this investigation, and if you are the
13 only suspect, you know, typically the law finds a
14 way to prosecute, you know."

15 Mr. Matos says, "I don't know," as the Tampa
16 Bay Times reporter kind of speaks over him, and
17 says, "I mean, how do you feel all this is going to
18 shake out?" Mr. Matos responds, "I guess we'll --
19 we'll find out".

20 THE COURT: Okay. So it's not, "You're the
21 only suspect." It's, "If you're the only suspect".

22 MR. SARABIA: "If you're the only suspect".

23 THE COURT: Okay.

24 MR. MICHAILOS: Sorry, Judge. Ms. Garrett had
25 reviewed for me. She recalled him saying, "You're

1 the only suspect." That's what I recall as well,
2 but I don't have the transcript.

3 THE COURT: Okay. So it's at 11 minutes, and
4 I can take the redaction downstairs and listen to
5 it myself? Yes?

6 MR. SARABIA: Yes, Judge.

7 THE COURT: Okay.

8 MR. SARABIA: And you can use our copy, as
9 long as we get it back.

10 THE COURT: No. I thought I'd, you know,
11 throw it in the garbage. Of course I'll give it
12 back. Will you stop.

13 Go ahead.

14 MR. SARABIA: Judge, we're running out of
15 copies.

16 THE COURT: Well, they have a copy too. So
17 you gave them a copy.

18 Go ahead.

19 MR. MICHAILOS: And then there is three other
20 instances in the beginning of 3:54 minutes where
21 the reporter from the Tampa Bay Times basically
22 says -- he keeps making the assumption there was
23 domestic violence. He's questioning him and
24 saying, "Where was the domestic violence? So where
25 were you for there?" And there's another instance

1 where he says, "Can you tell me anything about the
2 domestic violence?" And so forth and so on.

3 There's a couple of instances of that where we
4 think that's prejudicial. The jury is going to be
5 the trier of fact in this case. They'll decide, if
6 and when the State introduces that, whether or not
7 there was domestic violence. It's characterized
8 that way by the reporter in asking the questions.

9 THE COURT: Well, you said one is at 3 minutes
10 and 54 seconds.

11 MR. MICHAILOS: And I see another one at 7
12 minutes and 16 seconds.

13 THE COURT: Okay. And where else?

14 MR. MICHAILOS: I think those are the two. I
15 misspoke when I said three. There's two.

16 THE COURT: Okay. State?

17 MR. SARABIA: We object to both of those.
18 They are a necessary part of the question in order
19 to respond to Mr. Matos's answer. And the fact
20 that he doesn't deny or correct them I think is
21 also relevant.

22 But I believe the first incident Mr. Michailos
23 is referring to, the Tampa Bay Times reporter says,
24 "And so on August 28th, there was, you know, this
25 domestic violence. Where were you, like, from

1 there?" Mr. Matos' response, "Uh, just, you know,
2 I -- I -- left. You know, they told me to leave,
3 so I left. And I was just staying in the street
4 pretty much."

5 THE COURT: Hold on. Let me stop you right
6 there. Is the incident on August 28th the Williams
7 Rule that Judge --

8 MR. SARABIA: Yes, Judge.

9 THE COURT: -- has already let in?

10 MR. SARABIA: Yes, Judge. It's a very
11 important point in time. Mr. Matos' response is
12 very important. He responds such, with this answer
13 and also in combination to some other answers, to
14 absenting himself from the house completely from
15 that point forward. Also indicating that as of
16 that event, he was actually asked to leave, showing
17 some potential motive or anger or animosity that
18 could be aimed at the people.

19 THE COURT: Just so I'm clear. At 3:54, the
20 reporter refers to the domestic violence that
21 occurred on August 28th, which is the Williams Rule
22 date that Judge Siracusa had already ruled was
23 admissible in front of the jury?

24 MR. SARABIA: Correct.

25 THE COURT: So we're not giving some other

1 incident that's not already admitted?

2 MR. SARABIA: That's correct.

3 THE COURT: Okay. Got you. And then what's
4 the next one?

5 MR. SARABIA: The next one I'm going to have
6 to -- you said it was seven --

7 THE COURT: 7:16 is what he said.

8 MR. SARABIA: I believe they're referring to
9 this, that the Tampa Bay Times reporter says, "I'm
10 just going through my notes here. I mean, can you
11 tell me anything about the domestic -- domestic
12 violence, because, you know, she said you put a
13 knife to her, backed her into the corner of the
14 room. I mean, what's your side of that?"

15 Mr. Matos' response, "That's -- that's not
16 what happened."

17 The Tampa Bay Times reporter asked, "What
18 happened?"

19 And he says, "Uh, we just had a -- a
20 disagreement about something and pretty much told
21 me to leave and I left."

22 The Tampa Bay Times reporter says, "What were
23 you disagreeing about?"

24 Mr. Matos says, "Uh, I can't remember, you
25 know, but something -- something -- you know,

1 something dumb probably."

2 The Tampa Bay Times reporter says, "And that
3 was that last time you saw her?"

4 Mr. Matos says, "Uh, yeah, that was the last
5 time I talked to her." Which that conversation we
6 find very relevant, very important. You know, the
7 last time Mr. Matos claims to have ever spoken to
8 the dead mother of his child, he does not remember
9 what it was about.

10 THE COURT: Now, this domestic violence is a
11 knife?

12 MR. SARABIA: This is still the one that
13 occurred the morning of the 28th, that Judge
14 Siracusa has already ruled is coming in.

15 THE COURT: Okay. And I know there's a phone
16 call that's been admitted.

17 MR. SARABIA: Yes.

18 THE COURT: On the phone call of the victim,
19 the female victim, she says he had a knife,
20 correct?

21 MR. SARABIA: Correct.

22 THE COURT: So that's already going to be and
23 has already been found to be admissible?

24 MR. SARABIA: Correct.

25 THE COURT: So there's nothing in the

1 statement by the Times reporter that hasn't already
2 been found to be admissible under the Williams
3 Rule?

4 MR. SARABIA: Correct.

5 THE COURT: Okay. Defense?

6 MR. MICHAÏLOS: And, Judge, we're not
7 objecting to the line of questioning. It's more
8 the characterization by the reporter that, you
9 know, it was domestic violence. As far as where he
10 went after the event, probably that's relevant to
11 the State and they want to get into that.

12 THE COURT: Okay. Well, two things here:
13 Number one is it should be clearer that this
14 tape-recording was a voluntary statement made by
15 your client to an independent public entity. This
16 is not questioning by law enforcement. This is not
17 post-Miranda. This is in no way, shape or form a
18 forced conversation.

19 This is a conversation in which your client
20 called the Times, I would guess, and asked to speak
21 to them, because the Times can't just go into the
22 jail and start talking to people. So obviously if
23 he's having a conversation with the Times reporter,
24 it's because he voluntarily agreed to speak to a
25 public entity that's open to anybody.

1 So he put himself in that situation
2 voluntarily, and he knew that it was being
3 recorded, and he knew that it was being taken down.
4 So that's number one. So we're not talking about
5 anything involving law enforcement or Miranda or
6 anything like that. We're talking about a
7 conversation that he had outside of law
8 enforcement.

9 So the rules about some of that kind of stuff
10 is completely different because we're talking about
11 like a jail call.

12 MR. MICHAÏLOS: Correct.

13 THE COURT: You call somebody up and you have
14 a conversation with them and you have agreed to
15 answer their questions and you agreed that that
16 question and answer situation would be recorded.

17 So under this situation, the two or three
18 incidents where you -- I'm going to listen to the
19 "if" because I want to hear that. It may still not
20 make a difference, but it's a huge difference if
21 it's a "if" or if it's just a direct question.

22 But as to the one at 3:45 and 7:16, these are
23 all instances that have already been admitted under
24 Williams Rule of prior domestic violence, the State
25 alleges, by the defendant against one of the four

1 victims.

2 There's also a 911 call that is going to be
3 admitted where she's uses -- you know, "He beat me
4 or attacked me and he used a knife." I remember
5 the call a little bit, because we took out the fact
6 that he's Puerto Rican out of that same call,
7 correct?

8 MR. MICHAILOS: Yes, Your Honor.

9 THE COURT: That's the same call we're talking
10 about, right?

11 MR. MICHAILOS: Yes. I didn't think you heard
12 the call; but, yes.

13 THE COURT: I heard the call. So I do have a
14 little bit of knowledge about it.

15 So although the reporter uses the word
16 "domestic violence", I don't see anything
17 inadmissible in there because we're talking about
18 something that's already going to be admitted in
19 front of the jury.

20 As long as we don't make it a feature of the
21 trial, then it's no different than everything else
22 that's coming in on this, except that your client
23 voluntarily decided to have this conversation with
24 the Times reporter. It would be no different than
25 a jail call.

1 And the fact that he responds to the question
2 and puts a timeline in there of his being at the
3 house and then being removed from the house and the
4 fact that he then says he's not seen her since
5 then, that's a timeline situation that the State
6 would need in order to proceed with this case.

7 So your client volunteered to this private
8 conversation that he voluntarily knew was being
9 recorded. And there's nothing in what you're
10 asking to be admitted that's not already being
11 admitted under Williams Rule, so it's added to
12 that.

13 And, therefore, I'm going to let the State put
14 in the 3:54 call and the 7:16. At 3:54 minutes and
15 the 7:16 minutes, they're all coming in exactly the
16 way they are.

17 And, again, I don't think that they're
18 anything that hasn't already been admitted, and as
19 long as it doesn't become a feature. But we're
20 talking about a call that's -- excuse me. I keep
21 calling it a call. A conversation that's only 13
22 minutes long. So that's not hours and hours and
23 hours of conversation.

24 MR. SARABIA: It may be closer to 11 minutes
25 as I'm looking at this.

1 I would also note for the record that those
2 particular questions, it would be almost impossible
3 to redact the words "domestic violence" and retain
4 the meaning of the question for any useful
5 purposes.

6 THE COURT: Well, he's really asking about the
7 incident. He's using the word "domestic violence".
8 I mean she's the girlfriend and he's the boyfriend,
9 so it's domestic violence, but he's really using
10 that as a reference point to the incident that's
11 already admitted under the Williams Rule notice
12 that the State has provided.

13 So the Defense has been on notice about this.
14 There's already been a hearing. It's already
15 admissible. And so this just goes to that same
16 background. And, again, it's not under law
17 enforcement questioning. It's under his
18 voluntariness of having a conversation that doesn't
19 have anything to do with law enforcement.

20 So how about the "if," can I have the tape, I
21 can run downstairs and listen to?

22 MR. MICHAILOS: A couple more things real
23 quick, Judge.

24 THE COURT: Okay.

25 MR. MICHAILOS: And just for clarification, I

1 agree with Your Honor, this is not a situation
2 where we're claiming a violation of Fifth Amendment
3 rights to law enforcement.

4 It was voluntary not to the same extent Your
5 Honor may think. I think they were at the jail
6 when they started the contact. But you are
7 correct, that he went ahead and was interviewed by
8 them voluntarily.

9 But the argument for the redaction is that
10 it's more prejudicial and unduly prejudicial, and
11 that is proper. So that's the argument. I
12 understand Your Honor's position.

13 Finally, there's a couple of places in there
14 at 4:46 and 5:25. Again, this isn't law
15 enforcement, you're correct, but there's a couple
16 of points there where he said, "I can't get into
17 that. My lawyer told me not to discuss that with
18 the media". It's analogous to a situation, though,
19 where somebody invokes Miranda and they make sure
20 that the jury not find out that it was invoked.

21 So it's an analogous argument, it's
22 prejudicial, and it applies Sixth Amendment rights
23 and so forth and so on. So any mention him saying,
24 "I can't get into that because my lawyer discussed
25 that with me and told me not to," be redacted from

1 the audio. And I think those appear at 4:46 and at
2 5:45.

3 THE COURT: State?

4 MR. SARABIA: Judge, I believe the section
5 he's referring to they were talking about the
6 four-year-old [REDACTED] Tampa Bay Times reporter
7 says, "Okay. And then, you know, take me through
8 until -- I mean, so you eventually you had to go
9 and get him, right? What day -- what day did you
10 get him?" They're referencing [REDACTED]

11 Mr. Matos says, "Uh, I can't really get into
12 that. You know, I can't talk about any of that."

13 The Tampa Bay Times reporter says, "Why is
14 that?"

15 Mr. Matos says, "Uh, my lawyer told me not to
16 discuss any of that with the media. So, you know,
17 I can't really discuss it to much."

18 Tampa Bay Times says, "Okay. I mean, was
19 there anything that made you decide, you know, that
20 you need to go get him?"

21 Mr. Matos says, "Uh, Again, again, I can't
22 really just discuss that."

23 Now, in reference to it's not a violation of
24 his Fifth Amendment. There's no State action here,
25 so there's no State actually compelling Mr. Matos

1 to give a statement to anybody. There's no
2 attorney/client privilege here because Mr. Matos is
3 freely breaking the attorney/client privilege by
4 telling a third party what his attorney's advice
5 was.

6 It's Mr. Matos's statement. There's
7 absolutely nothing about this that brings up
8 Miranda or attorney/client privilege or any of
9 those different things that would make it
10 inadmissible.

11 THE COURT: Why would it be relevant?

12 MR. SARABIA: Because the fact that he ends up
13 with [REDACTED] is the thing that he can't explain,
14 and he hasn't thought about it obviously by then.
15 He's claiming he never went back to the house, yet
16 he has the child that was at the house beyond the
17 point at which Mr. Matos was present at the house.

18 THE COURT: My question to you is could you
19 redact the tape to say, "I can't get into that,"
20 and take out the part where he said his lawyer told
21 him not to talk about it?

22 So he asked the question, he gets the answer,
23 "I can't go into that. I don't want to go into
24 that. I can't go into that," blah, blah, blah.
25 Then take out the part where he said, "My lawyer

1 said not to talk about that. My lawyer said not to
2 talk about that." So you could have all of it,
3 just take out the lawyer part.

4 MR. SARABIA: We could. I actually thought
5 that that was something they would prefer to keep
6 in, and that's strange. But if they want just that
7 part out, I can redact the question where the Tampa
8 Bay Times person says, "Why is that?" and he
9 reference his lawyer.

10 THE COURT: To me the only part that would --

11 MR. SARABIA: That would take time.

12 THE COURT: I understand. The only part that
13 I would think -- if they are arguing that the jury
14 should not hear the lawyer part, okay. The rest of
15 it, I can see your point. I think it would be
16 admissible. "I don't want to get into that. I
17 can't go into that. I'm not going to go into
18 that." You know, he voluntarily agreed to this
19 conversation with somebody and whatever his answer
20 is, it is.

21 But the lawyer part, probably the jury doesn't
22 need to hear that. First of all, they'll know that
23 he has one. And, second of all, that would lead
24 them to believe that he was -- Miranda is a
25 technical aspect a lot of nonlawyers don't really

1 understand and I don't really want to get into
2 that.

3 So I would agree that the part about, "I don't
4 want to go into that. My lawyer said not to talk
5 about it," those words, "My lawyer said I'm not to
6 talk about it," take out that. Everything else can
7 stay.

8 MR. SARABIA: Okay.

9 THE COURT: Defense? Because I assume the
10 part you don't want is that his lawyer told him not
11 to talk about it?

12 MR. MICHAILOS: Yes, Your Honor.

13 THE COURT: Okay.

14 MR. MICHAILOS: That's fine.

15 THE COURT: And that's at 4:46, and then at
16 5:25. So does it happen again? Because that's
17 about a minute. I don't know if what you read is a
18 minute long.

19 MR. SARABIA: It's only a couple of seconds
20 long.

21 THE COURT: Okay. Mr. Michailos, I want to
22 make sure. Is what Mr. Sarabia read verbatim? I
23 assume you have a transcript?

24 MR. SARABIA: Yes, Judge.

25 THE COURT: Is that what you're talking about?

1 Because you said at 4:46 and at 5:25. So is there
2 two different spaces where he says it?

3 MR. MICHAÏLOS: Your Honor, I'm looking at
4 notes. And I think he says it at two different
5 times. At 4:46 I think is what Mr. Sarabia is
6 referencing. I think there's another point at
7 5:25, where there's the same type of comment comes
8 in.

9 I think he may have repeated again, "My
10 lawyers told me not to discuss that." It may be
11 probably when the reporter pressed him again. So
12 it's like a repeat.

13 MR. SARABIA: The word "lawyer" was only once,
14 though, right?

15 I'll have to go back and read it, Judge. I'm
16 not sure that I'm aware of a second instance where
17 he references his attorney. He's definitely
18 referring back to not being able to discuss it, but
19 I don't think he does that in terms of mentioning
20 his attorney.

21 THE COURT: All right. Well, if you'll go
22 from 4:46 forward a couple of pages and just make
23 sure that you get the word "attorney" or "lawyer,"
24 either one, removed from there.

25 And when you say it's going to some time, I

1 don't know when you were going to put this evidence
2 on. Would you have enough time to do it --

3 MR. SARABIA: I believe so, Judge. It will be
4 later in the trial.

5 THE COURT: Okay. So I'll just need to take
6 the audio back sometime today on a break, like say
7 at lunch, and I'll listen to the "if" part.

8 MR. SARABIA: That's at the very end, I think
9 the last two to three questions.

10 THE COURT: Okay.

11 MR. SARABIA: So that will be easy to find.

12 THE COURT: Okay. Do we have our jury chart
13 yet?

14 THE CLERK: Not that I've been made aware of.

15 THE COURT: Can you ask?

16 THE CLERK: Yes.

17 THE COURT: They said they'll have our chart
18 in just a moment.

19 MR. SARABIA: And, Judge, are we going to
20 bring in the new people and read the witness list
21 to them and do all of them again?

22 THE COURT: And I'm going to apologize to them
23 that they have to sit through it, but -- I can't
24 move people like that up and down. It just won't
25 work. Once I get them in, I just need to get them

1 in. And having it read twice won't hurt. It's a
2 very long list.

3 MR. MICHAÏLOS: We'll have a couple of minutes
4 once we get the new group, right?

5 THE COURT: Correct. We're waiting on the
6 seating chart. It should just be a couple of
7 minutes I've been told.

8 Once we get the seating chart, how much time
9 do you think you need?

10 MR. PURA: Do we need to go and make copies of
11 the first group?

12 THE COURT: No. She's bringing copies up for
13 you.

14 MR. PURA: For all of us?

15 THE COURT: Oh, you want to make it for all of
16 you?

17 MR. PURA: Yes.

18 THE COURT: Okay. All right. That's fine.
19 How long will it take you to make copies?

20 MR. PURA: Five or ten minutes.

21 THE COURT: The problem is is the way it's
22 coming up. I assume it's coming up on multiple
23 different pages. So it's like probably four pages
24 long. And then you'll have to go ahead and make
25 copies and then paste it back together for each of

1 you. But let's say I gave you ten minutes to make
2 copies, how long do you need it with the actual --

3 MR. PURA: After we get actually get the
4 copies?

5 THE COURT: Yes, yes. I was going to bring
6 you two copies so you can work on one while one is
7 being copied.

8 MR. PURA: Probably another five to ten
9 minutes.

10 THE COURT: State?

11 MR. LABRUZZO: Ten minutes sounds good, Judge.

12 THE COURT: Okay.

13 THE BAILIFF: It will probably take me ten
14 minutes to line them up.

15 THE COURT: Right. Once the Public Defender's
16 staff comes back with their copies, I'll have Rich
17 go down and bring them up. That will take probably
18 ten or so minutes anyway. So once we get it, you
19 can go down and make copies. Once you get back,
20 we'll have them brought up and start to line them
21 up. Okay?

22 MR. PURA: Yes.

23 THE COURT: One more quick question on the
24 record.

25 I'm going to be reading some instructions to

1 the jury a little bit about aggravating factors and
2 mitigating circumstances. Do you have any problem
3 using those words?

4 MR. LIVERMORE: No.

5 THE COURT: Okay. I just wanted to make sure.
6 I couldn't remember. I know we had some
7 discussions about the wording and I wanted to make
8 sure I didn't use a factor or a circumstance and
9 then you were, like, I object to that. So I just
10 want to make sure.

11 MR. LIVERMORE: No. That's fine.

12 MR. LABRUZZO: Judge, Defense, do you guys
13 have any notes on Number 91, Brennan Adley?

14 THE COURT: Yeah. We saw him.

15 MR. SARABIA: He was on my list of the people
16 coming back.

17 THE COURT: He came in and spoke to you
18 directly yesterday.

19 MR. SARABIA: Okay.

20 THE COURT: Because Mr. Sarabia -- I said
21 Brennan, and he reminded me that there is a person
22 with the last name as Brennan. He's a taller,
23 skinnier gentleman, younger.

24 MS. GARRETT: He goes to Saint Leo's.

25 THE COURT: Right. Saint Leo. One of the

1 younger guys.

2 MR. LABRUZZO: Okay. Thank you, Judge.

3 (Recess Taken.)

4 THE COURT: I'll just remind you guys we're
5 going to have to introduce both sides again.

6 MR. LIVERMORE: Judge, any indication of how
7 many alternates you were thinking about?

8 THE COURT: Three. I.E., why my bailiff
9 prepared 15 packets.

10 MR. LIVERMORE: Okay.

11 MR. SARABIA: Judge, I conferred with Defense
12 counsel, and both of us seem to remember Mr. Adley
13 was excused because he was at Saint Leo's and had a
14 job and he indicated he wouldn't be here. I'm not
15 sure why he's here. He didn't appear on our list
16 either that the clerk provided.

17 THE COURT: Did he show back up today?

18 MR. LIVERMORE: He's on the seating chart.

19 THE COURT: I know. But is he downstairs?

20 THE CLERK: I'm not sure. I excused him
21 yesterday. So I'm not sure how he got on the list.

22 THE COURT: Where is he on the numbers?

23 MR. LIVERMORE: Ninety-one.

24 THE CLERK: Let me call downstairs.

25 THE COURT: If he's here, we did excuse him

1 and we're not going to bring him up if he's been
2 excused. Since my bailiffs were the ones giving
3 instructions yesterday, they may not have
4 understood.

5 THE CLERK: They're not sure because they were
6 putting them in numerical order and then they were
7 told to stop putting them in numerical order, and
8 Rich has them all coming upstairs now. So they
9 don't know if he's down there or not down there.
10 He could be down there. He might be in that same
11 group of people.

12 THE COURT: Okay. Will you radio Deputy
13 Cleaver and ask to find out if a Brennan Adley is
14 in the group.

15 THE BAILIFF: Last name Adley?

16 THE COURT: Adley, yes.

17 THE BAILIFF: I'm going to step out for a
18 second, ma'am.

19 THE COURT: Okay. If Brennan Adley is out
20 there, he can be released.

21 THE BAILIFF: Yes, ma'am.

22 THE COURT: Okay. I thought we did that
23 yesterday, but I guess not.

24 THE CLERK: We did.

25 THE COURT: Are both sides ready, if they're

1 ready, to bring them in?

2 MR. LIVERMORE: Yes, Judge.

3 THE COURT: Okay.

4 State, I know you had someone working with you
5 yesterday, an intern.

6 MR. LABRUZZO: CLI.

7 THE COURT: CLI. All right. Do you need to
8 introduce him?

9 MR. LABRUZZO: No.

10 THE COURT: Okay.

11 MR. LABRUZZO: He was just helping us with
12 paperwork.

13 THE COURT: Okay. No problem.

14 THE BAILIFF: Judge, we have two downstairs.

15 THE COURT: What?

16 THE BAILIFF: We have a Morey, M-o-r-e-y,
17 Laura Morey.

18 THE COURT: Okay.

19 THE BAILIFF: And Casey Persaud,
20 P-e-r-s-a-u-d.

21 THE COURT: Okay.

22 THE BAILIFF: They're not on either side of
23 the seating chart.

24 THE COURT: Okay. How about Brennan Adley?

25 THE BAILIFF: He's been released, right?

1 THE COURT: Right. But was he here?

2 THE BAILIFF: No.

3 THE COURT: Okay. So can we put the first
4 person in seat 91, and the second person in seat
5 number 92? Any problem with that?

6 MR. LABRUZZO: Judge, who are the names again?

7 THE BAILIFF: Morey, M-o-r-e-y, first name
8 Laura.

9 THE CLERK: I think it's M-a-u.

10 MR. LIVERMORE: M-a-u.

11 THE BAILIFF: Okay. I was close. Sorry.

12 THE COURT: Maury. Got it. Laura Maury.
13 And the second one, Persaud, P-e-r-s-a-u-d.

14 THE BAILIFF: So Laura is 91 and Casey is 92?

15 THE COURT: Any objection to that?

16 MR. LABRUZZO: Can we just do 92 and 93?

17 THE COURT: Well, 91 is not here. Adley was
18 excused.

19 MR. LABRUZZO: I understand. It doesn't
20 matter. Whatever the Court wants to do.

21 THE COURT: Okay. We'll put Laura Maury on
22 seat number 91. And on seat 92, we'll put Casey
23 Persaud, P-e-r-s-a-u-d. Because Mr. Adley was
24 never here and he was released yesterday.

25 THE BAILIFF: Are we ready for the jury, Your

1 Honor?

2 THE COURT: Is both sides ready for the jury
3 now?

4 MR. LABRUZZO: Yes, Judge.

5 THE COURT: All right. Bring them in.

6 THE BAILIFF: Prospective jury entering the
7 hearing of the Court, Your Honor.

8 THE COURT: Thank you.

9 THE BAILIFF: Prospective jury has been
10 seated, Your Honor.

11 (Prospective Jurors Present.)

12 THE COURT: Thank you.

13 Well, good morning, ladies and gentlemen. How
14 are you?

15 THE PROSPECTIVE JURY: Good.

16 THE COURT: Wow, I've got a big room and that
17 wasn't everybody. So how is everybody doing this
18 morning?

19 THE PROSPECTIVE JURY: Good.

20 THE COURT: Much better. My court reporter is
21 way up there in front of the group, and she is
22 taking down everything I say and everything you
23 say, everything the lawyers say. So the most
24 important thing is that someone actually speak so
25 that she can write it down.

1 She can't do head nods or shakes. She cannot
2 interpret body language. So if you do shake your
3 head and I know that you're saying yes or no and I
4 ask you to verbalize it, please excuse me. My
5 court reporter is very particular and she will tell
6 me I need an answer. So I'm saving you from her
7 yelling at me. So I appreciate that.

8 I know for some of you, you were already here
9 on Monday, for the 50 or so of you, who we had
10 already sworn. Once we let you break on Monday and
11 we came back yesterday, myself, the lawyers got
12 together and we realized that this case, we really
13 needed to have a bigger panel to start, because if
14 we started with too little people we might have
15 ended up not having enough jurors.

16 So I apologize to all of you about the amount
17 of time it took on Monday and Tuesday, yesterday.
18 Some of you are going to remain as our jurors and
19 be here with us throughout the time. Most of you,
20 however, will be excused. So I have taken up your
21 time for two days and I indulge you for one more
22 day so most of you can be excused.

23 But if you're mad about that, please direct
24 that at me, Mary Handsel. You can write me a card
25 or a letter and tell me how you feel about it, but

1 please do not take it out on the lawyers. They
2 have nothing to do with this. It's all me.

3 So I'm in charge of making sure how the jury
4 panel goes, making you come in, making you stay.
5 And so, again, if you're upset about anything that
6 has happened so far, please direct that anger at me
7 and not at the lawyers.

8 Can everybody agree to do that?

9 THE PROSPECTIVE JURY: Yes.

10 THE COURT: All right. I didn't have my
11 microphone on. I speak pretty loud. So can
12 everybody in the back row hear me?

13 THE PROSPECTIVE JURY: Yes.

14 THE COURT: Yes. All right. I use my outdoor
15 voice pretty well. Sometimes I do it indoors
16 pretty well.

17 Before we begin, I know that the first group
18 has already gone through this, but now that there
19 is a new panel, I have to start all over again like
20 it never happened. So what I need you all to do is
21 stand up, raise your right hand, and be sworn by my
22 clerk, who also has a great outdoor voice.

23 THE CLERK: Do you solemnly swear or affirm as
24 prospective jurors to answer all questions
25 truthfully?

1 THE PROSPECTIVE JURY: Yes.

2 (Prospective Jury Sworn.)

3 THE COURT: Excellent. You all may be seated.

4 I know a few of you would like to speak to me.

5 I know, I believe, Mr. Carter, you've already
6 indicated you needed to speak to me. We will get
7 to that. I promise. I got you highlighted in
8 yellow over there. Okay?

9 I just want to get through some of the
10 preliminaries really quickly, and then if anyone
11 needs to approach the bench and speak to me up
12 here, we'll get to that. We'll just have you raise
13 your hand and step up.

14 We've tried to prescreen all of you. For some
15 of you, at least at the end of yesterday, we had
16 you come back because your answers to the
17 prescreened questions, some of the 52, fit the
18 criteria. So you may still need to speak to me
19 because you did not come and talk to me either
20 Monday or Tuesday.

21 So anybody who has an issue, after we get
22 through introductions and reading the witness list,
23 which takes a while, as the people who already
24 heard it once know, we will get to those. So if
25 you need to speak to me and the lawyers personally

1 and up here at the bench, we'll do that in just a
2 few minutes. Okay? So just hold on to that. I'll
3 have a point where I'll ask you to raise your hand
4 if you have any personal matters that you need to
5 address at the bench.

6 But what I'm going to do first, since I've
7 sworn you, is I'm going to have both sides
8 introduce themselves, then I'm going to have the
9 State read the witness list, and after that then
10 I'll have anybody that needs any personal matters
11 to be addressed, we'll do that at the bench.

12 So, State, if you can you rise and introduce
13 yourself.

14 MR. SARABIA: Good morning. My name is Bryan
15 Sarabia. And this is Chris LaBruzzo and Joseph
16 Lawhorne. We work for the office of Bernie McCabe,
17 your elected State Attorney here in the Sixth
18 Judicial Circuit.

19 THE COURT: Gentlemen, thank you. You may be
20 seated.

21 Does anyone know Mr. Sarabia, Mr. LaBruzzo or
22 Mr. Lawhorne? If you do, raise your hand.

23 THE PROSPECTIVE JURY: (No audible response.)

24 THE COURT: All right. I see no hands raised.

25 I will tell you, if you're raising your hand

1 and I didn't call on you, then I'm going to have
2 you stand up. Just make sure I see you. Okay?

3 Does anyone know Mr. McCabe, who is the
4 elected State official here in the Sixth Judicial
5 Circuit, who these gentlemen work for, or anyone
6 that works at the State Attorney's Office here in
7 Pasco County? If you know anybody that works at
8 the State Attorney's Office, please raise your
9 hand.

10 THE PROSPECTIVE JURY: (No audible response.)

11 THE COURT: All right. I see no hands raised.

12 I will have the Defense, Mr. Livermore and
13 Mr. Pura, you want to rise and introduce your group
14 there.

15 MR. PURA: Good morning, everybody. My name
16 is Willie Pura. This gentleman to my immediate
17 left is my colleague, Dean Livermore. The
18 gentleman to his left is my colleague, Nicholas
19 Michailos. The young lady at the end of the table
20 is my colleague, Catherine Garrett. And in the
21 back row, if I can have him stand up, is my
22 colleague, Dillon Vizcarra.

23 And during the course of this trial, my
24 colleagues and I will be representing this
25 gentleman, Adam Matos.

1 THE COURT: Thank you. You all may be seated.

2 Does anybody recognize Mr. Vizcarra, Mr. Pura,
3 Mr. Livermore, Mr. Michailos, Ms. Garrett, or Adam
4 Matos? If you do, please raise your hand. Does
5 anyone know them? Recognize them? Recognize
6 anything about them?

7 THE PROSPECTIVE JURY: (No audible response.)

8 THE COURT: All right. I see no hands raised.

9 Just so you'll know how everything is going to
10 work. As I indicated, right in front of you -- she
11 can't stop to stand because she's typing what I
12 say -- is my court reporter. And for all intents
13 and purposes, we all know she runs the courtroom,
14 because if it doesn't get down on a piece of paper,
15 it didn't exist. So at any time she asks you to
16 stand or speak louder, I would ask you to do so.
17 Okay?

18 And right in front of me is my clerks. They
19 work for Dr. O'Neal, who I believe you all met when
20 she swore you in. They're all here to help with
21 the trial, take evidence in, type up things I need,
22 so they'll be with me throughout the trial.

23 Also, you saw the bailiffs. Some of them have
24 brought you in. Some of them are seated around the
25 courtroom. Just so you know, the bailiffs can tell

1 you where to park, where the bathroom is, but
2 that's about it.

3 They cannot answer any questions for you and
4 they will not answer any questions. So if you ask
5 them something about, "I didn't hear something or I
6 didn't see something," they'll tell you to write it
7 down and bring it to the Judge's attention.

8 So if you have any questions about anything in
9 the trial, just write it down on a piece of paper,
10 provide it to one of the bailiffs, and they will
11 give it to me. But they are very good about not
12 answering questions they shouldn't answer. So I
13 just wanted to let you know how that was going to
14 go.

15 The State has a list of possible witnesses
16 that may be called in this case. For those of you
17 who were here Monday, you've already heard it.
18 But, you know, it is very long. If you've already
19 raised your hand about one of the witnesses, you
20 don't have to do it again. But if there's somebody
21 that you hear on the witness list that you remember
22 now that you didn't tell us about it earlier, let
23 us know.

24 For the new people, it's a very long list.
25 Okay? So if there is someone on the list, hold

1 your hands until I request them. Okay? So you
2 don't have to keep your hand up for two, three or
3 four minutes. All right. So at the end after, I
4 believe Mr. Sarabia is going to read the list, I'll
5 ask anybody who knows anything about somebody on
6 the list.

7 And I believe he's going to try -- if they
8 belong to the Sheriff's Office of Pasco or Tampa PD
9 or Florida Department of Law Enforcement, he
10 usually can add where they work, so it's helpful
11 for you to know if it's the person that you know.

12 Many people have similar names. So if you
13 recognize a name, but you're not sure it's the
14 person you know, raise your hand and we'll work
15 through that.

16 Many of these people will not be called to the
17 trial, but if you know them, they may have said
18 something about the case in 2014, when it happened,
19 and hearing their name may remind you about that,
20 and we may talk about them in the trial. So we
21 need to know if you know them. And so it's very
22 important if you know anybody on the list, just
23 we'll work that out after we find out.

24 All right. Mr. Sarabia, are you ready to read
25 the list?

1 MR. SARABIA: Yes, Judge.

2 THE COURT: All right. I'll have a seat for
3 that.

4 MR. SARABIA: I apologize in advance.

5 Edward Barbieri. Denise Fernandez-Roton.
6 Steven Stark, Jaclyn Angelo and Dena Allen, those
7 three are with the Florida Department of Law
8 Enforcement. Martha Scholl, Dr. Noel Palma,
9 they're both with the Medical Examiner's Office.

10 Anna Cox. Nicholas Leonard. Megan Brown.
11 Margaret Brown. Gregory Brown. Emilio Clifton.
12 Jamie Defelice. Kimberly Zaino. George Sullivan.
13 Angelo Markopoulos. Sherry Almond. Charles Fiet.
14 Jamie Cook. Patrick Petriarca. David Dascher.
15 Becky Johnson. David Crivelli. Dennis Shaw.
16 Gary Griffin. Ellen Adams. Jim Adams. Trish
17 Gutierrez. Ernest Graf. Ken Huff. Larry
18 Chuderwicz. Brian Conroy. Yvette Conroy. Rocco
19 Ambrogio. Kayla Wilkins. James Thomas. Michelle
20 Stinson. Terry Roskowski. Salvatore Pizzo. Lance
21 Miller.

22 Shandra Haskell. Michael Hall. Jed Jose.
23 Michael Pelletier. Carol Mulherin. Toshi Rumph.
24 Patrick Duarte. Ryan Kirby. Joe Mann. Benjamin
25 Gifford. Russell Howard. Susan Goodman. John

1 Foley. Sabrina Solesky. Louise Galeano. Debbie
2 Wooten.

3 David Wise. Sandy Skrzypek. Robert Anderson.
4 Jamie Baclawski. Mat Sharp. Kristen Anderson.
5 Justin Okins. Christopher Williams. William Lusk.
6 Sarah Young. Ron Pratser. Dan Miller. Robert
7 Cardinal. Frank Tomkow.

8 Lieutenant Justin Ross of the Pasco County
9 Sheriff's Office. Deputy Jessie Fletcher of the
10 Hernando County Sheriff's Office. William Kaiser.
11 Luis Basquit. Valerie Goodman. Yariel Carmenate.
12 Gordon Cole. Jerry Sweet. Bryan Araniecke. Erin
13 Jacobs. Michelane Johnson. Alexia McCallister.
14 Ivon Carmenate. Kimberly Ward. Colton Bell.

15 Parth Donda. Michelle Kidder. Ann Gaul.
16 Natalya Casson. Joseph Castro. Hung Truong.
17 Bailey Thompson. Gordon Cole, a different Gordon
18 Cole. Ronald Burnham. Israel Rodriguez. Trevor
19 Hill. M. Catherine Tatum. Leslie Henry. Estelle
20 Austin. Gina Foley.

21 Max Austin. Rosalie Justice. Jovanna
22 Bettancourt. Donald Justice. Darrah Hawver.
23 Margaret Martin. Ruth Carter. Tracie Lentini.
24 Betty Sullivan. Ernie Pollock. Laura Maniscalco.
25 Victoria Pollock. Perry Palumbo. Lucy Howard.

1 Michelle Douthitt-Barry of the Child Protection
2 Team of Pasco County.

3 Amanda Smith. Debra Colvin. Debra
4 Bullwinkel. Stephanie Holyak. Amber Robinson of
5 the Pasco County Sheriff's Office, Child Protective
6 Investigator Division. Conner Thomas. Robert
7 Bloom. Ralph Dunlavey. Joan Wojtan. Andrew
8 Coulstring. Jamie Smith. Kayla Jameson. William
9 Gantt. Sandra Bloom. Stephanie Buono.

10 Ann Coulstring. Francesca Gall. David Burge.
11 Karen Perks. John Gall. Dennis Loranger. Susan
12 Lorenzo. Rachel Lorenzo. David Wright. April
13 Ladenthin. Joseph Rodriguez. McKinley Hambrick.
14 Jason Monda. Lee Hansen. James Welock.

15 John Douglas of the Pasco Animal Control.
16 Sherri Magilligan of Pasco Kids First. Christopher
17 Pope of Child Protective Team of Pasco. Salvatore
18 Testa. Jacob Torres-Rosa. James Sigler. Daniel
19 Leonard. Paula Rystrom. James Branham. Paul
20 Preuss. James Spratling. Robert Capaz. Charles
21 Smith. Tina McCarthy. Courtney Gantt.

22 Connie Thomas. Candance Palcovic. Brandon
23 Derry. Richard Young. Robert Yost. Mary Yost.
24 James Williamson. Charles Vallas. Craig Thrasher.
25 Sandra Speers. Williams Smith. Thomas Smith.

1 Kathy Smith. James Smith. Malcomb Simmons.
2 Ralph Shannon. Gregory Schmitt. Anthony
3 Rosati. Tyler Ridgeway. Monica Evans. William
4 Padgitt. Carol Padgitt. Janet O'Hara. Thomas
5 Nies. Connie Nies. Ronald Mestach. Debra
6 McGinley. Edward McGinley. Joan McConnell. Ryan
7 McCann. Darleen May.
8 Michael Marinich. Sharon Mann. David Lyman.
9 John Logan. Kayla Leggett. Jeri Lamana. Susan
10 Khristensen. Bradley Kay. Pauline Kallis. Nelson
11 Kallis. Justin Hatley. Jeffrey Hamilton. Douglas
12 Gallo. Billie Earls. Tammy Dutton.
13 Grace Dimalanta. Anthony Defronzo. Regina
14 Cook. Evelyn Contino. Edward Contino. Tonya
15 Carlson. Audrey Brown-Hall. Deputy Dustin Brooks
16 of the Pasco Sheriff's Office. Keith Brock. Damon
17 Breton of the Medical Examiner's Office. Michelle
18 Bittaker. Alexis Beitler. Brian Barone. Marvin
19 Barner. Tangela Allison.
20 Linda Thomas. Brett Steele. Lemont Marshall.
21 Michael Unsworth. Deputy David Robarts of the
22 Pasco County Sheriff's Office. Chad Holley.
23 Deputy Melissa Pettipas of the Pasco County
24 Sheriff's Office. Richard Furtsch. Robert
25 Dunlavey. Gary Hitchcox. Danielle Watkins.

1 William Schubert. Ethan Roy. Romana Grubee.
2 Richard Cox. Detective Shaun Price of the
3 Wichita Police Department. James Stinson. Amber
4 Pyle. [REDACTED] Brian Owens. Stephanie
5 DeLong. Luis Martinez. Detective Steven Olson of
6 the Sedgwick County Sheriff's Office. Sarah
7 Rodriguez. Danielle Whitmer. James Ingram. Lori
8 McCann. Allen McCann.

9 John Earls. [REDACTED] William Powell.
10 Rose Matos. Tara Cellini. Benvenuto Cellini.
11 Benjamin Blick of the Sedgwick County Police
12 Department. Rebecca Thomas. Michael Monahan.
13 Richard Brown. Gregory Aaron Brown. Donna Papsun.
14 Ayako Chan-Hosokawa. Gerald Findley. Paige
15 Steele.

16 Erica Gardner. Darren Jenne of the Tampa
17 Police Department. The next few witnesses are from
18 the Tampa Police Department. Malee Vogt. Dale
19 Fritz. Cate Ruth. Wayne Easley. Daniel Vasquez.
20 Stephen Gady. James Valentino. Jim Dausch.
21 Alexander Moreno. Alvin Cruz and Barbara Roberts.
22 They were all of the Tampa Police Department.

23 As are Juan Hernando, Miguel Caballero, and
24 William Woster. Detective Aaron Smith and Sergeant
25 Dean Quinlan, both of the Pasco County Sheriff's

1 Office. Tim Moore of the Sheriff's Office.
2 Charles Moyer of Tampa Police Department.
3 Detective Carlo Ocasio and Deputy Jessica Hammond,
4 both of the Pasco Sheriff's Office. Stephen
5 Delfino. Detective Michael Kirlangitis of the
6 Tampa Police Department. Detective David Roque of
7 the Pasco Sheriff's Office.

8 Patrick Woehlk of the Tampa Police Department.
9 John Wierzbowski. Jesse White. Denice Weigand of
10 the Pasco Sheriff's Office. Detective Roger
11 Turnbow, Detective Daniel Toner, and Detective Sean
12 Sweeney, all of the Pasco Sheriff's Office. Nancy
13 Sulinski, Richard Stanger and Sergio Soto, all of
14 the Pasco Sheriff's Office. Deputy Thomas Smith
15 and Deputy Miguel Silva of the Pasco Sheriff's
16 Office.

17 Sergeant Michael Shoup, Detective Ryan
18 Shadrick, Sergeant Richard Scilex, all of the Pasco
19 Sheriff's Office. Detective Monte Schuler, Deputy
20 Scott Schuck, and Detective Lisa Schoneman, all of
21 the Pasco Sheriff's Office.

22 Sergeant Dustin Roy, Sergeant Michael Rosa,
23 Detective David Pugh, all of the Pasco Sheriff's
24 Office. Corporal Beverly Phillips, Sergeant
25 Sabastian Pepenella, Deputy David Peltz and

1 Detective Dennis Nottoli, all of the Pasco
2 Sheriff's Office.

3 Deputy Michael Navarra, Deputy Patrick
4 Moccaldi, both of the Pasco's Sheriff's Office.
5 Susan Miller, Michael Mielke, Detective Kip Mellow,
6 Detective Christopher Meizo, all of the Pasco
7 Sheriff's Office. Detective Stephen McInnes, Jamey
8 Martin, Anthony Lokotnicki, all of the Pasco
9 Sheriff's Office.

10 Jason Logue, Corporal Rodney Linville,
11 Sergeant William Lindsey and Deputy Ryan Lennox,
12 all of the Pasco Sheriff's Office. Detective
13 Jennifer Pelletier, Deputy Peter Knorr, Detective
14 Sean Kennedy, all of the Pasco Sheriff's Office.
15 Richard Jones, Deputy Sharon Ioppolo, Deputy
16 Matthew Hutton, Deputy Christopher Holland, Deputy
17 Anna Marie Hernandez, Deputy Ronald Heinemann, all
18 of the Pasco Sheriff's Office.

19 Fred Heidgerken, Daniel Hayse, and Deputy
20 David Hatfield, Sergeant Jason Hatcher, Deputy
21 Anthony Graham, all of whom are of the Pasco
22 Sheriff's Office. Sanjuanita Gonzalez, Corporal
23 Norman Gay, Deputy Jay Galassi, Deputy Jeff
24 Frazier, Deputy Jessie Francis, Sergeant Robert
25 Formoso, all of the Pasco Sheriff's Office.

1 Sergeant Daniel Fenstemacher, Deputy Kelly
2 Endricks, Deputy James Elders, all of Pasco
3 Sheriff's Office. And, I'm sorry, actually James
4 Elders is now with the Tampa Police Department.
5 Szandra Der and William Davis, both of the Pasco
6 Sheriff's Office.

7 Giuseppe Cucchirra of the Pasco Sheriff's
8 Office. Fiorella Covais of the Tampa Police
9 Department. Detective Chet Cougill of the Pasco
10 Sheriff's Office. Rocco Corbino of Tampa Police
11 Department. Jeremy Colhouer, Michael Coats, Rhea
12 Clark, Adam Cinelli, all of the Pasco Sheriff's
13 Office.

14 Chris Bukowiecki, Detective Anthony Bossone,
15 Deputy Hans Bollenbacher, and Sergeant Benjamin
16 Birge, all of the Pasco Sheriff's Office. Tom
17 Bets, Sergeant James Berberich, Keith Bennett, all
18 of the Sheriff's Office. Deputy Zachary Barr,
19 James Babcock, Ronny Anzalone, Detective Samantha
20 Allee, all of the Pasco Sheriff's Office. And then
21 Ron Pratser, Bill McCann, Karen Milbradt, and
22 Michael Jones, Sr.

23 Thank you.

24 THE COURT: Okay. I told you it was long. I
25 didn't lie. And we can't make it any shorter

1 because we have to know.

2 So taking the list as a whole, anyone
3 recognize any of the names? And we've already done
4 the first two rows. So anybody in the third row,
5 any names on the list?

6 PROSPECTIVE JUROR CRUZ: (Indicating.)

7 THE COURT: Okay. I see a hand. If you can
8 stand up and give me your name.

9 PROSPECTIVE JUROR CRUZ: Melanie Cruz.

10 THE COURT: Curtis?

11 PROSPECTIVE JUROR CRUZ: Melanie Cruz.

12 THE COURT: Cruz.

13 Okay. I know, Ms. Cruz, we talked about this
14 yesterday, your husband is a law enforcement
15 officer currently in Plant City, correct?

16 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

17 THE COURT: Who is it that you recognize?

18 PROSPECTIVE JUROR CRUZ: Deputy Hatfield,
19 Lieutenant Ross, Sergeant Roy, and Detective
20 Shadrick.

21 THE COURT: All right. Are those all people
22 that your husband, when he was a Pasco County
23 Sheriff's Office deputy, worked with?

24 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

25 THE COURT: Are they people that you have a

1 personal relationship with?

2 PROSPECTIVE JUROR CRUZ: Not any longer, no,
3 ma'am.

4 THE COURT: And when he did work with Pasco,
5 did you socialize with them at all?

6 PROSPECTIVE JUROR CRUZ: With Deputy Hatfield
7 and Shadrick, yes.

8 THE COURT: All right. And are you still
9 socializing with them on any social media with
10 them?

11 PROSPECTIVE JUROR CRUZ: No.

12 THE COURT: Or social, you know, like Facebook
13 or anything like that?

14 PROSPECTIVE JUROR CRUZ: No.

15 THE COURT: Do you believe that you could sit
16 as a fair and impartial juror in this case, listen
17 to testimony they may give, and judge them as you
18 would judge the credibility of any other witness
19 called in this case?

20 PROSPECTIVE JUROR CRUZ: Yes, ma'am.

21 THE COURT: All right. Thank you, ma'am. You
22 may have a seat. I'm sure the lawyers may have
23 further questions on that. That's just
24 preliminary.

25 PROSPECTIVE JUROR CRUZ: Okay.

1 THE COURT: Anyone else in that row?

2 THE PROSPECTIVE JURY: (No audible response.)

3 THE COURT: Anyone in the fifth row?

4 THE PROSPECTIVE JURY: (No audible response.)

5 THE COURT: And I'm on this side right now.

6 I'll get to that side.

7 Sixth row?

8 THE PROSPECTIVE JURY: (No audible response.)

9 THE COURT: Seventh row?

10 THE PROSPECTIVE JURY: (No audible response.)

11 THE COURT: Anybody on this side at all?

12 Hands? No hands?

13 THE PROSPECTIVE JURY: (No audible response.)

14 THE COURT: I see no hands.

15 All right. Over here. Third row?

16 THE PROSPECTIVE JURY: (No audible response.)

17 THE COURT: Fourth row?

18 PROSPECTIVE JUROR STROHMAN: (Indicating.)

19 THE COURT: Okay. I see a hand.

20 Yes, sir. Stand up and give me your name

21 again.

22 PROSPECTIVE JUROR STROHMAN: Bernard Strohman.

23 THE COURT: Okay. Mr. Strohman, who do you

24 recognize?

25 PROSPECTIVE JUROR STROHMAN: Ryan Kirby, but

1 that's from Ohio.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR STROHMAN: So I don't know
4 whether or not it has to do with this. He's from
5 Ohio.

6 THE COURT: From Ohio. Does he still live in
7 Ohio?

8 PROSPECTIVE JUROR STROHMAN: Yes. As far as I
9 know.

10 THE COURT: I know we have some people from
11 out of state. I don't know everything about this
12 case, so I'll refer to the State. Do you believe
13 he's from Ohio?

14 MR. SARABIA: I don't believe Ryan Kirby is
15 from Ohio.

16 THE COURT: Okay. So it's probably not the
17 person you know, but excellent example of what I
18 need from you. Thank you.

19 Anyone else? Any hands that I'm missing?

20 PROSPECTIVE JUROR CINISOMO: (Indicating.)

21 THE COURT: Oh, I see a hand. Hold on one
22 second.

23 Ma'am, right here, stand up and give me your
24 name.

25 PROSPECTIVE JUROR CINISOMO: Shannon Cinisomo.

1 THE COURT: Okay. Yes, ma'am. Who do you
2 know?

3 PROSPECTIVE JUROR CINISOMO: You had said
4 James Spratling. He typically goes by Jamie
5 Spratling. I don't know if it's the same person,
6 but I can tell you where he works.

7 THE COURT: How old do you think Mr. Spratling
8 is?

9 PROSPECTIVE JUROR CINISOMO: In his late 40s.

10 THE COURT: Okay. And where do you know him
11 from?

12 PROSPECTIVE JUROR CINISOMO: If it's the same
13 person, he is married to my stepfather's sister,
14 who I see probably once a year on holidays.

15 THE COURT: Okay. I'd have to flowchart that,
16 but I get it. It's kind of a relative situation?

17 PROSPECTIVE JUROR CINISOMO: Correct.

18 THE COURT: All right. State, do you think
19 that's the person we're talking about?

20 MR. SARABIA: This James Spratling works for
21 Walmart.

22 PROSPECTIVE JUROR CINISOMO: Correct. Loss
23 prevention.

24 MR. SARABIA: Yes.

25 THE COURT: Okay. And so you see him about

1 once a year?

2 PROSPECTIVE JUROR CINISOMO: Uh-huh.

3 THE COURT: At those Thanksgiving or Christmas
4 parties that everybody has?

5 PROSPECTIVE JUROR CINISOMO: Correct.

6 THE COURT: If he was called as a witness,
7 could you judge his credibility, listen to his
8 testimony, and judge him like you would judge
9 anyone else?

10 PROSPECTIVE JUROR CINISOMO: Yes, ma'am.

11 THE COURT: Okay. Thank you. They have more
12 questions for you, but that's the best I can do.

13 PROSPECTIVE JUROR DRISCOLL: (Indicating.)

14 THE COURT: Yes, ma'am. In the back. Your
15 name?

16 PROSPECTIVE JUROR DRISCOLL: Donna Driscoll.

17 THE COURT: Okay. Ms. Driscoll, who do you
18 know?

19 PROSPECTIVE JUROR DRISCOLL: Detective Daniel
20 Toner.

21 THE COURT: Okay. How do you know Detective
22 Toner?

23 PROSPECTIVE JUROR DRISCOLL: They were
24 neighbors of ours when I was growing up, and I'm
25 friends with his sister.

1 THE COURT: Okay. Currently?

2 PROSPECTIVE JUROR DRISCOLL: Yes.

3 THE COURT: Do you see Detective Toner now?

4 PROSPECTIVE JUROR DRISCOLL: I haven't seen
5 him in probably close to a year.

6 THE COURT: And when you did see him, that was
7 many years when you were younger that he lived next
8 door to you?

9 PROSPECTIVE JUROR DRISCOLL: Yes. When we
10 were growing up.

11 THE COURT: So when you see him now, is it
12 more like, hi, how are you doing? Or do you have
13 any interaction at dinner parties, social media,
14 anything like that?

15 PROSPECTIVE JUROR DRISCOLL: No.

16 THE COURT: All right. And again same
17 question I've kind of asked everyone else. If he
18 was called as a witness in this case, do you
19 believe that you could judge his credibility as you
20 judge anyone else's credibility, listen to his
21 testimony towards everything else that's going on,
22 and judge him as you would judge anyone else?

23 PROSPECTIVE JUROR DRISCOLL: Yes.

24 THE COURT: All right. And, again, they may
25 have more questions for you, but thank you very

1 much.

2 PROSPECTIVE JUROR DRISCOLL: Thank you.

3 THE COURT: Do I have any other hands that I'm
4 missing?

5 THE PROSPECTIVE JURY: (No audible response.)

6 THE COURT: All right. I see no other hands
7 at this time.

8 Defense, is there anybody we missed on that
9 list?

10 MR. MICHAIILOS: Just the one we included
11 yesterday. Jeannie Tate.

12 THE COURT: Okay. Jeannie Tate. Anybody
13 recognize that name? Does she live in town? She
14 lives in Pasco?

15 MR. LIVERMORE: No, Tampa.

16 THE COURT: Tampa.

17 Okay. Jeannie Tate. Anybody recognize that
18 name?

19 THE PROSPECTIVE JURY: (No audible response.)

20 THE COURT: All right. I see no names.

21 Yesterday out of the 50, we had some people
22 that knew each other.

23 Other than the people that have already said
24 that they know each other, does anybody know each
25 other on the panel? Now, it's a bigger panel, so

1 if you know somebody new, please raise your hand.

2 PROSPECTIVE JUROR PETIT: (Indicating.)

3 THE COURT: Okay. Sir, if you can stand up
4 and tell me your name and who you know.

5 PROSPECTIVE JUROR PETIT: My name is Ryan
6 Petit. And I know Josh Peet. We went to high
7 school together.

8 THE COURT: Josh?

9 PROSPECTIVE JUROR PETIT: Peet.

10 THE COURT: Peet.

11 All right. And where is he? Oh, behind you.
12 Okay. Any problem with him?

13 PROSPECTIVE JUROR PETIT: (Negative response.)

14 THE COURT: If you, let's say, were picked to
15 do jury and he was on the jury, you'd be okay with
16 that?

17 PROSPECTIVE JUROR PETIT: Yes.

18 THE COURT: All right. Mr. Peet, same
19 question. Any problem with that?

20 PROSPECTIVE JUROR PEET: No, ma'am.

21 THE COURT: Okay. Anyone else? Any hands?

22 PROSPECTIVE JUROR LENNOX: (Indicating.)

23 THE COURT: I see a hand. It's Lennox, right?

24 PROSPECTIVE JUROR LENNOX: Yeah.

25 THE COURT: All right. Mr. Lennox, who do you

1 know?

2 PROSPECTIVE JUROR LENNOX: I know Glenn
3 Braasch.

4 THE COURT: Okay. Right next to you?

5 PROSPECTIVE JUROR LENNOX: Yeah.

6 THE COURT: Are you guys catching up?

7 PROSPECTIVE JUROR LENNOX: We used to go to
8 high school together.

9 THE COURT: Okay. That was like yesterday.
10 We all know that. Okay. He's like 18.

11 Okay with you two together? You don't have
12 any problems with each other?

13 PROSPECTIVE JUROR LENNOX: No.

14 THE COURT: Okay. All right. Same question
15 for Mr. Braasch. Are you okay with Mr. Lennox?

16 PROSPECTIVE JUROR BRAASCH: Yes, ma'am.

17 THE COURT: All right. There was no incidents
18 in high school that we need to go over?

19 PROSPECTIVE JUROR BRAASCH: (Indicating
20 negatively.)

21 THE COURT: Okay. All right. He's a freshman
22 in college. So that's why I made fun of him. We
23 found that out yesterday.

24 Speaking of that, Mr. Lennox, if you could
25 stand up. I've got a question for you. Did you

1 check with your teachers?

2 PROSPECTIVE JUROR LENNOX: I emailed all my
3 teachers right when I got home.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR LENNOX: And only so far
6 three of them got back to me.

7 THE COURT: And what did they say?

8 PROSPECTIVE JUROR LENNOX: The first two said
9 that it would be -- that they could make the
10 adjustment.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR LENNOX: And the third one
13 just asked for a picture of my jury summons.

14 THE COURT: Okay. Okay. I can let you come
15 up here and we can take a picture together if you
16 want.

17 I understand. That may be the first one. You
18 know, the teachers they got "The dog ate my
19 homework," but yours is "I got a jury summons."
20 Sure.

21 All right. So we can get that for you. But
22 so far you're okay to serve?

23 PROSPECTIVE JUROR LENNOX: Yes, ma'am.

24 THE COURT: Okay. All right.

25 And then, Mr. Carter, can we discuss it here

1 or do you want to come up?

2 PROSPECTIVE JUROR CARTER: It doesn't matter.

3 THE COURT: It's up to you. Only you know
4 what you're going to tell me.

5 PROSPECTIVE JUROR CARTER: I'll come up.

6 THE COURT: You want to approach? Okay.
7 We'll approach.

8 (Bench Conference.)

9 THE COURT: All right. Mr. Carter, what would
10 you like to tell me.

11 PROSPECTIVE JUROR CARTER: Yes. If I get
12 selected, I'm not going to be able to focus that well
13 because I'm the sole provider in the house.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR CARTER: And three weeks is
16 not going to be good for me.

17 THE COURT: Okay. So we've given you enough
18 time to think about this. Because we kind of ask,
19 and a lot of people are trying to figure it out in
20 their head if they can make it work, and so you're
21 in day three.

22 PROSPECTIVE JUROR CARTER: I tried to get with
23 you yesterday but you were gone to lunch. You
24 know, I knew you all were very busy.

25 THE COURT: It's not a problem. So you've

1 gone back home and thought about how you were
2 trying to -- you're not paid for being here?

3 PROSPECTIVE JUROR CARTER: Right.

4 THE COURT: And so you tried to figure out if
5 you could make it work?

6 PROSPECTIVE JUROR CARTER: I don't think I
7 can.

8 THE COURT: And you don't think you can?

9 PROSPECTIVE JUROR CARTER: I'm going to be in
10 really bad shape if I miss three weeks.

11 THE COURT: Okay. And you think thinking
12 about that has caused you to realize that you may
13 not be able to focus as a juror?

14 PROSPECTIVE JUROR CARTER: Yes. My anxiety is
15 very high today. Sorry.

16 THE COURT: No. We're in day three.

17 PROSPECTIVE JUROR CARTER: I would love to be
18 part of it, you know, if needed; but it's really
19 going to be bad for me.

20 THE COURT: Okay. Do you have any other
21 questions?

22 MR. LABRUZZO: Just briefly. And because I
23 left my paperwork over there, I just wondered,
24 where do you work?

25 PROSPECTIVE JUROR CARTER: I work for myself.

1 MR. LABRUZZO: Okay.

2 PROSPECTIVE JUROR CARTER: I'm self-employed.

3 MR. LABRUZZO: Self-employed?

4 PROSPECTIVE JUROR CARTER: I'm a
5 subcontractor.

6 MR. LABRUZZO: All right. And what type of
7 work do you do?

8 PROSPECTIVE JUROR CARTER: Tile and marble.

9 MR. LABRUZZO: All right.

10 THE COURT: And I assume you have work right
11 now that you're missing?

12 PROSPECTIVE JUROR CARTER: Yes.

13 THE COURT: Okay. Do you have any questions,
14 Mr. Pura?

15 MR. PURA: No.

16 THE COURT: Do we have any objection to
17 releasing him now?

18 MR. LABRUZZO: Not from the State.

19 THE COURT: Okay. Mr. Carter, we're going to
20 go ahead and give your badge to the bailiff on the
21 way out.

22 MR. LABRUZZO: He's actually right behind you.

23 THE COURT: Actually right behind you. My
24 deputy is right there. And we're going to go ahead
25 and excuse you at this time.

1 PROSPECTIVE JUROR CARTER: Oh, that's awesome.

2 THE COURT: Okay. I know.

3 PROSPECTIVE JUROR CARTER: I'm really sorry.

4 THE COURT: No, no. It's okay. It gives your
5 front row a little bit more room anyway. Okay?

6 MR. LABRUZZO: I just ask that you not be -- I
7 know you're walking out, but don't talk to anyone
8 and say what happened.

9 PROSPECTIVE JUROR CARTER: I mean, if you
10 corrected me --

11 MR. PURA: The Defense is objecting to that.

12 THE COURT: Oh, okay. I thought you said you
13 didn't object. I'm sorry. I apologize.

14 PROSPECTIVE JUROR CARTER: Thank you very
15 much.

16 THE COURT: Okay. So we're just going to have
17 you go ahead -- do you have anything over there in
18 the corner?

19 PROSPECTIVE JUROR CARTER: (Indicating.)

20 THE COURT: Okay. And we're going to go ahead
21 and excuse you. Okay? Thank you.

22 (Open Court.)

23 THE COURT: Thank you, Mr. Carter. You're
24 good to go.

25 All right. As I indicated, after Mr. Sarabia

1 read that really long list and I introduced
2 everybody, if there was anybody that needed to
3 approach the bench and bring something to my
4 attention, we'll go ahead and -- Mr. Carter had
5 already told me this morning, so I left him on the
6 panel and had him approach. But was there anybody
7 else that needed to approach?

8 PROSPECTIVE JUROR PEOPLES: (Indicating.)

9 PROSPECTIVE JUROR STANLEY: (Indicating.)

10 THE COURT: Okay. I've got some more people.

11 All right. Hold on you guys. So why don't I
12 have my court reporter come up. I'll have the
13 State and the Defense approach. And if I can have
14 my bailiff just line up the people who are raising
15 their hand kind of in the aisle and we'll have them
16 come up.

17 The first one is Mr. Peoples, right?

18 THE BAILIFF: Yes, ma'am.

19 THE COURT: All right. We can have him step
20 up. We're just going to have you stand right there
21 and then we'll bring you in.

22 (BENCH CONFERENCE.)

23 THE COURT: You guys have your list?

24 MR. LIVERMORE: I do.

25 THE COURT: All right. Mr. Pura is over

1 there. I don't know if he wants to be up here. I
2 don't want to start without anybody that needs to
3 be here.

4 All right. Hi, Mr. Peoples. How are you?

5 PROSPECTIVE JUROR PEOPLES: Hello.

6 THE COURT: We released your brother
7 yesterday.

8 PROSPECTIVE JUROR PEOPLES: Yes, ma'am.

9 THE COURT: Okay. Yes. What would you like
10 to tell us.

11 PROSPECTIVE JUROR PEOPLES: I'm on
12 prescription medication.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR PEOPLES: Because I get bad
15 migraines.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR PEOPLES: They do affect my
18 judgment.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR PEOPLES: And right now I
21 had to take one about an hour ago.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR PEOPLES: So I don't know
24 what I need to do, but I got told I need to tell
25 you about it.

1 THE COURT: Okay. And right now are you doing
2 okay?

3 PROSPECTIVE JUROR PEOPLES: The head -- my
4 room is spinning and I can barely hear you.

5 THE COURT: Okay. State?

6 MR. LABRUZZO: I have no questions, Judge.

7 THE COURT: Defense?

8 MR. PURA: No questions.

9 THE COURT: All right. Mr. Peoples, we're
10 going to go ahead and have you go back have a seat
11 real quick.

12 PROSPECTIVE JUROR PEOPLES: Yes, ma'am.

13 THE COURT: Please don't fall over. Okay?

14 PROSPECTIVE JUROR PEOPLES: Thank you.

15 (OPEN COURT.)

16 THE COURT: Ma'am, come on up. Next.

17 (BENCH CONFERENCE.)

18 THE COURT: I believe that is Ms. Stanley, but
19 I'm not sure.

20 MR. PURA: Who's that, Judge?

21 THE COURT: I don't know. We're going to have
22 her pronounce it.

23 MR. LABRUZZO: It's Foster.

24 THE COURT: Are you Ms. Foster?

25 PROSPECTIVE JUROR FOSTER: I am.

1 THE COURT: Danielle Foster, Junior Number 21.

2 Yes, ma'am.

3 PROSPECTIVE JUROR FOSTER: Hi. On Monday,
4 when we had spoken, you had talked --

5 THE COURT: You've got to slow down a little.
6 I know you're upset, I can tell from your voice.
7 You're already quivering. But go ahead.

8 PROSPECTIVE JUROR FOSTER: On Monday, when we
9 had spoken, you had asked me if I had known anybody
10 that was connected to the case. I told you my
11 stepmother knew somebody who was related to one of
12 the victims.

13 THE COURT: Right. Right. I remember that.

14 PROSPECTIVE JUROR FOSTER: When I left on
15 Monday, she had texted me to ask me, you know --
16 she was checking on me. She asked me, did you get
17 selected? I didn't say anything. I can show you
18 the text messages if you need to see them.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR FOSTER: She did tell me,
21 she clarified that she actually knew two of the
22 victims.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR FOSTER: So I just thought
25 that that would be something that you would need to

1 know.

2 THE COURT: But did you tell her you can't
3 talk about the case?

4 PROSPECTIVE JUROR FOSTER: I did. I told her
5 the only thing I could tell her that I wasn't
6 selected for anything and that I had to go back the
7 next day.

8 THE COURT: Okay. And that you weren't
9 allowed to talk about it?

10 PROSPECTIVE JUROR FOSTER: Right.

11 THE COURT: But she insisted on telling you.

12 PROSPECTIVE JUROR FOSTER: Well, she -- no,
13 she had said in the same group -- she said, did you
14 get selected? And the next text message she said,
15 I saw that they were starting jury selection, she
16 saw it on the news. And it was in the text message
17 that she had said that she knew two of the victims.
18 It's after that that I told her that I couldn't
19 tell her anything.

20 THE COURT: Okay. Okay. You couldn't stop,
21 because it was already there.

22 PROSPECTIVE JUROR FOSTER: Right. Exactly.

23 THE COURT: All right. State, any questions?

24 MR. LABRUZZO: No, nothing.

25 THE COURT: Defense? Go ahead. I assume it's

1 the Browns, but that's just my guess.

2 PROSPECTIVE JUROR FOSTER: I don't know.

3 THE COURT: She didn't give the names.

4 MR. PURA: That new information, as far as
5 does that change your --

6 PROSPECTIVE JUROR FOSTER: My only concern is
7 that she and I have a very close relationship.
8 We've always been close. But my father passed away
9 six months ago, and so we kind of lean on each
10 other.

11 And with the holidays coming, I don't know if
12 I want my relationship with her to be stopped just
13 because she and myself were probably the two that
14 took it the hardest.

15 So I'm just -- I'm a little apprehensive with
16 not being able to speak with her when she needs to
17 speak with me.

18 THE COURT: Okay. All right. Of course you
19 could speak to her, you just couldn't talk about
20 the case.

21 PROSPECTIVE JUROR FOSTER: Right. Right.

22 THE COURT: But you're afraid that if you talk
23 to her, she's going to say something?

24 PROSPECTIVE JUROR FOSTER: Right. Yes.

25 THE COURT: What I'm more concerned about, and

1 I'm sure the Defense and the State is, it sounds
2 like if you know if she knew the victims, that you
3 would have a hard time being fair and impartial to
4 the defendant? It be hard for you to find him not
5 guilty; is that fair?

6 PROSPECTIVE JUROR FOSTER: I'm just afraid,
7 because, you know, if she just -- even if I don't
8 say anything, if she were to spout something off,
9 which she could do.

10 THE COURT: Well, I understand that part of
11 it, and that may be able to be resolved. But it
12 sounds like that you would in your heart not want
13 to do anything to upset her?

14 PROSPECTIVE JUROR FOSTER: Correct.

15 THE COURT: And, therefore, you may say, oh,
16 well, she knew the victims, this person is charged,
17 I more likely I need to find him guilty because I
18 don't want to upset her?

19 PROSPECTIVE JUROR FOSTER: Right. Yeah.

20 THE COURT: Okay. All right.

21 PROSPECTIVE JUROR FOSTER: I would like to
22 think that I could not do that. I just -- she and
23 I, especially in the last six months, have become
24 very close. So it's just something that I'm
25 worried about. I'm not saying that I would, it's

1 just something that concerns me.

2 THE COURT: You can't be certain?

3 PROSPECTIVE JUROR FOSTER: Exactly.

4 THE COURT: And it's nice to know that you
5 have a close relationship with your stepmother.
6 It's nice to hear that.

7 Okay. Do we need to ask any more questions?

8 MR. PURA: No.

9 THE COURT: All right. You can go ahead and
10 have a seat.

11 PROSPECTIVE JUROR FOSTER: All right. Thank
12 you.

13 THE BAILIFF: A couple of the prospective
14 jurors asked to use the bathroom at any time.

15 THE COURT: Okay. That's fine.

16 THE BAILIFF: Should I let them go one at a
17 time?

18 THE COURT: Yes.

19 (OPEN COURT.)

20 THE COURT: Ladies and gentlemen, if you need
21 to use the restroom, you can do so. Do not talk
22 about the case. See where you're seated and come
23 straight back. Okay? Because we've got to talk to
24 some people anyway.

25 THE BAILIFF: Next is Danielle Foster.

1 THE COURT: Yeah. Next is Danielle Foster.

2 MR. LABRUZZO: That was Danielle Foster.

3 THE COURT: Oh, that was Danielle Foster. I'm
4 sorry. I thought you said Daniel. I'm thinking
5 it's a man.

6 Do you want to keep her and just wait until
7 the end to excuse most of the people?

8 MR. PURA: I don't care.

9 THE COURT: Or we can excuse them now.

10 MR. LABRUZZO: Yes, Judge. I guess I would
11 just ask the Court, it being 11:37 by the courtroom
12 clock, how far we were going to go and if we're
13 going to seat and talk to these people.

14 THE COURT: I don't know. We're just going to
15 move along.

16 MR. LABRUZZO: Okay.

17 THE COURT: You're asking me to make
18 decisions. I need to talk to the people and see
19 where we are.

20 MR. LABRUZZO: Okay.

21 THE COURT: The question is right now do you
22 want to release them or do you want to leave them
23 where they are and when we do take a break we'll
24 release them?

25 MR. PURA: I don't have a strong opinion about

1 it, but I think I would prefer to release them now
2 so that the people can have a little more seating
3 space.

4 THE COURT: Right. Well, the ones that we
5 don't want further speak to. Like there's some
6 that, you know, just because they're over doesn't
7 mean -- but so far Mr. Peoples and Ms. Foster, how
8 do we feel about them?

9 MR. LABRUZZO: Judge, I would move for cause
10 as to both.

11 MR. PURA: Yes. We agree.

12 THE COURT: Okay. I'm going to make a list.
13 So we got Foster, she is Juror Number 21; and we
14 got Mr. Peoples, he is Juror Number 23. Okay.

15 (Open Court.)

16 THE COURT: So we'll take the next person in
17 line.

18 (Bench Conference.)

19 MR. LIVERMORE: Do you maybe want to release
20 them now. Look how long the line is?

21 THE COURT: I will.

22 MR. LIVERMORE: And just keep these folks.
23 It's just an idea.

24 THE COURT: He's right behind you.

25 Sir, come on up. You're name?

1 PROSPECTIVE JUROR RODRIGUEZ: Rogelio
2 Rodriguez.

3 THE COURT: Mr. Rodriguez.

4 PROSPECTIVE JUROR RODRIGUEZ: Yes, ma'am.

5 THE COURT: Okay. Yes, sir. What have you
6 got going on?

7 PROSPECTIVE JUROR RODRIGUEZ: I have to tell
8 you, because I sustained a brain injury a couple
9 years back.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR RODRIGUEZ: Okay. And my
12 decision-making is not really, really good.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR RODRIGUEZ: Okay. That's
15 all I needed to tell you.

16 THE COURT: So when you say your
17 decision-making isn't good, is that because you
18 can't remember things?

19 PROSPECTIVE JUROR RODRIGUEZ: Sometimes I
20 don't.

21 THE COURT: So sometimes you forget things?

22 PROSPECTIVE JUROR RODRIGUEZ: Uh-huh.

23 THE COURT: And we're talking about three
24 weeks. If you took notes, would that assist you in
25 your ability to go through the evidence and the

1 facts in this case? Because I let people take
2 notes.

3 PROSPECTIVE JUROR RODRIGUEZ: Uh-huh.

4 THE COURT: So I don't know if that would
5 help.

6 PROSPECTIVE JUROR RODRIGUEZ: I can try.

7 THE COURT: Well, try. We need a yes or a no.
8 You're not certain, is that what you're saying?

9 PROSPECTIVE JUROR RODRIGUEZ: No.

10 THE COURT: Have you ever had to deal with
11 taking facts in for this long of a time?

12 PROSPECTIVE JUROR RODRIGUEZ: No.

13 THE COURT: Okay. State, questions?

14 MR. LABRUZZO: No, Your Honor.

15 PROSPECTIVE JUROR RODRIGUEZ: And I also went
16 through antidepressants for awhile, for about a
17 year, two years.

18 THE COURT: But you're okay now?

19 PROSPECTIVE JUROR RODRIGUEZ: Uh-huh.

20 THE COURT: Okay. He took antidepressants but
21 he's not now.

22 So do you have any further questions for him?

23 MR. PURA: No.

24 THE COURT: All right, sir. We'll have you
25 have a seat. Just one second.

1 PROSPECTIVE JUROR RODRIGUEZ: Thank you.

2 THE COURT: Where do we stand on

3 Mr. Rodriguez?

4 MR. LABRUZZO: Judge, I'd move for cause again
5 on Mr. Rodriguez. This is the same individual who
6 said he could never ever do the death penalty as
7 well, and I'd also add on the new things he said
8 today that he has memory issues.

9 THE COURT: Any objection?

10 MR. PURA: I would ask that we hold off on
11 that and see how he does over the next afternoon,
12 for example, and maybe readdress it and ask him how
13 he's been doing. He did say he could try to take
14 notes. So he at least appears to be open to try to
15 alleviate his memory issue.

16 THE COURT: Okay. We'll hold off on him.

17 (Open Court>)

18 THE COURT: Next in line.

19 (Bench Conference.)

20 THE COURT: Ma'am, your name?

21 PROSPECTIVE JUROR CALHOUN: Marissa Calhoun.

22 THE COURT: Calhoun.

23 Okay. Yes, Ms. Calhoun?

24 PROSPECTIVE JUROR CALHOUN: I started a new
25 position at my company eight weeks ago. And we

1 have a quota that we need to meet by the end of the
2 year, and it's just my boss and myself and our
3 procurement team, and I really need to be back at
4 work. And I'm really afraid that it will affect my
5 performance and affect my company's performance.

6 And then also the question that you asked me
7 yesterday about what happened with my mother as a
8 child and if that could affect me.

9 THE COURT: Right.

10 PROSPECTIVE JUROR CALHOUN: I thought about it
11 more, and, you know, the decisions I have made in
12 my life have been reflected upon what did happen to
13 me and what I did witness as a child and I don't
14 know I could be fully objective to this case.

15 THE COURT: Okay. I remember it very vividly.
16 You were saying that your mother was in a
17 relationship, one of her husbands --

18 PROSPECTIVE JUROR CALHOUN: Yes.

19 THE COURT: -- one of your stepfathers, and
20 that you had to stop him from a domestic violence
21 incident --

22 PROSPECTIVE JUROR CALHOUN: Yes, ma'am.

23 THE COURT: -- where a gun was involved?

24 PROSPECTIVE JUROR CALHOUN: No gun. But he --
25 he -- he was beating and raping my mom in the

1 bathroom and my mom was calling for my help.

2 THE COURT: And you were like five or six?

3 PROSPECTIVE JUROR CALHOUN: No. At this point
4 I was nine.

5 THE COURT: Nine. Okay.

6 PROSPECTIVE JUROR CALHOUN: But the abusive
7 relationship happened between the ages of five and
8 ten -- or I guess I was about ten. I was in the
9 fifth grade.

10 THE COURT: But it had been going on for some
11 time?

12 PROSPECTIVE JUROR CALHOUN: Yes. And my mom
13 was screaming for my help, told me to save her.

14 THE COURT: Okay. So based on work and
15 thinking back -- because I did ask you those
16 questions yesterday and sometimes it takes some
17 reflection on these types of situations.

18 PROSPECTIVE JUROR CALHOUN: I try to suppress
19 it.

20 THE COURT: When you went home last night and
21 you started thinking about it, you thought that it
22 may affect your ability to be fair and impartial to
23 both sides?

24 PROSPECTIVE JUROR CALHOUN: Yes. That's
25 correct.

1 THE COURT: Okay. State, any questions?

2 MR. LABRUZZO: No, Your Honor.

3 THE COURT: Defense?

4 MR. PURA: No.

5 THE COURT: All right. Thank you, ma'am.

6 PROSPECTIVE JUROR CALHOUN: Thank you.

7 THE COURT: Where do we stand on Ms. Calhoun?

8 MR. PURA: We agree to a cause challenge.

9 THE COURT: Are you okay to cause Ms. Calhoun?

10 MR. LABRUZZO: Yes, Your Honor.

11 THE COURT: Okay.

12 (Open Court.)

13 THE COURT: All right. Can I have the next
14 person in line.

15 (Bench Conference.)

16 THE COURT: Good morning, ma'am. Can you
17 state your name for the record.

18 PROSPECTIVE JUROR HENDLEY: Debra Hendley.

19 THE COURT: Okay. Ms. Hendley, what did you
20 want to tell me?

21 PROSPECTIVE JUROR HENDLEY: My fiance's father
22 is having heart surgery this coming week. And
23 hopefully nothing happens, but if it does, I would
24 need to leave to go with him.

25 THE COURT: Okay. So right now there's some

1 surgery scheduled, but there's nothing that you
2 need to address today; is that correct?

3 PROSPECTIVE JUROR HENDLEY: Right.

4 THE COURT: It's just if it goes bad, it could
5 affect you?

6 PROSPECTIVE JUROR HENDLEY: Yes.

7 THE COURT: And you wanted both sides to know
8 that?

9 PROSPECTIVE JUROR HENDLEY: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR HENDLEY: And it's in
12 Tennessee.

13 THE COURT: It's in Tennessee. But you guys
14 aren't going up for it originally?

15 PROSPECTIVE JUROR HENDLEY: Not for the
16 surgery, just if --

17 THE COURT: If something bad happens?

18 PROSPECTIVE JUROR HENDLEY: Yeah.

19 THE COURT: I got you.

20 State, any questions?

21 MR. LABRUZZO: No, Your Honor.

22 THE COURT: Okay.

23 MR. LABRUZZO: Oh, I guess I do have one
24 question. When is the surgery, even if you say a
25 date?

1 PROSPECTIVE JUROR HENDLEY: It's Monday. This
2 coming Monday, whatever date that is.

3 MR. LABRUZZO: The 7th? The 6th?

4 PROSPECTIVE JUROR HENDLEY: The 6th.

5 MR. LABRUZZO: Okay. Thank you, ma'am.

6 THE COURT: Defense, do you have any
7 questions?

8 MR. PURA: I'm sorry. So you wanted to be
9 available afterwards, after the surgery?

10 PROSPECTIVE JUROR HENDLEY: If something were
11 to go wrong with the surgery, I would need to leave
12 to go.

13 MR. PURA: I understand. And that's going to
14 be on your mind? You feel you will be distracted
15 by it?

16 PROSPECTIVE JUROR HENDLEY: Possibly. I can't
17 say.

18 MR. PURA: I don't know if you said. Do you
19 mind me asking what kind of surgery this is?

20 PROSPECTIVE JUROR HENDLEY: It's heart
21 surgery. He has a problem with his heart valves,
22 something like that.

23 MR. PURA: Okay. Thank you.

24 PROSPECTIVE JUROR HENDLEY: Open heart
25 surgery.

1 THE COURT: Okay. Thank you, ma'am. Thank
2 you for letting us know.

3 PROSPECTIVE JUROR HENDLEY: Uh-huh.

4 MR. LABRUZZO: No action.

5 THE COURT: I think she's got to stay. I
6 mean, it's a possible, maybe, it could be. I mean,
7 it's not even her dad. It's her boyfriend's
8 stepfather. So she's going to go ahead and stay.

9 MR. LIVERMORE: Been there. Done that.

10 THE COURT: I know.

11 MR. LIVERMORE: It's really nerve wracking.

12 THE COURT: Well, it's not her family.

13 MR. LIVERMORE: But I survived.

14 THE COURT: Yeah, I know. Nerve wracking
15 doing the surgery.

16 MR. LIVERMORE: Yes.

17 THE COURT: I know.

18 (Open Court.)

19 THE COURT: Sir, can you come on up.

20 (Bench Conference.)

21 THE COURT: Sir, if you could state your name.

22 PROSPECTIVE JUROR PETIT: Ryan Petit.

23 THE COURT: All right. Mr. Petit, what have
24 we got going on?

25 PROSPECTIVE JUROR PETIT: I don't think that

1 I'll be able to serve on the jury. I'm a domestic
2 and sexual violence advocate with the Dawn Center
3 of Hernando.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR PETIT: Every day that I'm
6 not at my job --

7 THE COURT: You've got to keep it down just a
8 little.

9 PROSPECTIVE JUROR PETIT: Sorry.

10 THE COURT: Okay. Go ahead.

11 PROSPECTIVE JUROR PETIT: There's somebody not
12 doing my job. I'm the child welfare advocate. I'm
13 the only one at the Dawn Center who understands
14 child welfare process start to finish from the CPI
15 to case management.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR PETIT: And it's my job to
18 make sure that the non-offending caregiver is not
19 blamed for the violence going on in the home. And
20 a lot of the times the CPIs aren't really focusing
21 on that. They're just safe run, safe child.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR PETIT: And they look at
24 mom, and they're, like, why didn't you leave? You
25 know, why didn't you do this? They don't look for

1 elements of power and control, you know.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR PETIT: And it's my job to
4 keep them cognizant of that.

5 THE COURT: And you're concerned that that's
6 not being done for the children and the for the
7 non-offending party in that matter?

8 PROSPECTIVE JUROR PETIT: Yeah. If I'm not
9 there every day doing consultations and staffings
10 with the CPIs and their supervisors, it's just not
11 something that's on the forefront of their minds
12 because they have so much to look for.

13 THE COURT: Okay. State, do you have any
14 questions?

15 MR. LABRUZZO: No, Your Honor.

16 MR. PURA: No questions.

17 THE COURT: Okay. Thank you, Mr. Peet [sic].
18 Thank you very much.

19 Defense?

20 MR. PURA: That's Mr. Petit.

21 THE COURT: Mr. Petit. Yeah. Sorry.

22 MR. PURA: Yeah. We would move for cause.

23 MR. LABRUZZO: We're objecting.

24 THE COURT: And what would be the objection?

25 MR. LABRUZZO: Judge, every person here has

1 other work they need to do. He never said that he
2 would not be able to specifically focus on this
3 case. He just said that the people at work are not
4 advocating in the manner in which he would advocate
5 if he were at work. I get that and I appreciate
6 that he has an important job, but I did not get the
7 impression that it was going to affect his ability
8 to sit as a fair and impartial juror here.

9 THE COURT: All right. I'll leave him on the
10 panel. I'm sure you will ask him some questions
11 about domestic violence and how he feels about
12 that. That will fix that problem. But we'll wait
13 until you ask everybody.

14 (Open Court.)

15 THE COURT: Ma'am, come on up.

16 (Bench Conference.)

17 THE COURT: Hi. How are you? And your name
18 again?

19 PROSPECTIVE JUROR ALLEN: Justina Allen.

20 THE COURT: Okay. Ms. Allen.

21 PROSPECTIVE JUROR ALLEN: As I stated
22 yesterday, it would be a hardship, but I would be
23 impartial. When I went to my employer and told
24 him, and they -- you know, they can't say a whole
25 lot about me being here for a long period of time,

1 but I may not be put back in the position that I
2 left. So I might be moved to a different
3 department. I'm really -- I know it's just my job,
4 but I love it.

5 THE COURT: Where do you work?

6 PROSPECTIVE JUROR ALLEN: I work for
7 Nationwide Title Company in Palm Harbor.

8 THE COURT: Okay. So they realize that
9 legally they cannot terminate you.

10 PROSPECTIVE JUROR ALLEN: Right. Right. But
11 they can move me.

12 THE COURT: But they can move you. And you
13 feel that based on your conversation with your
14 boss, that they may do that in your case?

15 PROSPECTIVE JUROR ALLEN: Especially where
16 I -- you know, I started it three months ago.

17 THE COURT: Okay. And the thought that they
18 may move you, would that so distract you that you'd
19 be unable to concentrate as a juror in this case?

20 PROSPECTIVE JUROR ALLEN: I think so. I
21 believe so.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR ALLEN: I mean, the
24 hardship, the mortgage-wise and all of that, I
25 could survive. But this is something I really love

1 doing and it's taken me so long to find a job that
2 I really enjoy going to every day.

3 THE COURT: And you're afraid that that might
4 be taken away from you?

5 PROSPECTIVE JUROR ALLEN: Yes.

6 THE COURT: State, any questions?

7 MR. LABRUZZO: No questions.

8 MR. PURA: No questions.

9 THE COURT: All right. Ms. Allen, thank you.
10 You may have a seat.

11 PROSPECTIVE JUROR ALLEN: All right. Thank
12 you.

13 THE COURT: Where do we stand on Ms. Allen?

14 MR. PURA: We'd move for cause. Strike her
15 for cause.

16 THE COURT: Are you okay with that?

17 MR. LABRUZZO: No objection.

18 THE COURT: Okay. So far I have for cause 21,
19 23, 52, and 72. Everybody else we're keeping so
20 far. Okay.

21 (Open Court.)

22 THE COURT: Ma'am, come on up.

23 (Bench Conference.)

24 MR. LIVERMORE: Melanie Cruz was for cause?

25 THE COURT: No. No. Melanie Cruz is fine.

1 MR. LIVERMORE: She is gone for cause?

2 MR. PURA: No, she's not.

3 THE COURT: No. Melanie Cruz is the wife of
4 the police officer. She just said she's fine.

5 PROSPECTIVE JUROR ESPAILLAT: Laura EspailLAT
6 with an E.

7 THE COURT: With an E?

8 PROSPECTIVE JUROR ESPAILLAT: Yeah.

9 THE COURT: Can you spell it for me.

10 PROSPECTIVE JUROR ESPAILLAT: E-s-p-a-i- --

11 THE COURT: Okay. I got it.

12 PROSPECTIVE JUROR ESPAILLAT: All right.

13 THE COURT: Yes, ma'am. I don't believe we
14 talked to you yesterday, correct?

15 PROSPECTIVE JUROR ESPAILLAT: No.

16 THE COURT: All right. And what would you
17 like to tell me.

18 PROSPECTIVE JUROR ESPAILLAT: I just want to
19 say that my job is very demanding. I'm a VPK
20 teacher.

21 THE COURT: A what teacher?

22 PROSPECTIVE JUROR ESPAILLAT: A VPK.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR ESPAILLAT: So my body is
25 here, my mind is not.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR ESPAILLAT: So I am thinking
3 is all the stuff that I need to, you know, to get
4 back them on track. And also I don't know anything
5 about this case, but if there's a minor involved,
6 that would be a big issue for me.

7 THE COURT: Okay. Well, let me just talk
8 about work for a minute.

9 PROSPECTIVE JUROR ESPAILLAT: Uh-huh.

10 THE COURT: You are paid for being here. You
11 work for the school board, correct?

12 PROSPECTIVE JUROR ESPAILLAT: No. It's
13 private.

14 THE COURT: It's private.

15 PROSPECTIVE JUROR ESPAILLAT: Yes.

16 THE COURT: So you would not be paid if you
17 were sat as a juror?

18 PROSPECTIVE JUROR ESPAILLAT: No.

19 THE COURT: So the do you feel that not being
20 paid in combination of the fact that your children
21 that you take care of in VPK would not have you as
22 a teacher, that you would be so distracted that you
23 couldn't pay attention to what's going on?

24 PROSPECTIVE JUROR ESPAILLAT: I will just be
25 distracted. I already am distracted.

1 THE COURT: You're already distracted?

2 PROSPECTIVE JUROR ESPAILLAT: Yes.

3 THE COURT: Okay. And if there is a child
4 just involved, let's say he or she is not a victim,
5 but there was a child that was around the incident.

6 PROSPECTIVE JUROR ESPAILLAT: Uh-huh.

7 THE COURT: You think that might affect your
8 ability to be a fair and impartial juror?

9 PROSPECTIVE JUROR ESPAILLAT: That will make a
10 big impact on me, yes.

11 THE COURT: Okay. Do you have any questions?

12 MR. LABRUZZO: Yes, ma'am.

13 Thank you for coming up here. How would it
14 have a big impact on you?

15 PROSPECTIVE JUROR ESPAILLAT: Because I just
16 think about the child and, you know, then I make a
17 picture in my mind and start thinking how that
18 child has reacted, what he saw, you know, what
19 happened.

20 THE COURT: So even if you don't hear evidence
21 of that, you're going to make it up in your mind?

22 PROSPECTIVE JUROR ESPAILLAT: I will do that.
23 Unfortunately, I tend to do that, yes.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR ESPAILLAT: And then, you

1 know, I used to work with children.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR ESPAILLAT: And then I start
4 thinking about the trauma and all that stuff.

5 THE COURT: All right. And you might project
6 that even though you didn't hear it as evidence?

7 PROSPECTIVE JUROR ESPAILLAT: Unfortunately,
8 yes.

9 MR. PURA: No questions.

10 THE COURT: Any questions?

11 MR. LABRUZZO: No. No, Your Honor.

12 THE COURT: All right. Ms. -- how do you
13 pronounce it again? Espailat?

14 PROSPECTIVE JUROR ESPAILLAT: Espailat.

15 THE COURT: Espailat.

16 PROSPECTIVE JUROR ESPAILLAT: You got it.

17 THE COURT: It's Laura, right?

18 PROSPECTIVE JUROR ESPAILLAT: Laura.

19 THE COURT: Okay. Thank you, ma'am. You may
20 have a seat.

21 PROSPECTIVE JUROR ESPAILLAT: Okay.

22 THE COURT: Juror Number 64.

23 MR. LABRUZZO: Uh-huh.

24 THE COURT: Defense?

25 MR. PURA: We'd move to strike for cause.

1 MR. LABRUZZO: We agree. No objection.

2 THE COURT: Yes. If somebody is going to be
3 making up stuff in their mind, I don't think either
4 side wants that. Sixty-four. Okay.

5 (Open Court.)

6 THE COURT: Sir, come on up.

7 (Bench Conference.)

8 THE COURT: We only got three left.

9 Mr. Peet?

10 PROSPECTIVE JUROR PEET: Yes.

11 THE COURT: Okay. Go ahead.

12 PROSPECTIVE JUROR PEET: I was recently
13 diagnosed with anxiety and depression, and I was
14 given medicine for it and I'm still kind of getting
15 used to it.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR PEET: So I don't know if I
18 really fall into the criteria that you need.

19 THE COURT: Did you take some today?

20 PROSPECTIVE JUROR PEET: I have not taken it
21 yet.

22 THE COURT: Okay. Not today?

23 PROSPECTIVE JUROR PEET: No. I'm supposed to
24 take it daily.

25 THE COURT: At what time?

1 PROSPECTIVE JUROR PEET: Usually by breakfast.

2 THE COURT: Okay. And you didn't take it
3 today?

4 PROSPECTIVE JUROR PEET: No. I didn't eat
5 breakfast yet.

6 THE COURT: You haven't eaten breakfast today?

7 PROSPECTIVE JUROR PEET: Uh-uh.

8 THE COURT: That's very bad. Okay. Because
9 it's about lunchtime.

10 PROSPECTIVE JUROR PEET: Yes.

11 THE COURT: So you need to take it with food,
12 is that why?

13 PROSPECTIVE JUROR PEET: Uh-huh.

14 THE COURT: And right now have you been able
15 to follow what we're doing? Sitting back there?
16 Talk to the other jurors?

17 PROSPECTIVE JUROR PEET: For the most part,
18 yeah. It's mainly like sleepiness and -- like
19 sleepiness and stuff like that.

20 THE COURT: Okay. So other than that, you're
21 just not sure? Right now you've had no problems,
22 but you just wanted to let us know?

23 PROSPECTIVE JUROR PEET: Uh-huh.

24 THE COURT: Okay. State, any questions?

25 MR. LABRUZZO: Yes. Thank you for coming up,

1 sir.

2 How does the medicine affect you? You kind of
3 said it does have an effect, but like what?

4 PROSPECTIVE JUROR PEET: Like it just gives me
5 like a haze. I don't know if you've heard of
6 Paxil.

7 MR. LABRUZZO: Uh-huh.

8 PROSPECTIVE JUROR PEET: It makes me kind of
9 like hazy, sometimes like fussy and spacey.

10 MR. LABRUZZO: Okay.

11 PROSPECTIVE JUROR PEET: And, I don't know, I
12 just didn't know if that would --

13 MR. LABRUZZO: No. That's fine. I just was
14 curious.

15 THE COURT: Defense, any questions?

16 MR. PURA: No.

17 THE COURT: All right. Mr. Peet, thank you
18 very much. You may go ahead and have a seat.
19 Okay? Thank you.

20 That's Juror 85. Where do we stand on 85?

21 MR. LABRUZZO: Judge, we'd move for cause.

22 THE COURT: Are you okay with causing him or
23 do you want to wait?

24 MR. PURA: No objection.

25 THE COURT: Okay. We'll cause 85. He takes

1 Paxil. It makes him fuzzy.

2 MR. LIVERMORE: Oh, Paxil, yes.

3 THE COURT: Yes. That's what --

4 MR. LIVERMORE: Yes. Say no more.

5 THE COURT: Okay. 85. And he hasn't even
6 taken it yet today, which is not good.

7 (Open Court.)

8 THE COURT: Ma'am, come on up.

9 (bench conference.)

10 MR. PURA: That was Peet, right?

11 THE COURT: Peet, yeah, 85. We had Petit and
12 Peet. I misspoke last time.

13 All right. Your name, ma'am?

14 PROSPECTIVE JUROR MAURY: Laura Maury.

15 THE COURT: Laura Maury. Okay. Ms. Maury,
16 what did you want to tell us?

17 PROSPECTIVE JUROR MAURY: So on Monday I went
18 into my work and let my manager know that I'm being
19 considered for this trial, it could be a few weeks.

20 I'm a senior librarian for Hillsborough
21 County. They let me know that I would be managing
22 a couple of branches next week. So I would need to
23 be there for the library to remain open, because
24 library systems can't maintain a library. And with
25 the hiring freeze, we're very short on coverage.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR MAURY: So I'm been very
3 anxious about getting that taken care of.

4 THE COURT: Okay. So as a member of the
5 library staff of Hillsborough County, are you paid
6 to sit as a juror if you're chosen?

7 PROSPECTIVE JUROR MAURY: I believe so.

8 THE COURT: Okay. So your boss has important
9 things for you to do. However, they can't find
10 someone else to do it, correct?

11 PROSPECTIVE JUROR MAURY: I don't know. We're
12 a very barebones staff right now.

13 THE COURT: Okay. Maybe they'll have to do
14 it.

15 Would it affect your ability to sit as a fair
16 and impartial juror? I mean, could you concentrate
17 on this and just tell them, I'm sorry, the judge is
18 making me sit as a juror?

19 PROSPECTIVE JUROR MAURY: I would be very
20 stressed out.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR MAURY: I would need to make
23 sure everything is taken care of.

24 THE COURT: Okay. State?

25 MR. LABRUZZO: Yes, ma'am. You said it's next

1 week.

2 PROSPECTIVE JUROR MAURY: Yeah.

3 MR. LABRUZZO: When is it next week and how
4 long does it last?

5 PROSPECTIVE JUROR MAURY: It's a full day. So
6 next Tuesday and next Thursday I'll be at two
7 different braches.

8 MR. LABRUZZO: Okay. And it's a full day?

9 PROSPECTIVE JUROR MAURY: Yeah.

10 MR. LABRUZZO: And there's no way to
11 reschedule that to some point after the holiday?

12 PROSPECTIVE JUROR MAURY: The braches are run
13 by one librarian staff, so they're required to take
14 a day off during the week, so that's why we need to
15 fill in.

16 MR. LABRUZZO: Okay. And what is it exactly?
17 I just didn't get the name.

18 PROSPECTIVE JUROR MAURY: Sure. For the
19 braches?

20 MR. LABRUZZO: The services that you're going
21 to be providing on that day, what are they?

22 PROSPECTIVE JUROR MAURY: I'm an in-charge
23 librarian, so I would be supervising the staff.

24 MR. LABRUZZO: Oh, okay. Okay. I got it.

25 PROSPECTIVE JUROR MAURY: Making sure the

1 building is opened and closed.

2 MR. LABRUZZO: I got it.

3 PROSPECTIVE JUROR MAURY: Yeah.

4 THE COURT: Defense, any questions?

5 MR. PURA: No questions.

6 THE COURT: All right. Ms. Maury, thank you
7 very much. You may have a seat.

8 PROSPECTIVE JUROR MAURY: Thanks.

9 THE COURT: Okay. What about her?

10 MR. LABRUZZO: I'm not asking for any.

11 THE COURT: You want to keep her for a while?

12 MR. PURA: Not necessarily, Judge. She's
13 obviously kind of stressed out already and we
14 haven't even really asked her any questions.

15 THE COURT: Well, I'm going to keep her,
16 because I mean when I asked if someone else can do
17 it, she kind of said, yes. So she's in the way
18 back. We'll see. I'll make her make another phone
19 call. So we're keeping her. That's 91. She's
20 staying.

21 (Open Court.)

22 THE COURT: Ma'am, come on up.

23 (Bench Conference.)

24 THE COURT: This is Ms. Driscoll, I think.

25 MR. PURA: Driscoll.

1 THE COURT: Isn't it Driscoll?

2 MR. PURA: Driscoll.

3 THE COURT: Okay. Yes, ma'am.

4 PROSPECTIVE JUROR DRISCOLL: You didn't ask,
5 but Maria, your court reporter, is my next door
6 neighbor. I don't really see her much.

7 THE COURT: She doesn't even recognize you.

8 PROSPECTIVE JUROR DRISCOLL: I haven't seen
9 her in months literally.

10 THE COURT: Okay. Is there anything about her
11 being the court reporter that would have you have a
12 hard time?

13 PROSPECTIVE JUROR DRISCOLL: No. No, not at
14 all.

15 THE COURT: Other than you'll do whatever she
16 says, just like I did?

17 PROSPECTIVE JUROR DRISCOLL: Of course.

18 THE COURT: All right. Well, I appreciate
19 that.

20 State, any questions?

21 MR. LABRUZZO: Is she a good neighbor. No,
22 I'm just kidding.

23 PROSPECTIVE JUROR DRISCOLL: Yes. Yes, she
24 is.

25 THE COURT: Defense, any questions?

1 MR. PURA: No, Judge.

2 THE COURT: All right. Ms. Driscoll, thank
3 you, though. That's an excellent use of what
4 you're supposed to tell me. Okay.

5 (Open Court.)

6 THE COURT: Sir, come on up.

7 (Bench Conference.)

8 THE COURT: Sir, your name?

9 PROSPECTIVE JUROR ROGERS: Alpheus Rogers.

10 THE COURT: Rogers. Yes, Mr. Rogers. I
11 remember. We talked to you yesterday a little bit,
12 didn't we?

13 PROSPECTIVE JUROR ROGERS: Yes.

14 THE COURT: Okay. Yes, sir.

15 PROSPECTIVE JUROR ROGERS: The usual. Your
16 Honor, I can't afford to be here for three weeks --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR ROGERS: -- to a month. My
19 employer does not pay for me to be here.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR ROGERS: So I mean --

22 THE COURT: And so last night when you went
23 home and you started trying to figure out how you
24 would be able to afford to sit as a juror --

25 PROSPECTIVE JUROR ROGERS: Well, because my

1 wife is a school teacher.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR ROGERS: I make less than
4 she does.

5 THE COURT: Okay. That's not saying much
6 right there.

7 PROSPECTIVE JUROR ROGERS: Okay.

8 THE COURT: And where do you work?

9 PROSPECTIVE JUROR ROGERS: I work for Tess,
10 Inc, LLC.

11 THE COURT: Okay. And you checked and they
12 don't pay.

13 PROSPECTIVE JUROR ROGERS: They don't pay for
14 my time.

15 THE COURT: Okay. And so when you went home
16 last night and tried to figure out how you would
17 pay your bills with no income other than \$15 a day
18 from the State, or \$20 or whatever it is, you
19 started getting a little stressed out?

20 PROSPECTIVE JUROR ROGERS: A little. Because
21 I mean I have a mortgage, I have car payments.

22 THE COURT: Do you think not paying those
23 bills, you would be distracted from being a fair
24 and impartial juror?

25 PROSPECTIVE JUROR ROGERS: I would be very

1 upset, yes.

2 THE COURT: Okay. State?

3 MR. LABRUZZO: I have no questions, Judge.

4 THE COURT: Defense, any questions?

5 MR. PURA: No, ma'am.

6 THE COURT: All right. Mr. Rogers, thank you
7 very much. You may have a seat. Okay?

8 PROSPECTIVE JUROR ROGERS: Thank you.

9 THE COURT: Mr. Rogers is Juror Number 32.
10 Where do we stand on 32?

11 MR. LABRUZZO: Judge, I'd move for cause. And
12 I'd also just add that he's the individual that did
13 have a vacation planned in the middle of our trial
14 towards the end. I think the 20th he was going to
15 Minnesota to visit his son who worked for Delta,
16 and so we were kind of up against that as it was.

17 THE COURT: Okay. Are we okay?

18 MR. PURA: Interesting that he can afford a
19 vacation.

20 MR. LABRUZZO: Well, remember he said his son
21 was flying him up there through Delta.

22 THE COURT: Yes. His son is the Delta pilot.

23 MR. PURA: No objection.

24 THE COURT: Okay. So that's Juror Number 32.

25 (Open Court.)

1 THE COURT: All right, sir. Come on up.

2 (Bench Conference.)

3 THE COURT: I believe this is Mr. Kotliar, but
4 I'm not exactly sure.

5 Sir, your name?

6 PROSPECTIVE JUROR BOYD: Wayne Boyd.

7 THE COURT: Boyd. Okay. Sorry. Mr. Boyd,
8 what do we have?

9 PROSPECTIVE JUROR BOYD: I just want to see
10 what can be done. I'm a single -- I'm not a single
11 father. I have a fiancée. But I'm a single of a
12 household income.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR BOYD: I have two children.
15 And that's going to be a heavy financial burden
16 with everything that's going on. And we're down to
17 one vehicle with Hurricane Irma taking out my
18 truck. My wife has doctors' appointments and
19 things that she has to go to because she's
20 disabled.

21 THE COURT: Okay. And so with you, when we
22 talked last, I think we did talk to you about the
23 money.

24 PROSPECTIVE JUROR BOYD: (Indicating
25 negatively.)

1 THE COURT: No?

2 PROSPECTIVE JUROR BOYD: Nobody -- nobody ever
3 brought me over.

4 THE COURT: Nobody talked to you yesterday.
5 Okay. Where do you work?

6 PROSPECTIVE JUROR BOYD: I work at the Pink
7 Plumber.

8 THE COURT: Okay. And they do not pay you for
9 your jury service.

10 PROSPECTIVE JUROR BOYD: They do not. I'm
11 commission.

12 THE COURT: So if you were here and not there,
13 do you think it would be so stressful, that you
14 wouldn't be able to concentrate on the case?

15 PROSPECTIVE JUROR BOYD: No.

16 THE COURT: No, you wouldn't be able to
17 concentrate?

18 PROSPECTIVE JUROR BOYD: No. It wouldn't
19 affect me as to the case.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR BOYD: I'll be perfectly
22 honest with you. It would not affect me in any
23 way, shape or form as to do my job as a juror.

24 THE COURT: So you wouldn't be able to do your
25 job as a juror?

1 PROSPECTIVE JUROR BOYD: It wouldn't bother me
2 to do my job as juror.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR BOYD: But it would be a
5 heavy financial stress on my family.

6 THE COURT: Okay. So I would expect that if
7 you're sitting over there and you're trying to pay
8 attention but you're thinking about what's not
9 being paid, you might be distracted somewhat?

10 PROSPECTIVE JUROR BOYD: There's always that
11 chance. I'm only human. But I can just tell you
12 that I don't think that would be -- to be honest, I
13 don't think that would be big distraction.

14 THE COURT: But it would be a heavy financial
15 burden?

16 PROSPECTIVE JUROR BOYD: It would be a heavy
17 financial burden.

18 THE COURT: Okay. All right. State, any
19 questions?

20 MR. LABRUZZO: No, Your Honor.

21 THE COURT: Any questions from Defense?

22 MR. PURA: No, Judge.

23 THE COURT: All right. Mr. Boyd, thank you
24 very much. You may have a seat.

25 I'm trying to find him in my numbers.

1 MR. LABRUZZO: He's in the front row.

2 THE COURT: Oh, there he is. Right there.

3 Juror Number 10. I knew he was in there.

4 MR. PURA: I admire his determination. And,
5 you know, he's not going to admit that he can't do
6 his job. But...

7 THE COURT: I think he pretty much admitted.

8 MR. LABRUZZO: I'm not objecting to move for
9 cause.

10 THE COURT: All right. He'll be out, Juror
11 Number 10.

12 (Open Court.)

13 THE COURT: Ma'am, come on up.

14 (Bench Conference.)

15 THE COURT: I just have two more.

16 MR. LIVERMORE: Until the next one.

17 THE COURT: No, we're not. That's it. Put
18 the rope up.

19 All right. Ma'am, your name?

20 PROSPECTIVE JUROR NYSTROM: Sarah Nystrom.

21 THE COURT: Okay. Ms. Nystrom, what would you
22 like us to know.

23 PROSPECTIVE JUROR NYSTROM: I realize we all
24 have jobs and responsibility. I'm a charge nurse
25 in a busy labor and delivery unit.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NYSTROM: And we already
3 have several nurses out on medical reasons.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NYSTROM: So they're going
6 to be kind of hard-pressed without me. Personally,
7 I don't care one way or the other, but I just
8 promised them that I would let you know.

9 THE COURT: My question to you is -- I
10 personally like my delivery nurses -- would you be
11 distracted if you were picked as a juror knowing
12 that other members of your staff had to take your
13 shifts?

14 PROSPECTIVE JUROR NYSTROM: No.

15 THE COURT: No. Okay.

16 Any questions?

17 MR. LABRUZZO: No.

18 THE COURT: Defense?

19 MR. PURA: No.

20 THE COURT: Okay. So you just tell them that
21 the judge said you have to sit here. If you're
22 picked, you're picked. If you're not, you're not.

23 PROSPECTIVE JUROR NYSTROM: At least I can say
24 that I tried.

25 THE COURT: You did try. And you gave it a

1 good effort.

2 PROSPECTIVE JUROR NYSTROM: All right.

3 THE COURT: Thank you.

4 So she's fine.

5 (Open Court.)

6 THE COURT: Sir, you'll be the last, but not
7 least. Come on up.

8 (Bench Conference.)

9 THE COURT: Hi. How are you?

10 PROSPECTIVE JUROR RODRIGUEZ: Good morning.

11 THE COURT: Can you remind me of your name?

12 PROSPECTIVE JUROR RODRIGUEZ: Carlos

13 Rodriguez.

14 THE COURT: Rodriguez. That's right. I know
15 we talked a little bit with you yesterday.

16 PROSPECTIVE JUROR RODRIGUEZ: Yes.

17 THE COURT: What's going on, Mr. Rodriguez?

18 PROSPECTIVE JUROR RODRIGUEZ: So this is my
19 third day without going to work.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR RODRIGUEZ: I normally do 50
22 hours a week.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR RODRIGUEZ: Ten-hour shifts,
25 five days a week. I do not economically depend on

1 anybody else within my household.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR RODRIGUEZ: So I know for a
4 fact I'm definitely going to fall short like for
5 this week in terms of car payments and --

6 THE COURT: Making your bills?

7 PROSPECTIVE JUROR RODRIGUEZ: -- and car
8 insurance and whatnot. I know this is, I believe,
9 within the questionnaire that I read on Monday, it
10 could be a case that could extend all the way to
11 November 22nd.

12 THE COURT: Correct.

13 PROSPECTIVE JUROR RODRIGUEZ: So within the
14 next week and the following, I will be receiving
15 family from Puerto Rico --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR RODRIGUEZ: -- due to the
18 situation over there still where there's only
19 around 20 percent, I believe, of the island with
20 energy.

21 THE COURT: Right. So you're having some of
22 those people come stay with you for a while?

23 PROSPECTIVE JUROR RODRIGUEZ: Yes. And then
24 possibly having my younger cousin to stay here and
25 continue his studies here because they are using

1 some of the schools and the colleges as a shelter.

2 So that's possibly something that I would --
3 we would like to talk with him to possibly stay
4 here. So he'll be coming within the next two
5 weeks.

6 THE COURT: And so you'll also be providing
7 for the household with these people coming in from
8 Puerto Rico until they can get their own
9 employment?

10 PROSPECTIVE JUROR RODRIGUEZ: Yes. Exactly.

11 THE COURT: All right. And if you were chosen
12 as a juror, as I said yesterday, if I forced you to
13 be a juror, for lack of a better term, do you think
14 that that would be so stressful on you, you'd have
15 a hard time listening to the evidence in this case
16 and paying attention? You might be thinking of the
17 people that's coming from Puerto Rico and the
18 money?

19 PROSPECTIVE JUROR RODRIGUEZ: I believe that
20 would definitely put some concern in terms of me,
21 you know, having to deal with that. This is my
22 first time as well.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR RODRIGUEZ: So this is a new
25 experiences to me.

1 THE COURT: And so even with the three days
2 that we've had you here, you're already behind on
3 your bills?

4 PROSPECTIVE JUROR RODRIGUEZ: I could say so,
5 yes. And then also within my workplace, within my
6 team, I'm the only one lift-operated licensed. So
7 at least in terms of my work or job description is
8 setting up seasonal displays within my workplace.

9 So right now and Christmas, there's a couple
10 of gifts on our pallets up in the overheads and
11 whatnot that are supposed to be down. So right now
12 this week they're falling behind. I mean, I've
13 been speaking with my supervisor on a daily basis,
14 giving her the situation.

15 THE COURT: You're not getting a good feedback
16 on that, are you?

17 PROSPECTIVE JUROR RODRIGUEZ: Yeah.

18 THE COURT: All right. State?

19 MR. LABRUZZO: Where do you work, sir?

20 PROSPECTIVE JUROR RODRIGUEZ: At the Home
21 Depo.

22 MR. LABRUZZO: All right.

23 MR. PURA: No questions.

24 THE COURT: All right. Thank you, sir.

25 PROSPECTIVE JUROR RODRIGUEZ: Thank you.

1 THE COURT: He's Juror Number 44, I believe.

2 MR. PURA: Correct.

3 THE COURT: Carlos Rodriguez. Where do we
4 stand on Mr. Rodriguez?

5 MR. LABRUZZO: Judge, I'd move for cause for
6 the Puerto Rico issue.

7 THE COURT: Any objection?

8 MR. PURA: No, ma'am.

9 THE COURT: Okay. So these are the ones I
10 have to be excused: Juror Number 10, Mr. Boyd.
11 Juror Number 21, Ms. Foster. Juror Number 23,
12 Peoples. Juror Number 32, Rogers. Juror
13 Number 44, Mr. Rodriguez, who we just talked to.
14 Juror Number 64 -- no. I'm sorry. Juror Number 52
15 Calhoun. Sixty-four, Espaillat. Juror Number 72,
16 Allen. Juror Number 85, Peet.

17 Is that what we all agreed to?

18 MR. LABRUZZO: Yes.

19 THE COURT: Everybody else will stay and we'll
20 continue.

21 MR. PURA: Mr. Carter, what about Number 15.

22 THE COURT: Oh, we already released him. He's
23 gone.

24 MR. PURA: Oh, that was previously?

25 THE COURT: Uh-huh. He's gone. So I already

1 have him off as cause.

2 These are the new people.

3 MR. PURA: Okay.

4 THE COURT: But Mr. Carter was excused for
5 cause.

6 MR. PURA: I knew that. I thought he was part
7 of this batch.

8 THE COURT: No. I had already put him off.
9 Do we all agree to them?

10 MR. PURA: Yes.

11 THE COURT: I just want to make sure.

12 MR. LABRUZZO: Yes.

13 THE COURT: So I'm going to mark them off on
14 my list. 10, 21, 23, 32, 44, 52, 64, 72, and 85.
15 All right. Thank you.

16 (Open Court.)

17 THE COURT: Ladies and gentlemen, we talked to
18 a lot of you. A few of you we can release and the
19 rest of you that came up here, the lawyers have a
20 few more questions for you as a panel, as a whole.

21 So if I read your name, you are released. You
22 can step downstairs to the jury pool room and turn
23 in your badge, and you are gone and don't have to
24 come back. Okay. I promise.

25 Juror Number 10, Mr. Boyd, you're good. Thank

1 you, sir.

2 And this is the seat number that you're in,
3 not any number that they've given you. Okay? This
4 is for the record for my lawyers.

5 Seat Number 21, Danielle Foster, you're
6 released, ma'am.

7 Seat Number 23, Christopher Peoples. Sir,
8 you're released.

9 Seat Number 32, Mr. Rogers, you are released.

10 Seat Number 44, Mr. Rodriguez, you're
11 released. Yes, Mr. Rodriguez, you're good.

12 Seat Number 52, Ms. Calhoun. Ms. Calhoun, you
13 are released.

14 MR. PURA: Judge, I think it's the wrong
15 Rodriguez.

16 THE COURT: Oh, oh, we lost the wrong
17 Rodriguez?

18 MR. PURA: Yes, you said 44.

19 THE COURT: I think I wrote the wrong number
20 down.

21 THE BAILIFF: Okay.

22 THE COURT: We had both Rodriguezes come up.
23 Can we have Mr. Rodriguez come back. Can I have
24 the lawyers here. Come back up.

25 See, my bad. That Rodriguez has to stay.

1 That Rodriguez gets to go. That's going to be bad.
2 He's, like, running out the door. They're going
3 to, like, tackle him. It's going to be bad.

4 (Bench Conference.)

5 THE COURT: My bad.

6 MR. PURA: He couldn't get out of here fast
7 enough.

8 THE COURT: I know. He's, like, (indicating.)
9 Well, he's the one that we said --

10 MR. PURA: I know.

11 THE COURT: He did come up. I didn't realize
12 we had two Rodriguezes come up.

13 (Open Court.)

14 THE COURT: Carlos Rodriguez is good. I
15 promise, we are not coming after you. You're good
16 to go.

17 While we bring in the other Rodriguez back, I
18 have Ms. Espaillat. Laura -- how do you pronounce
19 it?

20 PROSPECTIVE JUROR ESPAILLAT: Espaillat.

21 THE COURT: Yes. You are released.

22 Ms. Allen. Justina Allen. Ms. Allen, you are
23 released.

24 And Joshua Peet. Mr. Pete. Sir, you are
25 released.

1 Let's hope we get the other Rodriguez back.

2 MR. MICHAILOS: What number is Peet, Your
3 Honor? What number was that?

4 THE COURT: No. He was 85.

5 MR. MICHAILOS: Okay. Thank you.

6 THE COURT: Mr. Petit is staying for right
7 now. I promise we're going to continue to talk to
8 him. I'm just going to see if we can get the other
9 Mr. Rodriguez back before we move on here for a
10 minute.

11 While we wait for Mr. Rodriguez, let me remind
12 you all -- the other Mr. Rodriguez. I will remind
13 you all, we talked about this, about the phones.
14 Okay. It's still the same rules. Have them off
15 for definitely they won't ring in the courtroom.
16 Put them in your purse. Put them in your pocket.
17 No looking up anything. No researching anything.
18 That will pretty much go throughout the trial.

19 If you are chosen as a juror in my courtroom,
20 I have a box that we seat over here on the jury
21 bench right there, and when you come in, I actually
22 confiscate your phones.

23 Mr. Rodriguez, I apologize. They have a few
24 more questions for you. I really do. I hope there
25 wasn't any physical force to bring you back. I

1 promise, the lawyers just had a few more questions
2 for you and the panel as a whole. Okay?

3 PROSPECTIVE JUROR RODRIGUEZ: Okay.

4 THE COURT: And I do apologize. The other one
5 snuck out while you were going down.

6 But if you are chosen as a juror, I will
7 borrow your phones while you are in the jury box.
8 I will give them back to you at every break. You
9 can't have them in the jury room when you
10 deliberate anyway. But while the trial is going
11 on, I actually put them in a box and put them in a
12 drawer right here. Okay?

13 Whether it's an iPad, a cell phone, whatever
14 you have, anything electronic, I actually take them
15 and put them in the drawer right here in the
16 courtroom, we don't remove them, and at every break
17 we give them back.

18 Is anybody so attached to their electronic
19 devices that they cannot part with them while they
20 are in the jury box? If you are so attached,
21 please raise your right hand.

22 I will tell you if there's any need for an
23 emergency number for someone to contact you for any
24 reason, I give each of you a contact number. My
25 judicial assistant, you have seen her in and out,

1 she is the best ever. She is downstairs. The
2 number will reach her. She will email me right
3 here. I would immediately take a break, give your
4 phone back, and let you call the person back.

5 So I know everyone pretty much has something
6 going on, whether it's little kids or family
7 members going on. I would give you a number. You
8 can be reached. We will take a break. Okay? Even
9 if you're deliberating, I would take a break. It
10 doesn't matter. I would let you make that phone
11 call to figure out what's going on.

12 The other thing that I have to talk to you
13 about, and this is probably going to take up the
14 better part of this morning before we take our
15 lunch break, and I guarantee you you will get one,
16 is that I'm going to read again to those who are
17 already here, but for the new groups, I'm going to
18 read the charging document in this case.

19 This is merely a piece of paper that is filed
20 by the State Attorney's Office in every matter, and
21 what it does is put the person who is charged with
22 a crime on notice of what they are being charged
23 with. It is not evidence and you should not
24 consider it as such.

25 We had an additional questionnaire for you.

1 So most of you know from reading that questionnaire
2 this is a murder case. But what this does is lay
3 out the actual charges, the victims that the
4 defendant is charged. He sits as an innocent man.
5 So all this is is a way to tell someone what the
6 charges are.

7 It also allows me to read to you a little bit
8 of the facts, so if anything comes to your mind
9 that you didn't think of when you looked at that
10 questionnaire yesterday that we need to know before
11 we move further.

12 All right. So Mr. Matos is charged with
13 between August 28th, and September 1st of 2014, in
14 the county of Pasco, State of Florida, he did
15 unlawfully and from a premeditated design to effect
16 the death of Nicholas Leonard, did cause blunt
17 force trauma to the said Nicholas Leonard, and as a
18 direct result thereof, the said Nicholas Leonard
19 died; contrary to Chapter 782.04(1)(a), of the
20 Florida Statutes. That is Count I.

21 Count II is that Mr. Matos did between
22 August 28th and September 1st of 2014, in Pasco
23 County, State of Florida, unlawfully and from a
24 premeditated design to effect the death of Megan
25 Brown, did discharge a firearm and shoot the said

1 Megan Brown with a firearm, and as a direct result
2 thereof, the said Megan Brown died, and during the
3 commission of the offense Adam Matos actually
4 possessed and discharged a firearm and as a result
5 of the discharge death was inflicted upon Megan
6 Brown; contrary to Chapter 782.04(1)(a), of the
7 Florida Statutes. That is Count II.

8 Count III alleges that Mr. Matos did, in the
9 county of Pasco, State of Florida, on or between
10 August 28th and September 1st of 2014, unlawfully
11 and from a premeditated design to effect the death
12 of Gregory Brown, did discharge a firearm and shoot
13 the said Gregory Brown with a firearm, and as a
14 direct result thereof, the said Gregory Brown died,
15 and during the commission of the offense Adam Matos
16 actually possessed and discharged a firearm and as
17 a result of the discharge death was inflicted upon
18 Gregory Brown; contrary to Chapter 782.04(1)(a), of
19 the Florida Statutes. Count III.

20 And Count IV is that Adam Matos, in the county
21 of Pasco, State of Florida, on or between
22 August 28th and September 1st in 2014, unlawfully
23 and from a premeditated design to effect the death
24 of Margaret Brown, did cause blunt head trauma to
25 the said Margaret Brown, and as a result thereof,

1 the said Margaret Brown died; contrary to Chapter
2 782.04(1)(a), of the Florida Statutes.

3 So that is the charging document in this case.
4 Does anybody recognize anything further that we did
5 not talk about either Monday or Tuesday just based
6 on what I've just read? If you do, please raise
7 your hand.

8 THE PROSPECTIVE JURY: (No audible response.)

9 THE COURT: All right. I see no hands raised.

10 Can I have the lawyers at the bench just
11 briefly.

12 (Bench Conference.)

13 THE COURT: At this moment I was intending to
14 read them about weighing the aggravating factors
15 and circumstances. So I was going to tell them
16 that if the jury finds him guilty of the charges,
17 any charges of first-degree murder, and they find
18 him guilty beyond a reasonable doubt of
19 first-degree murder, then the punishment for that
20 crime would either be life in prison without the
21 possibility of parole or death.

22 And normally in Florida, a jury doesn't make a
23 recommendation about sentencing, but because this
24 is a death case, they are required to make a
25 decision -- and I'm going to use the word

1 "decision" -- regarding the appropriate sentence
2 that should be based upon proven aggravating
3 factors and established mitigating circumstances.

4 And we're going to talk about, a little bit
5 about -- and at the end, I'm going to say, we need
6 to know if your beliefs either in favor of or
7 against capital punishment would substantially
8 impair your ability to consider the issues of
9 aggravating factors or mitigating circumstances.

10 We already talked about the weighing
11 paragraph. I'm going to read the weighing
12 paragraph that we already talked about, and that
13 way I can get anybody who will say, I don't want to
14 impose the death penalty; hey, there's four deaths
15 here, I can't see any way I wouldn't, those kinds
16 of things.

17 Anybody have an objection to that?

18 MR. PURA: Well, do you anticipate bringing
19 them up one at a time?

20 THE COURT: Yes.

21 MR. PURA: To talk about automatic deaths and
22 automatic lifes?

23 THE COURT: Yes. Only if they believe their
24 beliefs, their personal beliefs would affect their
25 ability to make these decisions.

1 MR. PURA: We're going to have a lot of people
2 up here individually, you know that. And I'm going
3 to have extensive questions to ask them. I'm just
4 giving you the heads up.

5 MR. LIVERMORE: Do you want to do that after
6 lunch?

7 THE COURT: I could do it after lunch if you
8 all want.

9 MR. PURA: There's a lot self-rated 10s, for
10 example.

11 THE COURT: Right. Right. Well, we're not
12 going to talk about the 1s or the 10s. So we may
13 not get as many questions. I'm sure you're going
14 to go there.

15 But I just want to see how many people raise
16 their hand when I say "substantially impairs". I
17 get a feeling we're only going to have a couple who
18 say --

19 MR. PURA: I get a feeling we're going to have
20 quite a bit more than that.

21 THE COURT: Well, I think we're going to get a
22 few people saying my religious beliefs. But other
23 than that, I'll tell them that we're going to have
24 further questions about this matter. Okay?

25 I'm just trying to find out somebody who right

1 off the bat believes their beliefs would not allow
2 them to follow the instructions. Because I'm going
3 to read them the instructions that they've got to
4 find an aggravator, weigh an aggravator; find a
5 mitigator, weigh a mitigator. All right?

6 MR. LABRUZZO: Judge, the State's reluctant.
7 I tend to agree with the Defense. I think we may
8 get more people.

9 THE COURT: Well, why don't we see what we
10 get.

11 MR. LABRUZZO: Okay.

12 THE COURT: Why don't we see what we get.
13 Okay. All right.

14 (Open Court.)

15 THE COURT: All right. Ladies and gentlemen,
16 I just read you the charging document in this case,
17 and so you know that the State has charged
18 Mr. Matos with first-degree murder in this case.

19 And if you are chosen as a juror in this
20 matter, if you find the defendant guilty beyond a
21 reasonable doubt of even one count of first-degree
22 murder, the punishment in the state of Florida for
23 that is either life imprisonment without the
24 possibility of parole or death.

25 And you as jurors your decision regarding the

1 appropriate sentence needs to be made at the end of
2 the trial in a separate hearing if the jury returns
3 a verdict of first-degree murder on any of the
4 counts.

5 So let me just lay it out for you. We would
6 have a first phase of the trial. It is the same
7 jury. We don't change. But the first thing the
8 jury would have to decide, that is chosen in this
9 matter, is whether Mr. Matos is guilty beyond a
10 reasonable doubt of at least one count of
11 first-degree murder.

12 And normally I don't like to talk about
13 sentencing when we're talking about guilt or
14 innocence, but it's necessary because the same jury
15 will decide whether he's guilty or not guilty, and
16 if they decide that he's guilty of at least one
17 count of first-degree murder, there is a second
18 part. And we figured that out in the timeframe,
19 just so you know, in our timeframe. That's why our
20 timeframe is so big. We'd have a second mini trial
21 on sentencing.

22 And if you were at that second phase, so
23 hypothetically the jury has returned a verdict
24 guilty beyond a reasonable doubt on Mr. Matos on at
25 least one count of first-degree murder, the jury's

1 decision regarding sentencing of whether life in
2 prison or death would be based on proven
3 aggravating factors and established mitigating
4 circumstances that would be presented to you by
5 both sides during that second part of the trial.

6 What you would do is you must weigh whether
7 the aggravating factors, if you find them, exist,
8 and if they are sufficient for you to justify the
9 imposition of a death sentence; and then, second,
10 whether the aggravating factors, if exist, outweigh
11 any mitigating circumstances that you find exist.

12 And based on all of the circumstances that you
13 would hear during that second phase, pursuant to
14 instructions that I would read to you then, you
15 would have to decide whether the defendant should
16 be sentenced to life in prison without the
17 possibility of parole, or death.

18 The process of weighing those aggravating
19 factors, if you find they exist; and the mitigating
20 circumstances, if you find they exist, is not a
21 mechanical or a mathematical formula that I can
22 give you. Okay?

23 In other words, you should not merely total up
24 the amount of the aggravating factors, if you find
25 they exist, and compare those against any

1 mitigating circumstances that you might find exist;
2 but the law contemplates that different factors or
3 circumstances may be given different weights or
4 values by each individual juror that's chosen in
5 this matter.

6 Therefore, in your decision-making process
7 each individual juror individually must decide what
8 weight is given to a particular factor or
9 circumstance.

10 And regardless of the results of each
11 individual juror's weighing process, even if you
12 find that there is sufficient aggravating factors
13 and they outweigh the mitigating circumstances, the
14 law does not compel nor require you to determine
15 that the defendant should be sentenced to death.
16 But we as a group need to know now. We may not
17 even get to the second phase, but we can't talk
18 about it later. We've got to talk about it now.

19 We need to know if any of you here have
20 certain beliefs either in favor of or against
21 capital punishment that would substantially impair
22 your ability to consider, to just consider the
23 issues of aggravating factors, mitigating
24 circumstances, and the imposition of life in prison
25 or a death sentence.

1 So I'm going to go row by row. We may have a
2 lot of people, based on what I say. And I can
3 guarantee you no matter what we do here, the
4 lawyers are going to talk about this again because
5 it's a very important part of jury selection and
6 that's why we need all of you to make this
7 decision.

8 Is there anybody who believes that they have
9 some specific belief that they could not make this
10 weighing? Now, how it's done, that's another day.
11 But they just couldn't do it? There's no way?
12 There's something about them or their belief
13 structure that says, I cannot follow your
14 instructions, Judge? No matter what you say, no
15 matter what instructions I give you, no matter how
16 I weigh it, there's only one answer I can come up
17 with?

18 So is there anybody in the first row that just
19 thinks they have such a deep-seated belief either
20 in favor of or against the death penalty, that they
21 don't believe that they can follow any instruction
22 or any thought process of some aggravators and
23 mitigators in making a decision that way?

24 Anybody in the first row?

25 THE PROSPECTIVE JURY: (No audible response.)

1 THE COURT: All right. I see no hands.

2 Anybody over here?

3 THE PROSPECTIVE JURY: (No audible response.)

4 THE COURT: Anybody in the second row?

5 PROSPECTIVE JUROR OTAMENDI: (Indicating.)

6 THE COURT: All right. Yes, sir. Your name?

7 PROSPECTIVE JUROR OTAMENDI: Juan Otamendi.

8 THE COURT: All right, sir. And exactly what
9 is your belief structure?

10 PROSPECTIVE JUROR OTAMENDI: I'm a minister of
11 the Gospel of Jesus Christ. So I'm against the
12 death penalty.

13 THE COURT: Okay. And again your name?

14 PROSPECTIVE JUROR OTAMENDI: Juan Otamendi.

15 THE COURT: Okay. Sir, I'm going to have you
16 have a seat. We're going to make a note of that.
17 We may have further questioning for you.

18 Anyone else in that row?

19 THE PROSPECTIVE JURY: (No audible response.)

20 THE COURT: Anybody in the second row over
21 here?

22 THE PROSPECTIVE JURY: (No audible response.)

23 THE COURT: Anyone in the third row?

24 PROSPECTIVE JUROR SANTANA: (Indicating.)

25 THE COURT: Okay. I see a hand. Please stand

1 up and give me your name.

2 PROSPECTIVE JUROR SANTANA: Keetssy Santana.

3 THE COURT: Okay. Ms. Santana.

4 PROSPECTIVE JUROR SANTANA: I'm against the
5 death penalty.

6 THE COURT: Okay. We have a pastor here. Is
7 it a religious belief --

8 PROSPECTIVE JUROR SANTANA: Yes.

9 THE COURT: -- or is it a personal belief?

10 PROSPECTIVE JUROR SANTANA: A Christian
11 belief.

12 THE COURT: Okay. It's your Christian
13 background?

14 PROSPECTIVE JUROR SANTANA: Yes.

15 THE COURT: Okay. We're still going to have
16 more questions for you, but I was trying to figure
17 out if it's a religious or a personal. It kind of
18 blends together. But you're saying it's because of
19 your Christian beliefs?

20 PROSPECTIVE JUROR SANTANA: Yes.

21 THE COURT: Okay. Thank you, ma'am.

22 PROSPECTIVE JUROR SANTANA: You're welcome.

23 THE COURT: Anybody else on the third row
24 here?

25 PROSPECTIVE JUROR RODRIGUEZ: (Indicating.)

1 THE COURT: All right. I see another hand.

2 Yes, sir. Mr. Rodriguez.

3 PROSPECTIVE JUROR RODRIGUEZ: Yes.

4 THE COURT: Yes, sir.

5 PROSPECTIVE JUROR RODRIGUEZ: I am against the
6 death penalty.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR RODRIGUEZ: I am against the
9 death penalty.

10 THE COURT: And what is the beliefs that you
11 hold?

12 PROSPECTIVE JUROR RODRIGUEZ: A Christian
13 belief.

14 THE COURT: Okay. Same thing? It's a
15 religious belief that you have?

16 PROSPECTIVE JUROR RODRIGUEZ: Yes.

17 THE COURT: Okay. And, again, we're going to
18 have some further questions. I'm just trying to
19 get a little idea.

20 Fourth row, anyone?

21 THE PROSPECTIVE JURY: (No audible response.)

22 THE COURT: Fourth row over here, anyone?

23 THE PROSPECTIVE JURY: (No audible response.)

24 THE COURT: Fifth row?

25 THE PROSPECTIVE JURY: (No audible response.)

1 THE COURT: Sixth row? Hundredth row? I
2 don't know how many rows I have back there.

3 PROSPECTIVE JUROR MAURY: (Indicating.)

4 THE COURT: Yes, ma'am. Go ahead and stand up
5 and give me your name.

6 PROSPECTIVE JUROR MAURY: My name is Laura
7 Maury.

8 THE COURT: All right. Ms. Maury, I'm sorry,
9 I should have remembered your name by now.

10 And where do you stand?

11 PROSPECTIVE JUROR MAURY: I'm against the
12 death penalty for religious reasons.

13 THE COURT: Same thing that we've heard? Is
14 it a Christian belief?

15 PROSPECTIVE JUROR MAURY: A Christian belief.

16 THE COURT: A Christian belief. Okay.

17 Anyone else that hasn't raised their hand?

18 THE PROSPECTIVE JURY: (No audible response.)

19 THE COURT: Okay. All right. So that gives
20 us four that both sides will want to talk to you
21 about that. Okay?

22 Now, I can guarantee you there will be more
23 questions, a little bit more nuance about the issue
24 for other people too; but they needed to know if
25 absolutely based on your Christian beliefs or your

1 upbringing, that you could not even start to look
2 at my instructions, because it wouldn't matter what
3 they say, you're not going to be able to follow
4 them.

5 And that's what I get from you four; is that
6 correct?

7 PROSPECTIVE JUROR RODRIGUEZ: (Indicating.)

8 PROSPECTIVE JUROR OTAMENDI: (Indicating.)

9 PROSPECTIVE JUROR SANTANA: (Indicating.)

10 PROSPECTIVE JUROR MAURY: (Indicating.)

11 THE COURT: Yes? Okay.

12 All right. What we're going to do is we're
13 going to take lunch at this time, and we're going
14 to have you back down in the jury pool room at
15 1:35.

16 When we come back, the State is going to begin
17 their questioning. Okay? And when they're done
18 with their questioning, the Defense gets their
19 turn.

20 I try not to ask too many questions because
21 they have their own questions. You all have been
22 very kind to me and listened intently, and we'll
23 move along as quickly as we can.

24 As soon as the State is done with their
25 questioning, we'll take another break, and the

1 Defense will have their questions.

2 Hopefully, we can get done in a reasonable
3 time. But if everyone would continue to maybe
4 stand up when we ask some questions so I can hear
5 you. And in the meantime do not talk about the
6 case. Do not Google, text, put anything online.
7 No texting. No blogging. No driving by the
8 scenes.

9 Can everybody follow my instructions?

10 Everybody follow my instructions? Yes?

11 THE PROSPECTIVE JURY: Yes.

12 THE COURT: All right. We'll see you back
13 downstairs at 1:35.

14 (Prospective Jurors Absent.)

15 THE BAILIFF: Prospective jurors are out of
16 the hearing of the Court.

17 THE COURT: All right. So it wasn't as many
18 people as you guys thought. So only four.

19 My question to you all is when they come back
20 from lunch, would either side like me to bring the
21 four jurors up who made those comments and you
22 could individually voir dire them on those issues?

23 Mr. Pura? I would assume that you have
24 extensive questioning and you don't want to
25 embarrass them. But I can bring those four up and

1 we can do it simultaneously or individually,
2 whatever you'd like.

3 MR. LABRUZZO: Are you talking outside the
4 rest of the panel?

5 THE COURT: Yes. We'd leave the panel
6 downstairs. At 1:30, I'd bring the four jurors up
7 who made their comments. I have Juan Otamendi,
8 Santana, Maury, and Rodriguez.

9 MR. LABRUZZO: The State would be okay with
10 that, Judge.

11 MR. PURA: I'd ask to voir dire them as a
12 group, as part of the group.

13 THE COURT: Okay. So you are asking me to
14 allow them to be voir-dired? You're not asking for
15 individual voir dire on those issues?

16 MR. PURA: I'm asking to be able to ask them
17 individually questions in front of the group.

18 THE COURT: Right. I understand what you're
19 saying. Of course you'd be able to ask them those
20 questions, but you do not wish to have sequestered
21 individual voir dire of those four witnesses?

22 MR. PURA: We're not requesting that, no.

23 THE COURT: Okay.

24 MR. LABRUZZO: Judge, we would request it.

25 THE COURT: Okay.

1 MR. LABRUZZO: Because they've already
2 identified themselves as a cause issue.

3 THE COURT: Okay.

4 MR. LABRUZZO: And, you know, for the sake of
5 not poisoning the rest of the panel as to the cause
6 issue, that would be an issue that we would ask to
7 be outside of the panel.

8 THE COURT: All right. I'm going to bring
9 them up all four together.

10 They all have the same issue. So I'm going to
11 bring them up away from the rest of the panel and
12 voir dire them. I'll let both sides talk to them
13 as a group, those four people, since they all said
14 the same thing.

15 They may have different value structures. I'm
16 sure the pastor may have a different value
17 structure than someone who just goes to a church.
18 But I'll bring all four of them up and let you all
19 talk to them outside the presence of the jury. And
20 unless they are cause challenged at the end, they
21 will remain.

22 Yes?

23 MR. PURA: Judge, if I'm not going to be
24 voir-diring them in front of the panel, then I
25 choose to voir dire them individually as opposed to

1 four of them together.

2 THE COURT: Okay. That's fine. At 1:35, when
3 they're back, I will have the clerk bring up those
4 four jurors, and we'll bring them in individually
5 and talk to them about that issue and clarify.

6 If we cause challenge them, then they'll be
7 released and then we can move on with the panel as
8 a whole. So we'll move on.

9 Any problem with that?

10 MR. LABRUZZO: No, Judge.

11 THE COURT: Okay. We'll see you all back at
12 1:35.

13 MR. LABRUZZO: Judge, can Mr. Pura and I
14 approach on the record?

15 THE COURT: Sure.

16 (Bench Conference.)

17 MR. LABRUZZO: Judge, I just wanted to bring
18 to your attention that normally when I'm selecting
19 the jury, normally I turn my phone off and I put it
20 down and I don't check my phone.

21 THE COURT: You can keep it on. I know
22 there's issues.

23 MR. LABRUZZO: My son is in the hospital.

24 THE COURT: I know. I'm giving you kudos for
25 being here.

1 And if you need to excuse yourself, just say,
2 I need to excuse myself. You don't need to tell me
3 why.

4 MR. LABRUZZO: As of right now there's no
5 need.

6 (Recess Taken.)

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10 (CONTINUATION IN VOLUME VIII.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA)

4 COUNTY OF PASCO)

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6

7 I, MARIA FORTNER, Registered Professional
8 Reporter for the Sixth Judicial Circuit, do certify that
9 I was authorized to and did stenographically report the
10 foregoing proceedings and that the transcript is a true
11 record.

12 DATED this 10th day of March, 2019.

13

14 /S MARIA A. FORTNER
15 MARIA A. FORTNER
16 Registered Professional Reporter

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