

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

BEFORE: HONORABLE MARY HANDSEL  
Circuit Judge

DATE: November 6, 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

Volume III 314 - 472

---

Administrative Office of the Courts  
Court Reporting Department  
West Pasco Judicial Center  
7530 Little Road  
New Port Richey, FL 34654  
Tel. (727) 847-8156 Fax: (727)847-8159

A-P-P-E-A-R-A-N-C-E-S

1  
2  
3 APPEARING ON BEHALF OF  
4 THE STATE OF FLORIDA:

5 CHRISTOPHER LABRUZZO, Assistant State Attorney  
6 BRYAN SARABIA, Assistant State Attorney  
7 JOSEPH LAWHORNE, Assistant State Attorney  
8 Office of Bernie McCabe, State Attorney  
9 Sixth Judicial Circuit, Pasco County  
10 7530 Little Road  
11 New Port Richey, Fl 34655

12 APPEARING ON BEHALF OF  
13 THE DEFENDANT, ADAM MATOS:

14 DEAN LIVERMORE, Assistant Public Defender  
15 WILLIAM PURA, Assistant Public Defender  
16 NICHOLAS MICHAÏLOS, Assistant Public Defender  
17 CATHERINE GARRETT, Assistant Public Defender  
18 EULOGIO VIZCARRA, Assistant Public  
19 Office of Bob Dillinger, Public Defender  
20 Sixth Judicial Circuit, Pasco County  
21 7530 Little Road  
22 New Port Richey, Fl 34655  
23  
24  
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

INDEX TO PROCEEDINGS

PAGE

VOLUME III

WITNESSES CALLED BY THE STATE OF FLORIDA:

GREG AARON BROWN	Direct.....	353
	Cross.....	364

RHEA CLARK	Direct.....	369
------------	-------------	-----

E-X-H-I-B-I-T-SPAGEEXHIBITS ENTERED BY THE STATE OF FLORIDA:

1			
2			
3			
4			
5	225.	Photograph.....	363
	58.	Diagram.....	373
6	59.	Diagram.....	375
	60.	Projectile.....	396
7	61.	Photograph.....	376
	62.	Photograph.....	376
8	63.	Photograph.....	376
	64.	Photograph.....	376
9	65.	Photograph.....	376
	66.	Photograph.....	376
10	67.	Photograph.....	376
	68.	Photograph.....	376
11	69.	Photograph.....	376
	70.	Photograph.....	376
12	71.	Photograph.....	376
	72.	Photograph.....	376
13	73.	Photograph.....	376
	74.	Photograph.....	376
14	75.	Photograph.....	397
	76.	Photograph.....	376
15	77.	Photograph.....	376
	226.	Photograph.....	376
16	81.	Photograph.....	378
	82.	Photograph.....	378
17	83.	Photograph.....	378
	84.	Photograph.....	378
18	85.	Photograph.....	378
	86.	Photograph.....	378
19	87.	Photograph.....	378
	88.	Photograph.....	378
20	91.	Photograph.....	378
	92.	Photograph.....	378
21	93.	Photograph.....	378
	94.	Photograph.....	378
22	95.	Photograph.....	378
	89.	Photograph.....	380
23	90.	Photograph.....	380
	96.	Photograph.....	380
24	97.	Photograph.....	380
	98.	Photograph.....	380
25			

EXHIBITS - CONTINUED

		<u>PAGE</u>
1		
2		
3		
4	99. Photograph.....	380
	100. Photograph.....	380
5	101. Photograph.....	380
	102. Photograph.....	380
6	103. Photograph.....	380
	104. Photograph.....	380
7	105. Photograph.....	380
	106. Photograph.....	380
8	107. Photograph.....	380
	108. Photograph.....	380
9	109. Photograph.....	380
	110. Photograph.....	380
10	111. Photograph.....	381
	112. Photograph.....	381
11	113. Photograph.....	381
	114. Photograph.....	381
12	115. Photograph.....	381
	116. Photograph.....	381
13	117. Photograph.....	381
	118. Photograph.....	381
14	119. Photograph.....	381
	120. Photograph.....	381
15	227. Photograph.....	382
	228. Photograph.....	382
16	229. Photograph.....	382
	121. Photograph.....	383
17	122. Photograph.....	383
	123. Photograph.....	383
18	124. Photograph.....	383
	125. Photograph.....	383
19	230. Photograph.....	383
	231. Photograph.....	383
20	232. Photograph.....	383
	126. Photograph.....	384
21	127. Photograph.....	384
	128. Photograph.....	384
22	129. Photograph.....	384
	130. Photograph.....	384
23	131. Photograph.....	384
	132. Photograph.....	384
24	133. Photograph.....	384
	134. Photograph.....	385
25	135. Photograph.....	385

EXHIBITS - CONTINUED

		<u>PAGE</u>
1		
2		
3	136. Photograph.....	385
	137. Photograph.....	385
4	138. Photograph.....	385
	139. Photograph.....	385
5	140. Photograph.....	385
	141. Photograph.....	385
6	142. Photograph.....	386
	143. Photograph.....	386
7	144. Photograph.....	387
	145. Photograph.....	387
8	146. Photograph.....	387
	147. Photograph.....	387
9	148. Photograph.....	388
	149. Photograph.....	388
10	150. Photograph.....	388
	152. Photograph.....	388
11	153. Photograph.....	388
	154. Photograph.....	388
12	155. Photograph.....	388
	156. Photograph.....	388
13	157. Photograph.....	388
	158. Photograph.....	388
14	159. Photograph.....	388
	160. Photograph.....	389
15	161. Photograph.....	389
	162. Photograph.....	389
16	163. Photograph.....	389
	164. Photograph.....	389
17	165. Photograph.....	389
	166. Photograph.....	389
18	167. Photograph.....	389
	168. Photograph.....	389
19	169. Photograph.....	389
	170. Photograph.....	389
20	171. Photograph.....	389
	172. Photograph.....	389
21	173. Photograph.....	389
	174. Photograph.....	389
22	175. Photograph.....	389
	176. Photograph.....	389
23	177. Photograph.....	389
	178. Photograph.....	389
24	177. Photograph.....	389
	178. Photograph.....	389
25	179. Photograph.....	389

EXHIBITS - CONTINUED

		<u>PAGE</u>
1		
2		
3	180. Photograph.....	389
	181. Photograph.....	389
4	182. Photograph.....	389
	183. Photograph.....	389
5	184. Photograph.....	389
	185. Photograph.....	389
6	186. Photograph.....	390
	187. Photograph.....	390
7	188. Photograph.....	390
	189. Photograph.....	390
8	190. Photograph.....	390
	191. Photograph.....	390
9	192. Photograph.....	390
	193. Photograph.....	390
10	194. Photograph.....	390
	195. Photograph.....	390
11	196. Photograph.....	390
	197. Photograph.....	390
12	198. Photograph.....	390
	199. Photograph.....	390
13	200. Photograph.....	390
	201. Photograph.....	390
14	202. Photograph.....	390
	203. Photograph.....	390
15	204. Photograph.....	390
	205. Photograph.....	390
16	206. Photograph.....	390
	207. Photograph.....	390
17	209. Photograph.....	390
	210. Photograph.....	391
18	211. Photograph.....	389
	212. Photograph.....	389
19	213. Photograph.....	389
	214. Photograph.....	389
20	215. Photograph.....	389
	223. Photograph.....	424
21	219. Gun.....	464
	220. Magazine.....	465
22	216. Photograph.....	467
	217. Photograph.....	467
23	218. Photograph.....	467
	234. Photograph.....	467
24	221. Photograph.....	468
25		

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

2 THE COURT: Good morning. You may be seated.

3 MR. LABRUZZO: Good morning, Judge.

4 THE COURT: Good morning.

5 MR. LABRUZZO: So over the weekend I had an  
6 opportunity to dive as deep as I could into the in  
7 eliminate that the Defense had filed, and I  
8 reevaluated the photographs that we were going to  
9 use.

10 And overall there are some motions in limine  
11 that I'm able to agree to, and have found better or  
12 different photographs that hopefully will alleviate  
13 some of the Defense's concerns.

14 There are some photographs that I was not able  
15 to find better ones of because they are the only  
16 photographs that show certain injuries.

17 THE COURT: Okay.

18 MR. LABRUZZO: I have all the photographs that  
19 I intend on using minus one that I've shown to the  
20 Defense.

21 So at some point, either today, this morning  
22 or this afternoon we're going to need the  
23 opportunity to go through the photographs with the  
24 Court and explain to the Court which ones we're  
25 agreeing to take out and what their specific

1 objections are.

2 I can tell the Court they have some specific  
3 objections, that I am going to be able to redact  
4 the photographs to meet their objection, and some I  
5 can't.

6 THE COURT: Okay.

7 MR. LABRUZZO: So we are anticipating the  
8 Medical Examiner testifying first thing tomorrow  
9 morning.

10 THE COURT: Okay.

11 MR. LABRUZZO: He's not available today. I  
12 only bring that up because I'm not able to go over  
13 with him the changes today. He said he can be here  
14 at his earliest at 8:45 tomorrow morning.

15 THE COURT: Okay.

16 MR. LABRUZZO: I am going to just quickly need  
17 to over them with him tomorrow morning. So I'm  
18 just bringing that up to the Court's attention that  
19 we've met, we've agreed to some, disagreed as to  
20 the others.

21 And whenever the Court wants to have their  
22 discussion, we can be happy to do that on the  
23 record either end of day today or this morning,  
24 whenever the Court wants to get going on that.

25 THE COURT: Okay. Well, I'd rather do it at

1 the end of the day today.

2 MR. LABRUZZO: That's fine.

3 THE COURT: Whatever time that is.

4 How many witnesses do you think you're going  
5 to be calling today?

6 MR. LABRUZZO: Bryan, how many?

7 MR. SARABIA: Today is eight.

8 MR. LABRUZZO: What?

9 MR. SARABIA: Eight.

10 MR. LABRUZZO: Eight. We are going to be  
11 putting primarily all the evidence in today.

12 THE COURT: Okay.

13 MR. LABRUZZO: So it's going to be mainly  
14 forensic techs.

15 THE COURT: Okay.

16 MR. LABRUZZO: Just one or two lay witnesses  
17 at the most. We're going to start with the lay  
18 witnesses, it's fairly quick, and then we will move  
19 on from there.

20 THE COURT: Do we think we'll go all the way  
21 to 6:00, or we'll be done a little earlier,  
22 Mr. Sarabia?

23 MR. LABRUZZO: Bryan?

24 MR. SARABIA: I'm sorry?

25 THE COURT: Do you think we'll go all the way

1 to 6:00, or we'll finish a little early?

2 MR. SARABIA: It's going to depend how long  
3 cross goes on the first couple.

4 THE COURT: Okay.

5 MR. SARABIA: Well, two of them are  
6 substantially longer than the other five, I would  
7 say.

8 THE COURT: Okay. Well, we'll talk about the  
9 photographs. We'll talk about them later on today.  
10 So if they're not coming in with any of these  
11 witnesses, there's no reason to delay starting to  
12 talk about something that we're not going to have  
13 in front of the jury today.

14 Is there any other photographs that are going  
15 in today that we have a problem with? Does Defense  
16 want to look at them?

17 Let me know when that other juror arrives.

18 THE CLERK: Yes, Judge.

19 THE COURT: Or tell them to let us know.

20 THE CLERK: I did.

21 MR. VIZCARRA: Your Honor.

22 THE COURT: Yes.

23 MR. VIZCARRA: There are three photographs  
24 here that I was not provided in the list that they  
25 were going to admit as evidence.

1           THE COURT:  You're not saying they weren't  
2 given to you in discovery?

3           MR. VIZCARRA:  No.

4           THE COURT:  You're just saying that --

5           MR. VIZCARRA:  Right.  There's probably  
6 thousands of photographs.  These were not  
7 anticipated as being entered.

8           And I misspoke a little bit about that one in  
9 that Mr. LaBruzzo did not have a copy of one, and  
10 one of those is this one that I had previously  
11 objected to.  So two of the three that are  
12 objectionable we were not provided as being  
13 introduced.

14           Bottom line is, Judge, based on the same case  
15 law, once you see those three photographs, I think  
16 you're going to see that they are inflammatory,  
17 that they are prejudicial to the defendant, that  
18 any relevance is outweighed by the probative value.  
19 They're very gruesome.

20           I think that points can be made without the  
21 entry of these photographs.  And based on all that,  
22 Judge, I'd object to those being entered, the same  
23 case law, a violation of my client's constitutional  
24 rights under the constitution as outlined in my  
25 case law.

1           THE COURT: All right. First of all, who's  
2 going to be introducing the pictures? Who's on the  
3 witness stand?

4           MR. SARABIA: These would be Sue Miller. I  
5 don't anticipate her until the afternoon.

6           THE COURT: And who is Sue miller?

7           MR. SARABIA: A forensics technician.

8           THE COURT: Okay. And do you have a whole  
9 bunch that you're going to put on?

10          MR. SARABIA: Through her I have a whole lot  
11 of photographs, but the ones I think he's having a  
12 problem with are three photographs.

13          MR. VIZCARRA: Yes.

14          THE COURT: Well, I mean do you have other  
15 photographs that might show the same area that you  
16 could put in?

17          MR. SARABIA: Not of these particular -- these  
18 were specifically chosen. I wanted to try and  
19 minimize the gruesomeness and to show specific  
20 things.

21          THE COURT: Okay. What specific things are  
22 these photographs that he's objecting to is  
23 showing?

24          MR. SARABIA: So the first one is a pile of  
25 the bodies from the other direction.

1 THE COURT: Okay.

2 MR. SARABIA: I think I alluded to that on  
3 Friday --

4 THE COURT: You did.

5 MR. SARABIA: -- when we admitted the  
6 photograph from the direction where the log is in  
7 the front.

8 This is from the back. And in particular in  
9 this photograph you can see that at least the two  
10 individuals who are most obviously present are  
11 fully clothed and one of them has -- two of them  
12 actually have a yellow rope wrapped around their  
13 bodies and left in such a way that it was apparent  
14 that somebody just dragged the body on top across  
15 to the rest of them and they left it there with the  
16 rope.

17 THE COURT: Can I see?

18 MR. SARABIA: And you can't observe any faces.  
19 You really can't observe a lot more than the fact  
20 that there are people and insect activity.

21 THE COURT: And the yellow rope you have is  
22 over here on the right-hand side over top of  
23 something. And the reason you need the rope is to  
24 show how he got the bodies to the location?

25 MR. SARABIA: How the bodies were moved to

1 that location and basically how they were found.  
2 This is how they were found in a pile on top of  
3 each other, some of the bodies obscuring others.

4 Really from the photograph you can't tell how  
5 many bodies there are. Although once explained,  
6 you can pick out four different people.

7 There's only two that are very obvious and the  
8 third is kind of implied based on what you know  
9 about the circumstances.

10 THE COURT: So what part of the rope is  
11 important to the State's case?

12 MR. SARABIA: The fact that it's in a knot and  
13 it's tied around the body's chest area, that it's  
14 lying across his head, again, as if somebody just  
15 dragged the body and left it there without spending  
16 any additional time to conceal it or prepare it,  
17 the fact that that body in particular is fully  
18 clothed.

19 THE COURT: Is the idea for the State that  
20 then it had to have been done by one person as  
21 opposed to multiple individuals?

22 MR. SARABIA: Correct. Yes. And that it  
23 definitely could have been done by one person using  
24 the ropes as a --

25 THE COURT: Is this the dad?

1 MR. SARABIA: No. That is Mr. Leonard.

2 THE COURT: Oh, so the top is Mr. Leonard?

3 MR. SARABIA: Correct.

4 THE COURT: Is he significantly large?

5 MR. SARABIA: I wouldn't say as significantly  
6 as the photo would seem to indicate, but he is --

7 THE COURT: I mean 200 pounds?

8 MR. SARABIA: Yes. Thereabouts. Two, 220.

9 THE COURT: I mean the defendant is here and  
10 he is not that big of a guy. So he would have had  
11 to -- I assume the State's idea of this was for him  
12 to be able to carry a 200-pound body, he had to do  
13 it some other way than throwing it over his  
14 shoulder?

15 MR. SARABIA: Correct.

16 THE COURT: There was no cart, and he had to  
17 figure out how to get the bodies from the van to  
18 this pile?

19 MR. SARABIA: The van to the location,  
20 correct.

21 THE COURT: And he was the last one on top?

22 MR. SARABIA: Correct.

23 THE COURT: So the reason for this picture is  
24 to show the ropes. Is there any other picture that  
25 shows the ropes?

1           MR. SARABIA: Not as they lie in the context  
2 of the whole pile. Also, it's important the way  
3 that Mr. Leonard's body was placed so that there  
4 can be no argument that the other three bodies were  
5 placed there and that Mr. Leonard killed himself in  
6 some way.

7           THE COURT: Oh, I got you.

8           MR. SARABIA: Or ended up on top by means  
9 other than the defendant --

10          THE COURT: Being dragged there?

11          MR. SARABIA: -- or somebody dumping his body  
12 there.

13          THE COURT: Okay. And your objection is the  
14 same as the other picture, it's inflammatory?

15          MR. VIZCARRA: It is, Judge. There's a  
16 swollen picture of Mr. Leonard's abdomen. There's  
17 a lot of maggots in the picture. This is already  
18 covered in some of the photographs you had entered  
19 yesterday.

20                 Additionally, the Medical Examiner's Office  
21 did not request this photograph. So they don't  
22 need this photograph to explain the manner of death  
23 or the way the bodies were found or any of those  
24 things that Dr. Palma is going to testify to.  
25 Those are covered in another set of pictures.

1           So not only is it cumulative, it's not that  
2 relevant, and the prejudicial value -- granted,  
3 there's worse pictures, but it is very gory, and  
4 I'd object on those grounds.

5           Additionally, Judge, I don't know if we could  
6 mark this photograph so that we know for the record  
7 which one we're talking about.

8           THE COURT: Well, he'll mark it.

9           MR. VIZCARRA: Okay.

10          THE COURT: We'll know which one we're talking  
11 about.

12          MR. VIZCARRA: All right.

13          THE COURT: There's only two pictures of the  
14 bodies, and you're objecting on the same grounds of  
15 both of those?

16          MR. SARABIA: And if I can clarify, Judge.  
17 Dr. Palma, when we met with him, actually did  
18 request this photograph or one that is completely  
19 identical to it. I actually think it was this one.  
20 But we already printed it out and planning to admit  
21 it through another witness, so it may not have made  
22 it into the packet.

23          But it helps us to identify which body is  
24 which in terms of, okay, this is this number, this  
25 is this number, this is the person we're talking

1 about, this is the person on the left. So it was  
2 brought up by Dr. Palma specifically as one that he  
3 wanted to use.

4 THE COURT: Okay. Well, I'm going to overrule  
5 the objection. I'll make sure it's marked. His  
6 shirt is up and you can see his stomach. I don't  
7 think it's gruesome. It's not cut open. There's  
8 no intestines showing. It's just a stomach.

9 Now, from the other side you can see how  
10 bloated it is. Actually, in this photograph you  
11 can't. It just looks like it's his stomach. It  
12 doesn't even look bloated. But I know from the  
13 other picture it's got to be bloated because of the  
14 way the other picture is from an angle.

15 But, again, there's no faces showing, at least  
16 that you can see. There's no cuts. There's no  
17 wounds. I mean, of course, they've been out in  
18 the -- I don't know how long they've been dead, but  
19 somewhere between three and four days and now  
20 they're out in the middle of the woods.

21 MR. VIZCARRA: I think it's about a week,  
22 Judge.

23 THE COURT: Yeah. So I mean it helps the jury  
24 determine timeline. The State wants to show it  
25 because this is the only one that shows the ropes,

1           which would assist with the jury determining  
2           whether your client did it alone, whether it could  
3           have been someone else.

4           And I assume at some point they're concerned  
5           that you might allege in your defense that  
6           Mr. Leonard killed all these people and then killed  
7           himself. So this clearly would help the jury  
8           remove any doubt that Mr. Leonard was not the  
9           person who killed everybody since it was possibly  
10          his gun that killed two of the victims.

11          But obviously he was tied and then drug to  
12          this location. Now, whether he was drug to this  
13          location alive or dead it's unknown. But it most  
14          certainly, by the way this rope is shown, that it's  
15          under both of his arms and then back up to his  
16          head, which would indicate that it was used as a  
17          means of dragging him. Plus, the way the grass and  
18          whatnot is pushed down over here, it does look like  
19          somebody was dragged through that area.

20          So I'm going to overrule the objection. But  
21          make sure we mark it. Just for the record, the  
22          Defense is objecting to both body pictures in the  
23          woods under the same rules.

24          So there's one from the left and there's  
25          one -- there's one from the head of the bodies and

1 one from the back of the bodies, and one is for the  
2 deputy who found him and the other one is for the  
3 rope. Just so we're clear on the record.

4 And this is the other one?

5 MR. SARABIA: That's one of the other three  
6 victims.

7 THE COURT: This must be the mom?

8 MR. SARABIA: Correct. I would note on the  
9 photograph, other than the hands and arms, you  
10 wouldn't even necessarily be able to tell that this  
11 is a body.

12 THE COURT: Right.

13 MR. SARABIA: It shows how her arms were bound  
14 behind her back. I did select this photograph out  
15 of a number of other photographs that were worse,  
16 for lack of a better term.

17 It shows how the bag was around her head. It  
18 shows the clothing she was wearing and the apron.  
19 It also shows the brown electrical cord that was  
20 tied around her body. Also, probably a means by  
21 which he was drug to the location where she was  
22 found.

23 It also gives some idea of the deterioration  
24 of her hands, which is relevant because they were  
25 not able to get any usable prints from Margaret

1 Brown.

2 THE COURT: Okay. And, Defense, you're just  
3 objecting because it's a bad picture?

4 MR. VIZCARRA: Well, Judge, they're all bad  
5 pictures, but this one is particularly bad.

6 THE COURT: Do you have another picture that  
7 would show her hands bound?

8 MR. VIZCARRA: There's maggots.

9 MR. SARABIA: Not that also shows her head in  
10 context of how it was tied up. And, again, I  
11 selected this one out of numerous others that were  
12 worse either because of more insect activity or  
13 more of her lower area.

14 THE COURT: Go ahead.

15 MR. SARABIA: I did select in addition to that  
16 a very close-up of the hands just so you can see  
17 the tie. I picked another photograph where you  
18 wouldn't be able to see her hands in any major  
19 respect in order to avoid further objections, but  
20 between these two photographs that is the one.

21 THE COURT: What's this showing?

22 MR. SARABIA: That is the zip ties. Without  
23 the context of the first photograph, this second  
24 photograph is hard to decipher, again, because I  
25 was trying to pick photographs that were less

1 objectionable and use fewer of them.

2 THE COURT: Oh, I see zip ties here and zip  
3 ties there. It took me a second to see them. One  
4 zip ties around the other zip tie?

5 MR. SARABIA: Yes. There's three zip ties,  
6 one against each wrist, and then a zip tie  
7 zip-tying them together. And this in conjunction  
8 with that photograph, this would be a close-up of  
9 the area the zip ties are bound together to again  
10 give the jury context as to how --

11 THE COURT: Is there any pictures from the  
12 Medical Examiner's Office once they took the --

13 MR. SARABIA: I believe the zip ties were  
14 removed at the scene, so the Medical Examiner did  
15 not have any of the zip tie photographs.

16 THE COURT: I'll let the Defense put their  
17 objection on the record, then.

18 MR. VIZCARRA: Judge, same objection. It's a  
19 lady that is bound, she's got a garbage bag over  
20 her head, and that part is relevant. But the  
21 maggot infested back of her body and showing her  
22 fingers and hands, that adds to the gruesomeness  
23 and the inflammatory nature of the photograph. So  
24 based on that, Judge, we'd object.

25 THE COURT: Do you have a picture that's

1 better? I mean there's thousands of pictures.

2 MR. VIZCARRA: I was only provided the  
3 pictures that they sought to introduce. So as far  
4 as concentrating my objections, those are the ones  
5 that I focused on. So I guess the short answer is,  
6 no, Judge, not at this time.

7 THE COURT: Okay.

8 MR. SARABIA: I would note I believe that I  
9 gave Mr. Michailos a block of them. I brought all  
10 my photographs over to him a couple of weeks ago  
11 and he made copies of them so they could be copied,  
12 but I believe this one and the last one were both  
13 included in that.

14 THE COURT: And the question is I'm sure there  
15 was thousands of pictures taken in this case and  
16 everybody has the CD of all the pictures, right?

17 MR. VIZCARRA: And, Judge, and this is what I  
18 did -- Mr. Sarabia and Mr. LaBruzzo was kind enough  
19 to give us a disk that they sought to introduce 56  
20 photographs. I filed a motion in limine based on  
21 that. They also had a series of photographs that  
22 they advised us that they were seeing to introduce,  
23 and I filed a motion in limine based on those.

24 Like I said, these, granted we have seen these  
25 before, but we did not anticipate those being

1 introduced at this stage of the proceedings, so  
2 that's why we're doing this in this fashion.

3 THE COURT: That's fine.

4 MR. VIZCARRA: And it is the same case law and  
5 same objection. Thank you.

6 THE COURT: All right. I'll deny the  
7 objection -- overrule the objection and the  
8 photograph will come in.

9 MR. SARABIA: Mr. LaBruzzo may want to make  
10 argument on this one?

11 THE COURT: Mr. LaBruzzo.

12 MR. LABRUZZO: Yes, Your Honor.

13 THE COURT: You want to step up.

14 MR. SARABIA: And I would note this is a  
15 photograph of the white bag after it was removed  
16 from the body. So there is no body, there's no  
17 person in this photograph, but it shows --

18 MR. LABRUZZO: Well, Dr. Palma would say, Your  
19 Honor, that the fact that there is brain matter as  
20 represented in this photograph was indicative that  
21 the bag was over the head at the time that the blow  
22 or the injury to the left side of the skull  
23 occurred.

24 Although that injury in and of itself -- there  
25 were other injuries that could have caused death,

1 he would say that the injury to the left side of  
2 the head was an injury for which would have killed  
3 her almost immediately and would have been one that  
4 would have caused this brain matter you're going to  
5 see.

6 THE COURT: For the record, it looks more like  
7 blood, but I'm sure Dr. Palma has seen it and he  
8 knows what it is.

9 MR. LABRUZZO: He was very clear. I asked him  
10 that same question. He was very clear and he'll  
11 say that's brain matter decomposed.

12 THE COURT: Go ahead.

13 MR. VIZCARRA: Your Honor, this is one of the  
14 most gruesome photographs in the list of  
15 photographs that I objected to. This shows the top  
16 of Margaret Brown's head. It shows it exposed.

17 THE COURT: Her head is not in there.

18 MR. VIZCARRA: I'm sorry?

19 THE COURT: Her head is not in there.

20 MR. VIZCARRA: Okay.

21 THE COURT: There's no head in there.

22 MR. VIZCARRA: Okay. It shows a grocery bag  
23 with blood and different things inside the bag. I  
24 disagree that it would indicate that the bag was  
25 put on.

1           Bottom line is if there was brain matter that  
2 was leaking out of Margaret Brown's head, that that  
3 brain matter would be found in the bag even if it  
4 was put on afterwards or before.

5           THE COURT: Are you going to testify?

6           MR. VIZCARRA: No, Judge.

7           THE COURT: Okay. Because my point is they're  
8 saying that the Medical Examiner is going to  
9 testify that this is true. So what you think is  
10 not important to me. You can cross-examine the  
11 Medical Examiner.

12          MR. VIZCARRA: Okay.

13          THE COURT: Do you have your own witness  
14 that's going to say that the Medical Examiner is  
15 wrong?

16          MR. VIZCARRA: We think he's going to have to  
17 give that as a possibility.

18                 Additionally, Judge, again gruesome,  
19 inflammatory, and it's going to make it difficult  
20 for my client to have a fair trial.

21          MR. LABRUZZO: If I can also put one thing on  
22 the record, Judge, as it relates to that  
23 photograph. That is probably the only photograph  
24 that shows that. I don't know if Defense would  
25 agree, there's not multiple photographs and we

1           somehow chose the most inflammatory one, according  
2           to them. I believe that that's the only photograph  
3           that really shows that.

4           THE COURT: Okay. The inside of the bag?

5           MR. LABRUZZO: The inside of the bag.

6           MR. VIZCARRA: My objection is not cumulative  
7           on this particular one, just the gruesome and  
8           inflammatory nature of it.

9           THE COURT: Okay. Well, I'm going to allow  
10          the photograph. And just for the record, so we're  
11          clear, this is a plastic bag that's open, and  
12          they're telling me it's the plastic bag that's seen  
13          in the other photograph still on her head. So I  
14          assume it was taken after it was removed from the  
15          body of Margaret Brown.

16          MR. LABRUZZO: Yes.

17          THE COURT: And then opened up. Margaret  
18          Brown is removed. She's nowhere in this picture.  
19          There is no Margaret Brown or body or anything else  
20          in this picture, and the inside of the bag is  
21          photographed.

22          MR. LABRUZZO: Correct.

23          THE COURT: So the inside of the bag appears  
24          to have some sort of blood in it, dirt and other  
25          matter. And if the Medical Examiner is going to

1           testify that this photograph is the only photograph  
2           taken that would allow him to testify that he  
3           believes in his medical opinion that she was struck  
4           in the head, because I know she has multiple wounds  
5           in the head, while the bag was over her head, then  
6           I'll allow the photograph because it would assist  
7           in his testimony.

8                     This is a first-degree murder case, and the  
9           State is asking for heinous, atrocious and cruel.  
10          And if the bag was over her head when she was  
11          beaten to death, I think that goes to the jury to  
12          decide whether the State has met its burden on that  
13          matter.

14                    MR. VIZCARRA: Judge, I would ask that the  
15          State advise us before entering the photographs so  
16          I know which one it is.

17                    THE COURT: Sure.

18                    MR. VIZCARRA: That I can renew my objection  
19          to.

20                    THE COURT: Well, as soon as they're marked,  
21          will you let me know.

22                    MR. SARABIA: Yes.

23                    THE COURT: And then I'll put on the record at  
24          the bench that these are the marked photographs  
25          that you have previously objected to and I've

1 overruled your objection, and we'll go through it  
2 one by one as soon as he marks them.

3 MR. VIZCARRA: Judge, one more last thing as  
4 far as housecleaning. I have several colleagues  
5 that don't like the way we're letting the defendant  
6 look at the photographs, it's delaying the trial,  
7 and it's causing a delay in the proceedings.

8 Prior to the State introducing those  
9 photographs, my request would be to let me quickly  
10 go over those with them prior to the introduction  
11 so that we don't have him looking at them and  
12 slowing down the flow of the trial.

13 THE COURT: Okay. Well, just for the record,  
14 did I give you a hard time?

15 MR. VIZCARRA: No, Judge. It's not --

16 THE COURT: I'm the one that gets to make  
17 these decisions.

18 MR. VIZCARRA: Thank you.

19 THE COURT: So, of course, the defendant gets  
20 a right to see any and all exhibits that are put  
21 into evidence.

22 If you want to do it beforehand so it doesn't  
23 look he's somehow -- if he's shocked by it or makes  
24 any reaction, if that's helpful, that's fine.

25 MR. VIZCARRA: Thank you.

1 THE COURT: If he wants to look at anything,  
2 that's fine. The photographs are here, he can look  
3 at them now while we bring up the jury, great. But  
4 we moved along just fine.

5 MR. SARABIA: I have probably about 175  
6 photographs that we're going to try to admit  
7 through our second witness. If you want to start  
8 reviewing them. Most of them are marked.

9 MR. VIZCARRA: Okay.

10 MR. SARABIA: You can do that now.

11 MR. MICHAIILOS: On the record real quick.

12 THE COURT: Hold on. State?

13 MR. LABRUZZO: I'll get him.

14 MR. MICHAIILOS: Mr. LaBruzzo intends to  
15 introduce some photographs of the family as they  
16 were alive and we object to relevancy.

17 MR. LABRUZZO: I haven't tagged them yet  
18 because Mr. Sarabia has the tags and has been up  
19 here.

20 THE COURT: I assume this is Megan?

21 MR. LABRUZZO: It is.

22 THE COURT: Okay. And then this would be  
23 Margaret and Greg Brown.

24 MR. LABRUZZO: Yes, Judge.

25 THE COURT: Okay.

1           MR. MICHAÏLOS: And they probably have another  
2 one of Nicholas coming up.

3           MR. LABRUZZO: I don't have it with me at this  
4 moment. It will probably be tomorrow.

5           MR. MICHAÏLOS: We think that it runs the risk  
6 of unfair prejudice because it has the -- it's a  
7 very attractive family, the jury might sympathize  
8 with them being victims.

9           THE COURT: So if they were ugly you'd be  
10 okay, but they're good-looking, so it's --

11          MR. MICHAÏLOS: Well, no, even if they're  
12 ugly, it personifies them, and I don't think it  
13 goes to prove anything but to run the risk of  
14 sympathizing.

15          THE COURT: Well, I think the case law is  
16 pretty clear that the State is allowed to put in a  
17 single photograph which this is a single. Matter  
18 of fact, one of the photographs is two of the  
19 victims together, so we're not even putting in an  
20 individual photograph.

21          So the case law is pretty clear that they can  
22 put in a single photograph of the victim to  
23 identify them prior to their death and it will  
24 assist the jury in determining what they looked  
25 like before the death and then after.

1           So as long as it's a single photograph and we  
2 don't, you know, put any heavy emphasis on that, I  
3 think they're allowed to put them in. So you're  
4 objection is overruled.

5           MR. MICHAÏLOS: Just for clarification, they  
6 did already put in a few single photograph when  
7 they put in some pictures of Megan. So they've  
8 already got a picture of her in evidence of what  
9 she looked like.

10          MR. LABRUZZO: It's her and her finger cut. I  
11 can show the Court.

12          THE COURT: Oh, from the 911 tape?

13          MR. MICHAÏLOS: Right.

14          THE COURT: Right. Yeah, but that's not a  
15 photograph, I mean.

16          MR. LABRUZZO: And for the record, we're  
17 talking about State's Exhibit Number 7.

18          THE COURT: Yeah. So you don't need the extra  
19 one of Megan.

20          MR. LABRUZZO: Okay.

21          THE COURT: You already got one of her.

22          MR. LABRUZZO: Okay.

23          THE COURT: So you're good. I'm going to not  
24 let this one come in because you got that one in.  
25 Sorry. I forgot about that.

1 MR. LABRUZZO: Okay.

2 THE COURT: And then you got this one, but  
3 this one can come in. Any one of Nicholas can come  
4 in. There's none of him. And the only reason I'm  
5 saying that about Megan is that was taken the  
6 day -- the last time she was seen alive, so that's  
7 more relevant anyway.

8 MR. MICHALOS: Thank you.

9 MR. LABRUZZO: Judge, we just need a quick  
10 moment to get ourselves --

11 THE COURT: Sure. I'll have the jury brought  
12 up.

13 (Open Court.)

14 THE COURT: Deputy Cleaver, can we go ahead  
15 and have the jury brought up.

16 THE BAILIFF: Yes, Your Honor.

17 THE COURT: Thank you.

18 (Bench Conference.)

19 MR. PURA: Judge, Mr. LaBruzzo expressed a  
20 little bit of concern of the fact that  
21 Mr. Livermore is not here today. Mr. Livermore's  
22 best friend died in Georgia. He went up there.

23 THE COURT: Oh, I'm so sorry.

24 MR. PURA: He went up there Friday after  
25 everybody rested and he'll be back tomorrow.

1 THE COURT: Okay.

2 MR. PURA: Obviously, Mr. Livermore is the  
3 only one of us who is fully death-qualified.

4 THE COURT: Okay.

5 MR. PURA: Mr. LaBruzzo thought it might be  
6 prudent to at least be able to put on the record  
7 that I spoke with Mr. Matos and he's fully aware of  
8 the fact that Mr. Livermore was going to absent  
9 himself from today's proceedings and then he'll be  
10 back tomorrow and he has no problems proceeding  
11 today.

12 Obviously, we're still in the guilt phase of  
13 the trial. Mr. Vizcarra and Mr. Michailos are very  
14 experienced in that. But it should be known that  
15 Mr. Livermore is available. In fact, he and I have  
16 been texting each other back and forth already this  
17 morning. So I mean he's immediately accessible.

18 THE COURT: Did anybody call the Bar and ask  
19 for clarification?

20 MR. PURA: We cleared this through  
21 Mr. Dillinger.

22 THE COURT: Okay.

23 MR. PURA: And he gave us the okay. We were  
24 ready to bring somebody up from Clearwater.

25 THE COURT: Just to sit there.

1 MR. PURA: Just to sit there.

2 But he felt that that was not necessary.

3 THE COURT: All right. And you're not  
4 objecting? You just want it on the record?

5 MR. LABRUZZO: I'm not objecting.

6 THE COURT: So if they ever raise it as an  
7 issue.

8 MR. LABRUZZO: And I also want it on the  
9 record that we are still, as Mr. Pura put it, that  
10 we're still in the guilt phase portion. There's  
11 nothing unique about today's presentation. Today  
12 is probably the least penalty phase type of  
13 testimony when it comes to just photographs.

14 So I don't have an objection. I just wanted  
15 that to be known and put on the record that they  
16 discussed it with their client and their client has  
17 no objection.

18 THE COURT: All right. As long as all we're  
19 doing is, you know --

20 MR. PURA: Forensics.

21 THE COURT: We're only in the guilt phase and  
22 we're only doing forensics. And you are correct,  
23 the two gentlemen so far that have spoken, only two  
24 Public Defenders so far that have spoken have years  
25 and years and years and years of experience doing

1 trials, so I'm not concerned about that.

2 And they seem to have raised every objection  
3 necessary under the rules so far and I'm sure  
4 they'll continue to do so. So when you step back,  
5 I'm going to put it on the record that Mr. Matos is  
6 okay with it, just for the record. Okay?

7 MR. LABRUZZO: Yes, ma'am.

8 (Open Court.)

9 THE COURT: Mr. Matos, I have a question for  
10 you, sir. Just for the record, we're here on the  
11 State of Florida versus Adam Matos. The State is  
12 here. The Defense is here. Mr. Matos is present.

13 Mr. Matos, I've been informed that  
14 Mr. Livermore is unable to attend our trial today,  
15 but he will be back tomorrow. You were informed of  
16 that; is that correct?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. And do you have any  
19 objection to us continuing without him being  
20 present today?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Okay. So we have put on the  
23 record that we've cleared it through Mr. Dillinger,  
24 the State Attorney, and the defendant. And  
25 Mr. Livermore will be back tomorrow.

1           So other than that, are we ready for the jury?  
2 State? Defense? Yes?

3           MR. LABRUZZO: Yes, Your Honor. The State's  
4 ready.

5           THE COURT: Defense, are you ready?

6           MR. MICHAÏLOS: Yes, Your Honor.

7           THE COURT: All right. The jury seems to be  
8 in the hallway. So we'll bring the jury in.

9           THE BAILIFF: Yes, Your Honor.

10          THE COURT: And, State, your next in line is  
11 58, just so we're clear.

12          MR. LABRUZZO: And, Judge, today there may be  
13 some gaps.

14          THE COURT: That's fine.

15          MR. LABRUZZO: But by the close of the case,  
16 these gaps in the evidence will be filled.

17          THE COURT: Okay. As long as you make sure  
18 they're filled.

19          THE BAILIFF: The jury is entering the hearing  
20 of the Court, Your Honor.

21          THE COURT: Thank you.

22 (Jury Present.)

23          THE BAILIFF: All jurors present and seated,  
24 Your Honor.

25          THE COURT: Good morning, ladies and

1 gentlemen. How are you?

2 THE JURY PANEL: Good.

3 THE COURT: Did you have a nice weekend? Yes?

4 THE JURY PANEL: Yes.

5 THE COURT: Was everybody able to follow my  
6 instructions?

7 THE JURY PANEL: Yes.

8 THE COURT: No talking, tweeting, texting,  
9 blogging or asking about this case in any manner,  
10 shape or form, correct?

11 THE JURY PANEL: Correct.

12 THE COURT: And I know probably you had to  
13 tell a few people, but I appreciate that you are  
14 following my instruction.

15 If there is any issues with following my  
16 instructions, as I indicated Thursday or Friday  
17 that if someone persists in trying to talk to you,  
18 please immediately let me know so I may handle that  
19 matter. Okay?

20 THE JURY PANEL: Yes.

21 THE COURT: State, are you ready to call your  
22 next witness?

23 MR. LABRUZZO: We are, Your Honor.

24 THE COURT: All right. State, call your next  
25 witness.

1 MR. LABRUZZO: Thank you, Your Honor.

2 The State would call Greg Aaron Brown.

3 THE COURT: Mr. Brown, raise your right hand  
4 to be sworn by my clerk.

5 GREG AARON BROWN,  
6 a witness herein, being first duly sworn, was examined  
7 and testified as follows:

8 THE COURT: All right. Sir, please have a  
9 seat in the witness stand. And speak in a loud and  
10 clear voice for me. Okay?

11 THE WITNESS: Yes.

12 THE COURT: State, you may proceed.

13 MR. LABRUZZO: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. LABRUZZO:

16 Q. Good morning, sir. Could you please turn to  
17 the ladies and gentlemen of the jury and introduce  
18 yourself by stating your name.

19 A. My name is Gregory Aaron Brown.

20 Q. And, Mr. Brown, do you go by Aaron?

21 A. Yes.

22 Q. All right. How old are you?

23 A. I'm 32 years old.

24 Q. And where do you live?

25 A. New Jersey.

1 Q. And what do you do for a living?

2 A. I am working with my uncle in contracting.

3 THE COURT: Mr. Brown, I'm going to have to  
4 have you move a little closer to the microphone.

5 THE WITNESS: This one?

6 THE COURT: Yes. That one.

7 THE WITNESS: Construction working with my  
8 uncle.

9 THE COURT: And I think you said in New  
10 Jersey?

11 THE WITNESS: In New Jersey, yes.

12 THE COURT: Okay. Great.

13 THE WITNESS: In New Jersey.

14 Q. (By Mr. Labruzzo) And, Mr. Brown, who are your  
15 parents?

16 A. Gregory and Maggie Brown.

17 Q. All right. And did you have any brothers or  
18 sisters?

19 A. One sister, Megan; and my brother, Michael.

20 Q. And is Michael a half brother?

21 A. Yes.

22 Q. And what's Michael's last name?

23 A. Monahan.

24 Q. And Megan, your sister, did she share the same  
25 last name of Brown?

1 A. As Brown, yes.

2 Q. Yes. And as it relates to Megan, who was  
3 older, you or her?

4 A. I was.

5 Q. All right. How much older were you than  
6 Megan?

7 A. Three years.

8 Q. All right. I would like to focus your  
9 attention back to summer of 2014. Okay?

10 A. Yes. Yes.

11 Q. All right. During that time, summer of 2014,  
12 where were you living?

13 A. I was living in New Jersey.

14 Q. All right. And your parents, where were they  
15 living?

16 A. They were in -- they were in Florida. Sorry.

17 Q. All right. Before they moved to Florida,  
18 where did they live?

19 A. In PA.

20 Q. PA being Pennsylvania?

21 A. Pennsylvania. Pennsylvania.

22 Q. And what did your dad do for a living?

23 A. He was an electrician.

24 Q. All right. And what did your mother do for a  
25 living?

1 A. At that point she was working at Wawa.

2 Q. All right. Did your parents have a farm where  
3 they would raise animals?

4 A. Yes.

5 Q. And what type of animals did they raise on the  
6 farm?

7 MR. MICHAÏLOS: Objection. Relevance.

8 THE COURT: Overruled.

9 Q. (By Mr. Labruzzo) What type of animals did  
10 they raise on the farm?

11 A. Horses, pigs a little bit, pygmy goats, dogs,  
12 sheep.

13 Q. Okay.

14 A. Farmers.

15 Q. All right. And your mom also raised dogs,  
16 correct?

17 A. Absolutely.

18 Q. Big dogs or small dogs?

19 A. Mainly small dogs.

20 Q. All right. I guess in the years leading up to  
21 the summer of 2014, did your dad hunt?

22 A. Absolutely.

23 Q. All right. And did you hunt with your dad?

24 A. Yes. On the weekends and in the summer every  
25 other day with him, yes.

1 Q. Okay. And I guess in the area they lived in  
2 Pennsylvania, hunting is pretty common?

3 A. Yes.

4 Q. All right. Were you familiar with the guns  
5 that your father used to hunt?

6 A. Yes.

7 Q. Did you have an opportunity to use them?

8 A. Majority of them, yes.

9 Q. We're talking about long rifles, correct?

10 A. Yes.

11 Q. Did he also have shotguns?

12 A. He had one shotgun.

13 Q. Did your dad also hunt with other types of  
14 weapons, maybe bow and arrows?

15 A. Yeah. He had a crossbow, it's a Mathis; and a  
16 compound bow, which is a Mathis.

17 Q. Okay. And are you familiar with those?

18 A. Yes. I practiced and sighted them and all  
19 with him.

20 Q. All right. You're fairly familiar with the  
21 guns, correct?

22 A. Yes.

23 Q. You would help him get the scopes correct for  
24 distance shooting, correct?

25 A. Correct.

1 Q. Did your dad take care of these guns?

2 A. Yes.

3 Q. All right. If he would have come to Florida,  
4 would he have taken his guns with him?

5 A. Yes.

6 Q. All right. I'm going to show you a collection  
7 of photographs that have already been admitted into  
8 evidence. And just for the record, I'm talking about  
9 State's Exhibits 46, 47, 48, 49, 49, 50, 51, 52 and 53.  
10 Okay. Actually, I'll hold back 53 for a second.

11 Take a second and look at these photographs. Look  
12 at each one of them individually. You can flip through  
13 them. And let me know when you're done.

14 A. I'm done.

15 Q. All right. Mr. Brown, so you've had an  
16 opportunity to look through State's Exhibits 46 through  
17 52.

18 Do you recognize the guns that are shown in here?

19 A. Yeah. I can tell you, yes.

20 Q. Yes?

21 THE COURT: I'm sorry. I can't hear.

22 THE WITNESS: Yes. Yes, I can.

23 Q. (By Mr. Labruzzo) Okay. What are these?

24 A. My dad's rifles. A .308, the .30-06, the  
25 .30-30, the shotgun, the little .22, the compound bow

1 and the crossbow.

2 Q. All right. And these are your father's?

3 A. Absolutely.

4 Q. Okay. You would agree with me in that  
5 selection of photographs we're talking about long rifles  
6 and shotguns, correct?

7 A. Yep.

8 Q. All right. I'd like to show you what's been  
9 introduced as State's Exhibit 53. Have you ever seen  
10 that gun before?

11 A. No.

12 Q. All right. Was that your father's gun?

13 A. No.

14 Q. To your knowledge, did your dad have any  
15 handguns?

16 A. No.

17 Q. Okay. Being a hunter with your father, did he  
18 often carry a side knife or things to use in the  
19 wilderness?

20 A. Yes. He had one side knife that I believe was  
21 his grandfather's or his great-grandfather's that he had  
22 for a very long time. And then he purchased another one  
23 that actually has a hook on it, on the end towards the  
24 tip of the blade.

25 Q. Okay.

1 A. And he bought that at Caleba's.

2 Q. All right.

3 A. Cabela's. Cabela's. I'm sorry.

4 Q. Cabela's is a store that sells outdoor --

5 A. Yes. Outdoor hunting attire.

6 Q. Okay. I'm going to show you what's been

7 marked for identification as State's Exhibits 222, 223,

8 and 224.

9 Do you recognize the items that are in those  
10 photographs?

11 A. Absolutely.

12 Q. What are those items?

13 A. This is the one he purchased at Cabela's.

14 Q. And we're referring to State's Exhibit 222 for  
15 identification?

16 A. Yes. This is the same knife, but in the case  
17 that it came with.

18 Q. And that's State's Exhibit 223 for  
19 identification.

20 A. And this is the old knife that I was talking  
21 about that was passed down to him.

22 Q. Okay. And that is State's Exhibit 224 for  
23 identification.

24 These are your father's knives, correct?

25 A. Absolutely.

1 Q. Okay. In addition to the firearms that we've  
2 shown you already, I'd like to show you what's been  
3 marked for identification as State's Exhibit 217 and  
4 218. Okay?

5 In State's Exhibit 217 for identification, do you  
6 recognize that case?

7 A. It's the case to that gun.

8 Q. Okay.

9 A. To that rifle.

10 Q. And you're pointing to State's Exhibit 218 for  
11 identification. There's a case with a gun, correct?

12 A. Correct.

13 Q. Do you recognize that gun in that case?

14 A. It's one of his hunting guns.

15 Q. Okay. And that was your father's?

16 A. Correct.

17 Q. All right. Now, Mr. Brown, let me ask you  
18 some questions about your father a little bit more  
19 specifically. You said he was an electrician?

20 A. Yes.

21 Q. And was he fairly handy around the house?

22 A. Yes.

23 Q. If something were to break, he would know how  
24 to fix it?

25 A. He'd be already on it, yes. He'd be doing

1 something about it, yes.

2 Q. Okay. As it relates to cars or vehicles, was  
3 he knowledgeable about how to fix cars?

4 A. Yeah. He had a Nova back then. So he was  
5 always working on cars.

6 Q. All right. So it wasn't uncommon to see him  
7 under the hood messing with cars?

8 A. No.

9 Q. Okay. At the time, I guess the summer of  
10 2014, do you recall just the general stature of your  
11 father? Like approximately how much he weighed?

12 A. 230, 240, maybe. On the heavier side.

13 Q. Okay. Did he recently have surgery back in  
14 2014?

15 A. Yes.

16 Q. Where did he have surgery?

17 A. It was right before he left to go to Florida.

18 Q. And what part of the body did he have surgery  
19 on?

20 A. Lower back.

21 Q. All right.

22 A. Lower back area.

23 Q. Was he in recovery, I guess, when he came to  
24 Florida?

25 A. Yeah. Absolutely. He asked me to help him

1 move because he couldn't, he was in that much pain.

2 Q. All right. And your mother, just as it  
3 relates to her stature, do you recall generally how much  
4 she would have weighed back in 2014?

5 A. One-twenty. She was a little heavier, on the  
6 heavier side. One-twenty, 30 maybe tops.

7 Q. She was a short woman, correct?

8 A. Yes.

9 Q. Okay. One moment. Mr. Brown, I'd like to  
10 show you what's been marked for identification as  
11 State's Exhibit 225.

12 Do you recognize the people in that photograph?

13 A. Yes.

14 Q. And who is that?

15 A. That's my parents.

16 Q. All right. And to your knowledge, how long  
17 were your parents married?

18 A. Longer than me, than I've been born. So at  
19 least 32 years.

20 Q. Okay.

21 MR. LABRUZZO: At this time, Your Honor, the  
22 State would seek to admit what's been marked for  
23 identification as State's Exhibit 225 as 225.

24 THE COURT: Any objections?

25 MR. MICHAÏLOS: Same objection, Your Honor.

1 THE COURT: All right. I'll overrule the  
2 objection and it will come in as 225.

3 MR. LABRUZZO: All right. Thank you, Your  
4 Honor.

5 Thank you, Mr. Brown. No further questions.

6 THE COURT: Cross?

7 CROSS-EXAMINATION

8 BY MR. MICHAÏLOS:

9 Q. Good morning, Mr. Brown.

10 A. Good morning.

11 Q. When you said you may have helped your father  
12 with the moving, you never came to Florida in July of  
13 2014, did you?

14 A. No.

15 Q. So you would have helped him when he was  
16 loading to come to Florida?

17 A. Yes.

18 Q. Okay. He was so disabled, he couldn't lift  
19 heavy items, correct?

20 A. He asked me to help him.

21 Q. Was he capable of lifting heavy things?

22 A. No. There was other people helping. Our  
23 neighbors in PA helped him.

24 Q. So he wasn't involved in loading the trucks at  
25 all?

1 A. No. Not from his house.

2 Q. Now, the State gave you a chance to look at  
3 some photographs and you identified the firearms there  
4 except for the pistol belonging to your dad, correct?

5 A. Correct.

6 Q. Are those all the firearms he had in Florida  
7 or did he have more?

8 A. Those were all the firearms.

9 Q. Isn't it true he had seven firearms, not  
10 including the shotgun?

11 A. Including the shotgun. He had a shotgun, a  
12 .30-30, a .30-06, a low .22 rifle, he had his .308, he  
13 had his compound bow and he had his crossbow.

14 Q. Okay. And forgive me because I'm not familiar  
15 with guns as you are. So before you referenced a little  
16 .22. That would be a Marlin .22 rifle with a scope?

17 A. Yeah. With a scope.

18 Q. Okay. And then there was a Browning rifle,  
19 right?

20 A. A Browning shotgun.

21 Q. That was a shotgun?

22 A. A Remington -- I think it was a Browning. It  
23 was a Browning.

24 Q. Okay. A Marlin 94, a lever-action rifle?

25 A. I guess. I know it is a .30-30, .30-06, the

1 .308, the .22, the shotgun, the compound bow and the  
2 crossbow.

3 Q. Okay. The .30-30, was that a Winchester?

4 A. I know they're all top of the line market.

5 Q. Okay.

6 A. I know more the compound and the crossbow were  
7 the Mathis I believe the correct term is.

8 Q. Okay. And, I'm sorry, I guess the blind  
9 leading the blind here. But with regard to the .30-30,  
10 did that one have a scope?

11 A. Yes.

12 Q. Was that a bolt-action or a lever-action?

13 A. I know you cocked it like that (indicating).  
14 I don't know the terminology too, so I guess it is the  
15 blind leading the blind. But I know you pumped it for  
16 another shell to go into the chamber.

17 Q. That was the .30-30?

18 A. The .30-30, .308, .30-06. The .22 did not  
19 have that. You loaded it with a -- you twisted the  
20 little shaft there and you lifted it up and you loaded  
21 the little .22 bullets there with the .22.

22 Q. Okay. The bolt-action is the --

23 A. The leaver, I guess.

24 Q. Right. How many of those were bolt-action; do  
25 you know?

1           A.    The .30-30, the .30-06, and the .308.

2           Q.    Okay.  I see a Browning .308 and a .30-30.  I  
3 don't know the .30-06, I'm not sure which that one is.  
4 All right.  But there might have been more than what you  
5 saw in the photograph, right?

6           A.    I don't believe so, no.

7           Q.    Okay.  Now, you never came to Florida, so you  
8 wouldn't know where your father kept the firearms,  
9 correct, in the house in Florida?  Is that fair to say  
10 from your personal knowledge?

11          A.    Yes.

12          Q.    Do you know if he ever kept firearms at the  
13 house loaded or unloaded?

14          A.    They were always unloaded.

15          Q.    Always unloaded?

16          A.    Yes.

17          Q.    Okay.  He didn't have any firearms safes, did  
18 he, or locks?

19          A.    Safes?  No.

20          Q.    He didn't have any trigger locks?

21          A.    Yes.  He had trigger locks.

22          Q.    Describe for me what a trigger lock is.

23          A.    You put it in where the trigger is and you  
24 lock it.

25          Q.    Okay.  And you didn't see any trigger locks in

1 those photographs, did you?

2 A. Not in those photographs. I don't think so.

3 Q. Okay. And if he had a trigger lock, you need  
4 a key to unlock the lock obviously, right?

5 A. Yes.

6 MR. MICHAÏLOS: If I could have a moment, Your  
7 Honor?

8 THE COURT: You may.

9 MR. MICHAÏLOS: I have no further questions,  
10 Judge.

11 THE COURT: Any redirect?

12 MR. LABRUZZO: No, Your Honor.

13 THE COURT: Mr. Brown, thank you, sir. You  
14 may step down.

15 Is he released from his subpoena?

16 MR. SARABIA: Yes, Judge.

17 THE COURT: Defense, any objection?

18 MR. MICHAÏLOS: No, Your Honor.

19 THE COURT: All right. Mr. Brown, you're  
20 released.

21 THE WITNESS: Thank you.

22 THE COURT: So you can remain in the  
23 courtroom.

24 State, call your next witness.

25 MR. SARABIA: The State would call Rhea Clark.

1 THE COURT: Give me the last name again.

2 MR. SARABIA: Clark.

3 THE COURT: Clark? Okay. Thanks.

4 Ms. Clark, you want to come up to the podium  
5 there right there. And once you get there, stop  
6 for me, turn, raise your right hand and be sworn by  
7 my clerk.

8 RHEA CLARK,

9 a witness herein, being first duly sworn, was examined  
10 and testified as follows:

11 THE COURT: All right. Ma'am, if you can have  
12 a seat in the witness stand. And speak in a loud  
13 and clear voice for me. Okay?

14 THE WITNESS: Yes, ma'am.

15 State, you may proceed.

16 MR. SARABIA: Thank you, Judge.

17 DIRECT EXAMINATION

18 BY MR. SARABIA:

19 Q. Can you please turn and introduce yourself to  
20 the jury.

21 A. Hello. My name is Rhea Clark.

22 Q. And how are you employed?

23 A. I'm a forensic investigator with the Pasco  
24 Sheriff's Office.

25 Q. How long have you been with Pasco Sheriff's

1 Office?

2 A. I've been with them for ten years.

3 Q. And what does a forensic investigator do?

4 A. A forensic investigator responds to crime  
5 scenes, they do photography, collect evidence, and  
6 process for DNA and fingerprints.

7 Q. So do you carry around a gun?

8 A. No, I do not.

9 Q. Do you chase after suspects or execute  
10 warrants?

11 A. No, I do not.

12 Q. Do you interview witnesses?

13 A. No, I do not.

14 Q. It's not like it is on TV? CSI?

15 A. No, it is not.

16 Q. Okay. Were you working as a forensic  
17 technician back on September 4th of 2014, and the  
18 following days?

19 A. Yes, I was.

20 Q. Did you have occasion to respond to 7719  
21 Hatteras Drive?

22 A. Yes, I did.

23 Q. And can you describe for the jury generally  
24 when you got there what do you encounter?

25 A. Upon response to the scene the road was

1 actually taped off with crime scene tape and only a  
2 certain amount of people were allowed onto the scene.  
3 We had multiple patrol vehicles, detective vehicles, our  
4 command bus was out there.

5 Q. Okay. I want you to look through --

6 MR. SARABIA: May I approach the witness,  
7 Judge?

8 THE COURT: You may.

9 Q. (By Mr. Sarabia) I want you to look through  
10 some of these items that have already been admitted in  
11 evidence.

12 I'm showing you State's 25, State's 27, State's 28,  
13 State's 29, State's 30, State's 32, State's 33,  
14 State's 34, State's 35, State's 36, State's 37.

15 Do you recognize all those?

16 A. Yes, I do.

17 Q. Are those photographs that were taken on  
18 September 4th, 2014, by you?

19 A. Yes, they were.

20 Q. Documenting the scene as you guys found it?

21 A. Yes, it was.

22 Q. And while we're here, State's 38 and  
23 State's 39, are these also photographs that you took?

24 A. Yes, they are.

25 Q. And that you took in the subsequent days as

1 you guys were investigating or further searching the  
2 house?

3 A. Yes.

4 Q. Okay. How many days were you processing this  
5 residence?

6 A. From September 4th through the 9th.

7 Q. As you approached the residence, did you  
8 approach from the driveway?

9 A. Yes, I did.

10 Q. Did you detect any odors as you did that?

11 A. I did.

12 Q. Can you please describe for the jury what you  
13 detected?

14 A. There was a very foul smelling odor coming  
15 from the residence.

16 Q. Okay. Was it particularly strong in the area  
17 of the east garage?

18 A. Yes, it was.

19 Q. I want to show you what has been previously  
20 marked and shown to Defense as State's Exhibits 58 and  
21 59. In particular State's Exhibit 58, do you know what  
22 that is?

23 A. Yes. That is an almost aerial downward view  
24 of the residence on the first floor.

25 Q. Okay. And is it a diagram as opposed to a

1 photograph?

2 A. Correct.

3 Q. All right. Would a direct diagram like this  
4 assist you in your testimony explaining certain  
5 locations of different photographs and the items?

6 A. Yes, it would.

7 Q. And do you recognize what State's Exhibit 59  
8 is?

9 A. Yes. It is a diagram of the second floor of  
10 the residence.

11 Q. Okay. Now, would that also assist you in your  
12 testimony?

13 A. Yes, it would.

14 MR. SARABIA: Judge, at this time the State  
15 would like to move State's Exhibits 58 and 59 into  
16 evidence.

17 THE COURT: Any objection?

18 MR. MICHAÏLOS: No, ma'am.

19 THE COURT: All right. Diagram 58 and 59 is  
20 admitted.

21 Q. (By Mr. Sarabia) Now, we talked about the  
22 front of the residence. Did you notice anything on the  
23 driveway as you approached the residence and marked with  
24 a flag?

25 A. Yes, I did.

1 Q. And those photographs, you took those  
2 photographs of that item?

3 A. Yes, I did.

4 Q. And specifically I'm going to show you  
5 State's 35 already in evidence. Did you collect this  
6 item?

7 A. Yes, I did.

8 Q. And why do you collect items? Can you please  
9 explain to the jury why you do that.

10 A. We collect items that we believe are pertinent  
11 to the investigation.

12 Q. I'm showing you what's been marked as State's  
13 Exhibit 60 for identification.

14 Do you recognize that?

15 A. Yes, I do.

16 Q. What is it?

17 A. The item that is shown in that photo, it is an  
18 apparent projectile found in the driveway.

19 Q. Okay. And you collected it back on  
20 September 4th of 2014?

21 A. Yes, I did.

22 Q. And did you open that up earlier this morning  
23 and look at it to determine if it appeared to be in the  
24 same or similar condition as when you collected it?

25 A. Yes, I did.

1 Q. And is it?

2 A. Yes, it is.

3 MR. SARABIA: Judge, at this time the State  
4 would like to move State's Exhibit 60 into  
5 evidence.

6 THE COURT: Any objection?

7 MR. MICHAÏLOS: No, Your Honor.

8 THE COURT: All right. Item 60 will be in  
9 evidence.

10 MR. SARABIA: And may the witness step down,  
11 Judge?

12 THE COURT: She may.

13 Q. (By Mr. Sarabia) If you could, if you could  
14 just show that to the jury. I know it's in another  
15 container, but as best you can.

16 A. (Indicating).

17 Q. Thank you, Ms. Clark.

18 Now, Ms. Clark, I want to show you a bunch of  
19 photographs, and then we're going to talk about them.

20 Okay?

21 Can you go ahead and look through State's Exhibits  
22 61 through 75 for me. Do those appear to be fair and  
23 accurate depictions of the east garage of 7719 Hatteras  
24 Drive?

25 A. Yes, they are.

1           MR. SARABIA: And, Judge, for the record, I've  
2 already shown all these to Defense counsel. At  
3 this time the State would like to move State's  
4 Exhibits 61 through 75 into evidence.

5           THE COURT: Any objection?

6           MR. MICHAÏLOS: No, Your Honor.

7           THE COURT: All right. They'll be moved in 61  
8 through 75.

9           Q. (By Mr. Sarabia) I'd like to show you State's  
10 Exhibits 76, 77, and 226. Can you look at those?

11           Do you recognize those?

12           A. Yes, I do.

13           Q. Are those photographs of the west garage at  
14 7719 Hatteras Drive?

15           A. Yes, they are.

16           Q. Do they appear to be true and accurate  
17 depictions of the way the west garage appeared when you  
18 guys arrived?

19           A. Yes, it is.

20           MR. SARABIA: Judge, at this time the State  
21 would like to move State's Exhibits 76, 77 and 226  
22 into evidence.

23           THE COURT: 76, 77, and 226. Any objection?

24           MR. MICHAÏLOS: No, Your Honor.

25           THE COURT: All right. 76 and 77 and 226 will

1           come into evidence.

2           Q. (By Mr. Sarabia) I'm showing you State's  
3 Exhibits 78 through 80. Can you look at those.

4           Do you recognize those?

5           A. Yes, I do.

6           Q. Are those fair and accurate depictions of the  
7 west side of 7719 Hatteras Drive?

8           A. Yes, they are.

9           Q. I'm showing you State's Exhibits 81 through  
10 88. If you can look through those.

11          Do you recognize those?

12          A. Yes, I do.

13          Q. And are those fair and accurate depictions of  
14 the east side of 7719 Hatteras Drive?

15          A. Yes, they are.

16          Q. And the way it appeared when you arrived there  
17 back on September 4th, 2014?

18          A. Yes, they are.

19          Q. If you could look at State's Exhibits 91  
20 through 95 for me.

21          Do you recognize those?

22                 THE COURT: 91 through 94?

23                 MR. SARABIA: Through 95.

24                 THE COURT: Okay.

25                 THE WITNESS: Yes. I recognize these.

1 Q. (By Mr. Sarabia) And are those photographs of  
2 the back dock area of 7719 Hatteras Drive?

3 A. Yes, they are.

4 Q. And is that the way that it appeared back on  
5 September 4th, 2014?

6 A. Yes, they are.

7 MR. SARABIA: Judge, at this time the State  
8 would like to move all of these into evidence.

9 THE COURT: So 81 through 88, and 91 through  
10 95?

11 MR. SARABIA: Correct.

12 THE COURT: Any objection?

13 MR. MICHAIILOS: No, Your Honor.

14 THE COURT: All right. 81 through 88, photos  
15 will be introduced into evidence. And 91 through  
16 95 are in evidence.

17 MR. SARABIA: And, I'm sorry, that was 87,  
18 88 -- 81, 92.

19 THE COURT: You're missing 89 and 90. So  
20 those aren't in.

21 MR. SARABIA: That's the trouble of  
22 pre-marking these, Judge.

23 THE COURT: That's okay. That's all right.  
24 As long as we get them all in.

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

1 Exhibits 89, 90, 96 and 97. Can you look at those for  
2 me. And do you recognize those?

3 A. Yes, I do.

4 Q. Are those photographs of the, for lack of a  
5 better term, utility room at 7719 Hatteras Drive?

6 A. Yes, they are.

7 MR. SARABIA: Judge, at this time the State  
8 would like to move State's Exhibits 89, 96, 97 and  
9 90 into evidence.

10 THE COURT: So 89, 90, 96 and 97?

11 MR. SARABIA: Correct.

12 THE COURT: Any objection?

13 MR. MICHAÏLOS: No, Your Honor.

14 THE COURT: All right. They'll be in  
15 evidence.

16 Q. (By Mr. Sarabia) I'm showing you what's been  
17 marked State's Exhibit 98 through 103.

18 Do you recognize those?

19 A. Yes. I recognize these photos.

20 Q. And what are those photographs of?

21 A. Those are the photographs of the lower, I  
22 guess, room M. I don't remember what we called it.  
23 It's almost like the pool area.

24 Q. Okay. A large room at the rear of the  
25 residence?

1 A. Yes. On the first floor.

2 Q. At 7719 Hatteras Drive?

3 A. Yes.

4 Q. Are they true and accurate depictions of what  
5 you saw?

6 A. Yes, they are.

7 MR. SARABIA: And, Judge, at this time I'd  
8 like to move State's Exhibits 98 through 103 into  
9 evidence.

10 THE COURT: Any objection?

11 MR. MICHAÏLOS: No, Your Honor.

12 MR. SARABIA: All right. They'll be moved in.

13 Q. (By Mr. Sarabia) Now I'm showing you what's  
14 been marked as State's Exhibits 104 through 110. If you  
15 could look at those for me.

16 Do you recognize those?

17 A. Yes, I do.

18 Q. Are those photographs of the laundry room on  
19 the lower floor at 7719 Hatteras Drive?

20 A. Yes, they are.

21 MR. SARABIA: At this time, Judge, the State  
22 would like to move State's Exhibits 104 through 110  
23 into evidence.

24 THE COURT: Any objection?

25 MR. MICHAÏLOS: No, Your Honor.

1           THE COURT: All right. 104 through 110 will  
2           be in evidence.

3           Q. (By Mr. Sarabia) I'm sorry. What were you  
4           saying? The laundry room and --

5           A. It's the laundry room and the bathroom.

6           Q. Okay. State's Exhibits 108, 109 and 110, are  
7           those the lower floor bathroom?

8           A. Yes, they are.

9           Q. Okay. I'm showing you State's Exhibits 111  
10          through 120. Can you look through those for me.

11          Do you recognize those photographs?

12          A. Yes, I do.

13          Q. What are those photographs of?

14          A. I am on the first floor. They're of the  
15          anterior foyer for the stairs.

16          Q. All right. And are they true and accurate  
17          depictions of what you saw at 7719 Hatteras Drive when  
18          you were processing it?

19          A. Yes, they are.

20          MR. SARABIA: At this time, Judge, the State  
21          would like to move State's Exhibits 111 through 120  
22          into evidence.

23          THE COURT: Any objection?

24          MR. MICHAÏLOS: No, Your Honor.

25          THE COURT: All right. 111 through 120 will

1 be admitted.

2 Q. (By Mr. Sarabia) I'm showing you State's  
3 Exhibits 227, 228 and 229. If you can look at those.

4 Do you recognize those?

5 A. Yes, I do.

6 Q. And what are those?

7 A. Those are photos of the interior door of the  
8 stairs, lower portion.

9 Q. And are they fair and accurate depictions of  
10 what you observed back when you were processing 7719  
11 Hatteras Drive?

12 A. Yes, they are.

13 MR. SARABIA: At this time, Judge, we'd ask to  
14 move State's Exhibits 227, 228, 229 into evidence.

15 THE COURT: Any objection?

16 MR. MICHAÏLOS: No objection.

17 THE COURT: All right. They'll be admitted.

18 Q. (By Mr. Sarabia) I'm showing you State's  
19 Exhibits 121 through 125. If you can look at those.

20 Do you recognize those?

21 A. Yes, I do.

22 Q. And what are those of?

23 A. Those are photographs of the interior  
24 stairwell.

25 Q. Does it fairly and accurately depict what you

1 observed when you were processing 7719 Hatteras Drive?

2 A. Yes, they are.

3 MR. SARABIA: Judge, at this time the State  
4 would like to move State Exhibits 121 through 125  
5 into evidence.

6 THE COURT: Any objection?

7 MR. MICHAÏLOS: No objection.

8 THE COURT: They'll be so moved.

9 Q. (By Mr. Sarabia) I'm showing you State's  
10 Exhibits 230, 231 and 232.

11 Do you recognize those?

12 A. Yes, I do.

13 Q. And what are those?

14 A. Those are photographs of apparent blood on the  
15 stairwell.

16 Q. Do they fairly and accurately depict what you  
17 observed while processing 7719 Hatteras Drive?

18 A. Yes, they are.

19 MR. SARABIA: At this time, Judge, the State  
20 would ask to move State's Exhibits 230 through 232  
21 into evidence.

22 THE COURT: Any objection?

23 MR. MICHAÏLOS: No, Your Honor.

24 THE COURT: They'll be moved into evidence as  
25 230, 231 and 232.

1 Q. (By Mr. Sarabia) Now I'm showing you State's  
2 Exhibits 126 through 133. If you can look at those for  
3 me.

4 Do you recognize those?

5 A. Yes, I do.

6 Q. Are those photographs of the second-story  
7 living room area at 7719 Hatteras Drive?

8 A. Yes, they are.

9 Q. Does it fairly and accurately depict what you  
10 saw?

11 A. Yes, they do.

12 MR. SARABIA: At this time, Judge, the State  
13 would ask to move State's Exhibits 126 through 133  
14 into evidence.

15 THE COURT: Any objection?

16 MR. MICHAÏLOS: No, Your Honor.

17 THE COURT: All right. They'll be so moved,  
18 126 through 133.

19 Q. (By Mr. Sarabia) I am now showing you State's  
20 Exhibits 134 through 147. Could you look through those  
21 for me. Or wait, I'm sorry, let me take that back. 134  
22 through -- 134, 135, 136, 137, 138, 139, 140 and 141.  
23 Could you look at those for me.

24 Do you recognize those?

25 A. Yes, I do.

1 Q. Are those photographs of the kitchen and  
2 dining room area of 7719 Hatteras Drive?

3 A. Yes, they are.

4 Q. Is that how it appeared when you were  
5 processing the scene back in September of 2014?

6 A. Yes, they are.

7 MR. SARABIA: At this time, Judge, the State  
8 would ask to move State's Exhibits 135 through 141  
9 into evidence.

10 THE COURT: Any objection?

11 MR. MICHAÏLOS: No objection.

12 THE COURT: All right. They'll be so moved,  
13 134 through 141.

14 MR. SARABIA: I'm showing Defense counsel  
15 State's Exhibit 142 and 143.

16 Q. (By Mr. Sarabia) I'm showing you State's  
17 Exhibits 142. Could you look at that and tell me if you  
18 recognize it?

19 A. Yes, I do.

20 Q. And what is that?

21 A. It is a Papa John's pizza box.

22 Q. Where did you find that?

23 A. It was on the kitchen counter.

24 Q. Does it appear to be in similar condition when  
25 you found it back on September 4th, 2014?

1 A. Yes, it is.

2 Q. And I'm showing you State's Exhibit 143.

3 Do you recognize that?

4 A. Yes, I do.

5 Q. And what is that?

6 A. It is a Papa John's pizza box.

7 Q. And where did you find that?

8 A. It was actually on the stovetop in the  
9 kitchen.

10 Q. Was it in the same place as State's  
11 Exhibit 142 for identification?

12 A. Yes, it was.

13 Q. Does it appear to be in the same or similar  
14 condition as when you found it back on September 4th,  
15 2014?

16 A. Yes, it is.

17 MR. SARABIA: Judge, at this time the State  
18 would like to move State's Exhibits 142 and 143  
19 into evidence.

20 THE COURT: Any objection?

21 MR. MICHAÏLOS: No objection.

22 THE COURT: All right. 142 and 143 will come  
23 in as evidence.

24 Q. (By Mr. Sarabia) And I'm showing you State's  
25 Exhibits 144 through 147. If you can look at those for

1 me.

2 Are those photographs of those pizza boxes we just  
3 entered into evidence as they sit on the stove at 7719  
4 Hatteras Drive?

5 A. Yes, they are.

6 MR. SARABIA: Judge, at this time the State  
7 would like to move State's Exhibits 144 through 147  
8 into evidence.

9 THE COURT: Any objection?

10 MR. MICHAÏLOS: No, Your Honor.

11 THE COURT: They'll be so moved in as 144  
12 through 147.

13 Q. (By Mr. Sarabia) Turning your attention to  
14 State's Exhibits 148 through 155. Look at those for me  
15 and tell me if you recognize those.

16 Do you recognize those?

17 A. Yes, I do.

18 Q. And are those photographs of one of the  
19 bedrooms at 7719 Hatteras Drive that was filled with  
20 child's toys?

21 A. Yes, they are.

22 Q. And I guess the hallway leading into that  
23 bedroom?

24 A. Yes, they are.

25 MR. SARABIA: At this time, Judge, the State

1 would like to move State's Exhibits 148 through 155  
2 into evidence.

3 THE COURT: Any objection?

4 MR. MICHAÏLOS: No, Your Honor.

5 THE COURT: All right. They'll be moved in as  
6 148 through 155.

7 Q. (By Mr. Sarabia) I'm showing you State's  
8 Exhibits 156 through 159. Could you look at those for  
9 me.

10 Do you recognize those?

11 A. Yes, I do.

12 Q. And what are those of?

13 A. They're photographs of the upstairs bathroom  
14 on the east side of the residence.

15 Q. Fair and accurately depict what you observed?

16 A. Yes, they are.

17 MR. SARABIA: At this time, Judge, the State  
18 would like to move State's Exhibits 156 through 159  
19 into evidence.

20 THE COURT: Any objection?

21 MR. MICHAÏLOS: No objection.

22 THE COURT: 156 through 159 is admitted.

23 MR. SARABIA: Thank you, Judge.

24 Q. (By Mr. Sarabia) I'm now showing you what's  
25 been marked as State's Exhibits 160 through 185. Take a

1 moment and look through those.

2 Do you recognize all those?

3 A. Yes, I do.

4 Q. Are those photographs of the southeast  
5 second-story bedroom of 7719 Hatteras Drive and the  
6 various items that you observed within?

7 A. Yes, they are.

8 MR. SARABIA: Judge, at this time the State  
9 would like to move State's Exhibits 160 through 185  
10 into evidence.

11 THE COURT: Any objection?

12 MR. MICHAÏLOS: No, Your Honor.

13 THE COURT: All right. They'll be so  
14 admitted, 160 through 185.

15 Q. (By Mr. Sarabia) Turning your attention to  
16 State's Exhibits 186 through 191. Can you look at those  
17 for me.

18 Do you recognize those?

19 A. Yes, I do.

20 Q. And what are those photographs of?

21 A. Those are the photographs of the master  
22 bathroom.

23 MR. SARABIA: Judge, at this time the State  
24 would like to move State's Exhibits 186 through 191  
25 into evidence.

1 THE COURT: Any objections?

2 MR. MICHAÏLOS: No, Your Honor.

3 THE COURT: 186 through 191 will be admitted.

4 Q. (By Mr. Sarabia) I'm showing you State's  
5 Exhibits 192 through 209. If can you look through those  
6 for me.

7 MR. SARABIA: And again for the record, these  
8 have all previously been shown to Defense counsel.

9 Q. (By Mr. Sarabia) Do you recognize all of  
10 those?

11 A. Yes, I do.

12 Q. And are those photographs of the master  
13 bedroom area of 7719 Hatteras Drive on the second story?

14 A. Yes, they are.

15 MR. SARABIA: Judge, at this time the State  
16 would like to move State's Exhibits 192 through 209  
17 into evidence.

18 THE COURT: Any objection?

19 MR. MICHAÏLOS: No, Your Honor.

20 THE WITNESS: All right. 192 through 209 will  
21 be admitted.

22 Q. (By Mr. Sarabia) I'm now showing you State's  
23 Exhibits 210 through 216. If you can look at those for  
24 me.

25 Do you recognize those? And, I'm sorry, let's say

1 210 through 215. How about that? Do you recognize  
2 those?

3 A. Yes, I do.

4 Q. And what are those of?

5 A. Those are photographs of the master closet.

6 MR. SARABIA: And, Judge, at this time the  
7 State would like to move State's Exhibits 210  
8 through 215 into evidence.

9 THE COURT: Any objection?

10 MR. MICHAÏLOS: No, Your Honor.

11 THE COURT: 210 through 215 will be admitted.

12 MR. SARABIA: And, Judge, permission to  
13 publish all of those exhibits and have the witness  
14 step down?

15 THE COURT: Certainly. How are you publishing  
16 them?

17 MR. SARABIA: With the big screen on the Elmo.

18 THE COURT: Okay. That's fine.

19 Ms. Clark, if you want to step down. Just be  
20 careful. We're going to roll out the video. So  
21 they're going to put them on the Elmo and then it's  
22 going to come up onto the screen. So I just ask  
23 you to kind of view all the jurors to make sure  
24 they can see. Okay? Ooh, she get's the pointer.  
25 You get the pointer.

1 Q. (By Mr. Sarabia) First off, Ms. Clark, if you  
2 can just acquaint us with this diagram a little bit.

3 A. This will be the first floor of the residence.  
4 There's the east garage, the west garage, and the  
5 utility room. This is the pool area room, and that is  
6 fairly empty. The laundry room, the bathroom, and  
7 here's the foyer, anterior foyer leading up to the  
8 stairs to the second floor.

9 Q. Can you show us where the back dock area would  
10 be located on that diagram?

11 A. It would have been back here (indicating).

12 Q. And where would the front driveway area be  
13 where that projectile was located approximately?

14 A. It was located approximately in this general  
15 area.

16 Q. Okay. Now, I'm displaying State's 61. Can  
17 you describe for the jury what we're looking at here in  
18 relation to the diagram?

19 A. That would be the garage, the east garage.  
20 There's a vehicle in the garage right here. And this is  
21 a view from this angle going north.

22 Q. Okay. And you can see like a wooden door  
23 there in the photograph towards the back top left, I  
24 guess?

25 A. Yes.

1 Q. Can you show us where that would coordinate  
2 with on the diagram?

3 A. That was this door right here.

4 Q. Okay. And on the diagram, is there anything  
5 to indicate where the van was located?

6 A. Yes. These dots right here were indications  
7 of where the wheels were.

8 Q. And in this particular photograph, this is  
9 from the south looking into the garage door?

10 A. Correct.

11 Q. Now, this garage, other than through that  
12 wooden door, is it connected in any way to the other  
13 garage or any other room for that matter?

14 A. No, it's not.

15 Q. I'm showing you State's 62. Can you tell us  
16 what we're looking at in State's 62?

17 A. This is now a south view in the north end of  
18 the east garage behind the van.

19 Q. And then it's looking -- you can see out the  
20 east garage door?

21 A. Yes.

22 Q. South, I guess?

23 A. Yes.

24 Q. Okay. I'm showing you State's 63. Do you  
25 recognize that?

1 A. Yes, I do.

2 Q. And what is that?

3 A. That is actually the interior of the van that  
4 was parked in the east garage.

5 Q. Now, is that the way that the back interior of  
6 the van appeared when you guys arrived on September 4,  
7 2014?

8 A. Yes, it is.

9 Q. So there was nothing in that section of the  
10 back, and there weren't any seats?

11 A. Correct.

12 Q. Were you able to determine where the seats  
13 were?

14 A. Yes, we were.

15 Q. And where were the seats?

16 A. They were actually folded in.

17 Q. I had a van that did that.

18 I'm showing you State's 64. What is that?

19 A. Those are maggots, apparent maggots.

20 Q. And what is that a photograph of?

21 A. It's the interior of the minivan.

22 Q. And is that the middle seat area as opposed to  
23 the back that we were just looking at?

24 A. Correct.

25 Q. And you said "maggots". Where are the maggots

1 in that photograph? Help us out.

2 A. Sorry. All the little white specks are the  
3 maggots.

4 Q. So there's several of them there; is that  
5 accurate? More than 20?

6 A. Correct.

7 Q. I'm displaying State's 65. Can you tell us  
8 what we're looking in State's 65?

9 A. This is also the interior of the minivan with  
10 the compartment open and the seats are folded in.

11 Q. Now, when you got there, was the compartment  
12 open like that or did you guys do that during your  
13 investigation?

14 A. We did that during the investigation.

15 Q. Okay. And were there maggots even within that  
16 compartment?

17 A. Yes, there was.

18 Q. I'm displaying State's Exhibit 66. What is  
19 this a photograph of?

20 A. This is a photograph of the exterior of the  
21 vehicle. This is the driver's side window and driver's  
22 side door.

23 Q. Okay. And that would be of the minivan in the  
24 east garage?

25 A. Of the minivan, yes, in the east garage.

1 Q. All right. I'm showing you State's  
2 Exhibit 67. What is that a photograph of? If you could  
3 show us on the diagram where that coordinates to.

4 A. Sure. So this is also the east garage. The  
5 rear of the minivan to include the window that was back  
6 here along the east wall.

7 Q. What is that in front of the window there?

8 A. I believe it was a rug of some sort.

9 Q. Was it hung in such a way that it would  
10 obstruct normal view in and out of the window?

11 A. Yes, it was.

12 Q. So that if somebody was doing something in  
13 that area of the garage, people passing outside might  
14 not be able to detect it?

15 A. Correct.

16 Q. Now, you did not hang that when you got there,  
17 did you?

18 A. No, we did not.

19 Q. That was there when you arrived?

20 A. Yes, it was.

21 Q. I'm showing you State's Exhibit 68. It's kind  
22 of hard to see on the big screen, but can you describe  
23 what we're looking at there and where on the diagram  
24 that coordinates with?

25 A. Yes. Again, this is the east garage, the rear

1 portion behind the minivan. You would also notice that  
2 there are other rugs. And you can't see it very well,  
3 but an area full of apparent blood on the wall and on  
4 the ground.

5 Q. Well, real quick. The thing kind of in the  
6 middle of the photograph standing up that has wheels,  
7 what was that?

8 A. That's a dolly.

9 Q. And does that appear on the diagram anywhere?

10 A. Yes. That's this image right here  
11 (indicating).

12 MR. SARABIA: Judge, permission to walk this  
13 one in front of the jury?

14 THE COURT: You may.

15 MR. SARABIA: Unfortunately the Elmo gets a  
16 little bit washed out.

17 Q. (By Mr. Sarabia) I'm now displaying State's  
18 Exhibit 69. Can you tell us what we're looking at here?

19 A. This is also the east garage, the portion  
20 right here on the west side of the vehicle.

21 Q. So there were like some cabinets and a  
22 workbench area?

23 A. Correct.

24 Q. And this door to the van, do you recall, was  
25 that open when you got there or was it not open?

1           A.    It was open upon my arrival.

2           Q.    Okay.  I'm showing you State's Exhibit 70.

3 Can you tell us what we're looking at in this

4 photograph?

5           A.    Yes.  This is also the area right here in the  
6 east garage.  There are actually items like bedding and  
7 different rugs wrapped up in that area.

8           Q.    And these areas of red discoloration, do they  
9 appear to be part of the print of that bedding?

10          A.    No, they weren't.

11          Q.    Okay.  I'm showing you State's 71, or  
12 displaying State's 71.  Can you tell us what we're  
13 looking at in that photograph?

14          A.    Yes.  This is now showing you the actual door  
15 here on the east garage standing from this area looking  
16 north.

17          Q.    I'm displaying State's 72.  Can you describe  
18 what we're looking at in this photograph?

19          A.    Yes, I can.  This again is also the east  
20 garage along the east side of the vehicle along the wall  
21 area.

22          Q.    I'm showing you State's 73.

23          A.    This is also the same location with a closer  
24 view.

25          Q.    And it's hard to tell on the Elmo, but is

1 there an area of discoloration in the middle of this  
2 photograph?

3 A. Yes, there is.

4 Q. And did it appear to be some sort of liquid or  
5 goo?

6 A. Yes, it was.

7 Q. What about all those little white things in  
8 the goo?

9 A. Those are also maggots that were on the floor  
10 there.

11 MR. SARABIA: And, Judge, permission to walk  
12 this one in front of the jury?

13 THE COURT: You may.

14 MR. SARABIA: As well as 72, which coordinates  
15 with it.

16 THE COURT: That's fine.

17 Q. (By Mr. Sarabia) I'm displaying State's 74.  
18 Can you tell us what we're looking at there?

19 A. This is actually again the rear of the actual  
20 minivan in the east garage and the floorboard just below  
21 it.

22 Q. And State's 75. What is that? Is that a  
23 close-up of the area we were just looking at in  
24 State's 74?

25 A. Yes, it is.

1 Q. And what is that right there in the middle?

2 A. That is a cigarette butt.

3 Q. All right. I want to turn your attention now  
4 to the west garage. And I'm going to display  
5 State's 76. Can you describe for the jury on the  
6 diagram where we're looking in State's 76?

7 A. We're in this area right here of the west  
8 garage.

9 Q. Now, there's a door on the far left of that  
10 photograph?

11 A. Yes.

12 Q. Where does that door appear on the diagram?

13 A. That's this door right here (indicating).

14 Q. Okay. I'm showing you State's 77. Can you  
15 describe to the jury on the diagram what we're looking  
16 at there?

17 A. This is again the west garage. There is a  
18 Jeep and a mattress and several items in front of the  
19 garage door.

20 Q. You say "Jeep". Is it fair to say that's a  
21 Chevy Blazer SUV?

22 A. Yes.

23 MR. VIZCARRA: Objection. Leading.

24 Q. (By Mr. Sarabia) Okay. Behind that vehicle,  
25 what do you see there?

1 A. That is a mattress.

2 Q. And is this the way that the west garage was  
3 when you guys arrived on September 4th, 2014?

4 A. Yes, it was.

5 Q. On the far left of this photograph, do you see  
6 a doorway?

7 A. Yes, I do.

8 Q. Can you please just point out on the diagram  
9 where that doorway coordinates to?

10 A. That is this doorway over here (indicating).

11 Q. I'm showing you State's 226. Can you show the  
12 jury what we're looking at here?

13 A. That is a view from this angle towards the  
14 exterior door here on the west garage.

15 Q. And is there a towel kind of hanging off that  
16 door as if it might have been placed to obscure the view  
17 from that window?

18 MR. MICHAÏLOS: Objection. Leading.

19 THE COURT: The question was if or is. So  
20 that would be overruled. Go ahead.

21 THE WITNESS: Yes, it was.

22 Q. (By Mr. Sarabia) I'm showing you State's 78.  
23 Can you describe to the jury what we're looking at here?

24 A. Yes. This is now this corner of the residence  
25 to include an RV and part of the garage door and the

1 walkway leading down to the rear of the residence.

2 Q. And approximately in the middle of that  
3 photograph there's a door that you can see exactly. Can  
4 you show us on the diagram where that coordinates to?

5 A. That is this door right here that leads into  
6 the west garage.

7 Q. I'm displaying State's 79. Can you tell us  
8 what we're looking at here?

9 A. This is another view of the west side of the  
10 residence to include the same door into the garage, a  
11 window, and the walkway leading into the room.

12 Q. Thank you. I'm showing you State's 80. Can  
13 you describe what we're looking at there?

14 A. This is again the walkway along the west side  
15 of the residence leading back into the rear.

16 Q. All right. I want to turn your attention to  
17 State's 81. Can you describe what we're looking at in  
18 this photograph?

19 A. Yes. This is actually now the east side of  
20 the residence from almost like this general area to  
21 include the front half of the residence.

22 Q. And on the far right of that photograph there  
23 is just barely a visible part of the doorway. Can you  
24 show us on the diagram where that doorway coordinates  
25 to?

1 A. That is this doorway right here (indicating).

2 Q. Okay. So that doorway, that actually does not  
3 go into the garage, does it?

4 A. No, it does not.

5 Q. Okay. I'm showing you State's 82. Can you  
6 tell us what we're looking at there?

7 A. This is again along the same east side of the  
8 residence to include that same doorway, and now the  
9 window is over here in the rear.

10 Q. I'm showing you State's 83. Can you tell the  
11 jury what this is a photograph of?

12 A. This is the rear portion of the east side of  
13 the residence to include the rear window and  
14 air-conditioning unit and the almost overhang.

15 Q. Did you notice anything unusual about the  
16 ground in the area of that overhang?

17 A. Yes.

18 Q. And can you describe what that was?

19 A. The dirt appeared to have been softer as if it  
20 was recently disturbed.

21 Q. Okay. I'm displaying State's 84. Can you  
22 describe what we're looking at in this photograph?

23 A. Yes. This is the rear east portion of the  
24 residence to include the window with the same  
25 air-conditioner units and the overhang.

1 Q. Now, there's some yellow things with numbers  
2 on them in that photograph. Can you tell the jury what  
3 those are?

4 A. Those are Placement Identification Numbers,  
5 which we consider PINs, and we place them on areas where  
6 we deem there are items of evidence.

7 Q. Okay. And we see, I guess, that's 23 and 22  
8 in this photograph?

9 A. Correct.

10 Q. And those are both things that you put there  
11 after you arrived; is that accurate?

12 A. Yes. The PINs were placed after I arrived.

13 Q. Other than placing those PINs, was anything  
14 else disturbed when this photograph was taken?

15 A. No.

16 Q. I'm showing you State's 22. Do you recognize  
17 that?

18 A. Yes, I do.

19 Q. I'm sorry. And I'm showing you State's 85  
20 with Item Number 22 on it. Can you describe what we're  
21 looking at there?

22 A. Yes. This again is a portion right in front  
23 of the air-conditioning on the east side of the  
24 residence. It is identifying a bag with zip ties, black  
25 zip ties.

1 Q. Okay. And is this the same PIN Number 22 that  
2 we saw on the last photograph, State's 84?

3 A. Yes, it was.

4 Q. Okay. I'm showing you State's 86. Can you  
5 tell the jury what we're looking at here?

6 A. Yes. This again is along the east side of the  
7 residence to the rear. There is the air-conditioning  
8 that's by the window. On top is an apparent  
9 sledgehammer-type tool. And that's going to be Item  
10 Number 23.

11 Q. Okay. And that Marker 23 coordinates with the  
12 same PIN Marker 22 that we saw in State's 84?

13 A. Yes, it does.

14 Q. I'm showing you State's 87. Can you describe  
15 what we're looking at here?

16 A. This is the east side of the residence along  
17 this area to the rear. It is to include again PIN  
18 Number 22, with the zip ties and the disturbed soil in  
19 the rear.

20 Q. I'm sorry. Going back real quick to  
21 State's 86. I don't recall if I asked you. What were  
22 those two items on top of the air-conditioning?

23 A. This was a sledgehammer.

24 Q. Okay. And a piece of wood?

25 A. A piece of wood.

1 Q. Okay. Thank you.

2 I'm showing you State's 88. Can you tell us what  
3 we're looking at here?

4 A. Yes, I can. This is the east side of the  
5 residence from the north end facing south.

6 Q. And you have previously described an area of  
7 what appeared to be freshly disturbed dirt. Do you see  
8 that in this photograph?

9 A. Yes, you do.

10 Q. Could you please point that out to the jury.

11 A. It's in this area right here (indicating).

12 Q. And is this a photograph that was taken before  
13 forensics did anything to that area of dirt?

14 A. Correct.

15 Q. Okay. All right. Moving along to State's 91,  
16 in the rear of the residence. Can you tell us what  
17 we're looking at there?

18 A. This is now the rear of the residence in this  
19 general area to include the dock and the seawall and the  
20 water behind there.

21 Q. Okay. And towards the center right of this  
22 photograph, is that the end of the canal?

23 A. This area right here (indicating)?

24 Q. Yes.

25 A. Yes. That's the end of the canal.

1 Q. Okay. I'm showing you State's 92, displaying  
2 State's 92. Can you describe what we're looking at  
3 here?

4 A. This is standing now on the east side of the  
5 same dock facing west, and it's again showing the boat  
6 lift, the deck, and the seawall.

7 Q. Was there any boats present at 7719 Hatteras  
8 Drive?

9 A. No, there was not.

10 Q. I'm showing you State's 93. Describe what  
11 we're looking at here.

12 A. This is now an east view standing from the  
13 west side of the same deck. This is now the deck over  
14 here, the concrete east wall, and the marsh area.

15 Q. Okay. And that big green thing in the center  
16 of the photograph, what is that?

17 A. Trees. Bush.

18 Q. Okay. Was it thick vegetation or was it  
19 pretty sparse?

20 A. It was thick vegetation.

21 Q. I'm showing you State's 94. What are we  
22 looking at here?

23 A. It's a close view of the seawall behind the  
24 residence, which is in this general area right here.  
25 There are two unspent rounds on the floor, on the

1 ground.

2 Q. And State's 95, is that a close-up of the two  
3 unspent rounds you just referenced?

4 A. Yes.

5 Q. And was it starting to rain on September 4th,  
6 when you were taking these photographs?

7 A. Yes, it was.

8 Q. Okay. This was August in Florida?

9 A. Yes.

10 Q. Do you recall what kind of rounds these were?

11 A. Not off the top of my head. I'll have to  
12 check my notes.

13 Q. If you check your notes, would that refresh  
14 your recollection?

15 A. Yes, it would.

16 Q. If you could do that real quick.

17 A. Okay. They were Winchester .308s.

18 Q. Okay. I'm showing you State's 98. Moving on  
19 inside of the residence. Can you describe what we're  
20 looking at on the diagram with State's 98?

21 A. Yes. This is room M, facing the sliding glass  
22 door in the rear and the pool area.

23 Q. And in this photograph, it's a little bit  
24 washed out on the Elmo, but can you see all those little  
25 dark things on the ground there?

1 A. These areas?

2 Q. Yes.

3 A. Yes.

4 Q. What are those?

5 A. Those are apparent feces.

6 Q. Consistent with small dogs?

7 A. Yes.

8 Q. I'm showing you or displaying State's 99.

9 Describe what we're looking at there on the diagram.

10 A. This is a view from this angle facing west to  
11 include this side of room M.

12 Q. And there's a doorway in the center of that  
13 photograph. Can you just describe for us where that  
14 doorway sits on the diagram?

15 A. Yes. This is this door that leads into the  
16 utility room.

17 Q. And again there's a lot of little dark things  
18 on the ground there. Can you just tell the jury what  
19 were those?

20 A. Those are apparent feces.

21 Q. Now, there's also some discolored areas on the  
22 ground. Do those areas have any particular odor?

23 A. Yes, they did.

24 Q. What did they smell like?

25 A. It smelled like urine.

1 Q. Okay. I'm showing you State's 100, displaying  
2 State's 100. Can you tell the jury what we're looking  
3 at in this photograph?

4 A. This is a view from this angle looking south  
5 into the utility room.

6 Q. I'm showing you State's 101, displaying  
7 State's 101. What are we looking in this photograph?

8 A. This is an angle from this direction facing  
9 east in room M.

10 Q. Now, there's a doorway towards the right side  
11 of this photograph.

12 A. (Indicating).

13 Q. Yes, right there. Can you describe where on  
14 the diagram that doorway is?

15 A. That's this doorway right here that leads to  
16 room K.

17 Q. And looking through that doorway there's  
18 another set of doors. Can you describe what that is  
19 that we're looking?

20 A. Those are these closet doors here along the  
21 east side.

22 Q. And moving towards the left of the photograph.

23 A. (Indicating).

24 Q. Yes, that open doorway there. Can you show us  
25 where that is on the diagram?

1           A.    Yes.  That's this door entering into the  
2 laundry room.

3           Q.    And just beyond that there's like a closed  
4 door.  Can you describe where that is on the diagram?

5           A.    This one here (indicating)?

6           Q.    Yes.

7           A.    That is a closet right here.

8           Q.    Okay.  I'm displaying State's 102.  Can you  
9 tell us what this is a photograph of?

10          A.    This is again a close-up photograph of the  
11 previous one to include the laundry room and that  
12 closet.

13          Q.    Okay.  And I'm displaying State's Exhibit 103.  
14 Can you describe for us what we're looking at there?

15          A.    This is in room N.  There was a dog cage over  
16 along this side of the wall and right in front of it was  
17 a bag of black zip ties.

18          Q.    Okay.  And that yellow line, is that another  
19 PIN marker that you guys put down?

20          A.    Yes, it is.

21          Q.    I'm showing you State's 89.  Can you tell us  
22 what we're looking at in State's 89.

23          A.    State's 89.  That is the utility room.  Along  
24 the south wall there is a fridge right there.

25          Q.    And State's 90.  What are we looking at in

1 State's 90?

2 A. Also the utility room and it was along this  
3 wall here.

4 Q. I'm displaying State's 96. Can you describe  
5 where on the diagram we are looking there?

6 A. Yes. This is the utility room from the north  
7 end facing south. So you can see the actual fridge  
8 that's along the south wall, and I think you can see the  
9 doorway to the garage.

10 Q. Okay. I'm showing you State's 97. Can you  
11 describe for the jury what we're looking in State's 97?

12 A. Yes. This is the utility room with a north  
13 view towards the actual doorway leading out into the  
14 foyer area.

15 Q. Now, again there's some black things on the  
16 ground there. What were those?

17 A. Those are apparent dog feces.

18 Q. I'm showing you State's 105. Can you tell us  
19 what we're looking at in State's 105?

20 A. Yes. That's room N, which is the laundry  
21 room.

22 Q. I'm showing you State's -- I'm sorry. That  
23 was State's 104. Now I'm showing you 105.

24 A. That is also the laundry room now actually  
25 facing north to show the actual washer and dryer.

1 Q. Now, once again there is some black things on  
2 the ground there. What were those?

3 A. Those are apparent feces as well.

4 Q. I'm showing you State's 106. What are we  
5 looking at there?

6 A. That's still the laundry room now pretty much  
7 a view from the east facing west.

8 Q. And there's like a doorway there with some  
9 things hanging in it. Where does that fall on the  
10 diagram?

11 A. That's still in the same laundry room area.

12 Q. Okay. State's 107. What are we looking at  
13 there?

14 A. That is a small cutout area that was under the  
15 stairwell.

16 Q. Is that from within this laundry room?

17 A. Yes.

18 Q. I'm showing you or displaying State's 108,  
19 108. Can you tell the jury on the diagram where we are  
20 looking in this photograph?

21 A. That would be going from this direction north  
22 towards the rear bathroom.

23 Q. And the door that's on the left portion of the  
24 photograph, where does that coordinate to?

25 A. That is this door that leads into the pool

1 deck area.

2 Q. Okay. I'm displaying State's 109. What is  
3 that a photograph of?

4 A. This is that rear bathroom leading into it.

5 Q. I'm displaying State's 110. What are we  
6 looking at there?

7 A. This is the rear bathroom now facing the east  
8 side.

9 Q. And that glass doorway, where does that go?

10 A. That's leading into the shower.

11 Q. And in the corner there where that glass  
12 doorway is, those black things on the ground, do you see  
13 those?

14 A. Yes.

15 Q. What are those?

16 A. Those are also apparent dog feces.

17 Q. I'm displaying State's 111. Can you describe  
18 what we're looking at, from where in this photograph?

19 A. Yes. So that is standing from this area of  
20 the west garage. There's a small hallway that leads  
21 into room K. So it's a view facing this direction to  
22 capture these two doors.

23 Q. Okay. And there's a, let's call it the -- in  
24 the center of the photograph there's a right most door.

25 A. (Indicating.)

1 Q. Yes, that one. Can you show us where that  
2 coordinates to in the diagram?

3 A. Yes. That's this door right here that leads  
4 outside.

5 Q. Okay. And right next to that in the center of  
6 the photograph on the left there's another door. Can  
7 you describe for us so we orientate ourselves correctly  
8 where that is?

9 A. Yes. That is that door that is open leading  
10 into the stairwell to go up to the second floor.

11 Q. Okay. I'm showing you State's 112, displaying  
12 State's 112. Can you describe what we're looking at in  
13 this photograph?

14 A. This is a photograph of the open door right  
15 here of the west garage.

16 Q. All right. And on the left portion above the  
17 handles or the hardware of the door, do you see that  
18 area of discoloration?

19 A. Yes, I do.

20 Q. And it's hard to tell in the photograph, but  
21 what does that appear to be? What color?

22 A. It was a reddish-brownish color.

23 Q. I'm showing you State's 113, displaying it.  
24 Is that a close-up of the area of discoloration we were  
25 just looking at in State's 112?

1           A.    Yes, it was.

2           Q.    I'm displaying State's 114.  Can you describe  
3 for the jury where on this diagram this photograph  
4 captures?

5           A.    This is standing now in room K.  Now, you  
6 actually have a more view of the floor and the two  
7 doors.

8           Q.    And as you look at the floor, were there any  
9 obvious areas of red discoloration or something that  
10 might be apparent blood?

11          A.    Yes.

12          Q.    And do you recall kind of where those areas  
13 were?

14          A.    Yes.  They're right here and back in here.

15          Q.    I'm displaying State's 115.  Can you tell us  
16 where we're looking in this photograph?

17          A.    I am now standing in room K facing west, and  
18 now incorporating the door leading into room M, and the  
19 door leading into room L.

20          Q.    Okay.  And the doorway on the far right is the  
21 one that leads into room M?

22          A.    This is M.

23          Q.    I'm sorry.  The right?

24          A.    And that one is room L, the west garage.

25          Q.    Okay.  Thank you.

1 I am displaying State's 116. Can you describe to  
2 the jury where this photograph is?

3 A. Yes. That is also in room K, to incorporate  
4 these two closets on the north end.

5 Q. I'm displaying State's 117. Can you describe  
6 where we're looking in this photograph?

7 A. That is also room K, to include this closet in  
8 the corner and the doorway leading upstairs.

9 Q. And what is that object that's kind of in the  
10 center that is partially green?

11 A. (Indicating.)

12 Q. Yes, that object?

13 A. That is a broom.

14 Q. And can you show us on the diagram where that  
15 broom is located?

16 A. It's located in this cutout area right here by  
17 the sink.

18 Q. Now, real quick. In reference to this  
19 diagram -- I'm displaying 115 again -- that doorway on  
20 the far right, did that have a door associated with it  
21 that could be closed?

22 A. Yes, it does.

23 Q. If that doorway is closed, can you show us on  
24 the diagram, does that block off the entire area,  
25 including room K, the utility area, and the downstairs

1 bathroom in room N?

2 A. If this door is closed, it would enclose these  
3 areas from room K.

4 Q. Okay. I'm displaying State's 118. Can you  
5 tell the jury what we're looking at in this photograph?

6 A. This is a photograph from the interior  
7 stairwell on the landing right here facing south.

8 Q. I'm displaying State's 119. Can you describe  
9 to the jury what we're looking at in this photograph?

10 A. Okay. That one is the same doorway here of  
11 the interior of the stairwell now showing the interior  
12 of the actual doorjamb area.

13 Q. And that doorframe there's a little hook  
14 there, and below that hook, this thing right there, what  
15 is that?

16 A. It's a hook that is for like a lock on the  
17 door. And this is the area that has a reddish-brownish  
18 discoloration.

19 Q. It's kind of hard to tell on that Elmo, but  
20 just below the area of discoloration, is there something  
21 on the wall there?

22 A. Yes. That is a sticker scale.

23 Q. Can you please describe to the jury what a  
24 sticker scale is?

25 A. A sticker scale is an L-shape sticker that we

1 put on surfaces to identify areas of apparent blood.

2 Q. Okay. And in that one, I believe, you have --  
3 it may not be obvious from this photograph, but is there  
4 something written on there to uniquely identify that  
5 area for reference later?

6 A. Yes, there is.

7 Q. And this sticker scale is something you added  
8 when you went to the scene?

9 A. Yes, it is.

10 Q. Okay. I'm displaying State's 120. Is that a  
11 close-up of the sticker scale we were just looking at in  
12 State's 119?

13 A. Yes, it is.

14 Q. And does that one have a particular label  
15 associated with it?

16 A. Yes, it does.

17 Q. And what label is that?

18 A. Stairwell A.

19 Q. I'm displaying 227. Can you tell us what area  
20 this is?

21 A. That is also the stairwell. Again, this is  
22 now the actual interior of this door to include the  
23 handle and the lock.

24 Q. And once again is there a sticker scale that  
25 was placed in this photograph?

1           A.    Yes, there was.

2           Q.    And I'm showing you State's 228.  Is that a  
3 close-up of the sticker scale we were just looking at in  
4 227?

5           A.    Yes, it is.

6           Q.    I'm displaying State's 229.  Can you describe  
7 what we're looking at in that photograph?

8           A.    This is again the interior door to the  
9 stairwell.  It is actually the top portion to include  
10 the hook that corresponds with the lock on the frame,  
11 and there's a sticker scale to the area of the handle.

12          Q.    I'm displaying State's 121.  Can you describe  
13 to the jury what we're looking at here?

14          A.    Yes.  This is now from room K, facing north  
15 upward into the stairwell.

16          Q.    And on the far left of this photograph, is  
17 that broom that we had discussed earlier pictured as  
18 well?

19          A.    Yes, it is.

20          Q.    I'm displaying State's 122.  Can you describe  
21 what we're looking at in this photograph?

22          A.    This is the anterior portion of the stairwell  
23 from the landing going further up into the  
24 dining room/living room area.

25          Q.    And did you notice anything, I guess, on the

1 bottom of this photograph lying on the stairs?

2 A. Yes, I did.

3 Q. And what was that?

4 A. This is a yellow rope that was there.

5 Q. And I'm now displaying State's 123. Is that a  
6 better view of the yellow rope you were just describing  
7 on the stairwell?

8 A. Yes, it is.

9 Q. And if you could show us on the diagram  
10 approximately where that is?

11 A. Yes. That is in this lower portion of the  
12 stairs.

13 Q. I'd like to switch diagrams on you.

14 THE COURT: Before you do that, can I have the  
15 lawyers at the bench?

16 (Bench Conference.)

17 THE COURT: We've been going an hour and a  
18 half. They might need a restroom break. So I'm  
19 going to have them step into the jury room and then  
20 we'll finish up with her before we go to lunch.

21 Okay?

22 MR. SARABIA: Okay.

23 (Open Court.)

24 THE COURT: Ladies and gentlemen, we've been  
25 going an hour and a half. So I thought you might

1 need a restroom break. So I'm going to have you  
2 step into the jury room and use the restroom, and  
3 that will give the lawyers a chance to have a break  
4 too.

5 Don't talk about the case, no tweeting,  
6 texting or blogging. Not that you have your phone  
7 anyway, but still no talking about the case. And  
8 as soon as you're ready, just knock on the door.  
9 Okay?

10 Do you need to use the restroom?

11 THE WITNESS: Yes.

12 THE COURT: Just so you know, don't talk to  
13 anybody about this, your testimony so far. Okay?

14 THE WITNESS: Yes.

15 THE COURT: Straight to the bathroom and back.  
16 Okay?

17 THE WITNESS: Thank you.

18 THE COURT: Thank you.

19 THE BAILIFF: Jury is out of the hearing of  
20 the Court.

21 (Recess Taken.)

22 THE COURT: You may be seated. Have they  
23 knocked yet?

24 THE BAILIFF: No, Your Honor.

25 THE COURT: Okay. We'll give them another

1 second or two and then we'll knock and see if they  
2 understood. Oh, I still hear doors opening and  
3 closing. Perfect time. Are we all ready?

4 MR. SARABIA: The State's ready.

5 THE COURT: All right. Bring the jury back  
6 in.

7 Ms. Clark, after they've been seated, you can  
8 step down. Okay?

9 THE WITNESS: Thank you.

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

12 (Jury Present.)

13 THE COURT: All right. Ms. Clark, you may  
14 step down.

15 And, State, you may proceed.

16 MR. SARABIA: Thank you, Judge.

17 Q. (By Mr. Sarabia) Real quick. Ms. Clark, I  
18 forgot to show you State's Exhibit 233. Before we go  
19 back to the diagram, can you look at that for me?

20 A. Okay.

21 Q. Do you recognize that?

22 A. Yes, I do.

23 Q. Is that a fair and accurate depiction of an  
24 area of the southeast bedroom on the second floor?

25 A. Yes, it is.

1           MR. SARABIA: At this time the State would  
2 like to move State's Exhibit 223 into evidence.

3           THE COURT: Any objection?

4           MR. MICHAÏLOS: No, Your Honor.

5           THE COURT: Okay. That will be admitted as  
6 223.

7           MR. SARABIA: For the record, I've previously  
8 showed Defense counsel.

9           THE COURT: Okay.

10          Q. (By Mr. Sarabia) All right. Ms. Clark, we've  
11 been talking a lot about room K on the bottom floor.  
12 Before we move up to the top floor, how did it smell in  
13 room K?

14          A. Very foul.

15          Q. Even in room K, outside the east garage?

16          A. Even in room K, yes.

17          Q. How about on the stairwell?

18          A. Yes, it did.

19          Q. It smelled?

20          A. Also foul.

21          Q. Okay. I'm displaying 124. Can you tell the  
22 jury what we're looking at in this photograph?

23          A. Yes. That is actually the area right here on  
24 the top of the stairwell leading down into the stairwell  
25 to show the landing.

1 Q. And what are those red things there that we're  
2 looking at?

3 A. That is actually a garbage bin and a bucket.

4 Q. And what's that thing in the bucket?

5 A. That is a mop.

6 Q. And is that a white sticker scale that's on  
7 the trashcan?

8 A. Yes, it is.

9 Q. And other than adding the sticker scale, is  
10 that the way that this area appeared when you guys  
11 arrived on September 4th, 2014?

12 A. Yes, it is.

13 Q. And I'm displaying 125, State's Evidence 125.  
14 Can you describe what we're looking at there?

15 A. This is another close-up area of the same area  
16 with the mop and bucket and the garbage pail.

17 Q. I'm displaying State's 230. Describe what  
18 we're looking at there.

19 A. This is now that very first step leading down  
20 into the stairwell to include sticker scales and the  
21 trashcan and the mop.

22 Q. I'm now showing you State's 231. Is that a  
23 close-up of the sticker scale on the top stair we were  
24 just looking at?

25 A. Yes, it is.

1 Q. It's labeled Stair C?

2 A. Yes, it is.

3 Q. And why did you place that sticker scale  
4 there?

5 A. That sticker scale was placed there to  
6 identify that area of apparent blood.

7 Q. I'm displaying State's 232. Do you recognize  
8 where that photograph is?

9 A. Yes, I do.

10 Q. Where is that photograph?

11 A. That is actually now down at the landing more  
12 on the south side of it if you actually were looking up  
13 into the landing.

14 Q. Okay. And there's like a red chair looking  
15 thing on top of the landing at the top of the  
16 photograph?

17 A. Yes.

18 Q. Okay. And that's resting on like the landing  
19 in between two sticker rolls?

20 A. That's actually the top of the trashcan.

21 Q. Oh, okay. And once again you placed a sticker  
22 scale labeled Stairs A in that location. And why did  
23 you do that?

24 A. That sticker scale was placed there to  
25 identify that area of apparent blood.

1 Q. I'm displaying State's 126. Can you tell the  
2 jury what we're looking at here.

3 A. Yes. That is a view of the living room area  
4 from this angle almost facing northwest. You have the  
5 couch and the doorway to the actual master bedroom.

6 Q. I'm going to display what's already been  
7 entered into evidence as State's 12. Is that a  
8 photograph that you took back when you were processing  
9 the scene in September 2014?

10 A. Yes, it was.

11 Q. I'm now displaying State's 127. Can you  
12 describe what we're looking at in this photograph?

13 A. Yes. That is a photograph from this corner of  
14 the living room area facing north to include the  
15 entertainment. You can see the sliding glass door in  
16 the back and how the couch is there.

17 Q. I am displaying State's 128. Can you tell the  
18 jury what we're looking at in this photograph?

19 A. That is also from this corner of the living  
20 room to face the direction on the east side. You can  
21 see the hallway here and the doorway to the bathroom.

22 Q. I'm displaying State's 129. Describe what  
23 we're looking at there.

24 A. That is actually the entertainment center  
25 along this wall of the living room from this angle.

1 Q. And there's an area of discoloration there.

2 Is that also some blood there?

3 A. Yes, it is.

4 Q. Now, the entertainment center, is that the way  
5 that it appeared when you guys arrived on September 4th,  
6 2014?

7 A. Yes, it is.

8 Q. Is there anything missing from the middle of  
9 that entertainment center?

10 A. It appeared the television was missing.

11 Q. Okay. I'm now displaying State's 130. Can  
12 you tell us what that is?

13 A. Those are cables and wires on the  
14 entertainment center.

15 Q. And they look like they're poking through that  
16 hole as if they had been connected to something that was  
17 sitting in that area where a TV would be expected; is  
18 that accurate?

19 A. That is accurate.

20 Q. I'm displaying State's 131. Can you describe  
21 what we're looking at in that photograph?

22 A. That is a photograph from the actual front  
23 door facing north to include the back side of the  
24 couches. You can also see the dining room area and the  
25 sliding glass door in the rear and the doorway to the

1 master.

2 Q. Now, regarding the living room area, was the  
3 flooring some type of wood paneling?

4 A. Yes, it was.

5 Q. As opposed to the other area surrounding it,  
6 were those tile?

7 A. Yes, they were.

8 Q. And I'm displaying State's 132. That looks  
9 awful dark on the Elmo. Can you tell us what we're  
10 looking at there?

11 A. This is actually a photograph from the east  
12 side of the residence facing the master doorway.

13 Q. The master bedroom doors, were those double  
14 doors?

15 A. Yes, they were.

16 Q. And it's hard to tell on the Elmo, but there's  
17 a dark thing over here in the lower right of the  
18 photograph. Can you tell us what that is?

19 A. Right here (indicating)?

20 Q. Yes.

21 A. These are part of a dog cage that's right  
22 there.

23 Q. I'm displaying State's 133. Can you tell us  
24 what we're looking at in that photograph?

25 A. This is actually this area right here in the

1 living room, and a little table that's in this corner.

2 Q. Now I'm displaying State's 134. What are we  
3 looking at here?

4 A. It's room F, which is like the dining room  
5 area, and it appeared that they were closet doors tied  
6 together or taped together on the floor there.

7 Q. And that cage to the left, is that the one  
8 that we looked at in the earlier photograph?

9 A. Yes, it is.

10 Q. And other than placing that yellow marker, is  
11 that the way that the room appeared when you guys  
12 arrived?

13 A. Yes, it was.

14 Q. I'm displaying State's 135. And by the way,  
15 we're now referencing the diagram on the upper floor,  
16 which is State's 59, and have been since the break. Is  
17 that accurate, Ms. Clark?

18 A. Correct.

19 Q. I don't think I put that on the record.

20 And I'm now displaying State's 135. Can you  
21 describe to the jury what area of the house we're  
22 looking at here?

23 A. Okay. We're in the kitchen area, which we  
24 designated room D. This is actually the view of the  
25 stove, and the south counter and the east counter.

1 Q. I'm now displaying State's 136. Describe for  
2 the jury what we're looking at here?

3 A. Also the kitchen area, room D, to include the  
4 island and the fridge, and now you could actually see  
5 the north windows.

6 Q. I'm now displaying State's 137. Can you  
7 describe to the jury what we're looking at here?

8 A. This is the kitchen, room D, with the island,  
9 and now you can see more of the north windows, you could  
10 also see the chair and the table in the back.

11 Q. I'm displaying State's 138. Can you show us  
12 on the diagram what area of the house specifically we're  
13 looking at here?

14 A. Specifically we're in this general area of the  
15 kitchen. So you could actually see the windows and the  
16 table that was right here in this corner.

17 Q. Is that like a black piece of furniture with  
18 some onions on it?

19 A. Yes, it is.

20 Q. I'm displaying State's 139. There's a doorway  
21 on the left portion of this photograph. Can you show  
22 the jury where this doorway coordinates to?

23 A. Yes. It's right here just west of the island.

24 Q. Okay. I'm displaying State's 140. Can you  
25 describe what we're looking at here?

1           A.    We're actually looking at the south counter of  
2 the kitchen more along this side, on the west side of  
3 it, to include certain items that were on the counter.

4           Q.    And I'm trying to zoom in on those keys there.

5           Now, does it appear on that key, on that key ring,  
6 that that's a van pictured on the different locking  
7 mechanisms?

8           A.    Correct.  Yes.

9           Q.    And to the right of the keys, what are those  
10 two items there?

11          A.    Those are two cell phones.

12          Q.    They were just stacked up like that when you  
13 arrived?

14          A.    Yes, they were.

15          Q.    I'm displaying State's 141.  And are those the  
16 items, State's 142 and State's 143, that we already  
17 spoke about and entered into evidence?

18          A.    Yes, they are.

19          Q.    Is that the way you found them?

20          A.    Yes, they were.

21          Q.    I'm displaying State's 144.  And can you tell  
22 us what we're looking at there?

23          A.    This is actually the pizza box on the stove,  
24 this is the corner of it, just to display the label.

25          Q.    Okay.  I'm now displaying 145.  Can you tell

1 us what we're looking at in that photograph?

2 A. It's the same pizza box on the stovetop. This  
3 is the other corner of it to show the label. It has the  
4 address.

5 Q. I'm displaying State's 146. This is a  
6 photograph of the pizza box on the bottom?

7 A. Yes. This is on the bottom pizza box and this  
8 is the actual corner of it.

9 Q. And I'm displaying State's 147. Is that the  
10 other corner of the pizza box on the bottom?

11 A. Yes, it is.

12 Q. Okay. And the other day you were looking at  
13 State's 142, within the box. Did some of the labels get  
14 a little bit obscured by the grease?

15 A. Yes, they did.

16 Q. Since entered into evidence?

17 A. Yes, they did.

18 Q. These photographs that we just looked at, they  
19 were taken before any of that happened?

20 A. Correct.

21 Q. Did you notice any cleaners in the kitchen  
22 area?

23 A. Yes, I did.

24 Q. And what kind of cleaners?

25 A. Like Purex, a hand sanitizer, and I think a

1 spray bottle.

2 Q. I am now displaying State's 148. Now, what  
3 are we looking at there?

4 A. Okay. We're actually looking from this  
5 portion of this hallway facing north. So you can  
6 actually see the doorway into room C; you can see the  
7 outline of the doorway to room B, which is the bathroom;  
8 and then you can see towards the actual rear of room F.

9 Q. And by the way, how was the smell up in the  
10 kitchen and living room area?

11 A. It also smelled foul.

12 Q. Now I'm displaying 149. Describe what we're  
13 looking at here.

14 A. Yes. This is now standing more into the  
15 doorway of room C, to get the view of a dresser that was  
16 sitting right here along this wall.

17 Q. And there's like a black thing. It's hard to  
18 see on the overhead.

19 A. This right here (indicating)?

20 Q. Yes. What was that?

21 A. That was a black necktie.

22 Q. Okay. I'm now displaying State's 150. And to  
23 be clear, this is a picture that you took on  
24 September 4th or September 5th, 2014?

25 A. Correct.

1 Q. As opposed to similar photographs we looked at  
2 earlier from August 28th. Can you describe for us what  
3 area of the room we're looking at here?

4 A. Yes. This is again room C. This is in the  
5 northwest corner to include the dresser. There is a  
6 plastic organizer in the corner and a small table.

7 Q. I'm now displaying State's 151. Can you  
8 describe what we have in this photograph?

9 A. This is room C, to include a little bit of the  
10 table here still in the corner. You have the north  
11 closet and part of the mattress bed that was against the  
12 east wall.

13 Q. All right. I'm now displaying State's 152.  
14 Can you tell the jury what we're looking at in this  
15 photograph?

16 A. This is now a view of the actual west side of  
17 bedroom C. You have the dresser, and you can actually  
18 see the open door of the bedroom.

19 Q. I'm now showing State's 153, displaying it.  
20 Can you describe what we see there?

21 A. Yes. This is room C. The dresser against the  
22 west wall. You have the open door. There are various  
23 toys and items on the top of the dresser.

24 Q. In particular, the doorway that we see on the  
25 left, can you be very clear and show the jury which door

1 that coordinates to?

2 A. Yes. This is the door where it actually leads  
3 back out into the hallway.

4 Q. So if that doorway was shut, then somebody  
5 would not be able to exit the room without jumping out  
6 the window, for lack of a better term?

7 A. Correct.

8 Q. Okay. And I'm trying to zoom in here in this  
9 area. Do you see what these are right there?

10 A. Those are keys.

11 Q. Do you know where those keys -- or did you  
12 test those keys on anything to determine if they went  
13 with anything?

14 A. Yes, I did.

15 Q. And what did they go with?

16 A. They actually were the keys to this door lock  
17 here (indicating).

18 Q. And this door lock from the outside is such  
19 that without the keys somebody wouldn't be able to get  
20 in or out?

21 A. Correct.

22 Q. And the item right over here that I'm pointing  
23 to, what did that appear to be?

24 A. That is pizza crust.

25 Q. Is this from Papa John's?

1 A. Yes.

2 Q. I'm displaying State's 154. Can you tell us  
3 what we're looking at there?

4 A. This is actually the top of the dresser in  
5 room C, along the west wall to include items that were  
6 on there. There was a Toy Story DVD and a Pasco  
7 Sheriff's deputy business card.

8 Q. And can you read the name of the deputy whose  
9 business card that is?

10 A. Deputy F -- I'm sorry. Is it Heidgerken?

11 Q. Heidgerken.

12 A. Heidgerken.

13 Q. I'm now displaying State's 155. Can you  
14 describe what we're looking at here?

15 A. This is a view of bedroom C, facing south to  
16 include again the dresser along the west wall, and now  
17 the open doorway leading into the hallway. You can see  
18 the mattress again on the corner there.

19 Q. I'm displaying State's 156. Can you tell us  
20 where on the diagram this is located?

21 A. Yes. This is actually the bathroom here in  
22 room B, into the doorway leading into the bathroom.

23 Q. I'm displaying State's 157. Can you tell us  
24 what we're looking at in this photograph?

25 A. This is a closer view of that. You can see

1 the toilet in Bathroom B, and you can see the window  
2 here and the counter.

3 Q. I'm displaying State's 158. Tell us what  
4 we're looking at here.

5 A. That is also room B, the bathroom. It is now  
6 the actual counter that's on the north wall. It's in a  
7 direction facing west.

8 Q. And is that a bottle of Lysol there on the  
9 counter?

10 A. Yes, it is.

11 Q. I'm displaying State's 159. Can you tell us  
12 what we're looking at here?

13 A. That is a bathroom, which is room B; and it's  
14 displaying the actual tub that is on the south side of  
15 the bathroom; and a bottle of Clorox bleach that is on  
16 the floor in front of the tub.

17 Q. Was there any bleach in that bottle?

18 A. No, there was not.

19 Q. Now, I'm displaying what's been entered into  
20 evidence previously as State's 13. Is that a photograph  
21 that you took back on September 4th or September 5th of  
22 2014?

23 A. Yes, it is.

24 Q. Does that fairly and accurately depict the way  
25 this particular bedroom looked when law enforcement

1 arrived?

2 A. Yes, it does.

3 Q. And could you describe what we're looking at  
4 in this photograph?

5 A. Yes, I can. This is actually a photograph  
6 from the hallway leading into room A. So you can  
7 actually see the doors open and you can see the window  
8 on the south.

9 Q. And so there were curtains on that window on  
10 the south side of that bedroom?

11 A. Correct.

12 Q. Now, in this bedroom in particular, were there  
13 any things of note?

14 A. Yes, there were.

15 Q. And can you give us some of the things that  
16 you noticed when you went into that bedroom?

17 A. Upon entering the room, I noted that there was  
18 no flooring on the ground. There was also no mattress  
19 or bed within the room.

20 Q. I'm now displaying State's 160. Were there  
21 any areas of interest that you observed and were  
22 documented in this photograph?

23 A. Yes. Within this photograph, which is again  
24 this is room A, it's now a view facing north. So you  
25 can actually see the small closet and the bigger closet

1 here in the corner on the north side. We also have an  
2 area of reddish-brown discoloration on the floor almost  
3 in the center.

4 Q. Is that marked on the diagram?

5 A. Yes, it is.

6 Q. Okay.

7 A. It's marked right here (indicating).

8 Q. And any other areas that were of interest to  
9 law enforcement that are depicted in this photograph?

10 A. Yes. We had a few pieces of furniture, and a  
11 small fan, a small chair that was right here along the  
12 closet that had areas of apparent blood.

13 Q. Okay. I'm now displaying State's 161. Can  
14 you tell us what we're looking at here?

15 A. This is a photograph of the same bedroom. It  
16 is now along the east wall. You can see the east  
17 window. There is a chest of drawers along the southeast  
18 side of the room, and you have like two bookshelves.

19 Q. Now, when you arrived on September 4th, 2014,  
20 is this the way that the room appeared?

21 A. Yes, it was.

22 Q. These two pieces of furniture in the center of  
23 this photograph were bare? They didn't have anything on  
24 them?

25 A. Correct. It was bare.

1 Q. No items sitting on them, I guess, is another  
2 way to put that.

3 Turning your attention to State's 162. Can you  
4 tell us what we're looking at in this photograph?

5 A. This is more angled towards the southeast  
6 corner of that same bedroom A. You could see the chest  
7 of drawers in the corner, again the three-leveled  
8 bookshelf, and the window to include like a container in  
9 the windowsill.

10 Q. And we'll talk about that shortly. But on the  
11 right side of this photograph, that maroon and green  
12 stuff?

13 A. That is the curtain that was covering the  
14 south window.

15 Q. Okay. I'm now displaying State's 163. Can  
16 you tell us what we're looking at here?

17 A. This is a view of the same bedroom A, and this  
18 is in the second floor southeast corner of the  
19 residence. You can see the curtains that were covering  
20 the south window, you could see the dresser, the chest  
21 of drawers, and the two bookshelves.

22 Q. I'm now displaying State's 164. Can you tell  
23 us what we're looking at in this photograph?

24 A. Yes. This is bedroom A. It is the raw wood  
25 flooring of bedroom A, to depict the area of

1 reddish-brownish discoloration.

2 Q. Okay. And is there a sticker scale that's  
3 been placed in this photograph?

4 A. Yes, there is.

5 Q. And other than the sticker scale, does this  
6 appear the way it did when you first got there on  
7 September 4th?

8 A. Yes, it did.

9 Q. I want to draw your attention to it's kind of  
10 a brown thing in the middle of that stain. What was  
11 that?

12 A. This thing right here (indicating)?

13 Q. Yes.

14 A. Areas of apparent blood.

15 Q. Let me show you the photographs so you can  
16 look it over without the court technology. What's that?

17 A. That is apparent dog feces.

18 Q. Okay. I'm displaying State's 165. Can you  
19 first show us where on the diagram we are looking?

20 A. Yes. This is now the actual north wall of  
21 bedroom A, with the door that leads to the hallway is  
22 closed. This is the opened smaller closet door.

23 Q. And in that smaller closet, what type of  
24 clothing was present?

25 A. There were various clothing to include shirts

1 and pants.

2 Q. Was it male or female clothing or could you  
3 tell?

4 A. Due to the -- I would say they were male  
5 clothing.

6 Q. I am now displaying State's 166. What are we  
7 looking at in this photograph?

8 A. That is actually again the small closet that  
9 was in bedroom A. It shows a small backpack on the  
10 floor with other clothing items.

11 Q. I'm displaying State's 167, an area that, I  
12 believe, we've already been looking at. But does this  
13 photograph depict the area of the bedroom, the southeast  
14 bedroom, after several sticker scales were placed?

15 A. Yes, it does.

16 Q. Okay. And do you see one of those on the red  
17 chair there?

18 A. Yes, I do.

19 Q. And are there any on that fan?

20 A. Yes.

21 Q. Can you point it out to the jury, please?

22 A. Yes. There's a sticker scale here on the  
23 small red chair, and there is a sticker scale here, here  
24 and here on the fan.

25 Q. And why did you put all those sticker scales

1 in those locations?

2 A. Those were to notate areas of apparent blood  
3 that were on those items.

4 Q. Turning your attention to State's 168, which  
5 I'm now displaying, as I zoom out. Can you tell us what  
6 we're looking at in this photograph?

7 A. Yes. That is again the doorway here of  
8 bedroom A, to include the actual raw wood, and then the  
9 tile area leading into the hallway.

10 Q. Okay. So the raw wood portion is in the  
11 bedroom and the tile portion is in the hallway?

12 A. Correct.

13 Q. I am now displaying State's 169. Now, is that  
14 the same area after the sticker scales were placed?

15 A. Yes, it is.

16 Q. More or less the same area.

17 And why did you place sticker scales in that  
18 particular area?

19 A. These sticker scales were placed to notate  
20 certain areas of apparent blood that were on the raw  
21 wood of bedroom A.

22 Q. Okay. I'm now displaying State's 170. Can  
23 you tell the jury what we're looking at there?

24 A. Yes. This is bedroom A, again leading into  
25 the closet where the chair was pressed up against the

1 doorway there. You can see a few clothing items on the  
2 ground. You can see the chair with labels on them.

3 Q. And, again, those labels, did you put them  
4 there for a particular reason?

5 A. Yes. They were placed there to notate areas  
6 of apparent blood.

7 Q. And the red chair leaning against that  
8 doorframe, is that the way you found it?

9 A. Yes. That is the way we found it.

10 Q. I'm displaying State's 171, which is prior to  
11 the sticker scales being placed. Is that the same chair  
12 in the same location?

13 A. That is that same chair in the same location.

14 Q. I'm displaying State's 172. Can you tell me  
15 what that photograph is showing us?

16 A. Those are the legs of the same red chair in  
17 bedroom A, against the closet.

18 Q. Was there anything on the legs of that chair  
19 that you found notable?

20 A. Yes. We found areas of reddish-brownish  
21 discoloration not consistent with the actual paint color  
22 of the chair.

23 Q. Okay. I'm displaying State's 173.

24 A. This is the red chair again in bedroom A,  
25 against the closet. This is the seated area of that

1 chair. There is an area of reddish-brownish  
2 discoloration that was there that we notated.

3 Q. I'm displaying State's 174. What are we  
4 looking at in this photograph?

5 A. This is the fan that was actually on the  
6 ground in room A, near the actual open closet door.  
7 There are areas of sticker scales that were placed on  
8 the fan.

9 Q. And why did you place them in those locations?

10 A. They were placed there for areas of apparent  
11 blood.

12 Q. All right. And is this location in the manner  
13 in which you found the fan?

14 A. This is exactly the way we found the fan when  
15 we responded to the scene.

16 Q. While you were searching, did you have  
17 occasion to turn that fan over?

18 A. Yes, we did.

19 Q. I'm now displaying State's 175. Is that what  
20 the fan looked like when you turned it over?

21 A. Yes, it is.

22 Q. I'm displaying State's 176. Is that the fan  
23 from a different angle?

24 A. Yes, it is.

25 Q. And are the sticker scales we were looking at

1 earlier from the other side visible in this photograph?

2 A. Yes, they are. They're right there

3 (indicating).

4 Q. I'm displaying State's 177. There's a sticker  
5 scale labeled B1H on this photograph. Why is that  
6 particular sticker scale placed there?

7 A. That sticker scale is to notate this area of  
8 reddish discoloration on the fan.

9 Q. I'm displaying State's 178. Can you tell us  
10 where this is? Remind us, I guess.

11 A. This is room A. Again the front section here  
12 along the east wall in front of the window, it is the  
13 three-leveled bookshelf that was near the window, in  
14 front of the window. You have a sticker scale here  
15 that's actually on the center shelf that was placed  
16 there to notate an area of apparent blood.

17 Q. Okay. And I'm displaying State's 179. Is  
18 that a close-up of that sticker scale?

19 A. Yes, it is.

20 Q. And labeled B1J?

21 A. Yes, it is.

22 Q. I'm now displaying State's 180. Describe for  
23 the jury what we're looking at here.

24 A. This is the closet in room A. It is actually  
25 the east wall, interior wall of the closet.

1 Q. And is there something that you placed on the  
2 wall there?

3 A. Yes. There is a sticker scale in the interior  
4 of the closet. It was placed there to notate an area of  
5 apparent blood.

6 Q. I'm now displaying State's 181. Is that a  
7 close-up of that sticker scale?

8 A. Yes, it is.

9 Q. And that was labeled B1L?

10 A. Yes, it was.

11 Q. I'm now displaying State's 182. Can you tell  
12 us what we're looking at there?

13 A. This is bedroom A. The windowsill on the east  
14 side of the room, here is the dresser, and the  
15 three-leveled bookshelf, and there is a container on the  
16 windowsill.

17 Q. I'm now displaying State's 183. Is this after  
18 that container on the windowsill had been disturbed and  
19 placed for better photographing?

20 A. Yes, it was.

21 Q. And what was that item?

22 A. They were wet wipes or wet cloths that were in  
23 this container.

24 Q. Okay. There were still some in the container?

25 A. Yes, there were.

1 Q. I'm now displaying State's 184. Can you tell  
2 what we're looking at there?

3 A. Yes. This is actually the interior wall of  
4 room A, along the west side.

5 Q. And there's a sticker scale there. What does  
6 that correspond to?

7 A. That sticker scale was placed there to notate  
8 a depression or a hole in the wall.

9 Q. I'm now displaying 185. Is that a close-up of  
10 the sticker scale we were just looking at in  
11 State's 184?

12 A. Yes, it is.

13 Q. I'm now displaying State's 186. Can you tell  
14 the jury where this photograph depicts?

15 A. This is the master bedroom -- or bathroom,  
16 actually, which is room I. It is actually the  
17 countertops there that are on the east side of the  
18 bathroom.

19 Q. I'm showing you State's 187.

20 A. This is again the master bathroom. It is  
21 actually along the west side of the bathroom down in  
22 this corner. This notation here is actually the  
23 counter.

24 Q. I'm displaying State's 188. Can you tell us  
25 what we're looking at in that photograph?

1           A.    Yes.  This is the master bathroom.  It is  
2 actually a tub that was actually in this area of the  
3 bathroom, along the south portion of the bathroom.

4           Q.    I'm displaying State's 189.  What are we  
5 looking at there?

6           A.    That again is this counter here in the master  
7 bathroom that was on the southwest corner.

8           Q.    I'm displaying State's 190.

9           A.    This is the master bathroom.  The toilet was  
10 actually north of the counter.

11          Q.    And I'm displaying State's 191.  Can you tell  
12 us what that is?

13          A.    This is also the master bathroom, and the  
14 shower was on the west wall north of the toilet.

15          Q.    I'm now displaying State's 192.  Tell us what  
16 we're looking at in this photograph.

17          A.    Okay.  So we're in the actual master bedroom  
18 in the north corner facing south to now include the  
19 closet and then toward the bathroom.

20          Q.    Okay.  And towards the left of this photograph  
21 along that corner -- you see where I'm referring to?

22          A.    Yes.  Right down here (indicating)?

23          Q.    Yes.  What is that?

24          A.    That is actually a depression in the wall.

25          Q.    We'll be looking at some photographs coming

1 up. But turning your attention now to State's 193 that  
2 I'm displaying, what are we looking at here?

3 A. This is the master bedroom, a view from this  
4 side facing west to include the bed that's along the  
5 west wall.

6 Q. And this is the bed as you guys found it on  
7 September 4th, 2014?

8 A. Yes, it is.

9 Q. I'm now displaying State's 194.

10 A. This is also the master bedroom to include the  
11 bed, and now you can see the actual blinds for the  
12 sliding glass door that was on the north side of the  
13 bedroom.

14 Q. So behind the blinds in that picture there's a  
15 sliding glass door?

16 A. Yes, there is.

17 Q. I'm now displaying State's 195. Can you tell  
18 us where we're looking in this photograph?

19 A. Here is the sliding glass door that is on the  
20 north side. We have an end table here and the bed, and  
21 there's a chair here and here in the corners.

22 Q. I'm now displaying State's 196. Can you tell  
23 us where we are looking in this photograph?

24 A. Yes. This is a view from the west side facing  
25 east. It is actually the dresser that is on the east

1 wall in the master bedroom. You can also see the door  
2 that leads back out into the main residence.

3 Q. Okay. I'm now displaying State's 197. Can  
4 you tell us what we're looking at here?

5 A. Yes. This is the floor in front of the master  
6 bed in this area. So here is the walkway leading back  
7 into the bathroom and here's the bed.

8 Q. Now, was part of this room tile floor and part  
9 of it is sort of wood or laminate?

10 A. Yes, there was.

11 Q. And right there at the foot of the bed.

12 A. (Indicating).

13 Q. Yes. What is that right there?

14 A. That is a sticker scale.

15 Q. And why was that placed there?

16 A. That was placed there to notate an area of  
17 apparent blood.

18 Q. And I'm displaying State's 198. Is that a  
19 closer view of that same sticker scale?

20 A. Yes, it was.

21 Q. And I'm now displaying State's 199. Is that a  
22 very close-up view of that sticker scale we were just  
23 looking at in State's 198?

24 A. Yes, it is.

25 Q. I am now displaying State's 200. Can you tell

1 us what we're looking at here?

2 A. Yes. This is actually the south end of the  
3 bed to include this area. In the southwest corner you  
4 have a chest of drawers, a chair, and an end table.

5 Q. And on the floor there in between the wall and  
6 the bed, what is that right there?

7 A. That is a sticker scale.

8 Q. And why was that placed there?

9 A. That was placed there to notate an area of  
10 apparent blood.

11 Q. Turning your attention to State's 201, which  
12 I'm now displaying. Is that a close-up of the sticker  
13 scale we were just looking at in State's 200?

14 A. Yes, it is.

15 Q. And is it labeled MBRF?

16 A. Yes, it is.

17 Q. I'm now displaying State's 202. Can you tell  
18 us what we're looking at in this photograph?

19 A. Yes. This is the wall right here of the  
20 master bedroom right near the actual doorway leading  
21 into the main residence where the light switch is  
22 located.

23 Q. And you placed a sticker scale there?

24 A. Yes, we did.

25 Q. I'm now displaying State's 203. Is that a

1 close-up of the sticker scale of that light switch?

2 A. Yes, it is.

3 Q. And is it labeled MBRA?

4 A. Yes, it is.

5 Q. I'm now displaying State's Exhibit 204. What  
6 area of the residence are we looking at here?

7 A. This is the master bedroom hallway leading  
8 towards the actual closet. The closet door is open.

9 Q. And is there something on the ground there  
10 right outside the closet?

11 A. Yes. This is a sticker scale.

12 Q. And why was that placed there?

13 A. That was also placed there to notate an area  
14 of apparent blood.

15 Q. I'm displaying State's 205. Is that another  
16 photograph of the sticker scale we were just discussing  
17 from State's 204?

18 A. Yes, it is.

19 Q. I'm now displaying State's 206. Is that a  
20 close-up of the sticker scale we were just looking at in  
21 State's 205?

22 A. Yes, it is.

23 Q. And is it labeled MBCA?

24 A. Yes, it is.

25 Q. I'm now displaying State's 207. Can you

1 describe what we're looking at in this photograph?

2 A. Yes. This area right here is the actual  
3 corner here of the master bedroom. You can see the  
4 doorway and here is the light switch.

5 Q. Okay. I'm now displaying State's 208. Can  
6 you tell us what we're looking at there?

7 A. That is again this corner right here in the  
8 master bedroom to notate the depression in the wall.

9 Q. And why did you place a sticker scale there?

10 A. The sticker scale was placed there to identify  
11 that area of evidentiary value.

12 Q. I am now displaying State's 209. Is that a  
13 close-up of that same hole in State's 208?

14 A. Yes, it is.

15 Q. Oh, I forgot one. Going back to  
16 State's 2- -- I'm now displaying State's 233. Going  
17 back into the southeast bedroom, can you tell us what  
18 we're looking at there?

19 A. This is bedroom A. It is along the actual  
20 east wall. This is the three-leveled bookshelf behind  
21 it. So now you got to see the floor behind the  
22 bookshelf. And the window would be right over here  
23 (indicating).

24 Q. Okay. I'm displaying State's 210. Do you  
25 recognize that?

1           A.    Yes, I do.

2           Q.    And what is that?

3           A.    This is the master closet doorway opened  
4 leading into the master closet.

5           Q.    I'm now displaying State's 211. Tell me what  
6 we're looking at there.

7           A.    So this is the actual north wall of the master  
8 closet. You could see shelving and different racks.  
9 The floor is also raw wood.

10          Q.    I'm now showing you State's 212. Can you tell  
11 us what we're looking at here?

12          A.    This is the master closet as well. Again, the  
13 north wall is here. This is the west wall. You can see  
14 various clothing items and belts hanging there.

15          Q.    Was there anything in particular of interest  
16 on the floor of the master closet?

17          A.    Yes. In this area right here there was a  
18 reddish-brownish discoloration to the wall.

19          Q.    Okay. I'm now displaying State's 213. Can  
20 you describe on the diagram what we're looking at here?

21          A.    This is the actual corner, the northwest  
22 corner of that master closet.

23          Q.    Where would that coordinate with on the  
24 diagram?

25          A.    That is this area right here (indicating).

1 Q. Okay. And those yellow pieces of measuring  
2 tape, those are the things that you guys placed there?

3 A. Yes. We placed these there.

4 Q. Okay. And by the time this picture was taken,  
5 had you removed some of the clothing items that were  
6 within the closet?

7 A. Yes, we had.

8 Q. But in terms of all that camouflage and orange  
9 camouflage clothing items, were those still the way that  
10 you found them?

11 A. Yes, they were.

12 Q. Okay. I'm showing State's 214 or displaying  
13 it. And what are we looking at here?

14 A. This is also the master closet facing east to  
15 show the interior doors and the wall.

16 Q. Okay. Actually, I want to go back real quick  
17 to State's 211. It looks like a shoe rack there on the  
18 bottom?

19 A. Yes.

20 Q. Is that the way you found the shoe rack with  
21 nothing on it?

22 A. Correct.

23 Q. I'm now displaying State's 215. Is that a  
24 closer photograph of the stain in the master bedroom  
25 closet you referenced earlier?

1 A. Yes, it is.

2 Q. And you placed some sticker scales in order to  
3 mark a potential area of interest?

4 A. Yes, we did.

5 Q. You may resume your seat.

6 I want to turn your attention to RC-111. Can you  
7 tell us what RC-111 is?

8 A. I would have to look.

9 Q. Would that refresh your recollection?

10 A. Yes, it would.

11 Q. Please go ahead and check.

12 Did you refresh your recollection?

13 A. Yes, I did.

14 Q. Can you describe for us what that is?

15 A. That is a swab of the master bedroom curved  
16 wall at Section A after the application of BLUESTAR.

17 Q. Okay. I want to talk just a little bit about  
18 that. We'll get into that more with another witness.

19 And just real quick, on State's 59, can you show the  
20 jury where that swab would be taken from?

21 A. It's in the area right here, the curved wall  
22 of the master bedroom.

23 Q. And you said a swab. Can you describe to the  
24 jury what a swab is and why you collect it?

25 A. There are actually two sterile swabs in the

1 container. We remove it, apply distilled water, and rub  
2 a surface to collect whatever is on the surface.

3 Q. Okay. And can you give the jury a brief idea  
4 of what luminol is?

5 A. Yes. Luminol -- BLUESTAR is actually what I  
6 used that day, but it is a chemical luminescence. It is  
7 actually a chemical that's sprayed onto a surface, and  
8 upon contact with a blood, it luminesces a  
9 greenish/bluish color.

10 Q. And you were involved in conducting that test  
11 in the area of the curved wall?

12 A. Yes, I was.

13 Q. And once it luminesced, is that when you  
14 collected a swab from that area?

15 A. Yes, I did.

16 Q. And that was RC-111?

17 A. Yes, it was.

18 Q. Now, once you collect a swab in the manner  
19 that you just described to the jury, what do you do with  
20 it?

21 A. The swabs are then placed back into their  
22 original package, they're sealed with evidence tape,  
23 then packaged in another paper bag, which is then  
24 sealed.

25 Q. And then are they stored in evidence for

1 further examination, if necessary?

2 A. Yes, they are.

3 Q. And I want to turn your attention to the  
4 master bedroom closet. Did you find a bow case in the  
5 master bedroom closet?

6 A. Yes, I did.

7 Q. Is that something that you collected as  
8 evidence along with numerous other items?

9 A. Yes, it was.

10 Q. Now, September 5th of 2014, were you involved  
11 in assisting the dive team in the back of the residence  
12 near the canal?

13 A. Yes, I was.

14 Q. And when the dive team went and was diving and  
15 finding items, were you one of the people that they  
16 would give the items to for collection?

17 A. Yes, I was.

18 Q. And can you describe for the jury what items  
19 you collected from the dive team?

20 A. I collected several rifles, a shotgun, a  
21 handgun, a magazine from the handgun.

22 Q. Okay. And in what manner did you collect  
23 them?

24 A. Due to the fact that those items were found in  
25 the creek water, they were collected with water in the

1 actual carrying case that I collected them with.

2 MR. SARABIA: Judge, may I approach the  
3 witness?

4 THE COURT: You may.

5 Q. (By Mr. Sarabia) I'm showing you State's  
6 Exhibit 51. Is that one of the items that you retrieved  
7 and collected as it was removed from the water?

8 A. Yes, it was.

9 Q. Is this a photograph you took on  
10 September 5th?

11 A. Yes, it was.

12 Q. Is that a shotgun?

13 A. Yes, it was.

14 Q. I'm showing you State's 50. Is that a  
15 photograph you took of a firearm being recovered from  
16 the canal?

17 A. Yes, it was.

18 Q. And did you collect that firearm and place it  
19 into evidence?

20 A. Yes, I did.

21 Q. I'm showing you State's 49. Is that also a  
22 photograph that you took?

23 A. Yes, it was.

24 Q. Is that a firearm that you collected as it was  
25 removed from the water?

1           A.    Yes, I did.

2           Q.    I'm showing you State's 48.  Is that a  
3 photograph that you took?

4           A.    Yes, it was.

5           Q.    And is that also a firearm that you collected  
6 and placed in evidence once it was removed from the  
7 water by the dive team?

8           A.    Yes, I did.

9           Q.    I'm showing you State's Exhibit 47.  Is that a  
10 photograph that you took?

11          A.    Yes, it was.

12          Q.    And is that a firearm that you entered and  
13 collected into evidence after it was removed from the  
14 water?

15          A.    Yes, it was.

16          Q.    And I'm showing you State's 46.  Is that a  
17 photograph that you took?

18          A.    Yes, it was.

19          Q.    And is it of an item that you collected and  
20 placed into evidence after it was removed from the  
21 water?

22          A.    Yes, it was.

23          Q.    And finally I'm showing you State's 53.  Is  
24 that a photograph that you took?

25          A.    Yes, it was.

1 Q. And what did you do with that item when it was  
2 removed from the water?

3 A. The last item?

4 Q. Yes.

5 A. It was also packaged with the water from the  
6 creek and turned into evidence.

7 MR. SARABIA: Judge, I'm showing Defense  
8 counsel what's been marked as State's 219, and I'm  
9 also showing 220.

10 Q. (By Mr. Sarabia) Ms. Clark, can you look at  
11 State's 219, and tell me if you recognize what that is?

12 A. Yes, I recognize it.

13 Q. And what is that?

14 A. This is the firearm that I collected from the  
15 dive team when they removed it from the creek.

16 Q. Does it appear to be in similar condition to  
17 when you recovered it back on September 5th, 2014?

18 A. The firearm is in similar condition, yes, it  
19 is.

20 Q. And this big red thing in it, is that a gun  
21 lock that was placed here by the Court?

22 A. Yes, it was.

23 MR. SARABIA: Judge, at this time the State  
24 would like to move State's 219 into evidence as  
25 219.

1 THE COURT: Any objection?

2 MR. MICHAÏLOS: No objection.

3 THE COURT: All right. 219 will be in as 219.

4 Q. (By Mr. Sarabia) And if you could for me, can  
5 you read the serial number on the back of that firearm?

6 A. JSD28.

7 Q. Okay.

8 MR. SARABIA: Judge, may the witness step down  
9 and display State's 219 to the jury?

10 THE COURT: Certainly.

11 MR. LAWHORNE: We'll give her some gloves.

12 THE COURT: Ladies and gentlemen, as I  
13 indicated a long time ago, all this is going back  
14 with you. So we do have some guns and I think  
15 there was talk about ammunition. I'm not sure  
16 we're going to enter that.

17 They'll never go in together. So you can have  
18 the firearms when we have the ammunition; you can  
19 have ammunition while we have the firearms. But  
20 we'll have gloves for you too so you can look at it  
21 closer. Okay?

22 Q. (By Mr. Sarabia) I want to turn your attention  
23 to State's Exhibit 220. Can you look in there and tell  
24 me if you recognize that?

25 A. Yes, I do.

1 Q. And what is that?

2 A. This is a magazine that I collected from the  
3 dive team from the creek.

4 Q. Okay.

5 MR. SARABIA: At this time, Judge, the State  
6 would ask to move State's 220 into evidence.

7 THE COURT: Any objection?

8 MR. MICHAÏLOS: No, Your Honor.

9 THE COURT: All right. 220 will be in.

10 Q. (By Mr. Sarabia) I'm now showing you State's  
11 Exhibit 221. Can you look at that and tell me if you  
12 recognize that?

13 A. Yes, I do.

14 Q. And what is that?

15 A. It is a Samsung cell phone that was recovered  
16 from the dive team from the creek.

17 Q. In a moment I'm going to ask you to display  
18 that, but first let me show you some additional  
19 photographs to get this out of the way.

20 A. Okay.

21 Q. In addition to the items that were recovered  
22 from within the canal, did you search the area just east  
23 of the canal?

24 A. Yes, we did.

25 Q. And can you describe what that area was like?

1 A. It was dense, thick marshy bush area.

2 Q. And in searching that area, did you find  
3 anything?

4 A. Yes, we did.

5 Q. What did you find?

6 A. We found a locked gun case.

7 Q. I'm showing you State's 216. Do you recognize  
8 that?

9 A. Yes, I do.

10 Q. What is that of?

11 A. This is a photograph of the actual marshy  
12 brush area that was east of the canal. You can see a  
13 very small portion of the label for the gun case.

14 Q. Is it a fair and accurate depiction of the way  
15 it appeared on September 5th, 2014?

16 A. Yes, it is.

17 Q. I'm now showing you State's Exhibit 217. Do  
18 you recognize that?

19 A. Yes, I do.

20 Q. And what is that?

21 A. This is a closer view of the actual gun case  
22 as I got nearer to it.

23 Q. And is that as it lie in the brush?

24 A. Yes, it was.

25 Q. I'm now showing you State's 218. Do you

1 recognize that?

2 A. Yes, I do.

3 Q. And what is that?

4 A. It is a photo of the gun case opened to reveal  
5 the firearm inside.

6 Q. And that's a long rifle?

7 A. Yes, it was.

8 MR. SARABIA: Judge, the State would now ask  
9 to move State's 216, 217, and 218 into evidence.

10 THE COURT: Any objection?

11 MR. MICHAÏLOS: No objection.

12 THE COURT: All right. 216, -17 and -18 are  
13 in.

14 Q. (By Mr. Sarabia) I forgot State's 234. Do you  
15 recognize that?

16 A. Yes, I do.

17 Q. And what is that?

18 A. It is a photograph of the mailbox on the  
19 exterior of the residence with the lid open displaying  
20 multiple items of mail inside.

21 MR. SARABIA: The State would ask to move  
22 State's 234 into evidence.

23 THE COURT: Any objection?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: 234 will be in.

1 Q. (By Mr. Sarabia) Did I show you 221 yet?

2 A. Yes, you did.

3 THE COURT: But you haven't moved it.

4 MR. SARABIA: Okay. The State would now move  
5 State's 221 into evidence as State's 221.

6 THE COURT: Any objection?

7 MR. MICHAİLOS: No, Your Honor.

8 THE COURT: All right. 221 is in.

9 MR. SARABIA: Judge, I'd ask if the witness  
10 can display State's 221 to the jury?

11 THE COURT: She may.

12 Q. (By Mr. Sarabia) Can you please step down and  
13 show the jury what State's 221 is.

14 THE COURT: While she does that, can I have  
15 the lawyers at the bench briefly.

16 (Bench Conference.)

17 THE COURT: How much longer do you have?

18 MR. SARABIA: That's about it. I'm about  
19 through.

20 THE COURT: How much cross do you think you  
21 have?

22 MR. MICHAİLOS: Are you planning on going to  
23 lunch?

24 THE COURT: Yes.

25 MR. MICHAİLOS: Well, I don't think I have a

1 lot.

2 THE COURT: What's not a lot? Half an hour?  
3 Forty-five minutes?

4 MR. MICHAÏLOS: I think 15, 20.

5 THE COURT: Okay. Then I'll go to lunch and  
6 we'll do it when you get back.

7 MR. MICHAÏLOS: I think this is taking up the  
8 rest of the trial.

9 THE COURT: I think he's about done.

10 MR. MICHAÏLOS: Okay.

11 THE COURT: I don't have 222 or 223 in yet.  
12 Those are photographs of knives.

13 (Open Court.)

14 MR. SARABIA: Judge, I'd also ask to pass  
15 State's 216, -17 and -18, as well as State's 234 to  
16 the jury.

17 THE COURT: You're going to go ahead and show  
18 217 through 219 and what?

19 MR. SARABIA: 216, 217, 218 and 234 to the  
20 jury.

21 THE COURT: Okay. That's fine. We're just  
22 going to pass them around so they'll be done.

23 MR. SARABIA: And I don't have any more  
24 questions after that.

25 THE COURT: Okay.

1 Ladies and gentlemen, at this time it's 1:01.  
2 So I'm going to go ahead and let you go to lunch.  
3 We'll have you back in the jury pool room at 2:05,  
4 and we'll continue with testimony at that time.  
5 All right?

6 No tweeting, texting, blogging, talking about  
7 it. But I will give you your cell phones back  
8 unless you want me to keep them.

9 (Jury Absent.)

10 THE BAILIFF: Jurors are out of the hearing of  
11 the Court, Your Honor.

12 THE COURT: All right. Ms. Clark, you may go  
13 to lunch also. And you may go to lunch with people  
14 you know, you're just not allowed to talk about  
15 your testimony. Okay?

16 THE WITNESS: Okay.

17 THE COURT: And if you can come back at 2:00,  
18 so I can get you back on the witness stand before  
19 the jury is brought up. Okay?

20 THE WITNESS: Thank you.

21 THE COURT: Anything from the State?

22 MR. LABRUZZO: No, Judge.

23 THE COURT: Anything from the Defense?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: All right. We'll be in recess

1           until 2:05.

2   (Recess Taken.)

3

4

5

6

7

8

(CONTINUATION IN VOLUME IV.)

9

(HEARING CONCLUDED.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF COURT REPORTER

STATE OF FLORIDA     )  
                                  )  
COUNTY OF PASCO     )

I, MARIA FORTNER, Registered Professional Reporter for the Sixth Judicial Circuit, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and correct record.

DATED this 23rd day of April, 2018.

/S MARIA A. FORTNER  
\_\_\_\_\_  
MARIA A. FORTNER, RPR