

A P P E A R A N C E S

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

APPEARING ON BEHALF OF
THE STATE OF FLORIDA:

CHRISTOPHER LABRUZZO, Assistant State Attorney
BRYAN SARABIA, Assistant State Attorney
JOSEPH LAWHORNE, Assistant State Attorney
Office of Bernie McCabe, State Attorney
Sixth Judicial Circuit, Pasco County
7530 Little Road
New Port Richey, Fl 34655

APPEARING ON BEHALF OF
THE DEFENDANT, ADAM MATOS:

DEAN LIVERMORE, Assistant Public Defender
WILLIAM PURA, Assistant Public Defender
NICHOLAS MICHAÏLOS, Assistant Public Defender
CATHERINE GARRETT, Assistant Public Defender
EULOGIO VIZCARRA, Assistant Public
Office of Bob Dillinger, Public Defender
Sixth Judicial Circuit, Pasco County
7530 Little Road
New Port Richey, Fl 34655

INDEX TO PROCEEDINGS - CONTINUEDPAGEVOLUME IVWITNESSES CALLED BY THE STATE OF FLORIDA:

RHEA CLARK Cross.....480
 Redirect.....493

JAMIE MARTIN Direct.....494

MICHAEL COATS Direct.....538

SUSAN MILLER Direct.....553

E-X-H-I-B-I-T-S

2		<u>PAGE</u>
3	222. Photograph.....	501
	223. Photograph.....	501
4	224. Photograph.....	501
	235. Hammer.....	498
5	236. Photograph.....	518
	237. Photograph.....	519
6	238. Photograph.....	519
	239. Photograph.....	519
7	240. Photograph.....	519
	241. Photograph.....	520
8	242. Photograph.....	520
	243. Photograph.....	520
9	244. Photograph.....	520
	245. Photograph.....	520
10	246. Photograph.....	521
	247. Photograph.....	521
11	248. Photograph.....	522
	249. Photograph.....	522
12	250. Photograph.....	523
	251. Photograph.....	524
13	252. Photograph.....	524
	253. Photograph.....	524
14	254. Photograph.....	531
	255. Photograph.....	531
15	258. Photograph.....	524
	259. Photograph.....	524
16	260. Photograph.....	524
	261. Photograph.....	524
17	262. Photograph.....	543
	263. Broken Piece of Metal.....	548
18	264. Diagram.....	549
	265. Photograph.....	556
19	266. Photograph.....	556
	267. Photograph.....	556
20	268. Photograph.....	556
	269. Photograph.....	556
21	270. Photograph.....	556
	271. Photograph.....	556
22	272. Photograph.....	557
	273. Photograph.....	558
23	274. Photograph.....	558
	275. Photograph.....	558
24	276. Photograph.....	558
	277. Photograph.....	558
25		

EXHIBITS - CONTINUED

2		<u>PAGE</u>
3	278. Photograph.....	558
	279. Photograph.....	558
4	280. Photograph.....	561
	281. Photograph.....	561
5	282. Photograph.....	561
	283. Photograph.....	561
6	284. Photograph.....	566
	285. Photograph.....	566
7	286. Photograph.....	567
	287. Photograph.....	568
8	288. Photograph.....	569
	289. Photograph.....	570
9	290. Photograph.....	570
	291. Photograph.....	571
10	292. Photograph.....	573
	293. Photograph.....	573
11	294. Photograph.....	574
	295. Photograph.....	575
12	296. Photograph.....	576
	297. Photograph.....	576
13	298. Projectile.....	577
	299. Photograph.....	578
14	300. Photograph.....	578
	301. Debit Card.....	578
15	302. Maycraft Measuring Tool.....	579
	303. Envelope - Cuttings and Tape.....	593
16	304. Photograph.....	597
	305. Photograph.....	597
17	306. Photograph.....	597
	307. Photograph.....	597
18	308. Photograph.....	597
	309. Photograph.....	597
19	310. Photograph.....	598
	311. Photograph.....	599
20	312. Photograph.....	599
	313. Photograph.....	599
21	314. Photograph.....	600
	315. Photograph.....	600
22	316. Photograph.....	600
	317. Photograph.....	601
23	318. Photograph.....	601
	319. Photograph.....	601
24	320. Photograph.....	601
	321. Photograph.....	601
25	322. Photograph.....	601

EXHIBITS - CONTINUED

		<u>PAGE</u>
1		
2		
3	323. Photograph.....	601
	324. Photograph.....	601
4	325. Photograph.....	602
	326. Photograph.....	602
5	327. Photograph.....	602
	328. Photograph.....	602
6	329. Photograph.....	602
	330. Photograph.....	602
7	331. Photograph.....	602
	332. Photograph.....	602
8	333. Photograph.....	603
	334. Photograph.....	603
9	335. Photograph.....	603
	336. Photograph.....	603
10	337. Photograph.....	603
	338. Photograph.....	603
11	339. Photograph.....	603
	340. Photograph.....	604
12	341. Photograph.....	604
	342. Photograph.....	604
13	343. Photograph.....	604
	344. Photograph.....	604
14	345. Photograph.....	604
	346. Photograph.....	605
15	347. Photograph.....	605
	348. Photograph.....	605
16	349. Photograph.....	605
	350. Photograph.....	605
17	351. Photograph.....	605
	352. Photograph.....	605
18	353. Photograph.....	605
	354. Photograph.....	606
19	355. Photograph.....	606
	356. Photograph.....	607
20	357. Photograph.....	607
	358. Photograph.....	607
21	359. Photograph.....	607
	360. Photograph.....	607
22		
23		
24		
25		

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

2 THE COURT: Are we ready to have the jury back
3 up?

4 State, why don't you go ahead and step outside
5 and ask Ms. Clark to step in.

6 Ms. Clark, if you'll go ahead and step back up
7 on the witness stand. I remind you you are still
8 under oath.

9 THE WITNESS: Yes.

10 THE COURT: And for the record, Defense is
11 here, the Defendant, and the State.

12 State, are you ready for the jury?

13 MR. SARABIA: Yes, Judge.

14 THE COURT: Defense?

15 MR. MICHALOS: Yes, Your Honor.

16 THE COURT: All right. Bring them on in.

17 THE BAILIFF: The jury is entering the hearing
18 of the Court, Your Honor.

19 THE COURT: Thank you.

20 (Jury Present.)

21 THE BAILIFF: All jurors are present and
22 seated, Your Honor.

23 THE COURT: Thank you.

24 Was everybody able to get lunch? Yes?

25 THE JURY PANEL: Yes.

1 THE COURT: And everybody followed my
2 instructions?

3 THE JURY PANEL: Yes.

4 THE COURT: Excellent.

5 The State having rested, Defense, cross?

6 MR. MICHAÏLOS: May it please the Court.

7 MR. SARABIA: We haven't rested, Judge.

8 THE COURT: I meant you rested speaking to the
9 witness, not rested your case.

10 MR. SARABIA: Just making sure.

11 THE COURT: I meant you're done speaking to
12 this witness. Sorry.

13 Cross?

14 CROSS-EXAMINATION

15 BY MR. MICHAÏLOS:

16 Q. Good afternoon, Investigator Clark.

17 A. Good afternoon.

18 Q. How are you doing?

19 A. Good. And yourself?

20 Q. All right. Let me ask you a few questions.

21 Looking at your diagram, you said earlier that room

22 A was the southeastern bedroom in the house at 7719

23 Hatteras Drive, correct?

24 A. On the second floor, yes.

25 Q. And for clarification, that is clearly the

1 front of the house, correct?

2 A. Correct.

3 Q. The driveways are out here, right?

4 A. Correct.

5 Q. And this is the front staircase, correct?

6 A. Correct.

7 Q. So you would agree with me that if you were to
8 enter the front of the house through the front door, the
9 southeastern bedroom, room A, would be immediately to
10 your right, correct?

11 A. Not immediately, no.

12 Q. There would be a little wall separating it?

13 A. Correct.

14 Q. About two to three feet? That's depicted here
15 in your diagram? This is a wall, right?

16 A. Yes, it is.

17 Q. Sort of like a privacy wall so people can't
18 peer into the bedroom, I would suppose?

19 A. It's a small wall, yes.

20 Q. Okay. So other than this wall, this bedroom
21 is immediately to the east of the front door, correct?

22 A. Correct.

23 MR. MICHAÏLOS: And if I may I approach the
24 witness, Your Honor?

25 THE COURT: You may.

1 Q. (By Mr. Michailos) Ma'am, I'm going to show
2 you what I've identified as Defendant's Exhibit A for
3 identification purposes.

4 THE COURT: One, you mean?

5 MR. MICHAIILOS: One, is fine.

6 MR. SARABIA: Can we see it?

7 MR. MICHAIILOS: Sure. I'm sorry.

8 THE COURT: Everything is marked as 1, 2; in
9 as 1, 2.

10 MR. MICHAIILOS: I was going to get to 1 when I
11 admitted it.

12 THE COURT: We start as 1 and it would go in
13 as 1.

14 MR. MICHAIILOS: Yes, Your Honor.

15 What's been identified as Defendant's
16 Exhibit 1 for identification.

17 THE COURT: Thank you.

18 Q. (By Mr. Michailos) Ma'am, does that photograph
19 look familiar?

20 A. Yes, it does.

21 Q. Was it taken by yourself?

22 A. I believe so.

23 Q. Okay. And that shows a view from being
24 somewhere in here a few feet away from the wall looking
25 south into the bedroom and into the front door, correct?

1 A. It was more actually into this side of the
2 room.

3 Q. The side of the room?

4 A. Yes.

5 Q. Okay. Thank you, ma'am.

6 Does it accurately depict the house when you were
7 there in November of 2014?

8 A. Yes, it does.

9 Q. Now, there was a mattress found in the garage
10 you testified to, correct?

11 A. Correct.

12 Q. Was that a queen-size mattress? A
13 double-size? Do you have any idea how big that mattress
14 was?

15 A. I don't know the size of it, no.

16 Q. Okay. How about the bed in room C, was that a
17 twin? That was a twin, wasn't it?

18 A. It was a small mattress, yes, in room C.

19 Q. Clearly smaller than the one that was in the
20 garage, correct?

21 A. Correct.

22 Q. Now, this diagram is obviously of the top
23 floor. But using it just for reference, I think you
24 testified there's one door entering the house on the
25 ground level from the east side, correct, one single

1 door?

2 A. Correct.

3 Q. And there's one on the other side opposite on
4 the west side, correct?

5 A. Correct.

6 Q. Where somebody could enter the house from the
7 outside?

8 A. Correct.

9 Q. Do you have any idea, ma'am, how much of a
10 distance it is from the stairwell from the top of the
11 staircase to room A?

12 A. I do not.

13 Q. It never was measured?

14 A. I did not measure it.

15 Q. Can you estimate? Do you think it was 20 or
16 50? I don't want you to guess completely if you can't
17 give us it.

18 A. No, I don't.

19 Q. Okay. That's fine.

20 Now, ma'am, isn't it true that no weapon, other
21 than kitchen utensils, were found within the house when
22 searched by law enforcement and forensics, as far as you
23 know?

24 A. Correct.

25 Q. When you were there, you were there to catalog

1 everything, correct?

2 A. Yes, I was.

3 Q. And you took several photographs, correct?

4 A. Yes, I did.

5 Q. And no firearms were found within the house at
6 7719 Hatteras Drive, correct?

7 A. Correct.

8 Q. And no hunting knives were found within the
9 house, correct?

10 A. I believe that's correct.

11 Q. Okay. No trigger locks in the house, the type
12 of locks to lock a trigger on a firearm?

13 A. Inside the house?

14 Q. Correct.

15 A. No. I don't believe so.

16 Q. And would it be accurate to say there were
17 none of those found within the canal, within the water?

18 A. That should be correct as well.

19 Q. And none were found on the long firearms that
20 were photographed, right?

21 A. Correct.

22 Q. They were unsecured in that sense?

23 A. I believe so, yes.

24 Q. No gun safes or anything like that found
25 within the house or anywhere else?

1 A. No, there weren't.

2 Q. And the dive team in this case, they did a
3 pretty meticulous job cordoning off every section of the
4 canal, correct?

5 A. Yes, they did.

6 Q. They did like a grid work system with ropes
7 and string?

8 A. Yes. I believe they did.

9 Q. And they made sure to comb every square inch
10 of that canal, correct?

11 A. I believe so.

12 Q. Now, the bedroom door for room A, is it fair
13 to say that it opens in when you're entering the
14 bedroom?

15 A. That is correct.

16 Q. Consistent with the diagram that shows it
17 swinging in?

18 A. That is correct.

19 Q. From the left to the right, correct?

20 A. Correct.

21 Q. Is that true for all the doors in the bedroom,
22 they all open in as opposed to out?

23 A. Yes, they do.

24 Q. Now, was there any doorknobs missing from
25 either of the doors in the master bedroom, room G?

1 A. A doorknob? I don't believe so, no.

2 Q. You do not know?

3 A. The doorknobs from the bedroom door?

4 Q. Yes.

5 A. No. I don't believe there were any missing.

6 Q. Now, when we looked at some photographs
7 earlier, you testified as the State was showing you some
8 photographs, and at one point there was a photograph of
9 the inner door at the bottom of the stairwell, correct?

10 A. Correct.

11 Q. There appeared to be a hook eyelet-type lock
12 on that door on the inside part, correct?

13 A. That is correct.

14 Q. Okay. And it appeared to be functional to
15 you?

16 A. Yes.

17 Q. And that was to secure the door from the
18 inside, correct?

19 A. That is also correct.

20 Q. Now, you testified to some kind of mark in the
21 master bedroom in the corner. There was almost like a
22 hole in corner B, right? As you walk into the master
23 bedroom to your right, there was some kind of defect to
24 the corner of the wall, correct?

25 A. That is correct.

1 Q. Consistent with a bullet hole?

2 A. Yes. I believe so.

3 Q. Did you measure the height of that hole from
4 the ground?

5 A. I did not.

6 Q. Would you say it was approximately five feet
7 high?

8 A. I believe it was a little higher.

9 Q. Okay. As far as the hole in the southeastern
10 bedroom, room A, there was a hole on the west wall,
11 correct?

12 A. That is correct.

13 Q. And I think you did measure that, right? It's
14 in your report, 46 inches high. Was that 46 inches
15 high?

16 A. That was the one in room A?

17 Q. Yes.

18 A. Yes.

19 Q. Okay.

20 MR. MICHAÏLOS: If I may approach the witness,
21 Your Honor?

22 THE COURT: You may.

23 Q. (By Mr. Michailos) I'm going to show you what
24 the State numbered 46 through 51, which I believe are
25 the pictures of the long firearms found in the canal.

1 Now, in your report, is it correct that you
2 documented all the firearms retrieved from the canal?
3 That was your job?

4 A. Yes, it was.

5 Q. Okay. And you had a chance to review your
6 report to refresh your memory?

7 A. Yes, I did.

8 Q. Okay. In your report, it's true that the
9 first one you document is a Marlin 94 lever-action
10 rifle?

11 And just to help you, if you want to reference your
12 report. It has to do with what you did on September 5th
13 of 2014, at approximately 1635 hours.

14 A. Can I look?

15 Q. Sure. Please do.

16 A. Which firearm did you say?

17 Q. I'm at that paragraph that starts at 1635 in
18 your report. It itemizes, if I'm not mistaken, all the
19 firearms, correct?

20 A. That is correct.

21 Q. After it mentions the Kel-Tec pistol and
22 there's a magazine, it begins with Marlin 94
23 lever-action rifle, am I right?

24 A. That is correct.

25 Q. Okay. Do you know which rifle is the Marlin

1 in those photographs? Is there a way to identify it?

2 A. There is a way to identify it, yes.

3 Q. Would you be able to do that? Would you be
4 able to do that for me right now?

5 A. Utilizing my notes, yes.

6 Q. Yes. Sure.

7 A. Okay.

8 Q. Whatever you need to.

9 THE COURT: On the back of the photograph will
10 be a number. Just tell me what number.

11 THE WITNESS: Yes. Evidence 50.

12 MR. MICHAÏLOS: Okay. Great. Thank you.

13 THE COURT: That would be State's 50.

14 THE WITNESS: Sorry. Yes.

15 THE COURT: That's okay.

16 Q. (By Mr. Michailos) Thank you. The next thing
17 on your list you itemize a Browning rifle. Would that
18 be the shotgun marked as State's Exhibit 51? Is that
19 what that is?

20 A. The rifle? Did you say the rifle or the
21 shotgun?

22 Q. Well, in your report the next one in order
23 says Browning rifle, and I'm thinking it might be 51,
24 which is a shotgun, but perhaps I'm mistaken.

25 A. No. There was a Browning .308 rifle with a

1 scope.

2 Q. Okay. But you see back in my paragraph where
3 I'm going in order. First is the Marlin 94
4 lever-action?

5 A. Yes.

6 Q. And then it says Browning rifle, which has the
7 designated number of RC-35, then a couple later it has
8 the Browning .308. So I'm trying to figure out which
9 one the Browning rifle is, the RC-35. Is that the
10 shotgun?

11 A. That was State's 51. And, yes, that was the
12 shotgun.

13 Q. Okay. Great. Thank you for finding it.

14 All right. The remaining long rifles all have
15 scopes attached to them, correct?

16 A. That is correct.

17 Q. All right. Here's your next test. Do you
18 know which one is the Winchester .30-30?

19 A. Yes, I do.

20 Q. What number for the State? On the back side.

21 A. I believe that is State's Exhibit 48.

22 Q. Forty-eight. Is that a lever-action?

23 A. Yes, it is.

24 Q. Okay. Can I see that real quick.

25 So you're sure this is the Winchester, what's

1 designated in your report as Winchester .30-30 with a
2 scope? Is this it?

3 A. I would say so.

4 Q. Okay. Are you pretty sure? Are you a hundred
5 percent sure? I mean I'll give you more time.

6 A. Yes. I believe that was it.

7 Q. Okay. And in that Winchester .30-30, you
8 found an unspent cartridge inside, correct?

9 A. That is correct.

10 Q. One singular cartridge?

11 A. Yes. That is correct.

12 Q. When you collected this rifle, it was loaded,
13 correct?

14 A. That is correct.

15 Q. Is that unlike any of the other rifles?

16 A. That is also correct, yes.

17 Q. Thank you, ma'am. Sorry for those little
18 tests, but I greatly appreciate that.

19 MR. MICHAÏLOS: If I could have a moment, Your
20 Honor?

21 THE COURT: You may.

22 MR. MICHAÏLOS: Thank you, ma'am. No further
23 questions.

24 THE COURT: Redirect?

25 MR. SARABIA: Just real quick.

1 REDIRECT EXAMINATION

2 BY MR. SARABIA:

3 Q. (By Mr. Sarabia) I think when Defense counsel
4 was showing a photograph, they asked you if it looked
5 like when you were there in November of 2014.

6 To be clear, you were there in September of 2014;
7 is that accurate?

8 A. Yes, it is. September 4th of 2014.

9 MR. SARABIA: Okay. I don't have any more
10 questions, Judge.

11 THE COURT: All right. Ma'am, you may step
12 down.

13 Have we taken all the evidence and given it
14 back to the clerk, all the photographs you had.

15 MR. MICHALOS: Yes, Your Honor?

16 THE COURT: Okay. Great. Then you may step
17 down. And you remain under subpoena, but you can
18 leave the courthouse. Okay?

19 THE WITNESS: Thank you.

20 THE COURT: Thank you.

21 State, call your next witness.

22 MR. SARABIA: The State would call Jamie
23 Martin.

24 THE COURT: Good afternoon, Mr. Martin. If
25 you could step up to the podium. Stop right there.

1 Raise your right hand and be sworn by my clerk.

2 JAMIE MARTIN,

3 a witness herein, being first duly sworn, was examined and
4 testified as follows:

5 THE COURT: Please have a seat in the witness
6 stand. Speak in a loud and clear voice for me.

7 Okay?

8 State, you may proceed.

9 MR. SARABIA: Thank you, Judge. Defense
10 counsel.

11 DIRECT EXAMINATION

12 BY MR. SARABIA:

13 Q. Can you please introduce yourself to the jury.

14 A. My name is Jamie Martin.

15 Q. And how are you currently employed?

16 A. I'm a forensic investigator with the Pasco
17 County Sheriff's Office.

18 Q. Now, we spoke to a forensic investigator
19 previously. Is your job very similar to the job that

20 Ms. Clark does?

21 A. Exactly what Ms. Clark does.

22 Q. So you don't carry a gun around or chase after
23 suspects either?

24 A. No, sir.

25 Q. You don't interview witnesses?

1 A. No.

2 Q. Okay. Were you with the Pasco County
3 Sheriff's Office, Forensics Unit, back in September of
4 2014?

5 A. I was.

6 Q. And I want to turn your attention specifically
7 to September 4th of 2014, in the afternoon. Did you
8 have occasion to respond to 7719 Hatteras Drive?

9 A. I did.

10 Q. Now, when approaching the residence, did you
11 notice any odors?

12 A. I did. There was an extremely foul odor
13 coming from somewhere in the residence.

14 Q. Okay. And were you there for several days?

15 A. Yes. I believe me in particular I was there
16 through Monday the 7th --no. The 8th.

17 Q. So September 4th, would have been a Thursday?

18 A. Yes.

19 Q. And you were there to the following Monday?

20 A. Yes.

21 Q. Was that a smell that you could smell
22 throughout that residence?

23 A. Yes.

24 Q. And was it a smell that lingered the entire
25 time that you were there processing the residence?

1 A. For the most part, yes.

2 Q. Now, I want to go with you first to
3 September 5th, 2014. Did you assist the dive team in
4 retrieving items from the canal?

5 A. I did.

6 Q. And what was your job in that process?

7 A. Basically, when it came to the attention of
8 the dive team brought to our attention there were so
9 many items in the canal, it was decided that Forensic
10 Investigator Clark and myself would split the duties,
11 and just whatever they were taking out of the canal, we
12 would, you know, alternate documenting those items being
13 taken out.

14 Q. Okay.

15 MR. SARABIA: Judge, may I approach the
16 witness?

17 THE COURT: You may.

18 MR. SARABIA: Defense counsel has previously
19 seen all of these exhibits.

20 Q. (By Mr. Sarabia) First, I want to show you
21 State's Exhibit 57. Do you recognize that?

22 A. I do.

23 Q. Is that a photograph that you took?

24 A. It is.

25 Q. And is that in order to document one of the

1 items that was recovered from the canal?

2 A. Yes.

3 Q. And what is that a photograph of?

4 A. The photograph is of a clawhammer.

5 Q. Okay. Now, what happened to this item after
6 it was pulled out of the water?

7 A. As you saw there, I document it with
8 photographs, and then it was packaged, and then later
9 submitted to property and evidence.

10 MR. SARABIA: And, Judge, I'm now showing
11 Defense counsel what I'm marking as State's
12 Exhibit 235.

13 Q. (By Mr. Sarabia) Mr. Martin, if you could look
14 inside there and tell me you if you recognize
15 State's 235.

16 A. I do.

17 Q. And what is that?

18 A. I recognize it as the hammer in the
19 photographs that you just showed.

20 Q. And you collected this and put it into
21 evidence?

22 A. I did.

23 MR. SARABIA: Judge, at this time State would
24 like to move State's Exhibit 235 into evidence.

25 THE COURT: Any objection?

1 MR. MICHAÏLOS: No objection, Your Honor.

2 THE COURT: All right.

3 MR. SARABIA: Permission for the witness to
4 step down and publish?

5 THE COURT: Certainly. Do you need gloves?
6 There they are.

7 Q. (By Mr. Sarabia) If you can walk it around and
8 show the jury. Thank you, sir.

9 I want to turn your attention to State's Exhibits
10 222, 223, and 224, and tell me if you recognize those.

11 A. I do.

12 Q. And those are for identification?

13 A. Yes. Pictures taken for identification of two
14 separate knives.

15 MR. SARABIA: I'm sorry. For the record,
16 they're for identification.

17 THE COURT: State's identification.

18 THE WITNESS: Yes. Sorry.

19 MR. SARABIA: They have not yet been admitted
20 into evidence.

21 THE WITNESS: Sorry.

22 THE COURT: That's okay.

23 Q. (By The Bailiff) No problem. In particular
24 State's Exhibit let's start with 223. What is that
25 documenting?

1 A. It's a knife in a sheath.

2 Q. Where did that come from?

3 A. That as well came from the canal.

4 Q. And when it was retrieved from the canal, were
5 you there to receive it and document it and collect it
6 ultimately?

7 A. Exactly. Just like the hammer.

8 Q. And is that the way it was found in the
9 sheath?

10 A. It is.

11 Q. As photographed in State's 223?

12 A. It is.

13 Q. Turning your attention to State's Exhibit 222.
14 Do you recognize that?

15 A. I do.

16 Q. What is that a photograph of?

17 A. That is another knife.

18 Q. And does that coordinate in any way with the
19 photograph State's 223?

20 A. Yes. I believe that's the knife that is in
21 the sheath.

22 Q. Okay. And is State's 222 the knife out of the
23 sheath?

24 A. Yes.

25 Q. And there's no measurements involved in these

1 photographs. Can you give us a context of approximately
2 how big this knife is?

3 A. Maybe with the handle and the entire -- from
4 blade tip to the handle about five inches.

5 Q. Okay. I'm turning your attention to
6 State's 224. Do you recognize that?

7 A. I do.

8 Q. And what is that?

9 A. That is the other knife. Yes, that's the
10 second knife.

11 Q. Okay. And where did that come from?

12 A. That came from the canal as well.

13 Q. And when it came out of the canal, were you
14 there to receive it, document it, and ultimately enter
15 it into evidence?

16 A. I was.

17 Q. And again there's no measurement really in
18 this photograph. Can you give us some context regarding
19 how big this knife is?

20 A. About the same. Approximately five inches.

21 Q. Okay.

22 MR. SARABIA: And, Judge, at this time the
23 State would like to move State's Exhibits 222, 223,
24 and 224 into evidence.

25 THE COURT: Any objection?

1 MR. MICHAÏLOS: No objection, Your Honor.

2 THE COURT: They'll be in as 222, 223, and 224
3 into evidence.

4 Q. (By Mr. Sarabia) I'm showing you what's been
5 entered into evidence as State's 55. Do you recognize
6 that?

7 A. I do.

8 Q. And did you take that photograph?

9 A. I did.

10 Q. And what is that documenting?

11 A. Three power drills.

12 Q. And where did they come from?

13 A. Those also came from the canal.

14 Q. And when they were removed from the canal,
15 were you there to receive them and then document them
16 and ultimately enter them into evidence?

17 A. Yes.

18 Q. And is this a photograph taken after they were
19 taken back to the forensics building, I guess?

20 A. Yes. I believe this photograph was taken
21 later on back at the forensic section, yes.

22 Q. And there's all kinds of stains around. To be
23 clear that's water, right?

24 A. That's water running off of the drills, yes.

25 Q. Okay. And also State's 56. Is that a

1 photograph that you took?

2 A. Yes.

3 Q. What is that of?

4 A. Different types of ammunitions and then it
5 looks like magazines that hold some of those cartridges.

6 Q. Was there a bow accessory involved in that?

7 A. Yes. I believe that's what that item is there
8 with the yellow on it.

9 Q. Okay. What types of ammunition are these?

10 A. As I remember, the red in the photograph, the
11 red are shotgun shells. And then these, as I remember
12 correctly, were .308 cartridges.

13 Q. Consistent with being able to be used in a
14 .308 rifle?

15 A. Yes.

16 Q. Were you involved in assisting in the search
17 of the residence at 7719 Hatteras Drive?

18 A. Yes.

19 Q. In particular, did you document the upper
20 patio area of the residence?

21 A. Yes.

22 Q. And would that be the area labeled room O on
23 the diagram labeled State's 59?

24 A. It would.

25 Q. Okay. I am showing you what's been marked

1 as --

2 MR. SARABIA: Actually, I'm going to show
3 Defense counsel what's been marked as State's 236.

4 Q. (By Mr. Sarabia) I'm showing you what's been
5 marked State's 236. Do you recognize that?

6 A. I do.

7 Q. And what is that?

8 A. That is a photograph of a settee set or two
9 chairs and a table located on that patio, room O.

10 Q. Other than the photograph you took, is it fair
11 to say that there really wasn't a whole lot interesting
12 about room O?

13 A. No. Other than the two chairs and the table
14 and the items on the table, nothing else remarkable in
15 room O.

16 Q. Okay. Now, I want to talk to you about a
17 couple of other rooms, and I may ask you to step down in
18 a minute.

19 A. Sure.

20 Q. But were you involved in assisting in evidence
21 collection in the way of taking swabs from various areas
22 of interest?

23 A. I was.

24 Q. Can you describe for the jury what is meant
25 when you use the term "swab" and what process you go

1 through in order to collect one?

2 A. Well, the process is we would glove up first,
3 like I did a while ago. We open up a brand-new package
4 of swabs. They have a cotton tip on the end, they're a
5 little bit longer.

6 And then if the area is dry -- if it's wet, then we
7 don't have to use distilled water, but usually it's a
8 dry area. So if it's dry, then we have to apply a drop
9 of distilled water to the cotton part of the tip.

10 And then we just gently swab that area, put the
11 swab back into the package. That's sealed and it's put
12 into its own separate bag and given an item number and
13 then put into property and evidence for further testing.

14 And that process would be repeated for each area
15 that we would swab.

16 Q. Okay. Now, Mr. Martin, I want to take you
17 through a couple of these rooms, and I'm going to ask
18 you questions about various areas. But if it's okay
19 with the Judge, I'd like you to step down, because I'm
20 going to display some of the photographs on the big
21 board.

22 THE COURT: I think we're going to move that
23 closer in and then we're going to have to bring the
24 big screen out.

25 Q. (By Mr. Sarabia) First, can you tell me what

1 JM-21 is?

2 A. I probably would need --

3 Q. Yes. Would your notes help you refresh your
4 recollection on some of the various spots?

5 A. Yes.

6 Q. If that would help.

7 A. JM-21 is a swab of apparent blood selected
8 from Sticker Scale B1-A.

9 Q. And would that be --

10 THE COURT: Hold on one second. Hold on one
11 second. Maria, can you hear them?

12 THE COURT REPORTER: If you can just speak up
13 another tad that would be good.

14 THE WITNESS: Item JM-21 is a swab of apparent
15 blood selected from Sticker Scale B1-A.

16 MR. SARABIA: We're experiencing some
17 technical difficulties. If you can give me a
18 moment.

19 THE COURT: Did we turn it on? Is the TV on?
20 I think you're good to go. Oh, maybe not.

21 Q. (By Mr. Sarabia) I'm displaying State's
22 Exhibit 169. Do you see the area that you took the swab
23 JM-21 from in this photograph on the big screen over
24 there?

25 A. I do.

1 Q. Could you please point it out to the jury.

2 A. On this?

3 Q. No, no, no. On the photograph?

4 A. It would be here (indicating).

5 Q. Here, let me give you a pointer.

6 And since you brought it up, where would that be on
7 the diagram?

8 A. It would be just inside what's referred to as
9 Room A on the diagram, just inside the doorway on the
10 floor.

11 Q. And did you do a presumptive test to determine
12 whether it was blood?

13 A. I did. I did a phenolphthalein test.

14 Q. Okay. And can you describe for us how a
15 phenolphthalein test works?

16 A. A phenolphthalein test is a presumptive blood
17 test for areas of suspected blood. It basically
18 works -- the phenolphthalein reagents and hydrogen
19 peroxide is part of the test, it reacts with the
20 hemoglobin in the blood.

21 So if you get a positive test, then it's more than
22 likely blood. We don't know if it's human or animal or
23 what at that point. More testing would have to be done
24 against the taking the swab later on of the actual area
25 and having submitted that. If it comes back negative,

1 then it may not be blood, probably it's not blood, so
2 then we don't send it off.

3 Q. Okay. And there's another sticker scale on
4 there, B1-B. Did you take a swab of that as well?

5 A. I did.

6 Q. And did you test that to determine whether
7 that was a presumptive for blood?

8 A. I did.

9 Q. Using the same test you already described?

10 A. Yes.

11 Q. And was that positive for blood as well?

12 A. Yes.

13 Q. Okay. I'm now going to display State's 164.
14 Did you take a swab from Sticker Scale B1-C?

15 A. I did.

16 Q. And that would be this large stain on the
17 floor?

18 A. Yes.

19 Q. This picture here, can you point that out on
20 the diagram for us just so we're all on the same spot.

21 A. (Indicating).

22 Q. Thank you.

23 And did you do that same presumptive test for blood
24 that you already described?

25 A. Phenolphthalein test. If it tested positive,

1 then I would have collected the swab in that same area.

2 Q. Okay. Now, I want to turn your attention
3 to -- I'm now displaying State's Exhibit 180 -- the
4 closet of that room. Do you see where we are?

5 A. Uh-huh.

6 Q. And again to reacquaint the jury, could you
7 point out on the diagram where that would be?

8 A. It should be against this wall here in the
9 larger closet in that room.

10 Q. And now I'm going to show you, display 181,
11 which should be a close-up of that same stain. Did you
12 do the presumptive test on that stain as well?

13 A. Yes.

14 Q. And did it test positive for blood?

15 A. I believe so.

16 Q. And did you swab that?

17 A. I did.

18 Q. And did you swab it in the same manner that
19 you already described for us with all the safeguards to
20 ensure --

21 A. Absolutely.

22 Q. -- to keep it correct?

23 And did you enter that into evidence as JM-32?

24 A. I did.

25 Q. So JM-32 would be a swab from this specific

1 location?

2 A. The swab of apparent blood collected from
3 Sticker Scale B1-L.

4 Q. Okay. I'm now displaying State's Exhibit 170.
5 This red chair --

6 A. Uh-huh.

7 Q. -- did you test different areas of this red
8 chair with the presumptive test for blood that you
9 described?

10 A. I did.

11 Q. In particular, is there an area of B1-D
12 that you can see?

13 A. Yes.

14 Q. And where is that area?

15 A. Along the top portion of the chair.

16 Q. Okay. And did you take a swab of that area?

17 A. I did.

18 Q. And did you use the same method that you
19 already described for us?

20 A. Yes.

21 Q. And did you enter that into evidence as JM-24?

22 A. I did.

23 Q. Now, I want to ask you about B1-E and B1-F.
24 Are they both also from this red chair?

25 A. They are.

1 Q. And do you know where on the red chair they
2 are?

3 A. I believe that is possibly F. And E may be on
4 a different side of the chair.

5 Q. And I'm showing you State's -- displaying
6 State's Exhibit 172. It doesn't have a sticker scale on
7 it, but would that be the approximate area that B1-E
8 was?

9 A. Yes.

10 Q. And did you test that area for blood?

11 A. I did.

12 Q. And was it presumptive positive?

13 A. It was.

14 Q. And there's a close-up of that other sticker
15 scale. Is that B1-F?

16 A. Yes. It's on the seat portion of the chair.

17 Q. And, again, did you do the presumptive test on
18 that?

19 A. I did.

20 Q. Was it positive?

21 A. Yes.

22 Q. I'm now displaying State's Exhibit 174. I
23 believe there are multiple sticker scales we can see on
24 this?

25 A. Uh-huh. B1-G, this one.

1 Q. Okay. And B1-G, did that test positive for
2 blood?

3 A. It did.

4 Q. And how about B1-H?

5 A. It did.

6 Q. Now, B1-H, did you take a swab from it using
7 the same method of collecting you already described for
8 us?

9 A. I did.

10 Q. And did you enter that into evidence as JM-28?

11 A. I did. JM-28 is a swab of apparent blood
12 collected from Sticker Scale B1-H.

13 THE COURT: Mr. Martin, you're talking to the
14 jury, not to Mr. Sarabia, although he's asking you.

15 THE WITNESS: Sorry. Sorry.

16 THE COURT: So if you keep your voice going
17 that way, she'll be able to hear you. Okay. Go
18 ahead.

19 THE WITNESS: So JM-28 is a swab of apparent
20 blood at Sticker Scale B1-H.

21 Q. (By Mr. Sarabia) And B1-I, over there on the
22 other side, did that test positive for blood?

23 A. It did.

24 Q. Okay. Turning your attention -- I'm now
25 displaying State's 178 -- on the sticker scale there.

1 And now I'm going to display State's 179, a close-up of
2 the sticker scale there. Can you read that sticker
3 scale?

4 A. B1-J.

5 Q. And did you do a presumptive test for blood on
6 that area?

7 A. I did.

8 Q. Did it test positive?

9 A. Yes, it did.

10 Q. And did you take a swab of that area?

11 A. I did.

12 Q. Did you label that JM-30?

13 A. JM-30 is a swab of apparent blood collected
14 from Sticker Scale B1-J.

15 Q. All right. Now, I want to take you to the
16 master bedroom. Now, did you do some swabs and
17 presumptive tests in there as well?

18 A. I did.

19 Q. Now, I want to ask you -- first I'm going to
20 display State's 202, and then I'm going to display
21 State's 203, which would be a close-up of that sticker
22 scale. Can you read that?

23 A. I can. Sticker Scale MBR-A.

24 Q. And did you do a presumptive test on that
25 sticker scale for blood?

1 A. I did.

2 Q. Did it come back positive?

3 A. It did.

4 Q. Did you take a swab of that area?

5 A. I did.

6 Q. All right. And did you enter it into evidence
7 as JM-40?

8 A. JM-40 is a swab of apparent blood collected
9 from Sticker Scale MBR-A.

10 Q. Okay. I'm now displaying State's Exhibit 198;
11 and now I'm going to display State's 199, which will be
12 a close-up of the Sticker Scale 198. Can you read that
13 for us?

14 A. Sticker Scale MBR-E.

15 Q. Did you take a swab of that area and do a
16 presumptive test?

17 A. I did.

18 Q. And did it test positive?

19 A. It did.

20 Q. And did you take a swab using the same method
21 you've already described for us of that particular area
22 of interest?

23 A. I did.

24 Q. And did you enter it into evidence as JM-41?

25 A. Yes. JM-41 is a swab of apparent blood

1 collected from Sticker Scale MBR-E.

2 Q. And now State's Exhibit 200, I'm displaying
3 that. And now I'm going to show you State's
4 Exhibit 201, which would be the close-up of the sticker
5 scale that we saw on State's 200. Did you do a
6 presumptive test on that area of interest?

7 A. I did.

8 Q. Did it test positive for blood?

9 A. It did.

10 Q. And did you take a swab of that area?

11 A. I did.

12 Q. Did you enter the swab from MBR-F into
13 evidence as JM-42?

14 A. I did.

15 Q. I'm now showing you a photograph of just
16 outside the master bedroom closet, and that is
17 State's 205 that I'm displaying. Do you see the sticker
18 scale there?

19 A. (Indicating).

20 Q. I'm now going to show you State's Exhibit 206,
21 which would be a close-up of that sticker scale. Did
22 you do a presumptive test of that area?

23 A. I did.

24 Q. And did it test positive for blood?

25 A. It did.

1 Q. And did you take a swab of that area using the
2 same method that you've already described for us?

3 A. I did.

4 Q. And did you enter that into evidence as JM-43?

5 A. Yes. JM-43 is a swab of apparent blood
6 collected from Sticker Scale MBC-A.

7 Q. Okay. I'm now going to show you State's 215,
8 and zoom in on Sticker Scales MBC-B and then MBC-C. Did
9 you do presumptive tests on both of those areas?

10 A. I did.

11 Q. And did they test positive for blood?

12 A. They did.

13 Q. I'm now going to display State's 58, and ask
14 you about some photographs of the stairwell area. I'm
15 showing you State's 112, and it doesn't have a sticker
16 scale on it, but does that depict an area that was later
17 labeled as First Floor Center A?

18 A. Yes.

19 Q. And did you do a presumptive test on that
20 area?

21 A. I did.

22 Q. Did it test positive for blood?

23 A. It did.

24 Q. Did you take a swab of that area?

25 A. I did.

1 Q. Using the same method that we've already
2 talked about?

3 A. Yes.

4 Q. And did you enter that into evidence as JM-35?

5 A. JM-35 is a swab of apparent blood collected
6 from Sticker Scale First Floor Center A.

7 Q. I'm now displaying State's Exhibit 119. And
8 I'm going to show you State's 120, a close-up of that
9 sticker scale. And what's the label of that sticker
10 sale?

11 A. Stairwell A.

12 Q. Did you do a presumptive test for blood on
13 that particular sticker scale?

14 A. I did.

15 Q. Did it test positive?

16 A. It did.

17 Q. And did you take a swab of that area?

18 A. I did.

19 Q. Did you enter into evidence as JM-36?

20 A. I did.

21 Q. Now I'm going to show you State's 229. And
22 that sticker scale, what's the label on that one?

23 A. Stairwell C.

24 Q. Did you do a presumptive test on that area?

25 A. I did.

1 Q. And did you take a swab of that area using the
2 method you've already described for us?

3 A. I did.

4 Q. And did you enter that into evidence as JM-38?

5 A. I did.

6 Q. Okay. All right. Real quick, if you could
7 resume your seat. I'm going to need you to get up again
8 in a moment. Thank you.

9 Mr. Martin, I don't want to go into all the
10 details, but did you do swabs and presumptive tests of
11 other areas that did not come back presumptive positive?

12 A. I did.

13 Q. In addition to assisting with the residence,
14 were you involved in assisting in processing a blue
15 truck related to this case?

16 A. Yes. A blue pickup truck.

17 Q. Yes.

18 MR. SARABIA: Judge, may I approach witness?

19 THE COURT: You may.

20 MR. SARABIA: First I'm showing Defense
21 counsel State's Exhibits 237 through -- I'm not
22 sure yet.

23 THE COURT: Did you move in 236? Did he move
24 in 236? That's the patio furniture.

25 THE CLERK: No.

1 THE COURT: Do you want to move in 236?

2 MR. SARABIA: We'd ask to move in State's
3 Exhibit 236.

4 THE COURT: Defense, any objection?

5 MR. MICHAÏLOS: No objection, Your Honor.

6 THE COURT: All right. 236 is in. So we're
7 at 237 through what?

8 MR. SARABIA: I'll stick with that.

9 Q. (By Mr. Sarabia) I'm showing you State's
10 Exhibit 237. Do you recognize that?

11 A. I do.

12 Q. Is that a truck that you assisted in
13 processing back at the Pasco Forensics Lab area?

14 A. Yes.

15 Q. Okay. And I'm showing you State's Exhibits
16 238 and 239, if you'll look at those, and 240,
17 State's 240. Are those all of the truck that you
18 assisted in processing back at the forensics lab?

19 A. Yes, they are.

20 Q. Okay. And was there anything on the top of
21 that vehicle?

22 A. Yes. There was an advertisement sticker on
23 top of the cab of the vehicle.

24 Q. Was there a name associated with that
25 advertisement?

1 A. It says, "Nicholas A. Leonard. Hauling and
2 More. Give us a call. We do it all. (727)479-3139".

3 Q. Okay. Are those fair and accurate depictions
4 of the vehicle as you saw it when you began processing
5 it?

6 A. They are.

7 MR. SARABIA: Judge, at this time I'd like to
8 move State's Exhibits 237 through 240 into
9 evidence.

10 THE COURT: Defense, any objection?

11 MR. MICHAÏLOS: No, Your Honor.

12 THE COURT: All right. Photographs 237
13 through 240 will be admitted.

14 MR. SARABIA: Thank you.

15 Q. (By Mr. Sarabia) Now, if you can look State's
16 Exhibits 241 through 244. Do you recognize those?

17 A. I do.

18 Q. And what are those of?

19 A. Those of the interior of the vehicle.

20 Q. I'm sorry. I'll add 245 to that as well. Is
21 that also the interior of the vehicle?

22 A. It is.

23 Q. And is that the way the interior of the
24 vehicle appeared when you began processing it?

25 A. It is.

1 Q. Does it fairly and accurately represent what
2 you saw?

3 A. They do.

4 MR. SARABIA: At this time the State would
5 like to move State's Exhibits 241 through 245 into
6 evidence.

7 THE COURT: Any objection?

8 MR. MICHAÏLOS: No, Your Honor.

9 THE COURT: 241 through 245 will be so moved.

10 Q. (By Mr. Sarabia) I'm showing you State's
11 Exhibit 246. Do you recognize that?

12 A. I do.

13 Q. What is that?

14 A. It's a picture of a Dewalt tool bag.

15 Q. Did that come out of the blue truck that we
16 were just looking at?

17 A. It did.

18 Q. And, in fact, is that also pictured within the
19 Dewalt tool bag -- or I'm sorry. Within the blue truck
20 we were just looking at?

21 A. It is.

22 Q. And this photograph, is this photograph that
23 you took afterwards when you were further examining
24 these items?

25 A. Yes. When items were taken out of the truck.

1 Q. Okay.

2 MR. SARABIA: At this time the State would
3 like to move State's Exhibit 246 into evidence.

4 THE COURT: Any objection?

5 MR. MICHAIILOS: No, Your Honor.

6 THE COURT: 246 will be into evidence.

7 Q. (By Mr. Sarabia) I'm showing you 247. What is
8 that?

9 A. Yes. I recognize that.

10 Q. What is that?

11 A. It's a saw, an electric saw.

12 Q. And where did that come from?

13 A. That came out of that Dewalt tool bag.

14 Q. Okay. Is it a fair and accurate depiction of
15 the way it looked when you removed it?

16 A. It is.

17 MR. SARABIA: At this time the State would
18 like to move State's Exhibit 247 into evidence.

19 THE COURT: Any objection?

20 MR. MICHAIILOS: No objection.

21 THE COURT: It will be so moved, 247 in.

22 Q. (By Mr. Sarabia) I'm showing you 248 and 249.
23 Do you recognize those?

24 A. I do.

25 Q. What are those of?

1 A. It's a holder holding drill bits.

2 Q. And 248, is that the way you found it?

3 A. It is.

4 Q. And 249, is that when you unrolled it to look
5 inside?

6 A. Yes.

7 Q. A fair and accurate depiction of what you
8 observed?

9 A. It is.

10 MR. SARABIA: At this time the State would
11 like to move State's Exhibits 248 and 249 into
12 evidence.

13 THE COURT: Any objection?

14 MR. MICHAÏLOS: No objection.

15 THE COURT: All right. 248 and 249 are in.

16 Q. (By Mr. Sarabia) Can you tell me what
17 State's 250 for identification is?

18 A. 250 is just a conglomerate of screws, nails,
19 different tools that came out of that same black Dewalt
20 tool bag.

21 Q. Were there any electric drills or cordless
22 drills that were in that tool bag?

23 A. No.

24 MR. SARABIA: At this time the State would
25 like to move State's Exhibit 250 into evidence.

1 THE COURT: Any objection?

2 MR. MICHAIILOS: No objection.

3 THE COURT: 250 will come into evidence.

4 Q. (By Mr. Sarabia) I'm showing you State's
5 Exhibits 251 and 252 and 253. Can you tell me what
6 those are?

7 A. Yes. It's another -- a different tool bag
8 with the kind that you put over a bucket, that you put
9 over a bucket, and then stuff can go inside and around
10 the outside of it.

11 The other photograph is the items -- tools and
12 items taken out of that same bucket bag. And then 253
13 is a close-up of a Dewalt battery charger.

14 Q. Is that a battery charger that would be
15 consistent with batteries that would go with like a
16 cordless drill?

17 A. Yes.

18 Q. Did you find the cordless drill in the truck?

19 A. No. Not in the truck.

20 Q. Where did you find the cordless drill?

21 A. We found those three that, I believe, were
22 admitted earlier out of the canal.

23 Q. Okay.

24 MR. SARABIA: At this time the State would
25 like to move State's Exhibits 251, 252 and 253 into

1 evidence.

2 THE COURT: Any objection?

3 MR. MICHAÏLOS: No, Your Honor.

4 THE COURT: All right. They're so moved.

5 MR. SARABIA: Judge, may the witness step down
6 and display the exhibits?

7 THE COURT: You may.

8 Q. (By Mr. Sarabia) I'm displaying State's 237.
9 Can you tell us what we're looking at there?

10 A. That is the front windshield of the blue
11 pickup truck.

12 Q. And that violation warning, was that on there
13 when the Pasco County Sheriff's Office received the
14 truck?

15 A. It was.

16 Q. I'm now going to display State's 238. What is
17 that and where was that?

18 A. It's a Shack Life from the Fisherman's Shack,
19 Old Dixie Highway, Hudson, Florida. It's a decal
20 sticker. And, I believe, it was on the driver's side of
21 the rear passenger door, or suicide doors as they call
22 them, on the window of that door.

23 Q. I'm displaying State's 240. Is that the bed
24 of the truck?

25 A. It is.

1 Q. It's a picture of State's 238 and 237?

2 A. It is.

3 Q. I'm showing you State's 239. Where is that?

4 A. That's top of the cab.

5 Q. And that's that same truck, same blue truck?

6 A. Yes.

7 Q. I'm displaying State's 241. Can you tell us

8 what we're looking at there?

9 A. This would be behind -- there was no passenger
10 seat in the vehicle. So this would be the passenger
11 side of the vehicle in the backseat.

12 Q. I'm showing you State's 242. Tell us what
13 we're looking at there.

14 A. Pretty much the same area, the backseat of the
15 truck.

16 Q. Okay. I'm showing you State's 243. Can you
17 tell us what we're looking at there?

18 A. Then that would be looking inside the
19 passenger door. So this is the front passenger area of
20 the vehicle.

21 Q. And that yellow and black thing there, what is
22 that?

23 A. That's the yellow Dewalt bag that we spoke of,
24 and then this is the other bag inside the bucket.

25 Q. Okay. And there was no drills, cordless

1 drills?

2 A. No drills.

3 Q. In either of those items?

4 A. No.

5 Q. Okay. I'm now displaying State's 244. What
6 is that a photograph of?

7 A. That's a photograph of what's referred to as
8 the center console, it would be in between the two
9 seats.

10 Q. And were there flyers advertising Nicholas A.
11 Leonard?

12 A. Yes. Flyers, yes, inside of that.

13 Q. And there's a wallet right there on top of the
14 flyer. Did you look in that wallet?

15 A. I don't recall if I looked inside or what was
16 inside.

17 Q. Would you like to refresh your recollection
18 with your report?

19 A. Yes, please.

20 Q. If that would help. Or your photographs, I
21 guess, might be more helpful.

22 A. I have no documentation of what was inside the
23 wallet.

24 Q. Okay. And were you the only one that was
25 processing this vehicle or were others involved?

1 A. Yeah. Forensic Investigator Weigand was
2 involved as well.

3 Q. All right. I'm going to show you State's 245.
4 What is that?

5 A. That again is the inside of that Dewalt bag,
6 yellow bag, and this is the plastic bag, and that's a
7 Dewalt charger.

8 Q. All right. I'm now displaying 246. Is that
9 the same Dewalt tool bag we were just looking at inside
10 the truck?

11 A. Yes, it is.

12 Q. Is this a photograph you took after it was
13 removed?

14 A. After it was removed from the truck, yes.

15 Q. Okay. I'm displaying State's 247. Is this an
16 item that was in that Dewalt tool bag that was inside
17 the truck?

18 A. Yes, it was.

19 Q. Okay. I'm displaying State's 248. Is that
20 another item that was within that Dewalt tool bag?

21 A. I believe it's attached to the end of that
22 photo you just showed. It attached to the end of this
23 so it doesn't get separated.

24 Q. Okay. What's the brand name on that?

25 A. Ryobi, R-y-o-b-i.

1 Q. Okay. And State's 249, is this a photograph
2 of State's 248, unrolled?

3 A. Yes.

4 Q. With a bunch of different drill bits?

5 A. Drill bits, correct.

6 Q. Are those consistent with something you use in
7 a drill?

8 A. Yes.

9 Q. An electric drill or a cordless drill?

10 A. Exactly.

11 Q. Okay. I'm now displaying State's 250. I
12 believe you testified already that that was also the
13 contents of that yellow and black Dewalt bag?

14 A. That yellow Dewalt bag, yes.

15 Q. And did you also see some drill bits in that
16 group of items?

17 A. I believe there was a few. You can see a
18 couple of there. I believe there was a few in that.

19 Q. Okay. I'm showing you State's 251. And
20 that's the other tool bag?

21 A. The bucket bag, yes.

22 Q. All right. That was in the truck?

23 A. Yes.

24 Q. Okay. I'm showing you State's 252. Is that
25 once you removed that tool bucket we just looked at in

1 251, and the contents that were within it?

2 A. Yes.

3 Q. Okay. And I'm showing you State's 253. That
4 was another item that was within that blue truck?

5 A. Yes.

6 Q. Okay. While we're at it, since I forgot to
7 display it, I'm now going to display State's 236. If
8 you can just remind us what that is?

9 A. That's that settee set, the two chairs and
10 table on the upstairs patio, which was I think room O.

11 Q. And was there a box of Camel cigarettes?

12 A. Yes.

13 Q. And you may resume your seat. Actually, I'm
14 probably going to have you step down again in just a
15 second. I forgot about these two.

16 MR. SARABIA: And I believe I've shown the
17 Defense these two photographs. And I'm showing
18 Defense counsel State's Exhibits 254 and 255.

19 Q. (By Mr. Sarabia) Were you involved in going up
20 in a helicopter in order to take some photographs of the
21 area of 7719 Hatteras Drive and other areas of interest
22 in that surrounding area?

23 A. I was.

24 Q. And I want to show you State's Exhibits 254
25 and 255. Do you recognize those?

1 A. Yes. I recognize that as the residence at
2 7719 Hatteras Drive.

3 Q. And that's State's 254?

4 A. Yes.

5 Q. Okay. And State's 255, is that an aerial view
6 of the end of the Hatteras Drive cul-de-sac, I guess?

7 A. Yes. Towards the west it looks like from the
8 residence, yes.

9 Q. And on what date did you go up in the
10 helicopter and take those photographs?

11 A. I believe it was on Saturday, September 6th.

12 Q. Okay. If you could step down and let's look
13 at these real quick.

14 I'm displaying 252. Can you point at what we're
15 looking at there?

16 A. This is the residence that we're talking
17 about, 7719 Hatteras Drive.

18 Q. And when you responded on September 4th, 2014,
19 was there a significant law enforcement presence outside
20 of that residence?

21 A. There was.

22 Q. Was it similar to the number of cars that we
23 see located there in this photograph?

24 A. Much more than that actually.

25 Q. Okay. Were there lights? Blue lights? Red

1 lights?

2 A. Yes.

3 Q. Was there a roadblock in that area?

4 A. There was. Further down on Old Dixie Highway,
5 both directions, the roads was blocked, and all that was
6 allowed in was persons in agency vehicles.

7 Q. Okay. And I'm displaying State's 255. Is
8 this Hatteras Drive right here?

9 A. Yes.

10 Q. This would be the end of the cul-de-sac, I
11 guess, of Hatteras Drive?

12 A. That's correct. The residence, although not
13 in this picture, would be over in this direction.

14 Q. Okay. Now you can resume your seat again.

15 THE COURT: Sure.

16 MR. SARABIA: I'm sorry. Judge, did I move
17 254 and 255 into evidence?

18 THE COURT: No, you haven't.

19 MR. SARABIA: May I move them into evidence?

20 THE COURT: Defense, any objection?

21 MR. MICHAÏLOS: No objection.

22 THE COURT: They'll be so moved 254 and 255.

23 Q. (By Mr. Sarabia) Going back to the blue truck
24 that we saw photographs of that you assisted in
25 processing. Involved in that processing, did you try

1 and lift some fingerprints for evidentiary value?

2 A. I did.

3 Q. In particular can you tell me about JM-126,
4 one two six.

5 A. JM-126 is a latent fingerprint lift from the
6 inside or internal side of the passenger side window.

7 Q. Okay. And did it appear to have ridge details
8 such that it might be of value to compare?

9 A. As my recollection, yes, it did.

10 Q. Okay. And you collected that so it can be
11 processed in the future?

12 A. Yes. It would be packaged similar to like the
13 swabs are, put in its own package and submitted, as you
14 said, as item JM-126.

15 Q. I'd also like to show you State's Exhibits 256
16 and 257.

17 A. Uh-huh.

18 Q. Are those both photographs that were taken
19 when you were up in the helicopter on September 6th?

20 A. Yes. Aerial photographs.

21 Q. Are they a fair and accurate representations
22 of the way the area of 7719 Hatteras Drive looked back
23 then?

24 A. Yes.

25 THE COURT: You want to move them in or no?

1 MR. SARABIA: I do not yet, Judge.

2 THE COURT: Okay.

3 MR. SARABIA: Thank you. I did not forget
4 those.

5 Q. (By Mr. Sarabia) I'm showing you State's 41
6 and State's 42, already been entered into evidence as
7 aerial views towards the end of Old Dixie Highway. Do
8 you recognize those?

9 A. I do.

10 Q. Are those photographs that were taken while
11 you were up in a helicopter on September 6th, 2014?

12 A. They are.

13 Q. Do they accurately reflect the way this area
14 appeared at that time?

15 A. They do.

16 Q. Okay. And finally I'm going to show you
17 State's 54. Is that also an aerial photograph that you
18 took or that you were present while it was being taken
19 on September 6th of 2014?

20 A. It is, yes.

21 Q. Does it accurately depict the area as it
22 appeared on that day?

23 A. It does.

24 Q. Besides from the colored stars that are on
25 there.

1 MR. SARABIA: All right. Judge, may I have
2 just a moment?

3 THE COURT: You may.

4 MR. SARABIA: I don't have any more questions,
5 Judge.

6 THE COURT: All right. If you want to make
7 sure you have all the evidence back to the clerk.

8 MR. SARABIA: I believe that I do.

9 THE COURT: You got everything?

10 THE CLERK: Yes.

11 THE COURT: Great.

12 Cross?

13 MR. MICHAÏLOS: No questions from the Defense,
14 Your Honor.

15 THE COURT: All right, sir. Thank you very
16 much. You may step down. You remain under
17 subpoena, but you're released for today.

18 THE WITNESS: Thank you.

19 THE COURT: Can I have the lawyers at the
20 bench briefly.

21 (Bench Conference.)

22 THE COURT: How long is the next witness?

23 MR. SARABIA: The next one is not terribly
24 long.

25 THE COURT: What does that mean? That doesn't

1 give me any real --

2 MR. SARABIA: Probably the same length as this
3 one, maybe a little less.

4 THE COURT: Okay. So this witness was an
5 hour.

6 MR. SARABIA: Oh, really?

7 THE COURT: Yes.

8 MR. SARABIA: Time flies.

9 THE COURT: I know. Time flies when you're
10 having fun.

11 MR. SARABIA: Forty-five minutes to an hour.
12 And then the next one is significantly longer.

13 MR. MICHAÏLOS: Which one is the next one?

14 MR. SARABIA: Sue Miller.

15 THE COURT: Do you think we're going to get
16 them all in by 6:00?

17 MR. MICHAÏLOS: Sue Miller.

18 MR. SARABIA: I'm game if you are, Judge.

19 THE COURT: Well, I told these people we were
20 going home at 6:00. I'm not going longer than
21 6:00.

22 MR. MICHAÏLOS: You know there's no way you're
23 going to do that. But Sue Miller and then
24 Sulinski?

25 MR. SARABIA: Yes. There's no way we're

1 getting all the people on today, I think, at this
2 point.

3 THE COURT: Okay. Well, I'm going to give
4 them a 15-minute break, and that will be our
5 afternoon break, and then we'll soldier on.

6 But we're going home at 6:00. So if the
7 witness is going to be past 6:00, then we're just
8 going to have to hold him for tomorrow. Okay?
9 It's been a long day today.

10 (Open Court.)

11 THE COURT: Ladies and gentlemen, I'm going to
12 go ahead and give you your afternoon break. So if
13 you want to get coffee, you can do so before the
14 cafeteria closes. I'll go ahead and let you go
15 downstairs for 15 minutes to stretch your legs.

16 When we come back up, we're going to go
17 straight through. And I've told the State that I
18 promised you we'll be out of here at 6:00. We'll
19 be out of here by 6:00.

20 So we'll gauge the witnesses. If the witness
21 is going to go past 6:00, then we'll just hold him
22 for tomorrow. Okay.

23 No talking about the case, tweeting, texting
24 or blogging.

25 (Jury Absent.)

1 THE BAILIFF: Jurors out of the hearing of the
2 Court, Your Honor.

3 THE COURT: All right. We'll be in a
4 15-minute recess.

5 (Recess Taken.)

6 THE COURT: You may be seated. We'll go ahead
7 and bring the jury in.

8 For the record, the Defense, defendant, and
9 the State are present.

10 Both sides ready for the jury?

11 MR. SARABIA: Yes, Judge.

12 THE COURT: All right. Bring the jury in.

13 THE BAILIFF: Yes, Your Honor.

14 Jury entering the hearing of the Court, Your
15 Honor.

16 THE COURT: Thank you.

17 (Jury Present.)

18 THE BAILIFF: All jurors present and seated,
19 Your Honor.

20 THE COURT: All right. Everyone able to not
21 talk to anybody or tweet or text or blog? Yes?

22 THE JURY PANEL: Yes.

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

25 MR. SARABIA: The State would call Michael

1 Coats.

2 THE COURT: All right. Michael Coats.

3 Good afternoon, Mr. Coats. If you want to
4 step up to the podium for me and stop right there.
5 Raise your right hand to be sworn by my clerk.

6 MICHAEL COATS,
7 a witness herein, being first duly sworn, was examined and
8 testified as follows:

9 THE COURT: Please have a seat in the witness
10 stand. And speak in a loud and clear voice for me.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: State, you may proceed.

13 MR. SARABIA: Thank you, Judge.

14 DIRECT EXAMINATION

15 BY MR. SARABIA:

16 Q. Can you please turn and introduce yourself to
17 the jury.

18 A. My name is Michael Coats, C-o-a-t-s. I work
19 for Pinellas County Sheriff's Office.

20 Q. How were you employed back in September of
21 2014?

22 A. I worked for Pasco County Sheriff's Office as
23 a forensic investigator.

24 Q. And as a forensic investigator, was your job
25 description the same as what Jamie Martin and Rhea

1 Clark's would be?

2 A. Yes, it is.

3 Q. Okay. So and you don't carry a gun? You
4 don't chase suspects? You don't interview witnesses?

5 A. No. No. Not at all.

6 Q. Okay. You document the crime scene, and
7 search for things, look for things, process things?

8 A. Yes. Yes, I do.

9 Q. Okay. I want to take you back to let's start
10 with September 5th of 2014. On that day, did you go to
11 the dead-end berm area of Old Dixie Highway?

12 A. Let me refer to my notes real quick.

13 Yes. Yeah, it was on a Friday.

14 Q. And so Friday, September 5th. And when you
15 went out there, were the bodies still present at the
16 scene?

17 A. No, they were not.

18 Q. And when you were there, did you notice any
19 odors?

20 A. Yes. There was a very foul odor. A large
21 area of the grass was matted down. It smelled very
22 heavily with decomposition smell.

23 Q. So even though the bodies were not there
24 anymore, the odor was still terrible?

25 A. Yes. You could still smell it before you

1 walked up to the area.

2 Q. Okay. And while you were out there, did you
3 use a metal detector over that general area?

4 A. I did. I swept the matted down area and the
5 area leading up to that area.

6 Q. And in those particular spots, did you find
7 anything or detect anything with a metal detector?

8 A. No, I did not.

9 Q. Now, I want to turn your attention back to
10 7719 Hatteras Drive. Were you involved in assisting the
11 search of that residence?

12 A. I was. I was.

13 Q. And I understand you processed the laundry
14 room, which we've already seen photographs of?

15 A. I did. I did.

16 Q. And other than some of the dog feces on the
17 ground, was there anything really of particular note in
18 the laundry room?

19 A. No. No. I collected a couple of items from
20 there. I don't believe there was anything in there.

21 Q. Okay. Now, I really would like you to focus
22 on the east side of the residence, outside of the
23 residence. You know the area that I'm talking about?

24 A. Yes. The exterior of the house, correct?

25 Q. The exterior of the house.

1 A. Yes, sir.

2 Q. Was there an area of loose dirt?

3 A. Yes, there was.

4 Q. And were you involved at all in the processing
5 of that area?

6 A. Yes, I was.

7 Q. Can you describe for the jury what your
8 involvement was?

9 A. Let's see. On Saturday I went out there, and
10 Supervisor Sulinski asked me to sweep the east side of
11 the house, there's a large lawn area, with a metal
12 detector.

13 And then she also asked me -- she pointed out an
14 area of soft sand that was directly next to the house,
15 and she asked me to sift through that area. So for the
16 next two days, I believe, I dug a hole and sifted
17 through the sand.

18 Q. Okay. And you said Saturday. That would have
19 been September 6th?

20 A. Yes, sir.

21 Q. Okay. I want to show you some photographs
22 that have already been shown to Defense counsel.
23 State's Exhibits 258 through 261. Do you recognize
24 those?

25 A. Yes. Yes, I do.

1 Q. And are they fair and accurate depictions of
2 the hole that you dug and the thing that you found in
3 it?

4 A. Yes.

5 MR. SARABIA: Judge, at this time the State
6 would like to move State's Exhibits 258 through 261
7 into evidence.

8 THE COURT: Any objection?

9 MR. MICHAÏLOS: No, Your Honor.

10 THE COURT: All right. They're so moved.

11 Q. (By Mr. Sarabia) And in particular, what did
12 you find in the hole?

13 A. After digging for a while, I came across like
14 a sticker label. And I opened it up and looked at it,
15 and it was an Ames shovel label. It was torn, but it
16 was a piece of label like on a brand-new shovel you'd
17 find in a store.

18 Q. And where exactly did you find it? Was it
19 lying on the ground?

20 A. No. It was probably about a foot-and-a-half,
21 two feet down. Like it was down towards the bottom of
22 the hole that I was digging.

23 Q. Okay. Now, let me show you State's
24 Exhibit 262, which I already showed to Defense counsel,
25 for identification. Can you look in there and tell me

1 if you recognize that?

2 A. Yes, I do. It's the label that I dug up.

3 MR. SARABIA: Judge, at this time the State
4 would like to move State's Exhibits 262 into
5 evidence.

6 THE COURT: Any objection?

7 MR. MICHAÏLOS: No objection, Your Honor.

8 THE COURT: All right. 262 will be moved in.

9 MR. SARABIA: And, Judge, may the witness step
10 down and display the item?

11 THE COURT: He may.

12 Q. (By Mr. Sarabia) If you could show that to the
13 jury.

14 A. Did everyone get a good look?

15 THE JURY PANEL: Yes.

16 THE WITNESS: Great.

17 Q. (By Mr. Sarabia) After you dug about a
18 foot-and-a-half, two feet deep, were you able to dig any
19 further?

20 A. No. I hit what I felt like was sediment.

21 Q. And sediment, what do you mean by that?

22 A. It was basically just the hard dirt like it
23 hadn't been disturbed.

24 If you dig a hole that has something like that, if
25 it's been dug up once before, it will be very soft

1 because the earth has been disturbed. So when you fill
2 it back in, it's a lot softer.

3 And when you're digging into an area that hasn't
4 been disturbed, you're going against, you know, nature
5 and, you know, time and everything, just compacting it
6 down. So I hit an area and it just kind of stopped.

7 Q. And was there an area that was like lime rock?

8 A. Yeah. It felt like lime rock. There was a
9 lot of shell bed, stuff like that, that just you
10 couldn't get through it.

11 Q. And what tools were you using to dig?

12 A. A shovel.

13 Q. Was the shovel going to be able to penetrate
14 through the lime rock to dig let's say another three or
15 four feet down?

16 A. Not by me, no. I definitely couldn't do that.

17 Q. Okay.

18 MR. SARABIA: Judge, may the witness step
19 down --

20 THE COURT: He may.

21 MR. SARABIA: -- so we can show the jury the
22 photographs that we just discussed?

23 THE COURT: That's fine.

24 Mr. Coats, if you're going to be standing over
25 there talking to the jury, just remember my court

1 reporter is over here. She has to hear you. Okay?

2 THE WITNESS: Yes, Your Honor.

3 THE COURT: Thank you.

4 Q. (By Mr. Sarabia) I'm showing you what's been
5 entered into evidence as State's 258. Can you describe
6 what we're looking at in the photograph?

7 THE COURT: Can you give me the number again?
8 I'm sorry.

9 MR. SARABIA: 258.

10 THE COURT: Thank you.

11 THE WITNESS: This is the east side of the
12 residence. This is towards the back. This area
13 here is the screened-in patio where it contains a
14 pool.

15 This tent here and the sawhorses and these
16 wooden areas are the screens that I was using to
17 actually sift through the dirt.

18 I was digging a hole here. You can actually
19 see my shovel here (indicating). I was digging a
20 hole here, and then I would take the dirt over here
21 in buckets and sift through.

22 Those piles here is everything that I removed
23 so far up until that point. But you can see the
24 hole here. It's a pretty decent size.

25 Q. (By Mr. Sarabia) And to be clear, the tent and

1 the sawhorses and sifter and the shovel we see on the
2 ground there, are those all things that you brought?

3 A. Yes. That is all my equipment, including the
4 tarp that everything is under. This was just a grassy
5 area until I got there.

6 Q. Okay. So by the time this photograph was
7 taken, this area is being disturbed by your search?

8 A. Extremely.

9 Q. Okay. And I'm displaying State's 259. Can
10 you tell us what we're looking at there?

11 A. Yeah. This is again, for point of reference,
12 this is the shovel that I had. This is the post from
13 that wooden area.

14 This is the hole that I actually dug, and it's
15 about, I think, approximately five to six feet long, two
16 to three feet wide, and about two to three feet deep.

17 Right here you can see the label. I found it over
18 here. It was one of those, when I dug it up, I opened
19 it up to make sure it was something that maybe I needed
20 or whatnot. And that's what I came across and I opened
21 it up so I could take a photo of where it was.

22 Q. I'm displaying State's Exhibit 260. What is
23 that?

24 A. This is a close-up of the label itself that I
25 just showed you.

1 Q. And I'm showing you 261.

2 A. And then this would be again the area of the
3 hole that I dug.

4 Q. Okay. Thank you. You can resume your seat.

5 A. Thank you.

6 Q. Now, did you assist in searching other areas
7 of the residence?

8 A. I did.

9 Q. In particular, did you help search in the
10 master bedroom area on the second floor?

11 A. Which room are we referring to, room G?

12 Q. Room G on the diagram.

13 A. Yes. Right here, yes.

14 Q. Okay. Now, I've already shown it to Defense
15 counsel. It's been marked as State's Exhibit 263. Can
16 you look at that and tell me if you recognize what that
17 is?

18 A. Yes.

19 Q. Do you recognize that?

20 A. I do.

21 Q. And where did you find that?

22 A. It was on the floor in front of the dresser on
23 the southwest corner of the room -- or southeast corner
24 of the room. I'm sorry.

25 Q. Okay. And how would you describe it?

1 A. It is a broken piece of metal.

2 MR. SARABIA: All right. Judge, at this time
3 the State would like to move this exhibit into
4 evidence.

5 THE COURT: Any objection?

6 MR. MICHAIILOS: No, Your Honor.

7 THE COURT: All right. 263 will come in.

8 MR. SARABIA: May the witness step down and
9 publish this to the jury?

10 THE COURT: He may.

11 THE WITNESS: It's a small piece of metal.
12 Did everyone get a good look?

13 Q. (By Mr. Sarabia) Can you tell me what is
14 MC-14?

15 A. MC-14. One, four?

16 Q. Correct.

17 A. Let me refer to my notes real quick.

18 MC-14 is a swab of the floor in room G. It's one
19 swabbing of the southeast corner next to the dresser.

20 Q. Okay. Now, I'm approaching you with an item
21 marked State's Exhibit 264. Can you just tell us what
22 264 looks like right now?

23 A. It looks like it's a map of the upstairs of
24 the residence.

25 Q. Same diagram that we just looked at --

1 A. I believe so, yes.

2 Q. -- State's 59?

3 Can you highlight for me the area from which you
4 took the swab on State's 264?

5 A. Sure.

6 Q. And if you could write MC-14 next to that.

7 A. Sure.

8 MR. SARABIA: Judge, at this time the State
9 would like to move State's Exhibit 264 into
10 evidence.

11 THE COURT: Any objection? It's a diagram?

12 MR. SARABIA: Yes.

13 MR. MICHAIILOS: No, Your Honor.

14 THE COURT: All right. 264 will come into
15 evidence.

16 MR. SARABIA: Judge, if I could have just a
17 moment?

18 THE COURT: You may.

19 Q. (By Mr. Sarabia) Mr. Coats, to be clear, we
20 did talk about swabs with some of the previous forensic
21 techs, but how did you collect this swab?

22 A. This swabbing was in the area that we had
23 sprayed with luminol. And so what we did was we
24 basically moisten the swab with distilled water and then
25 we swabbed the area and we put it back into the package

1 and then seal the package.

2 Q. Okay. And then you enter it into evidence for
3 later testing, if necessary, as MC-14?

4 A. Yes, sir.

5 MR. SARABIA: Okay. I don't have any more
6 questions, Judge.

7 THE COURT: Cross?

8 MR. MICHAÏLOS: Nothing, Your Honor.

9 THE COURT: All right. Mr. Coast, thank you
10 very much. You may step down.

11 Is he released from his subpoena?

12 MR. SARABIA: No, Judge. We'd ask that he
13 remain on standby.

14 THE COURT: All right. Just remain on
15 standby. Be available by phone, but you're
16 released from the courthouse today. Thank you.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: All right. State, call your next
19 witness.

20 MR. SARABIA: The State would call Susan
21 Miller.

22 THE COURT: Okay. Susan Miller.

23 Do we need to approach?

24 MR. VIZCARRA: Yes, Judge. Briefly.

25 THE COURT: Okay. Approach.

1 (Bench Conference.)

2 THE COURT: Have you finally marked the
3 pictures?

4 MR. SARABIA: I did.

5 THE COURT: Okay. What are the numbers?

6 MR. SARABIA: 272 is of the four bodies in a
7 pile.

8 THE COURT: 272. Got it.

9 MR. SARABIA: Okay. 284 is of Margaret Brown
10 with a bag over her head and hands bound behind her
11 back that we discussed.

12 THE COURT: Okay.

13 MR. SARABIA: And 288 is the bag removed.

14 THE COURT: All right.

15 MR. VIZCARRA: Judge, we already lodged our
16 objection, but very briefly.

17 It's not that relevant. Whatever relevance it
18 has is outweighed by prejudice to the defendant,
19 unfair prejudice to the defendant; it is gruesome
20 and inflammatory, and we object on those grounds.
21 Thank you.

22 THE COURT: Okay. I've already previously
23 ruled on this earlier.

24 The bodies, 272, is relevant because of the
25 yellow cord that's wrapped around them, and they're

1 going to talk about how the bodies were put there.

2 284 is to show Ms. Brown specifically. It's
3 the only one available with her bound and a bag
4 over her head.

5 And 285?

6 MR. SARABIA: Eight.

7 THE COURT: 288 is a picture that does not
8 have any body in it, and it's just a picture of the
9 bag itself with some body fluids in it that is
10 going to assist the Medical Examiner in his
11 testimony.

12 So I've allowed those three photographs for
13 those reasons, and I'll overrule the objection.

14 (Open Court.)

15 THE COURT: Okay. Well, you can make it a
16 contemporaneous objection when they're admitted
17 too.

18 Are we ready for Ms. Miller? State? Defense?
19 Yes?

20 MR. LABRUZZO: Yes, Judge.

21 MR. MICHAÏLOS: Yes, Judge.

22 THE COURT: All right. Ms. Miller can come
23 in.

24 Good afternoon, Ms. Miller.

25 THE WITNESS: Good afternoon.

1 THE COURT: I'm going to have you step up to
2 the podium. When you get there, I'll have you
3 stop. Raise your right hand to be sworn by my
4 clerk.

5 SUSAN MILLER,

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

8 THE COURT: All right. Please have a seat in
9 the witness stand. And speak in a loud and clear
10 voice for us.

11 State, you may proceed.

12 MR. SARABIA: Thank you, Judge.

13 DIRECT EXAMINATION

14 BY MR. SARABIA:

15 Q. Could you please turn and introduce yourself
16 to the jury.

17 A. Good afternoon. My name is Susan Miller.

18 Q. And, Ms. Miller, what do you do for a living?

19 A. I'm a forensic investigator with Pasco County
20 Sheriff's Office.

21 Q. How long have you been doing that?

22 A. Seventeen years.

23 Q. And you do a lot of different crime scenes?

24 A. I have.

25 Q. You worked a lot of homicides?

1 A. I have.

2 Q. And what sort of work do you do as a forensic
3 technician? What are your duties?

4 A. My duties are currently as a supervisor, but I
5 do respond out to crime scenes to document them, to
6 photograph, to collect items of evidence and preserve
7 them.

8 Q. Okay. Did you have occasion to respond out to
9 or be involved in the investigation of 7719 Hatteras
10 Drive?

11 A. Yes, I did.

12 Q. And on September 4th of 2014, in particular,
13 did you go out to the dead-end berm on Old Dixie Highway
14 about three quarters of a mile beyond 7719 Hatteras
15 Drive?

16 A. Yes, I did.

17 Q. And can you describe, as you arrived there,
18 what was the smell like?

19 A. There was an odor of decomposition in the air
20 as I arrived.

21 Q. Was it a strong smell or a weak smell?

22 A. No. It was predominantly a strong odor.

23 Q. Would you describe it as a good smell or a bad
24 smell?

25 A. It is not a good smell. No, it's not.

1 Q. Okay. And can you describe the general area
2 at that berm?

3 A. There's heavy vegetation at the end of the
4 berm, it is a limestone dirt road, and this area was
5 specifically on the west side of that.

6 Q. Now, approximately where were the bodies
7 located in relation to the roadway?

8 A. They were located off of a matted-down path of
9 vegetation on the west side of that limestone rock road.

10 Q. Approximately how far off the road would you
11 say they were?

12 A. Approximately in the area of 10 to 20 feet.

13 MR. SARABIA: Judge, may I approach the
14 witness?

15 THE COURT: You may.

16 Q. (By Mr. Sarabia) And I'm showing you what's
17 been marked as State's Exhibits 265 to 271. If you
18 could flip through them and look at those and tell me if
19 you recognize those.

20 THE COURT: 265 through what?

21 MR. SARABIA: 271.

22 THE COURT: Thank you.

23 THE WITNESS: Yes, I do.

24 Q. (By Mr. Sarabia) Okay. Are they all fair and
25 accurate depictions of the way that the dead-end area of

1 Old Dixie Highway appeared on September 4, 2014?

2 A. That's correct.

3 MR. SARABIA: Judge, at this time the State
4 would like to move State's Exhibits 265 through 271
5 into evidence.

6 THE COURT: Any objection?

7 MR. MICHAÏLOS: Same objection as before, Your
8 Honor.

9 THE COURT: All right. I don't believe any of
10 those are included in the original objection.

11 MR. MICHAÏLOS: No objection, Your Honor.

12 THE COURT: Okay. So they'll be in as 265
13 through 271. They're just photographs of the area.

14 Go ahead.

15 Q. (By Mr. Sarabia) How would you describe the
16 bodies generally?

17 A. Well, as previously stated, they were in an
18 advanced state of decomposition.

19 Q. Were they in different spots or were they all
20 together?

21 A. No. All of the bodies were together in a
22 group.

23 Q. I'm going to show you State's Exhibit 272. Do
24 you recognize that?

25 A. I do.

1 Q. Without holding it, please. Is that a fair
2 and accurate way that the bodies appeared when you
3 arrived?

4 A. Yes, it does.

5 Q. And that is before they were disturbed at all
6 by forensics personnel or law enforcement personnel?

7 A. That is correct.

8 Q. There is kind of like a pole on the top left
9 of that photograph. Can you tell us what that is?

10 A. Yes. Once we arrived at the scene, we noticed
11 that there was going to be inclement weather that was
12 approaching, and so we put up one of those pop-up tents.

13 Q. And by and inclement weather, you mean it was
14 possibly going to rain?

15 A. That's correct.

16 Q. Okay.

17 MR. SARABIA: At this time the State would
18 like to move State's Exhibit 272 into evidence.

19 THE COURT: Defense?

20 MR. VIZCARRA: Same objection, Judge.

21 THE COURT: All right. Overruling the earlier
22 objection raised by the Defense, it will be
23 admitted.

24 Q. (By Mr. Sarabia) I'd like to turn your
25 attention to State's Exhibits 273 through 279. Could

1 you look at those and tell me if you recognize those?

2 A. Yes, I do.

3 Q. And are those all of the area of the dead-end
4 of Old Dixie Highway?

5 A. Yes, it is.

6 Q. On September 4th, 2014?

7 A. That's correct.

8 MR. SARABIA: At this time the State would
9 like to move State's Exhibits 273 through 279 into
10 evidence.

11 THE COURT: Any objection?

12 MR. VIZCARRA: No objection.

13 THE COURT: All right. 273 through 279 will
14 come into evidence.

15 Q. (By Mr. Sarabia) Now, when you get out there
16 and begin to document the scene by taking photographs
17 and things, do you disturb the bodies at all?

18 A. No, we do not.

19 Q. Why not?

20 A. Well, we need to capture them on video and
21 also with the photographs.

22 Q. Okay. And at what point do the bodies get
23 disturbed?

24 A. Once the Medical Examiner has arrived on
25 scene.

1 Q. Okay. So prior to the Medical Examiner
2 arriving, you guys don't mess with them at all?

3 A. That's correct.

4 Q. And did the Medical Examiner come out?

5 A. Yes, he did.

6 Q. Was that Dr. Palma?

7 A. It was.

8 Q. And once Dr. Palma arrives and begins to deal
9 with the bodies, do you assist him in that?

10 A. Yes, we do. We document by taking additional
11 video and photography.

12 Q. Okay. Now, in regards to the bodies, how many
13 were there?

14 A. There were four.

15 Q. And was there one that was on top of another
16 one or kind of on top of the pile?

17 A. Yes, that's correct.

18 Q. A white male?

19 A. A white male. Yes, that's correct.

20 Q. Is that fair?

21 Let's refer to that one as Nick Leonard. Can you
22 tell me how was he oriented?

23 A. He was located on his back side and his head
24 was positioned to the north and his feet were to the
25 south.

1 Q. And what was he wearing?

2 A. He was wearing a dark colored shirt and dark
3 type of shorts with socks.

4 Q. So fully clothed essentially?

5 A. Correct.

6 Q. And anything unusual about his shirt around
7 the neckline?

8 A. There appeared to be some sort of a torn area
9 around the elastic part of his shirt.

10 Q. Now, anything else on or around his body that
11 was unusual?

12 A. He had a yellow rope that was also around the
13 body and a large log that was positioned over the legs.

14 Q. I'm now approaching with State's Exhibits 280
15 through 283.

16 THE COURT: 280 through 283?

17 MR. SARABIA: Correct.

18 THE COURT: Okay.

19 Q. (By Mr. Sarabia) And in particular 280, can
20 you tell me what we're looking at there?

21 A. So this is a photograph that's depicting the
22 yellow rope that I mentioned, and specifically zoomed in
23 on the knot that was created with that rope.

24 Q. Okay. And 281 through 238, can you tell us
25 what those are?

1 A. These are photographs depicting overall of
2 that rope, and we have two additional photographs that
3 are depicting a closer-up of the knot.

4 Q. And were there multiple knots in that rope?

5 A. Yes, that's correct. There's approximately
6 two.

7 MR. SARABIA: At this time the State would
8 like to move State's Exhibit 280 through 283 into
9 evidence.

10 THE COURT: Any objection?

11 MR. VIZCARRA: No objection.

12 THE COURT: All right. 280 through 283 will
13 come into evidence.

14 Q. (By Mr. Sarabia) Did you collect that yellow
15 rope?

16 A. Yes, I did.

17 Q. And did you enter it into evidence with a
18 unique Number SM-28?

19 A. Yes, I did.

20 Q. And SM, those are your initials?

21 A. They are. It stands for Susan Miller.

22 Q. Is that one of the conventions? Because we
23 have JM and RC --

24 A. That's correct.

25 Q. -- MC, and now we have SM, right?

1 A. Uh-huh.

2 Q. Okay. Now, the body to the west of the pile
3 or on the west part of the pile, adult female?

4 A. That's correct.

5 Q. And I'm going to refer to that one as Megan
6 Brown. Can you tell us how Megan Brown was oriented?

7 A. Megan Brown was oriented to the west of the
8 victim that we just described, and she was laying with
9 her face down on the ground. She was clothed in jean
10 shorts and a bathing suit-type top.

11 Q. Okay. And you said facedown. Did she really
12 have any face left?

13 A. There was not much face left, that's correct.

14 Q. But essentially a bathing suit, for the most
15 part fully clothed, other than like a bathing suit top
16 instead of a shirt; is that fair?

17 A. That's correct.

18 Q. Now, her hands, were her hands significantly
19 decomposed?

20 A. Yes, they were.

21 Q. Did you all with forensics attempt to get
22 fingerprint lifts from her hands anyway?

23 A. We attempted to, yes.

24 Q. Okay. So even if there's not a lot left to
25 gather the evidence from, you guys still attempt that?

1 A. That's correct.

2 Q. Now, the body that was directly underneath the
3 one we referenced as Nicholas Leonard, adult female?

4 A. That's correct.

5 Q. Can you describe for the jury how that body
6 was oriented?

7 A. That body was the victim Margaret Brown, and
8 she was also positioned under the first victim that we
9 had described earlier. Her head was positioned to the
10 south and her feet were to the north.

11 Q. So her head and feet were going in the
12 opposite direction as Megan's head and feet were going?

13 A. That's correct.

14 Q. Now, what was she wearing?

15 A. She was fully clothed. She had dark pants on,
16 she had a maroon shirt on with a Wawa description on it,
17 there was an apron, and there was a white plastic bag
18 that was adhered over the top of the head.

19 Q. You said an apron. Is that a black apron?

20 A. Yes, that's correct.

21 Q. Was she wearing any shoes?

22 A. She was not wearing any shoes.

23 Q. Do you recall were there socks?

24 A. I don't recall.

25 Q. Okay. And where were her hands?

1 A. Her hands were bound behind her back with zip
2 ties.

3 Q. And you started to reference this before,
4 but -- well, actually strike that. You say bound
5 together with zip ties. Can you describe for the jury
6 the manner in which they were zip-tied together?

7 A. Each hand had a zip tie around it, and then
8 there was a larger zip tie that actually bound the two
9 zip ties together.

10 Q. And you started to reference her head. Well,
11 could you see her head when you first removed the body?

12 A. No, you could not.

13 Q. And why was that?

14 A. There was a white garbage bag that was placed
15 over her head.

16 Q. Was it secured in any way around her head?

17 A. It was. And there was black electrical tape
18 that was sealing around the neck area.

19 Q. Okay. Now I'm showing you State's
20 Exhibit 284. Do you recognize that?

21 A. Yes, I do.

22 Q. And what is that a photograph of?

23 A. That is the photograph of the decedent that we
24 were just talking about.

25 Q. The one that we've been referencing as

1 Margaret Brown?

2 A. That's correct.

3 Q. Is that after Margaret has been removed from
4 the area where you found her body onto a sheet from the
5 Medical Examiner's Office?

6 A. That's correct.

7 Q. So that is not as she lie, but she's still
8 otherwise the same?

9 A. That's correct.

10 Q. Okay. And you haven't removed any clothes or
11 anything from her at this point?

12 A. No. Not at this time.

13 Q. And is that something that you do with all the
14 bodies, as the Medical Examiner takes the bodies, you
15 guys take the clothes?

16 A. Yes, we do.

17 Q. So the Medical Examiner only takes the bodies;
18 is that right?

19 A. That's correct.

20 Q. Is this a fair and accurate depiction of the
21 waist up area of Margaret Brown as you found her?

22 A. Yes, it is.

23 Q. And does that depict her hands in the fashion
24 that you have described them?

25 A. Yes, it does.

1 Q. Does it depict the white garbage bags as you
2 described them?

3 A. Yes.

4 MR. SARABIA: At this time the State would
5 like to move State's Exhibit 284 into evidence.

6 THE COURT: All right.

7 MR. VIZCARRA: Same objection previously made,
8 Judge.

9 THE COURT: All right. I'll overrule the
10 objection, and it will be admitted as State's 284
11 into evidence, a photograph.

12 Q. (By Mr. Sarabia) I'm showing you State's
13 Exhibit 285. Can you tell us what we're looking at
14 there?

15 A. This is a close-up photograph of the zip ties
16 that we talked about earlier.

17 Q. Okay. Is it a fair and accurate depiction of
18 the way you found Margaret Brown?

19 A. Yes, that's correct.

20 MR. SARABIA: I'd like to move State's 285
21 into evidence.

22 THE COURT: Any objection?

23 MR. VIZCARRA: No objection.

24 THE COURT: All right. 285 will be into
25 evidence.

1 Q. (By Mr. Sarabia) Now, did Margaret Brown have
2 anything else around her body other than clothing and an
3 apron?

4 A. She did. There seemed to be a brown
5 electrical extension cord wrapped around her body.

6 Q. And was that knotted as well?

7 A. It was knotted, yes.

8 Q. I'm showing you a photograph labeled
9 State's 286 for identification. Do you recognize that?

10 A. Yes, I do.

11 Q. What is that?

12 A. That is a close-up view of the knotted
13 extension cord that we were talking about.

14 Q. The knotted portion of that extension cord?

15 A. That's correct.

16 Q. And did that go around her entire torso?

17 A. It did, yes.

18 MR. SARABIA: At this time the State would
19 like to move State's Exhibit 286 into evidence.

20 THE COURT: Any objection?

21 MR. VIZCARRA: No, Your Honor.

22 THE COURT: 286 will come into evidence.

23 Q. (By Mr. Sarabia) I'm showing you State's
24 Exhibit 287. Do you recognize that?

25 A. Yes. This is the white garbage bag that I

1 described earlier with the black electrical-type tape
2 that was adhered around the bottom of the garbage bag.

3 Q. Okay. And in this photograph did somebody
4 move the garbage bag a little bit in order so that you
5 could see the tape that was securing it?

6 A. That's correct. That's the Medical Examiner
7 personnel.

8 MR. SARABIA: At this time the State would
9 like to move State's Exhibit 287 into evidence.

10 THE COURT: Any objection to 287?

11 MR. VIZCARRA: No objection.

12 THE COURT: All right. That will be in 287.

13 Q. (By Mr. Sarabia) Actually, I want to back up
14 just a minute to those zip ties pictured in State's 285.
15 Did you collect those items?

16 A. Yes, I did.

17 Q. Now, did you enter them into evidence as
18 SM-40?

19 A. Yes, I did.

20 Q. And the brown electrical cord that we can see
21 the knot pictured in State's 286, did you collect that
22 brown electrical cord?

23 A. Yes, I did.

24 Q. And did you enter it into evidence with the
25 unique number of SM-38?

1 A. Yes, I did.

2 Q. Now I'm showing you State's Exhibit 288 for
3 identification. Do you recognize that?

4 A. I do. This is the photograph of the interior
5 of the plastic bag once it has been removed from the
6 victim.

7 Q. Okay. And did you collect that plastic bag?

8 A. Yes, I did.

9 Q. Did you enter it into evidence as SM-37?

10 A. Yes, I did.

11 MR. SARABIA: At this time the State would
12 like to move State's Exhibit 288 into evidence.

13 THE COURT: Defense?

14 MR. VIZCARRA: Same objection, Judge,
15 previously made.

16 THE COURT: All right. I'll overrule the
17 objection, and I'll let 288 come into evidence.

18 Q. (By Mr. Sarabia) I'm showing you what's been
19 previously marked as State's Exhibits 289 and 290. Do
20 you recognize those?

21 A. I do.

22 Q. And what are those?

23 A. These photographs are of an overall of the
24 shirt that I described that the victim was wearing.

25 Q. And is this after it was already removed?

1 A. That's correct.

2 Q. And you took it back and laid it out so that
3 it can be documented further?

4 A. That's correct.

5 Q. And you indicated there was a logo on the, I
6 guess, the left chest area?

7 A. There was. And the second photograph is a
8 close-up of that with a scale.

9 Q. And what does the label say?

10 A. It says "Wawa," W-a-w-a.

11 MR. SARABIA: At this time the State would
12 like to move State's Exhibits 289 and 290 into
13 evidence.

14 THE COURT: Any objection?

15 MR. VIZCARRA: None, Your Honor.

16 THE COURT: All right. 289 and 290 will come
17 into evidence.

18 Q. (By Mr. Sarabia) And I'm showing you State's
19 Exhibit 291. Do you recognize that?

20 A. Yes. This is the brown electrical extension
21 cord also displayed with a scale next to it.

22 Q. A fair and accurate depiction of the way it
23 appeared once you got it back to forensics and were
24 cataloging it?

25 A. Yes, that's correct.

1 MR. SARABIA: At this time, Judge, the State
2 would like to move State's Exhibit 291 into
3 evidence.

4 THE COURT: Any objection?

5 MR. VIZCARRA: None.

6 THE COURT: All right. 291 will come into
7 evidence.

8 Q. (By Mr. Sarabia) And in terms of Margaret
9 Brown, aside from the shoes, otherwise fully clothed,
10 undergarments, all that?

11 A. That's correct, yes.

12 Q. Once you removed the bag from around her head,
13 did you observe any injuries about her head?

14 A. There appeared to be a large wound to the side
15 of the head that she had.

16 Q. And do you recall which side of the head that
17 was?

18 A. I believe that was the left side of the head.

19 Q. Easily observable by you?

20 A. It was, yes.

21 Q. All right. I want to turn your attention to
22 the fourth body, which, I guess, would be on the east
23 part of the pile?

24 A. That's correct.

25 Q. And I'll reference that one as Greg Brown.

1 Would you please tell us how Greg Brown was oriented?

2 A. Greg Brown's head was positioned to the north
3 and his feet were to the south; and again, as stated, it
4 was to the east of the other three bodies.

5 Q. And face down? Face up?

6 A. He was facedown.

7 Q. And significant decomposition?

8 A. Significant decomposition, yes.

9 Q. Was there any face left?

10 A. It was severely decomposed.

11 Q. Was his jawbone coming off and no longer
12 attached in some places?

13 A. It appeared to be protruding out, yes.

14 Q. What was he wearing?

15 A. He was wearing a pair of brown, dark
16 brown-type plaid shorts, a T-shirt, and socks.

17 Q. Now, the shorts, you say dark brown. Were
18 they significantly stained?

19 A. They were in decomposition.

20 Q. Is it possible that they were a light color
21 plaid prior to Greg Brown's death?

22 A. They could have been at one time, yes.

23 Q. And the shirt, was that also significantly
24 stained?

25 A. It was.

1 Q. In fact, did you check the label of that shirt
2 recently?

3 A. I did.

4 Q. And was it a Haines brand T-shirt consistent
5 with a white T-shirt?

6 A. It was, yes.

7 Q. But he was otherwise fully clothed?

8 A. He was, yes.

9 Q. Did he have anything else around his torso?

10 A. This decedent also had a yellow rope
11 consistent with the other yellow rope on the other
12 victim.

13 Q. I'm going to show you State's Exhibit 292 and
14 293. Can you tell me if you recognize those?

15 A. I do. These photographs are a close-up view
16 of those yellow ropes.

17 MR. SARABIA: At this time the State would
18 like to move State's 292 and 293 into evidence.

19 THE COURT: Any objection?

20 MR. VIZCARRA: None.

21 THE COURT: 292 and 293 will be in evidence.

22 Q. (By Mr. Sarabia) I'm also showing you State's
23 Exhibits 294 and 295. And let's start with 294, do you
24 recognize that?

25 A. I do. This is the decedent's shirt that we

1 were just talking about.

2 Q. And is that the front of the shirt?

3 A. This would be the front of the shirt, that's
4 correct.

5 Q. And there's like a white spot in the middle of
6 it. Can you tell me what that is and why it appears
7 that way?

8 A. There was a hole that was on the shirt, and to
9 make it more pronounced, I placed a white card
10 underneath that so that the viewer could see where the
11 hole was.

12 MR. SARABIA: At this time the State would
13 like to move State's Exhibit 294 into evidence.

14 THE COURT: Any objection?

15 MR. VIZCARRA: No.

16 THE COURT: 294 will be admitted.

17 Q. (By Mr. Sarabia) I'm showing you 295. Is that
18 the back of that shirt?

19 A. Yes, it is.

20 Q. And once again what's that white spot in the
21 middle?

22 A. Again, a hole was observed on the lower right
23 portion, and so a white card was placed under that hole
24 to direct your attention to that area.

25 MR. SARABIA: At this time the State would

1 like to move State's Exhibit 295 into evidence.

2 THE COURT: Any objection?

3 MR. VIZCARRA: No objection.

4 THE COURT: 295 will come into evidence.

5 Q. (By Mr. Sarabia) Did those appear to be the
6 only two significant holes in that shirt?

7 A. Yes, it did.

8 Q. When you moved Greg Brown's body, did you
9 observe anything underneath the body?

10 A. Yes, sir. There appeared to be an apparent
11 projectile that was underneath the body and was actually
12 laying on top of the grass.

13 Q. And I'm showing you what's been marked as 296
14 and 297. Can you describe for us what we're looking at
15 with 296?

16 A. This is an overall photograph of the area that
17 we were just talking about with the Medical Examiner
18 personnel pointing out with his gloved hands the
19 apparent projectile in the grass.

20 Q. And can you tell me what 297 is?

21 A. This would be a close-up photograph of the
22 apparent projectile that I just previously spoke about.

23 MR. SARABIA: At this time the State would
24 like to move State's Exhibits 296 and 297 into
25 evidence.

1 THE COURT: Any objection?

2 MR. VIZCARRA: No, Judge.

3 THE COURT: All right. 296 and 297 will be in
4 evidence.

5 Q. (By Mr. Sarabia) And that projectile, did you
6 collect that?

7 A. Yes, I did.

8 Q. Did you enter it into evidence?

9 A. Yes, I did.

10 Q. Let me show you what's been marked as State's
11 Exhibit 298. I'm just going to ask you to open that up
12 and look at it and tell me if you recognize what's in
13 there?

14 A. Keep it in the bag?

15 Q. Yes, please. If you can. And you may have to
16 open up the package inside.

17 Do you recognize that?

18 A. I do.

19 Q. And what is that?

20 A. That is the apparent projectile we just
21 previously spoke about, SM-59.

22 MR. SARABIA: And, Judge, I'd ask to move that
23 into evidence.

24 THE COURT: Any objection?

25 MR. MICHAÏLOS: No, Your Honor.

1 THE COURT: All right. It will be so moved.

2 Q. (By Mr. Sarabia) And you removed the clothing
3 from Greg Brown as well as the other victims; is that
4 right?

5 A. That's correct.

6 Q. And when you removed the shorts, did you
7 search through the pockets?

8 A. Yes, I did.

9 Q. And I'm going to show you State's Exhibits 299
10 and 300. Do you recognize these?

11 A. I do. These are two photographs of the
12 contents of the pockets.

13 Q. And 299 in particular, what is that?

14 A. This is going to be a Visa debit card in the
15 name of Margaret Brown.

16 Q. And what are the last four numbers on that
17 credit card?

18 A. The numbers are 9616.

19 Q. And State's Exhibit 300, what is that?

20 A. This is an overall photograph of five cents
21 and a May-Craft tool.

22 Q. And those also came out of Greg Brown's
23 pocket?

24 A. That's correct.

25 Q. A fair and accurate depiction of these items?

1 A. Yes, they are.

2 MR. SARABIA: Judge, the State would ask to
3 move State's Exhibits 299 and 300 into evidence.

4 THE COURT: Any objection?

5 MR. MICHAÏLOS: No objection.

6 THE COURT: They'll be so moved.

7 Q. (By Mr. Sarabia) I'm now going to show you
8 State's Exhibit 301. It's another item you'll have to
9 open up. If you look in that and tell me what it is and
10 tell me if you recognize it?

11 A. This is item SM-33, which is the debit card
12 that we just spoke about.

13 Q. And that's the debit card that you found in
14 Greg Brown's pocket?

15 A. That's correct.

16 MR. SARABIA: At this time the State would
17 like to move State's Exhibit 301 into evidence.

18 THE COURT: Any objection?

19 MR. MICHAÏLOS: No objection.

20 THE COURT: 301 will be in.

21 Q. (By Mr. Sarabia) If you could look at State's
22 exhibit 302, and tell me if you recognize that?

23 A. Yes, I do.

24 Q. And what is that?

25 A. This is the Maycraft measuring tool that we

1 just spoke about inside of Number SM-55.

2 Q. And that is the item that came out of Greg
3 Brown's pocket?

4 A. That's correct.

5 MR. SARABIA: At this time, Judge, the State
6 would ask to move State's Exhibit 302 into
7 evidence.

8 THE COURT: Any objection?

9 MR. MICHAÏLOS: No, Your Honor.

10 THE COURT: 302 will be in.

11 MR. SARABIA: Judge, permission to publish
12 some of these items to the jury?

13 THE COURT: You may. You want the witness to
14 step down?

15 MR. SARABIA: Yes, Judge. I'm going to move
16 the TV.

17 Q. (By Mr. Sarabia) Let me start out with what's
18 been entered into evidence as State's 40, and we've
19 already seen. Can you just point out the area on the
20 map where the bodies were found all oriented at the
21 scene?

22 A. This is an aerial photograph obviously of the
23 scene, and the location --

24 THE COURT: Ms. Miller, you've got to keep
25 your voice up.

1 THE WITNESS: Sorry.

2 And the location is up at the north end here,
3 this is the north end of Dixie Highway, and it's
4 going to be on the west side.

5 Q. (By Mr. Sarabia) And do you see the area where
6 the electrical substation is back there near towards the
7 end of the Old Dixie Highway road?

8 A. That's correct. That's going to be right
9 about here (indicating).

10 Q. And where would the bodies be in reference to
11 that?

12 A. They are located slightly southwest of that
13 electrical substation right about there (indicating).

14 Q. And I'm now displaying State's 41. Are you
15 familiar with that?

16 A. Yes. This again is a mid-range view of that
17 same area. This is the electrical substation right
18 here, and we have the bodies scene, which would be
19 directly across on the west side.

20 Q. In particular, can you see the dark spot where
21 the bodies were located?

22 A. That is going to be in this area here
23 (indicating). I don't know if you can view that. It's
24 about right here just west of this power pole.

25 Q. And was that area, even after the bodies were

1 removed, significantly stained in regard to the other
2 growth in the area?

3 A. Yes, it was.

4 Q. I'm now displaying State's 42. Can you tell
5 us exactly where the bodies were?

6 A. This is going to be this large area right here
7 that you see again just west of that power pole.

8 Q. I'm showing you State's 271. I have to zoom
9 in. Can you tell us what we're looking at there?

10 A. This is going to be an overall photograph of
11 the area where the decedents were located, this is going
12 to be the road that we just viewed on the other aerial
13 photograph, and this is going to be the path I talked
14 about earlier leading to the decedents.

15 Q. In particular, does that photograph match up
16 with this one to give context of where the roadway is?

17 A. Yes, it does.

18 Q. And is that a foot that you can see in the
19 bottom left-hand corner?

20 A. Right about here on the left-hand side.

21 Q. I'm now displaying State's Exhibit 270. Can
22 you describe what we're looking at here?

23 A. This is the area we spoke about earlier, the
24 tent that's erected due to the inclement weather, this
25 is the west side of Old Dixie Highway, and this is the

1 area of the matted down vegetation leading to the
2 decedents.

3 Q. So that tent, you guys put that there?

4 A. We did, yes.

5 Q. It wasn't there when you got there?

6 A. No, it was not.

7 Q. And in erecting this tent, did you disturb the
8 bodies in any way or did you leave them undisturbed and
9 erected the tent over them?

10 A. They were left undisturbed.

11 Q. I'm displaying State's Exhibit 269. Can you
12 tell me what this stuff is on the side of the road right
13 there? Do you see that there?

14 A. As you can see, it had rained, so we had some
15 puddling that's occurring on the west side of that, Old
16 Dixie Highway.

17 Q. And if you follow this lighter area of that
18 path, does that take you where the bodies were?

19 A. That's correct. Directly back here to the
20 northwest.

21 Q. So here from the roadway, they were not
22 immediately visible?

23 A. They were not visible.

24 Q. But if you went in this direction a few feet,
25 were they difficult to spot?

1 A. Once you started to walk up towards the path
2 they were not difficult; but from the roadway they were
3 obscured by vegetation that you see right here
4 (indicating) .

5 Q. And State's 268, does that show the inclement
6 weather you were talking about and the electrical
7 substation in reference to where the bodies were
8 located?

9 A. Yes. You can see the electrical substation
10 right here, and that's the top there of the gate.

11 Q. Okay. And that gate that you can see there in
12 State's Exhibit 266, is that a photograph of that same
13 gate?

14 A. That's correct. That's the close-up of the
15 substation from the east side of the road.

16 Q. I'm displaying State's 267. Is that the rest
17 of the substation?

18 A. Yes, it is.

19 Q. I'm showing you State's 265. Does that depict
20 the berm at the dead-end?

21 A. That's correct. That is going to be right
22 here and it travels all the way across Dixie Highway.

23 Q. So at that time this area of Old Dixie Highway
24 was not passible and anyone traveling down this area
25 would have had to have stopped at this area?

1 A. Correct.

2 Q. I'm displaying 273. What is this area here on
3 the bottom of the photograph?

4 A. Again this is the pooling of the rain that had
5 occurred previously along the west side of the road. On
6 the bottom left-hand side you can see the Placement
7 Identification Number; and, of course, the tent that you
8 previously saw that would have been erected.

9 Q. And these bushes here are a different color
10 than the rest of the bushes over here. Why are they a
11 different color?

12 A. Presumably because of the lime rock. When
13 people drive up and down the road, they probably deposit
14 some lime rock onto the vegetation giving it a white
15 look.

16 Q. Or it could be rain?

17 A. Or it could be rain.

18 Q. And can you see the two yellow things here and
19 here (indicating)?

20 A. Yes. Placement Identification Number 1 and
21 PIN 2, which is located right here (indicating).

22 Q. And are those put there to denote areas of
23 interest?

24 A. Yes, they are.

25 Q. I'm now displaying State's Exhibit 274. Do

1 you recognize that?

2 A. I do. This Placement Identification Number is
3 depicting this bungee cord, blue in color, that was
4 located at the scene.

5 Q. Now, you put a placement marker there. Do you
6 know for sure if this bungee cord came from this
7 incident?

8 A. I do not.

9 Q. But was it an item of interest that you
10 decided to mark and photograph?

11 A. Yes, it was.

12 Q. I'm displaying State's 275. Can you tell me
13 what this and this are?

14 A. Those two areas right there, they are the two
15 pop-up tents that I told you earlier that we had
16 erected.

17 Q. Why did you erect the second pop-up tent?

18 A. That was placed so that any items of evidence
19 could be put underneath that pop-up tent in case the
20 rain did come in, it would be protected from the
21 elements.

22 Q. It's a little difficult to see here, so I'm
23 going to try to zoom in. What is that in the grass kind
24 of in the lower middle left of the photograph?

25 A. That's an additional Placement Identification

1 Number, a PIN number as we refer to it, and it is
2 depicting an area where there's a piece of black
3 electrical tape on the ground.

4 Q. I'm displaying State's Exhibit 276. Can you
5 show us what that PIN marker is assigned to?

6 A. That's the area right there of the item that I
7 just spoke to you about, the black tape.

8 Q. I'm displaying State's 277. Can you tell us
9 what we're looking at here?

10 A. This is Placement Identification Number 3, and
11 it's elevated slightly up onto an additional berm on the
12 west side of the street, and there are two woven
13 blankets multi-colored, one being blue, one being more
14 of a red color.

15 Q. I'm displaying State's 278. Is that a
16 close-up of one of the woven blankets?

17 A. Yes, it is. This is the blue one.

18 Q. I'm displaying State's 279. Is that a
19 close-up of the other woven blanket?

20 A. Yes, it is.

21 Q. I'm displaying State's 280. Can you tell us
22 what we're looking at there?

23 A. This is the yellow knotted rope that we
24 previously talked about that was wrapped around the
25 victims.

1 Q. And what are all those white things that we
2 see?

3 A. Those are maggots.

4 Q. Is there significant maggot activity on these
5 four bodies?

6 A. There were.

7 Q. I'm now displaying State's 281.

8 A. This is a close-up of that yellow rope with a
9 scale that's adjacent to it so that you can reference it
10 for size.

11 Q. So is this yellow rope after it was removed
12 from Nicholas Leonard?

13 A. It is.

14 Q. And State's 282, is that a close-up of one of
15 the knots on that yellow rope?

16 A. Yes, it is.

17 Q. And is 283 a close-up of the other knot on
18 that rope?

19 A. Yes, it is.

20 Q. I'm displaying State's 285. Tell us what
21 we're looking at there.

22 A. This is a close-up image of the black zip ties
23 that we had previously talked about that were binding
24 the hands of the victim.

25 Q. And can you show the jury where the zip ties

1 are in reference to the hands?

2 A. It's a little hard to see in this photograph,
3 but you can see a portion of one zip tie, a portion of
4 the other, and in the middle we have another zip tie
5 that's enjoining the two together.

6 Q. And are the hands here and here (indicating)?

7 A. Yes, they are.

8 Q. I don't think I asked you this before. Were
9 they also decomposing?

10 A. They were.

11 Q. And did you attempt to get prints from those
12 as well?

13 A. We attempted to, yes.

14 Q. The problem is how useful they were?

15 A. Right.

16 Q. I'm displaying State's 286. And can you tell
17 us what we're looking at here?

18 A. This was the brown extension cord that we
19 spoke about that was also wrapped around the decedent,
20 and this is zooming in here on the knot of the extension
21 cord.

22 Q. I'm showing you State's 287. Tell us what
23 we're looking at there.

24 A. This is the white plastic bag with the black
25 tape that I spoke about, and this is the Medical

1 Examiner's hand as he is beginning to remove the bag
2 from the decedent.

3 Q. So that bag right there in this photograph,
4 this is actually Margaret Brown's head we're looking at?

5 A. That's correct.

6 Q. With the bag on top of it?

7 A. Yes.

8 Q. I'm displaying State's 289. And that's the
9 shirt that Margaret Brown was wearing?

10 A. Yes, it is.

11 Q. I'm displaying 290. And that's a close-up of
12 the logo on that shirt?

13 A. Yes, it is.

14 Q. I'm displaying State's 291. Is that the brown
15 electrical cord that was wrapped around Margaret's body?

16 A. Yes, it is. With a scale also included in the
17 photograph.

18 Q. I'm displaying State's 292. You indicated
19 that was the yellow rope that was wrapped around Greg
20 Brown's body?

21 A. That's correct.

22 Q. And is 293 a close-up of the knot on that
23 rope?

24 A. Yes, it is.

25 Q. I'm displaying State's 294. Is that the front

1 of Greg Brown's shirt?

2 A. Yes. That is the front.

3 Q. And I'm displaying State's 295. Is that the
4 back?

5 A. Yes, it is.

6 Q. Can you point out the white hole?

7 A. That's going to be in the right lower portion
8 right here, you can see where that white area is.

9 Q. I'm displaying State's 296. I'll try to zoom
10 in for you. Can you point out for us what we're looking
11 at here?

12 A. This area right here we have the gloves being
13 worn from the Medical Examiner personnel who is pointing
14 out the apparent projectile that was located in the
15 vegetation.

16 Q. I'm displaying State's 297.

17 A. And that is a close-up of that apparent
18 projectile in the Medical Examiner's hand.

19 Q. I'm displaying State's 299. Was this the
20 credit card that you found in Greg Brown's pocket?

21 A. Yes, it is. With the name Margaret Brown on
22 it ending in 9616.

23 Q. I'm now displaying State's 300. Is that the
24 tool and the five cents that you were referring to?

25 A. That's correct. That's the nickel and the

1 May-Craft tool.

2 Q. I think I forgot to ask you. In terms of Greg
3 Brown, was there anything left on his hands to try and
4 get fingerprints from?

5 A. No, there wasn't.

6 Q. I'm going to ask you to show some of these
7 items, that we just admitted, to the jury, if the Judge
8 will allow.

9 THE COURT: You may.

10 THE WITNESS: Do you mind if I get my gloves?

11 Q. (By Mr. Sarabia) No. Please do.

12 Starting with State's 298, the projectile, if you
13 could show the jury that item.

14 A. This is the projectile.

15 Q. Can you show them State's Exhibit 301.

16 A. (Indicating).

17 Q. How does that item smell?

18 A. There is an odor to it.

19 Q. Still after three years?

20 A. That's correct.

21 Q. And if you can display, I think, that's 303 --
22 302. Sorry.

23 A. (Indicating.)

24 Q. Ms. Miller, you can resume your seat for a
25 moment. Thank you.

1 Ms. Miller, I want to ask you about a couple of
2 other items. Subsequent to removing the bodies from the
3 Old Dixie Highway scene, did you go to the Medical
4 Examiner's Office and collect items from the bodies?

5 A. Yes. I collected all the items that were
6 recovered during the autopsy.

7 Q. Can you tell us what SM-2 is?

8 A. Do you mind if I refer to my report?

9 Q. Not at all, if that would help refresh your
10 recollection.

11 A. SM-2 is going to be described as rib and
12 muscle from Nicholas Leonard.

13 Q. Okay. What is SM-8?

14 A. SM-8 is going to be described as a projectile
15 head from Megan Brown.

16 MR. SARABIA: And, Judge, I'm showing Defense
17 counsel State's Exhibit 303.

18 Q. (By Mr. Sarabia) Ms. Miller, if you could open
19 that up and look in there for me. You don't have to
20 open the second envelope, just the first.

21 Do you recognize that?

22 A. I do. This is an envelope that I collected
23 from the Medical Examiner's Office.

24 Q. Okay. Does this appear to be in the same or
25 substantially similar condition as when you collected it

1 from the Medical Examiner's Office?

2 A. Yes, it does.

3 Q. Minus the Florida Department of Law

4 Enforcement cuttings and tape?

5 A. Correct.

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

7 would ask to move State's Exhibit 303 into

8 evidence.

9 THE COURT: Any objection?

10 MR. MICHAÏLOS: No.

11 Q. (By Mr. Sarabia) Ms. Miller, can you tell us

12 what SM-9 is?

13 A. SM-9 is described as being rib and muscle in a

14 sealed clear plastic bag.

15 Q. Rib and muscle tissue from?

16 A. From the Medical Examiner's Office.

17 Q. From which particular victim?

18 A. Megan Brown.

19 Q. Okay. And again SM-2, SM-8, SM-9, these are

20 unique numbers that are assigned to these items in order

21 to identify them in evidence?

22 A. That's correct.

23 Q. Okay. Can you tell us what SM-15 is?

24 A. SM-15 is described as being rib and muscle

25 from Margaret Brown.

1 Q. And SM-17?

2 A. That is going to be described as rib and
3 muscle from the victim Greg Brown.

4 Q. And can you tell us what is SM-34?

5 A. An item collected at the ME's office. I don't
6 have any full description on the notes.

7 Q. Okay. Would referencing your report help you
8 or is that what you just did?

9 A. That's what I just did.

10 Q. How about the property vouchers, would that
11 assist you?

12 A. Yes. One moment.

13 Q. I'm showing you a copy of your property
14 vouchers. Or do you have a copy of those already?

15 A. Oh, I have a copy. Thank you.

16 Q. Okay.

17 A. SM-34 is described as being nail scrapings and
18 cuttings from victim number three, which is Margaret
19 Brown.

20 Q. Okay. And what's SM-35?

21 A. Nail scrapings and cuttings from victim three,
22 also Margaret Brown, from the left hand.

23 Q. Okay. What is SM-21?

24 A. SM-21 is described as nail scrapings and
25 cuttings from victim Nicholas Leonard.

1 Q. What is SM-22?

2 A. Nail scrapings and cuttings from Nicholas
3 Leonard from the left hand.

4 Q. Can you tell us what SM-227 is?

5 THE COURT: 227 or 27?

6 MR. SARABIA: 227.

7 THE COURT: Thank you.

8 THE WITNESS: Left hand nail scrapings and
9 cuttings from Nicholas Leonard.

10 Q. (By Mr. Sarabia) And SM-228?

11 A. Those are going to be described as being the
12 right hand nail scrapings and cuttings also from
13 Nicholas Leonard.

14 Q. And so these are all items that you collected
15 and placed into evidence with those unique numbers?

16 A. That's correct.

17 Q. Now, I want to turn your attention to Friday,
18 September 5th of 2014, did you go back to the Old Dixie
19 Highway area where the bodies were after the bodies had
20 been removed?

21 A. Yes, we did.

22 Q. And did you use a metal detector in that area?

23 A. That's correct. We did.

24 Q. And did, I believe, it was Michael Coats help
25 you?

1 A. He did. He assisted me.

2 Q. And did you use a metal detector over the area
3 where the bodies were and the path leading up to the
4 bodies, in that general area?

5 A. Yes, we did.

6 Q. In an attempt to locate potential additional
7 evidence?

8 A. We did. We had negative results.

9 Q. And negative results means nothing was
10 detected with the metal detector?

11 A. That's correct.

12 Q. Okay. When you were there on the 5th, how did
13 it smell?

14 A. There was still an odor of decomposition in
15 the air.

16 Q. Was it significant?

17 A. It was significant.

18 Q. Now, in terms of the residence 7719 Hatteras
19 Drive, did you assist in processing that residence at
20 all?

21 A. Yes, I did.

22 Q. And was your particular area of responsibility
23 largely the west garage?

24 A. It was. That was my only responsibility.

25 Q. Okay. And did you do most of the processing

1 of the west garage?

2 A. Yes, I did.

3 Q. Okay. I'm going to come and show you some
4 photographs and then we may talk about them.

5 MR. SARABIA: For the record, I've previously
6 shown Defense counsel all these photographs.

7 THE COURT: Have they been marked?

8 MR. SARABIA: They are marked.

9 Q. (By Mr. Sarabia) I'm showing you currently
10 State's Exhibits 304 through 309. If you can look at
11 those for me and tell me if you recognize those.

12 A. I do.

13 Q. And what are those of?

14 A. These photographs depict the interior of that
15 west garage.

16 Q. Fair and accurate depictions?

17 A. Yes, they are.

18 MR. SARABIA: At this time the State would
19 like to move State's Exhibits 304 through 309 into
20 evidence.

21 THE COURT: Any objection?

22 MR. MICHAÏLOS: No, Your Honor.

23 THE COURT: All right. 304 through 309 will
24 be admitted.

25 Q. (By Mr. Sarabia) And now I'm showing you

1 State's Exhibits 310 -- just 310. Do you recognize
2 that?

3 A. Yes, I do.

4 Q. And what is that?

5 A. This is going to be an area inside the west
6 garage along the east wall. It was a small closet-type
7 area that was underneath a set of stairs.

8 Q. And did you locate anything of interest in
9 that area?

10 A. No. Nothing of interest inside that closet.

11 Q. We'll talk about things just outside of that
12 closet in a few minutes.

13 MR. SARABIA: At this time the State would
14 like to move State's Exhibit 310 into evidence.

15 THE COURT: Any objection?

16 MR. MICHAÏLOS: No, Your Honor.

17 THE COURT: 310 will be in.

18 Q. (By Mr. Sarabia) I'm showing you what's been
19 marked as State's 310. We'll start with 310. Do you
20 recognize that?

21 A. I do. This is going to be a vehicle that was
22 parked inside that west garage.

23 THE COURT: That's 311.

24 MR. SARABIA: I'm sorry. You're right, 311.

25 Q. (By Mr. Sarabia) A fair and accurate

1 depiction?

2 A. Yes, it is.

3 MR. SARABIA: At this time the State would
4 like to move 311 into evidence.

5 THE COURT: Any objection?

6 MR. MICHAÏLOS: No, Your Honor.

7 THE COURT: 311 will be in.

8 Q. (By Mr. Sarabia) Now, that vehicle, the Blazer
9 that was in garage, did you have an opportunity to
10 process that eventually?

11 A. I did.

12 Q. I'm showing you State's Exhibits 312 and 313
13 for identification. Do you recognize those?

14 A. I do.

15 Q. What are those of?

16 A. These photographs depict the interior of that
17 car that I just spoke about in the garage.

18 Q. Fair and accurate depictions?

19 A. It is.

20 MR. SARABIA: At this time the State would
21 like to move State's Exhibits 312 and 313 into
22 evidence.

23 THE COURT: Any objection?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: 312 and 313 will be in.

1 Q. (By Mr. Sarabia) Now, in terms of that
2 vehicle, is there anything really that interesting that
3 you discovered inside of it, other than what's depicted
4 in those photographs?

5 A. No. Other than what's depicted in those
6 photographs, nothing.

7 Q. I'm showing you State's Exhibits 314 through
8 316. Take a moment and look at those for me.

9 Do you recognize those?

10 A. I do. These photographs are again going to be
11 the interior of that west garage.

12 Q. Okay. Is that the floor area in the west
13 garage?

14 A. Yes, it is.

15 Q. Fair and accurate depictions?

16 A. It is.

17 MR. SARABIA: At this time the State would
18 like to move State's Exhibits 314 through 316 into
19 evidence.

20 THE COURT: Any objection?

21 MR. MICHAÏLOS: No, Your Honor.

22 THE COURT: All right. Photos 314 through 316
23 are in evidence.

24 Q. (By Mr. Sarabia) I'm showing you State's
25 Exhibits 317 through 324. Take a moment and look

1 through those for me.

2 Do you recognize those?

3 A. I do. These are photographs of particular
4 items inside that west garage.

5 Q. And is that the general area of three plastic
6 sets of drawers and then several photographs of one of
7 those particular sets of drawers?

8 A. Yes, it is.

9 Q. Fair and accurate depictions?

10 A. Yes.

11 MR. SARABIA: At this time the State would
12 like to move State's Exhibits 317 through 324 into
13 evidence?

14 THE COURT: Any objection?

15 MR. MICHAÏLOS: No, Your Honor.

16 THE COURT: All right. They'll be admitted
17 317 through 324 into evidence.

18 Q. (By Mr. Sarabia) I'm now showing you State's
19 Exhibits 325 through 332. If you can look through those
20 and tell me if you recognize those?

21 Do you recognize those?

22 A. I do. Those are photographs of items that are
23 actually in the west garage.

24 Q. Fair and accurate depictions?

25 A. They are.

1 MR. SARABIA: At this time the State would
2 like to move State's Exhibits 325 through 332 into
3 evidence.

4 THE COURT: Any objection?

5 MR. MICHAÏLOS: No.

6 THE COURT: They'll be so moved.

7 Q. (By Mr. Sarabia) I'm showing you State's
8 Exhibits 333 and 334, and after that 335. Do you
9 recognize those?

10 A. I do.

11 THE COURT: 333 through 335?

12 MR. SARABIA: Correct.

13 THE COURT: Okay.

14 Q. (By Mr. Sarabia) Do you recognize those?

15 A. I do. These again are photographs depicting
16 items that were inside that west garage.

17 Q. Fair and accurate depictions?

18 A. Yes, they are.

19 MR. SARABIA: At this time the State would
20 like to move 333 through 335 into evidence.

21 THE COURT: Any objection?

22 MR. MICHAÏLOS: No, Your Honor.

23 THE COURT: They'll be so moved, 333 through
24 335.

25 Q. (By Mr. Sarabia) Turning your attention to

1 State's Exhibits 336 through 339 for identification.

2 Can you look at those and tell me if you recognize
3 those?

4 A. Yes, I do.

5 Q. And what are those?

6 A. These are close-up photographs of items that
7 are actually in the west garage.

8 Q. Fair and accurate depictions?

9 A. Yes, they are.

10 MR. SARABIA: At this time the State would
11 like to move State's Exhibits 336 through 339 into
12 evidence.

13 THE COURT: Any objection?

14 MR. MICHAÏLOS: No, Your Honor.

15 THE COURT: They'll be so moved.

16 Q. (By Mr. Sarabia) Now I want to turn your
17 attention to State's Exhibits 340, 341 and 342. Can you
18 tell us what those depict?

19 A. These photographs depict garbage bags that
20 were located in one of the corners in that west garage.

21 Q. And in particular, does it also depict a bag
22 that you marked as bag 11 and its contents?

23 A. That's correct.

24 Q. Fair and accurate depictions?

25 A. It is.

1 MR. SARABIA: At this time the State would
2 like to move State's Exhibits 340 through 342 into
3 evidence.

4 THE COURT: Any objection?

5 MR. MICHAIILOS: No, Your Honor.

6 THE COURT: It will be so moved, 340 to 342.

7 Q. (By Mr. Sarabia) I'm showing you State's
8 Exhibits 343 through 345. Do you recognize those?

9 A. Yes, I do. This is a close-up photograph of
10 one of the items inside that west garage and the
11 contents of that item.

12 Q. And actually can you tell me a little bit
13 about that one?

14 THE COURT: Which specific picture are we
15 looking at?

16 MR. SARABIA: That is State's Exhibit 343.

17 And actually first let me ask the Judge to
18 move State's 343 through 345 into evidence.

19 THE COURT: Any objection?

20 MR. MICHAIILOS: No, Your Honor.

21 THE COURT: 343 to 345 will be in evidence.

22 Q. (By Mr. Sarabia) And can you tell us 343, what
23 does that depict?

24 A. 343 is a close-up photograph of a plastic
25 garbage bag with a Placement Identification Number 12.

1 Q. And did you open that bag?

2 A. I did. The second photograph is the contents
3 of that plastic garbage bag.

4 Q. And what were the contents of that plastic
5 garbage bag?

6 A. It appeared to be the cutting of a mattress, a
7 mattress top, with apparent blood that was located on
8 the front of that.

9 Q. Was that that the only thing that was located
10 in that particular trash bag?

11 A. Yes, it was.

12 Q. I'm now showing you State's Exhibits 346
13 through 353. Can you tell me what these are?

14 A. The first photograph is going to be depicting
15 an additional garbage bag that was located inside that
16 west garage. It had been opened up and the contents
17 displayed and photographs of those items taken.

18 Q. Okay. Fair and accurate depictions?

19 A. Yes, it is.

20 MR. SARABIA: At this time the State would
21 like to move State's Exhibits 346 through 353 into
22 evidence.

23 THE COURT: Any objection?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: They're so moved, 346 to 353.

1 Q. (By Mr. Sarabia) I'm now showing you State's
2 Exhibits 354 and 355. Can you tell me what those are?

3 A. This photograph depicts a white fitted sheet
4 that was located in one of the bags. The second
5 photograph is zoomed in on an area that appeared to be
6 blood.

7 Q. Turning your attention to State's Exhibits --

8 MR. SARABIA: And, I'm sorry, we'd like to
9 move State's Exhibits 354 and 355 into evidence.

10 THE COURT: Any objection?

11 MR. MICHAÏLOS: No, Your Honor.

12 THE COURT: 345 and 355 will be in.

13 Q. (By Mr. Sarabia) Turning your attention to
14 State's 356 through 360. Can you tell us what those
15 are?

16 A. The first photograph depicts a black trashcan
17 located on the east side of that west garage. The
18 second photograph depicts the same trashcan with the lid
19 actually open, and a Placement Identification Number 14
20 placed on top of that trashcan. The third photograph is
21 a view inside that trashcan where there was a white
22 plastic bag inside.

23 Q. And were there two trash bags inside that
24 trashcan?

25 A. They were two piled on top of each other, yes.

1 Q. And what do the next two photographs depict?

2 A. The last two photographs are of several DVDs
3 that were inside those trashcans -- in the trash bags.

4 Excuse me.

5 Q. Are those fair and accurate depictions?

6 A. Yes, they are.

7 MR. SARABIA: The State would like to move
8 State's Exhibits 356 through 360 into evidence.

9 THE COURT: Any objection?

10 MR. MICHAÏLOS: No, Your Honor.

11 THE COURT: They'll be so moved.

12 Q. (By Mr. Sarabia) I'm now going to show you
13 State's Exhibits 361 through 368. If you can look at
14 those and tell me if you recognize those?

15 A. Yes, I do. These photographs are depicting
16 the contents of the additional garbage bags located in
17 the trashcan. The second photograph is of an area that
18 we found inside the trashcan that was an apparent
19 projectile.

20 The remainder of the photographs are also depicting
21 items that were inside those plastic garbage bags and
22 also a cartridge that was found inside the bag.

23 The last two photographs include a box of Wypalls,
24 which is a disinfectant-type wipe; and also a cardboard
25 box of Great Value trash bags.

1 MR. SARABIA: At this time the State would
2 like to move State's Exhibits 361 through 368 into
3 evidence.

4 THE COURT: Any objection?

5 MR. MICHAÏLOS: No objection. Can we approach
6 for a second, Your Honor?

7 THE COURT: Sure.

8 (Bench Conference.)

9 MR. MICHAÏLOS: Any chance of a bathroom break
10 any time soon?

11 THE COURT: I guess we're going to have to
12 have one. I was hoping we could get through.

13 MR. SARABIA: I was about to have her step
14 down and start to go over stuff, unless you want
15 to --

16 THE COURT: No. We're going to have a
17 bathroom break.

18 MR. SARABIA: Okay.

19 THE COURT: And by the way, how late are we
20 going? I told them 6:00. We're not getting out of
21 here by 6:00, is that what you're telling me?

22 MR. SARABIA: We can stop now and have the
23 witness continue tomorrow.

24 THE COURT: That's probably what I'm going to
25 do. Okay. All right. Step back.

1 (Open Court.)

2 THE COURT: Ladies and gentlemen, I'm going to
3 at this point stop for the evening, because the
4 witness has identified all of the items that she
5 was going to identify, and they were going to go
6 into showing them on the big screen, and that can
7 take at 45 minutes to an hour. So we also all need
8 a bathroom break. So it seems like a perfectly
9 good time to stop.

10 Again, I don't like stopping, but this is a
11 good place, because you're going to resee all the
12 evidence again anyway. So I'm going to ask you to
13 put away all your stuff for the night. I'm going
14 to remind you no texting, tweeting, blogging.

15 I did see an article in the St. Pete Times or
16 the Tampa Times, or whatever they call it now. So
17 I'll remind you not to read the newspaper, don't
18 look on-line, no talking about the case.

19 And we'll have you back tomorrow morning at
20 9:30. Okay? So you all are released for the
21 evening. Before you step down, let us move all the
22 stuff out of the way so nobody trips.

23 THE JUROR: Excuse me, Judge. What time do we
24 come back tomorrow morning?

25 THE COURT: 9:30.

1 THE JUROR: 9:30. Same time. Okay.

2 THE COURT: Yes, sir.

3 THE JUROR: Thank you.

4 THE COURT: No problem. You all have a nice
5 evening. Thank you.

6 (Jury Absent.)

7 THE BAILIFF: The jurors are out of the
8 hearing of the Court.

9 THE COURT: All right. Ms. Miller, thank you
10 very much for the day. I'll see you back at 9:30
11 tomorrow morning. You're more than welcome to talk
12 about other things, you just can't talk about your
13 testimony. Okay?

14 THE WITNESS: Okay.

15 THE COURT: Okay. All right. And you're
16 released, and we'll see you at 9:30.

17 The rest of us will take a five-minute break,
18 and then we need to discuss the Medical Examiner's
19 photographs or whatever we're going to talk about,
20 but everybody needs a bathroom break.

21 MR. LABRUZZO: Yes, Judge.

22 THE COURT: And for everyone else, and
23 including the defendant, he needs to be brought
24 back for this conversation. We'll see everybody
25 back in five or ten minutes, as soon as everybody

1 has been able to use the restroom. Okay? Thank
2 you.

3 THE BAILIFF: All rise. The Court is in
4 recess for five minutes.

5 (Recess Taken.)

6 THE COURT: You may be seated.

7 All right. We're back on the record.

8 Do we want to talk about these photographs
9 today?

10 MR. LABRUZZO: I'd like to talk about them
11 today.

12 THE COURT: Okay.

13 MR. LABRUZZO: Because it's going to be the
14 first witness tomorrow morning, Your Honor.

15 THE COURT: That's fine. Well, no, that will
16 be the second witness after we finish Ms. Miller,
17 which could be after lunch.

18 MR. LABRUZZO: Let's hope not. Let's be
19 optimistic.

20 MR. SARABIA: Come on, Judge. I'm going a lot
21 faster than I usually do.

22 MR. LABRUZZO: That is not the standard.

23 THE COURT: Are you pre-marking them?

24 MR. LABRUZZO: No, Judge. That probably would
25 be helpful if I did.

1 THE COURT: No, that's fine. You have no idea
2 where Mr. Sarabia is going to end?

3 MR. LABRUZZO: Right.

4 THE COURT: Are you putting anything in after
5 what you've already put in?

6 MR. SARABIA: Yes. I have about 30 more
7 photographs, and then about 10 to 15 items.

8 THE COURT: Okay. So we don't know where
9 you're going to stop. But let's just say these are
10 the photographs that you're going to admit through
11 the Medical Examiner and we'll go do what we did
12 earlier today.

13 MR. LABRUZZO: I can identify them a little
14 better than that. I have them kind of set up over
15 here. So if you want to come this way,
16 Mr. Vizcarra.

17 I'll show you, Your Honor, we'll start with
18 the easy ones. We'll start with this is the
19 Medical Examiner's photographs related to Gregory
20 Brown. This is what I intend on admitting. It is
21 four photographs.

22 THE COURT: Okay. You don't have any
23 objection to the X-ray, do you?

24 MR. VIZCARRA: I like that one, Judge.

25 THE COURT: Huh?

1 MR. VIZCARRA: I like that one.

2 THE COURT: Okay. So the X-ray is fine?

3 MR. VIZCARRA: Yes.

4 THE COURT: So that one is fine.

5 So we're left with three pictures. They
6 appear to all be of a single injury. I would
7 assume this is a gunshot wound, since we're talking
8 about Greg Brown?

9 MR. LABRUZZO: Yes, Judge. The is his hip,
10 his iliac bone. This is the front and back of the
11 iliac bone. It is two pictures of the front and
12 one picture of his back.

13 MR. VIZCARRA: Judge, these have been already
14 discussed and they have been chosen. I have no
15 objection to those.

16 THE COURT: Okay. So Greg Brown, four photos,
17 they're in. That's fine. We'll mark them when we
18 get there.

19 MR. LABRUZZO: I will, Judge. And we'll talk
20 about their motion in limine when we're done, but
21 there were photographs that the State did initially
22 provide to the Defense. They prepared the motion
23 in limine.

24 Points Number 17 and 18 of their Motion in
25 Limine Number 1, which they raised their objection,

1 I agree with their objection and have chosen
2 photographs not to violate this motion in limine.

3 THE COURT: Not that I've granted it.

4 MR. LABRUZZO: What?

5 THE COURT: Not that I have granted it.

6 MR. LABRUZZO: I agree.

7 THE COURT: But it's moot at this point.

8 MR. LABRUZZO: Correct.

9 THE COURT: Because we fixed the pictures, and
10 you're good with the four he's putting in?

11 MR. VIZCARRA: Correct.

12 THE COURT: So the objection to Greg Brown's
13 photos is moot or withdrawn.

14 MR. LABRUZZO: All right. Judge, we'll go to
15 Megan Brown next because those are somewhat
16 similar. It's one, two, three, four, five, six
17 photographs in total.

18 THE COURT: Okay.

19 MR. LABRUZZO: And this shows a singular
20 gunshot wound to the left eye.

21 THE COURT: Yes. There's an X-ray. You're to
22 objecting to that?

23 MR. VIZCARRA: No objection, Your Honor.

24 THE COURT: So the X-ray is fine. There's two
25 X-rays. Do you have any problem with that one?

1 MR. VIZCARRA: No.

2 THE COURT: Two X-rays.

3 Then there's one that shows -- I would assume
4 they cut the skull in half?

5 MR. LABRUZZO: Yes.

6 THE COURT: And they've run a rod through it
7 to show the angle of projection?

8 MR. LABRUZZO: Correct.

9 THE COURT: Okay. What do we think of this
10 one? It says 5141245.

11 MR. VIZCARRA: No objection, Judge.

12 THE COURT: Okay. So the one with the rod
13 that shows the angle of projection is okay.

14 MR. LABRUZZO: Yes.

15 THE COURT: So then there's one that has just
16 Mr. Palma that has the projectile. You don't have
17 any problem with that?

18 MR. VIZCARRA: No problem with that, Judge.

19 THE COURT: Okay. So we're down to three
20 photographs here. And the photograph here appears
21 to be a closer up of that one?

22 MR. VIZCARRA: Yes, Judge.

23 THE COURT: So why do we need both?

24 MR. LABRUZZO: We don't, Judge. I just, in
25 selecting photographs for the injury to the eye, I

1 chose the two that was the least gruesome.

2 THE COURT: Okay.

3 MR. LABRUZZO: And in their motion in limine
4 they raised an objection to a separate photograph
5 that is probably by all accounts more gruesome. I
6 have agreed and am going to select one of these two
7 pending the Court's ruling.

8 And I will also say that this morning we met.
9 They asked if I could crop out the teeth in these
10 photographs. I can do that. But I'm only going to
11 select one. My preference would be -- actually,
12 I'll go with this one, I guess. But I'm going to
13 crop the teeth out of them regardless of which one
14 we choose.

15 THE COURT: Okay. And do you have an
16 objection to both of these photographs?

17 MR. VIZCARRA: As far as, I think, if they
18 choose one, then no objection, Judge. And if
19 they're going to crop the teeth out, I think that's
20 the best we can do with it.

21 THE COURT: So you want this one?

22 MR. VIZCARRA: Yes.

23 THE COURT: Okay. You can keep this one.

24 MR. MICHAÏLOS: That's just because it has
25 more lighting, right?

1 MR. LABRUZZO: More lighting, yes.

2 THE COURT: Better lighting. I mean they're
3 the exact same picture, it's just better lighting.
4 So this one will be out. That one is in.

5 So we got this one.

6 MR. LABRUZZO: That's a section of the skull,
7 Judge, and it shows that the bullet that went
8 through her eye actually made contact with the rear
9 of her skull and caused a skull fracture. It did
10 not perforate the skull or the skin, and that is
11 what is in combination with the X-rays, which show
12 the injury that she sustained.

13 THE COURT: But is it relevant in any way?

14 MR. LABRUZZO: It is, Judge, because it just
15 goes to show, you know, how far it went into her
16 skull and then it came out the back.

17 THE COURT: But you had an X-ray that shows
18 the injury, right?

19 MR. LABRUZZO: Well, no, it's just consistent
20 with this. If you look at this X-ray here, you can
21 see that the bullet actually touched the back, but
22 here it shows that it actually caused injury.

23 THE COURT: Okay. Well, I don't think you
24 need this one. The death comes from the bullet
25 through the front of the head, and the X-ray is

1 going to show that it ended up lodging in the back,
2 and the Medical Examiner is going to say that it
3 lodged so much that it actually caused an injury on
4 the other side. But it not relevant to the manner
5 of her death or his definition of why she died.
6 It's a single bullet wound to the head.

7 MR. LABRUZZO: Well, again, it's just the path
8 of travel. I understand the Court's ruling.

9 THE COURT: This one is out.

10 MR. LABRUZZO: Okay.

11 THE COURT: We're fine with the others.

12 And with that, do you have any problem with
13 that?

14 MR. VIZCARRA: No, Judge. And just for the
15 record, so you don't think I'm crazy, there were
16 some more graphic photos.

17 THE COURT: That's fine.

18 MR. VIZCARRA: But Mr. LaBruzzo has already
19 combed through them, so thank you.

20 THE COURT: So based on that, I've taken the
21 one that's the back of her skull, because that
22 doesn't really have anything to do with the manner
23 or cause of death. We'll have the single bullet
24 wound, and we're taking out the teeth in the
25 picture.

1 MR. LABRUZZO: Yes, Judge.

2 THE COURT: And on appeal you won't know that
3 we took out the picture because it won't be there.
4 But just for the record, there was some teeth at
5 the bottom because of the way the picture was
6 taken. And then we have the two X-rays of the
7 injury, and we have the actual bullet itself.

8 So based on that, any other objections?

9 MR. VIZCARRA: No.

10 THE COURT: So these can come in without
11 objection?

12 MR. VIZCARRA: Yes.

13 THE COURT: Okay. So the objection to any
14 other photographs is waived because we agreed that
15 these photographs are less gruesome but do help to
16 have the Medical Examiner testify to the manner and
17 cause of death.

18 MR. LABRUZZO: Okay. Yes. I understand the
19 Court's ruling.

20 THE COURT: Okay. We're good.

21 MR. LABRUZZO: All right. We'll go on to
22 Margaret Brown.

23 THE COURT: Okay.

24 MR. LABRUZZO: This is the collection of
25 photographs that we intend to use through her.

1 Your Honor, I'll let you flip through those.

2 THE COURT: Okay. I know her cause of death
3 is blunt force trauma to the head.

4 MR. MICHAÏLOS: Correct.

5 THE COURT: So we may have a little bit worse
6 photographs there. Let's start with the hands.

7 MR. LABRUZZO: Yes, Judge.

8 THE COURT: We have pictures of the skull.
9 We'll leave those too.

10 We have two different pictures. I would
11 assume these are two different arms?

12 MR. LABRUZZO: Correct, Judge.

13 THE COURT: One is the right arm and one is
14 the left arm?

15 MR. LABRUZZO: Right, Judge.

16 THE COURT: Okay.

17 MR. LABRUZZO: And the Medical Examiner made
18 note that the wrists of Margaret Brown had the
19 ligature marks from being tied, and that is part of
20 the injuries that she sustained, and we're asking
21 to have those admitted.

22 THE COURT: Is there any way you could crop
23 them so it just shows the arm?

24 MR. LABRUZZO: I could.

25 THE COURT: What if we crop them so we take

1 the body, which has maggots on it, and crop it
2 right here. So we don't show the body.

3 MR. VIZCARRA: Thank you.

4 THE COURT: And then we just have the arm, and
5 then he can testify to the ligature marks.

6 MR. VIZCARRA: That's fine, Judge. And
7 Mr. LaBruzzo was kind enough to already -- this was
8 a severed arm.

9 THE COURT: Okay.

10 MR. VIZCARRA: So he has made the photograph
11 without that, and that also reduces the
12 gruesomeness of the photograph.

13 THE COURT: Okay. So I'll allow it as long
14 you just crop it right here so that the body isn't
15 shown, it's just the arm.

16 MR. LABRUZZO: Yes, Judge.

17 THE COURT: Okay. So those are good.

18 So then we've got the head. Let's see. How
19 many injuries did she sustain?

20 MR. LABRUZZO: Judge, Ms. Brown --

21 MR. SARABIA: Several.

22 MR. LABRUZZO: Several.

23 THE COURT: Well, I know that. That's why I'm
24 asking. Several isn't a number. Multiple is what
25 he says?

1 MR. LABRUZZO: One, two, three, four, five,
2 six, seven, eight, nine.

3 THE COURT: Let me stop you.

4 MR. LABRUZZO: Ten total.

5 THE COURT: This particular photograph is a
6 close-up of one of the injuries. It's not
7 gruesome.

8 MR. LABRUZZO: No.

9 THE COURT: I mean if you didn't know it was a
10 head, you probably wouldn't even know what it was.

11 MR. VIZCARRA: I agree.

12 THE COURT: So this photograph is okay. So
13 that one is okay.

14 So then we get down to -- what is that
15 depicting?

16 MR. LABRUZZO: All right, Judge, give me a
17 moment.

18 THE COURT: That probably is the most
19 gruesome.

20 MR. LABRUZZO: It is.

21 THE COURT: Can you match it to this?

22 MR. LABRUZZO: I can. Yes, Judge.

23 THE COURT: Okay.

24 MR. LABRUZZO: So if you're looking at this
25 injury right here on the left side of the head.

1 THE COURT: Okay. Left side of the head.

2 MR. LABRUZZO: All right.

3 THE COURT: It's a significant penetrating
4 trauma to her head.

5 MR. LABRUZZO: Correct.

6 THE COURT: Got it. There's no face. It's
7 only an ear?

8 MR. LABRUZZO: Yes.

9 THE COURT: Okay.

10 MR. LABRUZZO: And I selected that photograph
11 because earlier objections mentioned in their
12 motion in limine draws particular reference to some
13 of the photographs with Margaret having face
14 features in them.

15 THE COURT: Okay.

16 MR. LABRUZZO: Like eyes and noses. And just
17 so the Court knows, her eyes and nose are
18 significantly disfigured.

19 THE COURT: Was it from the --

20 MR. LABRUZZO: Decomposition in the bag.

21 THE COURT: Right. From the decomposition,
22 not from the injuries?

23 MR. LABRUZZO: Correct. From the
24 decomposition.

25 THE COURT: Okay.

1 MR. LABRUZZO: This injury that we're talking
2 about here --

3 MR. VIZCARRA: Yes.

4 MR. LABRUZZO: -- this photograph here, is the
5 skull fracture underneath this injury.

6 THE COURT: Okay.

7 MR. LABRUZZO: So this just shows the level of
8 skull fracture and how big the hole really is.

9 THE COURT: So let me make sure I understand.
10 So in this particular, this is the outside?

11 MR. LABRUZZO: Yes.

12 THE COURT: Then you took off the layer of
13 dura?

14 MR. LABRUZZO: Yes.

15 THE COURT: On the dura, on the scalp, on the
16 stop.

17 MR. LABRUZZO: Correct.

18 THE COURT: And when he did, this is the skull
19 underneath?

20 MR. LABRUZZO: Correct.

21 THE COURT: And this is the skull fracture?

22 MR. LABRUZZO: Correct.

23 THE COURT: Okay. And so based on that, is
24 the Defense objecting to these two photographs? I
25 assume he's claiming that specifically this injury,

1 this skull fracture would have caused death?

2 MR. LABRUZZO: Yes, Judge. He would say that
3 this injury would have been a fatal injury upon
4 impact.

5 And just so the Court's aware, we kind of
6 already had some other discussion about the
7 photographs of the white bag around her head. This
8 is the injury for which he described that the bag
9 had to be on her head at the time this injury
10 occurred.

11 THE COURT: Okay.

12 MR. VIZCARRA: So, Judge, I would not object
13 to this one here. This one here, it's got a bug
14 inside of it, it's got maggots inside of it, this
15 is inside the skull, it's got brain matter on the
16 inside of it, that's the most gruesome photograph.
17 I think they can proceed with this one. I would
18 object to -- if I can just maybe put whatever that
19 picture is.

20 MR. LABRUZZO: That's just the autopsy number.
21 It doesn't really have a number.

22 THE COURT: Yes. It matches on every one.

23 MR. VIZCARRA: Okay.

24 THE COURT: It's going to be the same one on
25 everything.

1 MR. VIZCARRA: So the second interior one is
2 the one I'm objecting to, Judge, based on those
3 things.

4 THE COURT: Doesn't he have a picture where
5 they cleaned out the skull?

6 MR. LABRUZZO: That is the most clean picture
7 of it.

8 THE COURT: This is it?

9 MR. LABRUZZO: That's it.

10 THE COURT: So he didn't remove everything and
11 then have like just the skull itself?

12 MR. LABRUZZO: No, Judge.

13 THE COURT: Any X-rays of his head?

14 MR. LABRUZZO: Not of Margaret's, Judge.

15 THE COURT: Not that you know of?

16 MR. LABRUZZO: Not that I know of.

17 THE COURT: Well, I mean I guess you wouldn't
18 have to take an X-ray because it's right there.

19 But he's going to say that this skull
20 fracture, it went into the brain and then caused
21 death?

22 MR. LABRUZZO: Yes, Judge.

23 THE COURT: And then it went in so far as
24 why -- what's in the bag?

25 MR. LABRUZZO: Yes, Judge.

1 THE COURT: Okay.

2 MR. LABRUZZO: That was the most significant
3 injury.

4 THE COURT: All right. And I'll note that the
5 scalp is peeled back in this picture. And I would
6 guess that this is this part underneath that we're
7 talking about above the ear?

8 MR. LABRUZZO: Correct.

9 THE COURT: And so from above the ear almost
10 the whole --

11 MR. LABRUZZO: Left side of her skull.

12 THE COURT: -- left side of the skull is gone
13 or inside the head?

14 MR. LABRUZZO: Correct.

15 THE COURT: All right. I'll allow it only
16 because it is the specific picture that will show
17 the manner and cause of death, and it's the only
18 one. So I'm overruling your objection.

19 MR. VIZCARRA: Thank you, Judge. Can we mark
20 that somehow like we did today?

21 THE COURT: We will. I'll mark it. I
22 promise.

23 MR. VIZCARRA: Thank you.

24 THE COURT: We'll mark it when they tell me,
25 and then I'll let you raise the contemporaneous

1 objection.

2 MR. VIZCARRA: Thank you.

3 THE COURT: Now, we've got one, two, three,
4 four, five.

5 MR. LABRUZZO: Okay, Judge.

6 THE COURT: What do we need?

7 MR. LABRUZZO: All right. So let me show you.
8 We'll start with this one here and this one here
9 (indicating). These are injuries to the scalp that
10 were sustained during the course of the attack that
11 do not correspond with the skull fracture.

12 THE COURT: Okay. So these two are the back
13 of her --

14 MR. LABRUZZO: Yes. This is the back of her
15 head.

16 THE COURT: And they're two separate, one is
17 on one side and one is on the other?

18 MR. LABRUZZO: Yes, Judge.

19 MR. VIZCARRA: And what is that over there on
20 that side? Is that an ear?

21 THE COURT: That's an ear. Any way you can
22 crop the ear?

23 MR. LABRUZZO: Well, it just gives you
24 orientation to the back of the head.

25 THE COURT: Well, I understand. But I mean if

1 I let this picture in, it's like the other side.

2 MR. LABRUZZO: I understand. I'll have to
3 talk to Dr. Palma tomorrow, because it's my
4 understanding that those are two separate injuries.

5 THE COURT: Oh, they're definitely on one side
6 and one is on the other side.

7 MR. LABRUZZO: This is the left side of the
8 skull and this is the right side of the skull.

9 THE COURT: Correct.

10 MR. LABRUZZO: So they're on two separate
11 sides.

12 THE COURT: That's the way I looked at it.

13 MR. LABRUZZO: Yes.

14 THE COURT: So if you can crop the ear out
15 right here, and then Dr. Palma can take this
16 picture and then say on the other side is this.

17 MR. LABRUZZO: Okay.

18 THE COURT: If you roll the head away.

19 MR. VIZCARRA: Judge, I would withdraw my
20 objection to those pictures if they're going to
21 crop the ear out.

22 THE COURT: Okay.

23 MR. LABRUZZO: Would it be okay if I put a
24 blocker over the ear and wrote ear there so that he
25 can orientate himself?

1 THE COURT: Yes. That's fine. That's fine.

2 MR. VIZCARRA: Yes. That's fine.

3 THE COURT: Uh-huh. That's fine.

4 MR. LABRUZZO: All right. The other
5 photographs, Judge, this and this photograph
6 here.

7 MR. VIZCARRA: I don't think I have any
8 objection to this one, Judge. It's as non-gruesome
9 as you can have.

10 MR. LABRUZZO: And this, Judge, is the two --
11 I'm going to say that this is this and this is a
12 close-up of this.

13 THE COURT: And my question is is any of these
14 cause of death?

15 MR. LABRUZZO: Well, Dr. Palma will say that
16 the injuries sustained to the head outside of the
17 hole could have led to death.

18 THE COURT: But it would have been if it
19 wasn't treated, blah, blah, blah, blah, blah?

20 MR. LABRUZZO: Right. Right.

21 THE COURT: Okay.

22 MR. LABRUZZO: The skull fracture referred to
23 as this large one, he says that clearly would have
24 caused death or instantly debilitating.

25 THE COURT: My question to you is did

1 Dr. Palma do a sketch of the skull showing all the
2 injuries?

3 MR. LABRUZZO: Well, he did. This is the
4 sketch that he provided.

5 THE COURT: Well, what I'm saying is if you
6 take this one out right here and you put these
7 three in and the sketch, then it shows to the jury,
8 you know, these small injuries but it orients it to
9 the head, to the scalp.

10 MR. LABRUZZO: My concern, Judge, is that this
11 one really kind of sets the orientation on the
12 head.

13 MR. SARABIA: There's also some issue about
14 the way that the crime scene plays out. It's
15 important for us to show where the injuries are in
16 relation from where her blood is to set the scene,
17 because she sustained multiple blows to the head in
18 a particular area and on a particular side, which
19 would have account for the blood where we find it.

20 THE COURT: Okay.

21 MR. SARABIA: And that she was still mobile
22 and still struggling, and there comes a point where
23 she is struggling less, you know, the blood
24 evidence kind of shows.

25 And there's blood evidence, in particular a

1 handprint, that these injuries help account for
2 because they would cause massive bleeding on the
3 head prior to the debilitating injury.

4 THE COURT: Is that what this is?

5 MR. LABRUZZO: Yes.

6 THE COURT: It goes through the scalp, so it's
7 going to have very heavy blood trauma on it?

8 MR. LABRUZZO: Yes, Judge.

9 THE COURT: Any way we could --

10 MR. LABRUZZO: Cover the ear maybe?

11 THE COURT: No. The nose I'm more worried
12 about.

13 MR. LABRUZZO: Okay. I can try to cover the
14 bottom of that, Judge. It shouldn't be hard.

15 THE COURT: Right. I mean the injury itself
16 is not that gruesome, it's the fact of how it's
17 oriented with the bottom half of the body. So I
18 mean if there's a possibility that you could, you
19 know, crop it that way.

20 MR. LABRUZZO: What I'll do is I'll just place
21 stuff over it. I'll put a colorful box over it and
22 just label it ear so he can hopefully get himself
23 oriented.

24 THE COURT: Right. That's fine. If you can
25 do that, that would be fine. Just so it's

1 oriented.

2 The Defense can still object, and it will come
3 in, and the picture will be marked. But at least
4 it will only be the top of a skull, which makes it
5 a lot -- if you don't see the ear and the nose,
6 it's not all that gruesome.

7 MR. LABRUZZO: I understand, Judge.

8 MR. VIZCARRA: I agree, Judge.

9 THE COURT: So if you can do that, then I'm
10 good for letting them all in.

11 MR. LABRUZZO: I'm going to work on that
12 tonight and get that to you.

13 Now here comes the heavy-lifting.

14 THE COURT: Yeah, I know.

15 MR. LABRUZZO: All right.

16 THE COURT: This is Megan Brown?

17 MR. SARABIA: No, Judge. This is Nicholas
18 Leonard, who sustained 21 different injuries.

19 THE COURT: Right. And basically in opening
20 Mr. Sarabia has already said his face is bashed in.

21 MR. LABRUZZO: Right. So this is a laceration
22 injury to his arm.

23 THE COURT: Okay.

24 MR. VIZCARRA: No objection.

25 THE COURT: No objection?

1 MR. VIZCARRA: No objection, Judge.

2 MR. LABRUZZO: Here is a laceration injury to
3 the top of his head.

4 THE COURT: I would assume when you're saying
5 laceration, the doctor is going to testify that it
6 might have been from a knife?

7 MR. LABRUZZO: No. He's just going to say
8 it's an abrasion or laceration to the top of his
9 head that could have been caused from -- well, he's
10 going to say this is from a sharp force injury.

11 THE COURT: Okay.

12 MR. LABRUZZO: I can't remember if he said
13 sharp force injury on that. I don't remember.

14 THE COURT: All right. What do you say about
15 that one?

16 MR. VIZCARRA: Can I reserve ruling for a
17 second until I see the other one?

18 THE COURT: Okay. We'll hold off on that one.

19 MR. LABRUZZO: Okay. There's this photograph.
20 There's this photograph.

21 THE COURT: I don't even know what this is.

22 MR. LABRUZZO: I'll tell you in a second.

23 THE COURT: Oh, there's an ear. I see. Hold
24 on.

25 MR. LABRUZZO: Well, here's the picture that

1 helps orient him. You can see everything.

2 THE COURT: Okay. Okay.

3 MR. LABRUZZO: Just for the record, we're
4 looking at the front of Nicholas Leonard's face.

5 THE COURT: Right.

6 MR. LABRUZZO: I had a conversation with
7 Defense today. This is the only photograph that
8 shows the front of his face, which shows the
9 injuries to the eye and the front of his skull in
10 relation to everything else.

11 THE COURT: Okay.

12 MR. LABRUZZO: So this is it. For us this is
13 a very important photograph because it shows the
14 injuries. But I don't have anything else to choose
15 from, so I can't participate in some sort of maybe
16 this is less or better.

17 THE COURT: Right. Oh, I got it. So now this
18 is looking at the side view of that?

19 MR. LABRUZZO: Correct, Judge.

20 THE COURT: Got it. Got it. Got it.

21 MR. LABRUZZO: That is this, the portion of
22 his head is there.

23 THE COURT: Why do we need that one?

24 MR. LABRUZZO: Well, I'm going to tell you.
25 I'll give you an explanation in a minute.

1 MR. MICHAÏLOS: I mean we'd like this just to
2 be cropped.

3 THE COURT: Well, the problem is that you
4 can't just say that you want it cropped out,
5 because then the jury doesn't get an orientation.
6 The witness gets an orientation, but the jury
7 doesn't.

8 I mean they have a right to know, like, here's
9 his face and there's the injury and there's some
10 injuries and here's some injuries. I mean he was
11 bludgeoned to death by someone.

12 MR. LABRUZZO: Right.

13 THE COURT: And dumped by someone. So whether
14 it's your client or someone else, this is it.

15 MR. MICHAÏLOS: I don't think the left eye
16 is from -- I think that's just decomposition.

17 MR. LABRUZZO: No. The left eye?

18 MR. MICHAÏLOS: Right. The left eye.

19 MR. LABRUZZO: But the right eye, there's
20 clear injury to the frontal face part here.

21 MR. MICHAÏLOS: For orientation you can draw
22 like, like you said earlier, get a piece of paper
23 and just draw an outline.

24 MR. LABRUZZO: The State's willing to go far
25 in light of these photograph. This is just one I

1 think that the entire photograph is extremely
2 important in telling the nature of the injuries.

3 You can see here, Judge, I'll show you here,
4 there is an injury, a gaping injury to the left
5 side of his face, which is what's shown here.

6 THE COURT: Okay.

7 MR. LABRUZZO: Now, the only reason I printed
8 out both of these photographs, they've objected to
9 it, these are the only two photographs we had to
10 choose from that show this injury. In discussion
11 with Dr. Palma, he describes this injury pretty
12 significantly.

13 THE COURT: What is that?

14 MR. LABRUZZO: He describes this injury as the
15 left mandible region, had an irregular shape
16 incised wound skin defect. And he described it to
17 us as there was a clear injury where the skin was
18 broken apart and the mandible was injured. It is
19 an incised wound.

20 MR. MICHAIILOS: Incised?

21 THE COURT: Incised.

22 MR. LABRUZZO: Incised.

23 THE COURT: Meaning it went all the way inside
24 it. It was broken up. His jaw would have been cut
25 all the way in and you could see the jaw.

1 MR. MICHAÏLOS: Not incised like a sharp lay
2 cut?

3 MR. LABRUZZO: I-n-c-i-s-e-d.

4 THE COURT: Incised.

5 MR. LABRUZZO: Incised wound.

6 THE COURT: So it doesn't have to be from a
7 knife.

8 MR. MICHAÏLOS: Correct.

9 MR. LABRUZZO: Right.

10 THE COURT: I mean the way skin is, once it
11 tears, it could tear all the way down.

12 MR. LABRUZZO: Correct. So I only show you
13 these photographs to say, listen, I can clearly --
14 and we discussed this morning the potential for
15 covering, you know, certain portions where I'm
16 willing to go forward, but that is a clear injury.
17 In this picture, although it's just a close-up --

18 THE COURT: He's probably not going to want
19 that one. I'm going to let you have this one.

20 MR. LABRUZZO: Okay.

21 THE COURT: That other one, which is a
22 close-up, is actually worse than if we just take
23 this one, cut the bottom off, because there's no
24 need for that.

25 MR. LABRUZZO: Okay.

1 THE COURT: And if you can crop it right here
2 (indicating).

3 MR. LABRUZZO: Okay.

4 THE COURT: I mean you will have this as
5 orientation.

6 MR. LABRUZZO: Right.

7 THE COURT: So it's, like, he's going to say
8 this is the side. So it be cropped here and then
9 cropped there. So it be like an L-shape. You see
10 what I'm saying?

11 MR. LABRUZZO: I do.

12 THE COURT: I mean we could even maybe crop it
13 that way. Just leave it as this right here. But
14 it's that injury, but it's not so close.

15 MR. LABRUZZO: I agree. No, I understand.
16 That's why I'm just giving the Court --

17 THE COURT: So how about this, and you still
18 can object to it, but have him crop it like this.
19 So it's going to be the same as this, but it's not
20 going to be so close. So it will be the same area,
21 just a little bit further apart.

22 MR. LABRUZZO: Right.

23 MR. VIZCARRA: Well, I think that would reduce
24 the gruesomeness and the inflammatory nature of it,
25 Judge.

1 THE COURT: Just make it that square right
2 there so you get the injury.

3 MR. LABRUZZO: Right.

4 THE COURT: The bottom of it right there
5 (indicating).

6 MR. LABRUZZO: Okay. What I can do is I can
7 just keep this and this in here.

8 THE COURT: Right.

9 MR. LABRUZZO: Just take this out, and then
10 cut this stuff and just keep -- well, this over
11 here you said too?

12 THE COURT: Right. And then down. Because
13 it's the same picture, I'm just trying to make it
14 further away.

15 MR. LABRUZZO: Right. Okay.

16 THE COURT: So you're basically orienting it
17 just like you would do that one, but it's a little
18 further away so it's so -- it's the maggots that
19 are getting you.

20 MR. LABRUZZO: I understand.

21 THE COURT: So you're basically going to crop
22 up like that and then here at the bottom.

23 MR. LABRUZZO: Yes, Judge. And I'm fine with
24 the Court's instructions.

25 MR. VIZCARRA: So what you're saying, Judge,

1 if I'm correct, is this one this gruesomeness is
2 going to be reduced. And this one here obviously
3 it's pretty gruesome, it's pretty inflammatory, but
4 you're saying that it's just so relevant in this
5 particular case, that you're going to let them have
6 it, for lack of a better term.

7 THE COURT: Correct.

8 MR. VIZCARRA: Okay.

9 THE COURT: I just don't think there's any
10 other picture.

11 MR. LABRUZZO: There isn't.

12 THE COURT: I mean sometimes in murder cases
13 you've got gruesome pictures.

14 MR. VIZCARRA: Right.

15 THE COURT: So in this particular case, they
16 were out in the elements and that's what happened.

17 But he has so many injuries to his head, that
18 they have to be oriented in some way and fashion to
19 figure out, you know, how this occurred. But, you
20 know, I'll let you this have this one as long as
21 it's, you know, basically like that --

22 MR. LABRUZZO: I understand, Judge.

23 THE COURT: -- that and that. So it's that
24 but just a little further away.

25 MR. VIZCARRA: So, Judge, just for the record,

1 if I can, the gruesomeness of this portrayal as
2 outlined in the *Douglas* case I think is so
3 inflammatory as to create undue prejudice in the
4 minds of the jurors and it's going to distract them
5 from a fair and impassionate consideration of the
6 evidence.

7 THE COURT: Okay. I understand your
8 objection.

9 MR. VIZCARRA: Thank you.

10 THE COURT: But I think the case law is clear
11 that if the picture, even gruesome, assists the
12 Medical Examiner in explaining cause of death,
13 manner of death and how the offense occurred, as
14 long as we don't have multiple pictures, then, you
15 know, it has to be allowed so the jury has some
16 idea of how these injuries occurred.

17 MR. MICHAÏLOS: And for the record, we're
18 referring to the picture of --

19 THE COURT: The full face.

20 MR. MICHAÏLOS: -- the frontal view of
21 Nicholas Leonard's full face, correct?

22 THE COURT: There's only one.

23 MR. MICHAÏLOS: Right.

24 MR. LABRUZZO: All right. So these
25 photographs here, this is the top of the skull and

1 this is left sides of the skull.

2 THE COURT: It's got the same injury that we
3 just talked about.

4 MR. VIZCARRA: And, Judge, I don't think the
5 top of the skull is that gruesome or inflammatory
6 in relation to everything we've got here.

7 MR. LABRUZZO: If the Court's going to allow
8 these two photographs, we do not need this
9 photograph.

10 MR. VIZCARRA: I object to this one, Judge.

11 THE COURT: What are we getting in this one?

12 MR. LABRUZZO: Well, Judge, we see the
13 injuries here, here, here, here, here, here, here,
14 here, here.

15 THE COURT: That's my question to you.

16 MR. LABRUZZO: Yes.

17 THE COURT: Are all of these injuries that are
18 on the side of the face, are all of these injuries
19 here injuries that he sustained during the murder?

20 MR. LABRUZZO: Yes, Judge.

21 THE COURT: So none of them are from animal
22 predation or decomposition or anything like that?

23 MR. LABRUZZO: Correct.

24 THE COURT: They may have worsened, but he's
25 going to testify that these appear to be all single

1 strikes to this man's head?

2 MR. LABRUZZO: Yes, Judge.

3 THE COURT: Okay. Well, we need to cut the
4 bottom off.

5 MR. LABRUZZO: Okay.

6 THE COURT: Because we already had that one
7 picture. So we don't need the bottom.

8 MR. LABRUZZO: Okay.

9 THE COURT: And to be honest, this is really
10 not that gruesome of a picture as long as you cut
11 the bottom off.

12 When you're looking at it like that, you're
13 not even really sure what you're looking at, other
14 than the fact that there's an ear here and then
15 there's multiple strikes. So we don't have his
16 face in here. We don't have a nose. We don't have
17 any eyes. That's out. We're going to have another
18 picture, I guess.

19 So this is the only picture you have of the
20 injuries to the side of the face?

21 MR. LABRUZZO: Well, this is another
22 photograph that shows it, but this is the best
23 photograph.

24 MR. VIZCARRA: I agree, if that's the case,
25 because that one is more dirty, for lack of a

1 better term.

2 THE COURT: Yes. So if you crop the bottom
3 off so that we get rid of the bugs and stuff down
4 here.

5 MR. LABRUZZO: Yes, Judge.

6 THE COURT: I'm okay with this one. And
7 they've already said that this is okay with the
8 injuries to the back of the head.

9 Do you have another picture that corresponds
10 with this?

11 MR. LABRUZZO: I do. Well, this photograph
12 over here also had the injury.

13 THE COURT: But we don't need that.

14 MR. LABRUZZO: We don't need that one. That
15 just has the top of the injury.

16 THE COURT: Okay.

17 MR. LABRUZZO: Can we just make a note where
18 on the bottom to crop?

19 THE COURT REPORTER: I don't know if the
20 record reflects which exhibits we're talking about.

21 THE COURT: No. We're going to go over them
22 later. I'll put them on the record. We'll take a
23 break and I'll put them on, what number and what I
24 did.

25 THE COURT REPORTER: Well, I'm on the record.

1 Should I go off?

2 THE COURT: Well, we won't be able to do it,
3 because we don't know what number they're going to
4 be until Mr. Sarabia finishes.

5 MR. SARABIA: Just to be clear, I had all my
6 exhibits layed out. Then Mr. LaBruzzo came in and
7 he needed more exhibits and we had to renumber
8 everything.

9 THE COURT: I wasn't picking on you.

10 MR. SARABIA: I want the record to be very
11 clear.

12 THE COURT: I'm just saying that we cannot
13 give you numbers because we don't know what they're
14 going to be yet.

15 MR. LABRUZZO: Okay. I'm going to show the
16 Court, this is the skull fractures put back
17 together the best the Medical Examiner could do,
18 which shows -- we'll talk about these in a second.

19 THE COURT: Is that the X-ray?

20 MR. LABRUZZO: This is the X-ray. This is the
21 front X-ray.

22 THE COURT: Okay.

23 MR. LABRUZZO: Which will show the -- this is
24 the top of the skull.

25 THE COURT: Okay.

1 MR. LABRUZZO: These are the pieces that were
2 not able to be put back together.

3 THE COURT: Okay.

4 MR. LABRUZZO: He couldn't figure out where
5 they went in the puzzle. Likely he's going to say
6 this spot right here (indicating).

7 THE COURT: Well, we don't need both of those,
8 do we?

9 MR. LABRUZZO: And I understand. I just had
10 it printed up.

11 THE COURT: Which one do you want?

12 MR. LABRUZZO: I would prefer this one because
13 it shows under the --

14 MR. VIZCARRA: That's fine. That's fine. And
15 these two, of course, are fine, Judge.

16 THE COURT: Okay. So what is fine is the
17 pieces of bone, they're stacked together, and the
18 X-ray?

19 MR. LABRUZZO: Right.

20 THE COURT: And then we have a very large
21 skull fracture of the side of the skull.

22 MR. LABRUZZO: Side of the skull.

23 THE COURT: And basically this has been taken
24 off the body and the brain is out and all that
25 stuff?

1 MR. LABRUZZO: Correct.

2 THE COURT: We don't have any of that. Okay.

3 MR. LABRUZZO: So we do have a picture here at
4 the top of the skull, this is a picture of the
5 sides of the skull, and this is the back of the
6 skull.

7 THE COURT: Okay.

8 MR. LABRUZZO: So it really just shows the
9 fact that the skull was --

10 THE COURT: And he's going to testify that
11 there was injuries to all of these regions?

12 MR. LABRUZZO: Yes, Judge.

13 THE COURT: And so on all four of these, I
14 will allow them because they denote different areas
15 of the skull and pieces missing, which correspond
16 with these; and they're oriented on different areas
17 and so that it gives the jury an idea how many
18 skull fractures this person had.

19 MR. LABRUZZO: Correct.

20 THE COURT: So even if the Defense is
21 objecting, I'm going to let the skull fractures in.

22 MR. LABRUZZO: Okay.

23 THE COURT: Okay?

24 MR. LABRUZZO: All right.

25 THE COURT: And, again, I'll mark them, you'll

1 make your objection, and then I'll indicate my
2 previous ruling on the day of 11/16 at 6:06 P.M.,
3 just so they know where it is in the record.

4 MR. MICHAIILOS: One last time. On the frontal
5 view of Nicholas Leonard's face, perhaps if we
6 could just cover the one eye that's not injured.

7 I think we can still orient with the nose and
8 the rest of the face, but just partially cover the
9 gray eye there that's not injured.

10 MR. LABRUZZO: All right. Judge, I'll just go
11 back to the front, this one. There is an injury
12 here that is shown better here.

13 THE COURT: Okay.

14 MR. LABRUZZO: There were other photographs
15 that we showed this injury that they objected in
16 their motion in limine. I've chosen a different
17 photograph from the one that was put in here
18 because this injury does not show the teeth and
19 everything. It's more like from here down and a
20 close-up of that injury.

21 THE COURT: And what is that?

22 MR. LABRUZZO: It is another circular injury
23 to his chest.

24 MR. SARABIA: It's another place the defendant
25 hit him with the hammer, Judge.

1 MR. LABRUZZO: I'll leave it here to represent
2 that it's complete with his face.

3 THE COURT: Okay. I got you.

4 MR. LABRUZZO: But that's what it is. It's
5 another circular injury.

6 THE COURT: Any problem with that one?

7 MR. VIZCARRA: Well, Judge, I would argue
8 cumulative. Do they need another photograph?
9 Can't they use this one?

10 MR. LABRUZZO: I don't think you can really
11 see. You can't tell whether that's an injury or
12 you can't tell that it's --

13 THE COURT: Well, it's the same with that
14 injury on the inside of his mandible. I mean you
15 don't know if it's just a cut or a discoloration or
16 whatever. So I mean this one is just a picture
17 without anybody in it. So that's fine. Over their
18 objection, I'll let that in.

19 MR. VIZCARRA: Okay. Thank you.

20 MR. LABRUZZO: I'm going to talk to the
21 Medical Examiner about this photograph. I think we
22 already have this injury in. I'll just show it to
23 the Court. I'm going to talk to him tomorrow in
24 the morning and make sure that that's not -- that's
25 an injury that we've already covered in one of the

1 other pictures. That's the top of the head.

2 THE COURT: Yeah. I think that one picture
3 that has them all, because there's another one up
4 there.

5 MR. LABRUZZO: Yes. So as it relates to that,
6 that's all the pictures as it relates to what I
7 intend to show Dr. Palma.

8 Tomorrow morning it sounds like I'm going to
9 have some time to go over these photographs with
10 him and make sure that the orientation is correct.

11 I'll make the corrections that we just spoke
12 about. If there's a different photograph, if he
13 says, listen, I need this photograph, I can bring
14 it to the Court's attention in the morning, if
15 there's a different photograph.

16 MR. VIZCARRA: And I just ask that you mark
17 them or post them or something, the ones that we
18 had objected to --

19 THE COURT: We will.

20 MR. VIZCARRA: -- that you're going to allow
21 over objection.

22 THE COURT: I'll make sure all the ones that
23 you're objecting to are marked.

24 MR. LABRUZZO: Okay. These are the objection
25 ones that the Court wanted --

1 THE COURT: Do you want to put them in as not
2 allowed?

3 MR. LABRUZZO: Well, these are ones that we're
4 just agreeing not to put in.

5 THE COURT: Okay.

6 MR. LABRUZZO: So I don't know, like, we may
7 be able to --

8 THE COURT: Well, do you want the appellate
9 court to see the ones we didn't put in?

10 MR. LABRUZZO: Okay.

11 THE COURT: So they can see that you didn't --

12 MR. LABRUZZO: Well, I'd like the keep those.
13 We'll just give them all to the Court tomorrow in
14 one packet.

15 THE COURT: Okay. And we'll call those
16 photographs that were viewed by Court and
17 disallowed.

18 MR. LABRUZZO: Right.

19 THE COURT: And we'll put them in as a
20 composite whatever number is the last.

21 MR. LABRUZZO: Yes, Judge.

22 THE COURT: Okay?

23 MR. LABRUZZO: Okay.

24 THE COURT: So at the end, Kelly, when we get
25 to the last number, we'll call it a composite of

1 how many photographs of photos not allowed.

2 MR. LABRUZZO: I'll put them in a separate
3 envelope.

4 THE COURT: For appellate purposes.

5 MR. LABRUZZO: Correct.

6 THE COURT: All right. Other than that,
7 anything we need to discuss?

8 THE CLERK: Judge, are there any photos from
9 today that are being marked confidential?

10 THE COURT: Yes. The photograph that was
11 Number 284 is confidential and 272 is confidential.

12 THE CLERK: Thank you.

13 THE COURT: So I've marked confidential for
14 both sides from the access to anyone outside of the
15 jury already in evidence State's 272, which is the
16 photographs of the bodies that was objected to by
17 the Defense; and Number 284, which is Megan Brown's
18 body with the bag still over her head and her arms
19 tied with the zip ties.

20 So they're going to go back to the time jury,
21 they're just not going to be on-line for anybody to
22 look at them. Okay?

23 MR. VIZCARRA: Judge, there's 288 also.

24 THE COURT: Well, 288 is just the interior of
25 the bag.

1 MR. VIZCARRA: Okay.

2 THE COURT: That doesn't have anybody's body
3 in it. So I know it's not one that you wanted me
4 to put in, you did object to it, but I don't see
5 why it can't go on-line.

6 MR. VIZCARRA: Okay.

7 THE COURT: Okay. Anything else?

8 MR. LABRUZZO: Nothing from the State, Judge.

9 THE COURT: Defense? Mr. Matos, so far
10 everything is going to your liking? A little
11 slower than you'd like?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. Your lawyers have made all
14 the objections and done everything that you've
15 requested of them?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Okay. Great.

18 All right. We'll see you tomorrow morning at
19 9:30. Again, Mr. Matos needs to be dressed out at
20 9:30.

21 MR. LABRUZZO: 9:30?

22 THE COURT: 9:30. Mr. Michailos, if you have
23 cases, I'll see you at 8:30. If you do not, then
24 I'll see you at 9:30.

25 MR. MICHAÏLOS: I don't think I do, Your

1 Honor. Thank you.

2 (Recess Taken.)

3

4

5

6

7

(CONTINUED IN VOLUME V.)

8

9

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