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

1
2 (Open Court.)

3 THE COURT: State, are we ready to go?

4 MR. LABRUZZO: Yes, Your Honor.

5 THE COURT: Defense?

6 MR. MICHAIILOS: Yes, Judge.

7 THE COURT: I note for the record the
8 defendant is present with his counsel, the State is
9 here, and the jury is on its way up.

10 Both sides ready?

11 MR. SARABIA: Yes, Judge.

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

13 THE BAILIFF: Yes, Your Honor.

14 Jury is entering the hearing of the Court,
15 Your 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. Was everybody able to
21 get lunch? Yes?

22 THE JURY PANEL: Yes.

23 THE COURT: And everyone followed my
24 instructions? Yes?

25 THE JURY PANEL: Yes.

1 THE COURT: Excellent.

2 State, call your next witness.

3 MR. SARABIA: We would call James Sigler.

4 THE COURT: Good afternoon, Mr. Sigler. If
5 you could step up to this podium right here. If
6 you can turn, raise your right hand, and be sworn
7 by my clerk.

8 JAMES SIGLER,

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

11 THE COURT: All right, sir. Please have a
12 seat in the witness stand. And speak in a loud and
13 clear voice for me.

14 State, you may proceed.

15 MR. SARABIA: Thank you, Judge. Defense
16 counsel.

17 DIRECT EXAMINATION

18 BY MR. SARABIA:

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

20 A. James Sigler.

21 Q. And, Mr. Sigler, do you own the Fisherman's
22 Shack in Hudson, Florida?

23 A. Yes.

24 Q. And where is that located roughly?

25 A. It's on Old Dixie Highway in Hudson. It's a

1 waterfront tavern.

2 Q. Okay. What are the hours generally?

3 A. 10:00 A.M. 'til -- during the week it's
4 usually around midnight, 2:00 in the morning on the
5 weekends.

6 Q. Okay. Do you have a bunch of regular
7 customers that come there?

8 A. Yes.

9 Q. People you know pretty well?

10 A. Yes.

11 Q. And frequent the place?

12 A. Yes.

13 Q. Back before September of 2014, was it normal
14 to see Nicholas Leonard at the Fisherman's Shack?

15 A. Yes. Yes.

16 Q. Now, I want to talk to you about an employee
17 you had named Megan Brown. Do you remember Megan Brown?

18 A. Yes, I do.

19 Q. Now, when she was hired, did Tonya Carlson
20 actually handle the hiring process in that particular
21 case?

22 A. Yes. On that incident she did.

23 Q. You were sick at the time?

24 A. Yes. I was sick and I told her to go ahead
25 and proceed.

1 Q. Now, pursuant to that, did you want to meet
2 Megan at 6:00, shortly after she had been hired on a
3 particular date?

4 A. Yes. Yes.

5 Q. And did you arrive for that meeting as she was
6 leaving with somebody you understood to be her
7 boyfriend, Adam Matos?

8 A. Yes. I was a few minutes late, and as I was
9 walking in, they were walking out, she was walking out.

10 Q. Okay. And you've been in the tavern or bar
11 business a long time?

12 A. Yes.

13 Q. You read people a lot?

14 A. Yes. Yes, I do.

15 Q. As you were walking by and the situation --

16 A. She was --

17 MR. MICHAÏLOS: Objection.

18 THE COURT: Hold on. Hold on, sir, sir.

19 MR. MICHAÏLOS: Speculation. Same objection
20 as before.

21 THE COURT: Overruled. Go ahead.

22 Q. (By Mr. Sarabia) Did the situation between the
23 two of them appear to be tense?

24 A. Very much so. Very much so.

25 Q. Okay. Now, in terms of Megan Brown, was she a

1 good employee for you?

2 A. Yes.

3 Q. Did she show up for all of her shifts up until
4 we get to the August 28th area?

5 A. Yes.

6 Q. Never failed to show up without calling or
7 anything like that?

8 A. No. No. A very good employee.

9 Q. And I want to draw your attention to
10 August 28th of 2014, a Thursday. In the morning hours,
11 did you get some communication from Megan Brown on your
12 phone regarding an incident that had occurred that
13 morning?

14 A. Yes. She had text me.

15 Q. Without telling me what happened, but you did
16 get some communication from her?

17 A. Yes. Yes.

18 Q. And was she informing you about a situation
19 that happened between her and the father of her child?

20 A. Yes.

21 Q. And did you have a couple of back and forth
22 texts and things of that nature in regards to the
23 situation?

24 A. Not at that time.

25 Q. Okay.

1 A. She had texted me and I --

2 Q. And you got back to her later in the
3 afternoon?

4 A. I got back about an hour or so later.

5 Q. Okay. Did there come a point during that day
6 where you actually had voice contact with her?

7 A. Yes.

8 Q. Approximately what time, to the best of your
9 knowledge?

10 A. I'm thinking between 2:00 and 4:00.

11 Q. In the afternoon?

12 A. Yes.

13 Q. Okay. And without going into what was said,
14 was there a discussion about the event that had occurred
15 that morning?

16 A. Just to check on her, and I offered her a safe
17 place, to get with my wife and she could take her son
18 and go to my house.

19 Q. So there was some discussion about --

20 A. Yes.

21 Q. -- about the incident that happened that
22 morning?

23 A. Yes.

24 Q. When she was discussing that incident, what
25 was her demeanor like? Without telling me what was

1 said, how did she sound?

2 A. She was very upset.

3 Q. Was she afraid?

4 A. It sounded like it.

5 MR. VIZCARRA: Objection.

6 THE WITNESS: It sounded like she was scared.

7 THE COURT: Hold on, sir. There's an
8 objection.

9 MR. VIZCARRA: I don't want to make a speaking
10 objection, Judge. Can I approach briefly?

11 THE COURT: You may approach.

12 (Bench Conference.)

13 MR. VIZCARRA: Judge, the answer is a
14 conclusionary statement. I think that's something
15 that's beyond what he heard. What it should be is
16 if it was loud, if it was tense. But her being
17 afraid, that's speculation on his part based on a
18 conclusion drawn. The way he should be testifying
19 to are the reasons first. That lays the foundation
20 as to why he came to that conclusion. So that's my
21 objection.

22 THE COURT: That would call for the hearsay
23 statement that you won't allow him to go into
24 because that would be unlawful. So I assume that
25 the conclusion is based on the conversation. So

1 the request was, based on the conversation, did she
2 seem afraid? The answer is, yes.

3 So unless you want him to go into the entire
4 conversation as a backdrop of why that is true, if
5 that's what you'd like, I'll go ahead and let them
6 do that. If not, the objection will be overruled.

7 MR. VIZCARRA: I'll withdraw it, then.

8 THE COURT: I'm trying my best to not allow
9 the witnesses to testify to what Miss Brown said
10 but still allow the State to go into that she was
11 afraid, that she was upset.

12 Those are the kinds of things that are -- he's
13 basically talking about her demeanor and her
14 emotional state without going into the words that
15 she used. And that seems the State's been pretty
16 strict with that, that they're going to try and get
17 without going into hearsay.

18 So if your objection is that it calls for
19 speculation, it will be overruled. That's his
20 opinion. People are allowed to say, I thought so
21 and so was afraid or happy or sad or tense or mad
22 without going into the hearsay statement. So I
23 understand your objection. It will be overruled.

24 MR. SARABIA: And, Judge, if I could just lay
25 a record. I did speak to Mr. Michailos about this

1 particular witness in this line of questioning
2 before I know Mr. Vizcarra made the objection, but
3 I told Mr. Michailos I was going to try and lead
4 him a little bit.

5 Because the statement that was made within
6 this conversation was, "The defendant keeps
7 threatening that he's going to come back and kill
8 me and I'm really afraid," so I am trying to avoid
9 bringing that up.

10 MR. MICHAIILOS: Judge, we have no problem with
11 him leading.

12 MR. SARABIA: Okay. But I just want the
13 record to be clear that that's why I'm conducting
14 the questioning the way that I'm doing it.

15 THE COURT: Right. So he's not going into
16 what she said. He's just saying, "Did she seem be
17 afraid? Yes."

18 So I understand your objection and I'm
19 overruling it, as long as the State keeps it into
20 feelings and thoughts and not what she said.

21 MR. MICHAIILOS: I can't imagine any more
22 feelings coming out. I think it's cumulative. I
23 mean I don't know what else there is to get out of
24 this witness. So we don't need to keep talking
25 about how afraid she was. I think it's becoming a

1 feature of the trial at this point.

2 THE COURT: Are you telling the State how to
3 ask the witnesses questions? Because I'm sure you
4 have your own.

5 MR. MICHAÏLOS: I'm just concerned and I'm
6 asking Your Honor if you would agree with me on
7 that.

8 THE COURT: Well, I disagree, because we're
9 passed the incident and now we're into the last --
10 I would assume this is the last person that spoke
11 to Megan Brown alive, as far as we know.

12 MR. SARABIA: He's the last person that I'm
13 aware of who spoke to Megan Brown alive.

14 THE COURT: We're at a timeframe situation
15 here. We already had the police at the house. We
16 already had the police leave the house. We already
17 had the police at the house a second time; the
18 police has left the house. Megan is not heard from
19 again, I guess, after this guy. So if they want to
20 put on some testimony, I'm good with that. Okay?

21 (Open Court.)

22 THE COURT: Mr. Sigler, I know you've probably
23 never done this before, but if someone says
24 objection, you have to stop.

25 THE WITNESS: I'm sorry.

1 THE COURT: But it's no a problem.

2 The objection is overruled. If you want to
3 reask the question, you may do so.

4 MR. SARABIA: Yes.

5 Q. (By Mr. Sarabia) And in that conversation, did
6 Megan Brown appear to be afraid or sound afraid to you,
7 based on what you heard?

8 A. Yes.

9 Q. Okay. Now, is that the last time you ever
10 spoke to Megan Brown?

11 A. Yes. Yes, it is.

12 Q. Now, later that afternoon/evening, did you
13 attempt to reach out to her?

14 A. Yes.

15 Q. With the phone?

16 A. Yes.

17 Q. Did you ever get any responses?

18 A. No.

19 Q. Did you know at that time that she was hanging
20 around with Nicholas Leonard some?

21 A. Yes.

22 Q. Did you try and reach out to him?

23 A. Yes, I did.

24 Q. To try to reach Megan?

25 A. Yes, I did.

1 Q. Were you concerned about her?

2 A. Yes. Yes, sir.

3 Q. And did Nicholas Leonard ever respond?

4 A. No. Neither one of them.

5 Q. And did Megan Brown have a shift on Saturday,
6 which would be August 30th of 2014, that she failed to
7 appear for?

8 A. Yes. I believe so.

9 Q. Okay. And she didn't call and let you know
10 that she wouldn't be coming?

11 A. No.

12 Q. She didn't give you any contact in advance?

13 A. No.

14 Q. Okay. Now, the discussion you had with Megan
15 and the incidents she was relaying to you on
16 August 28th, were other people that frequented the
17 Fisherman's Shack aware of that through conversation?

18 A. Yes. I believe Tonya was, yes.

19 Q. Okay. And there was other patrons or regulars
20 that may have heard things about it too because it was
21 the topic of conversation?

22 A. I'm not real sure about that because I wasn't
23 there.

24 Q. Okay. Now, on August 28th, 2014, were you
25 aware that Megan's vehicle was still at the Fisherman's

1 Shack from the night before?

2 A. Yes.

3 Q. And were you aware that it was there still the
4 following day?

5 A. Yes.

6 Q. Friday, August 29th?

7 A. Yes.

8 Q. And were you aware that you had some of your
9 employees blocking that vehicle in so that --

10 A. Yes.

11 Q. -- if anybody came and picked it up, they'd
12 have to --

13 A. We were concerned --

14 THE COURT: You have you let him finish the
15 question before you answer. Go ahead.

16 Q. (By Mr. Sarabia) She's typing everything down.
17 So if you and I speak at the same time, she's going to
18 strangle one of us.

19 A. Oh, okay.

20 THE COURT: It will probably be him because
21 you're the witness.

22 Q. (By Mr. Sarabia) And so over the next -- the
23 Friday and Saturday, the employees were keeping an eye
24 on the vehicle?

25 A. Yes.

1 Q. And then on Saturday that vehicle was gone, as
2 far as you knew?

3 A. Yes.

4 Q. Okay. And eventually September 4th, 2014, you
5 heard about all the stuff that happened up the road on
6 Old Dixie Highway?

7 A. Yes, we did.

8 Q. Law enforcement, they came and talked to you
9 and some of the employees about the situation?

10 A. Yes.

11 MR. SARABIA: Okay. I don't have any more
12 questions for this witness, Judge.

13 THE COURT: All right.

14 MR. MICHAILOS: No questions, Your Honor.

15 THE COURT: All right. Sir, you may step
16 down.

17 Is he released from his subpoena, State?

18 MR. SARABIA: Yes, Judge.

19 THE COURT: Defense, any objection?

20 MR. MICHAILOS: No, Your Honor.

21 THE COURT: Sir, you are free to go and you're
22 released from your subpoena. Thank you very much.

23 MR. LABRUZZO: If we can have one moment? I'm
24 sorry.

25 THE COURT: With the witness?

1 MR. LABRUZZO: No, no, no. We're making a
2 decision, Judge.

3 THE COURT: Okay. This is where I play
4 Jeopardy music in my head, but I don't think I
5 should say it out loud.

6 Are we ready to call our next witness?

7 MR. LABRUZZO: We are, Judge. Thank you.

8 THE COURT: State, call your next witness.

9 MR. LAWHORNE: Dan Miller.

10 THE COURT: Dan Miller.

11 Good afternoon, Mr. Miller. If you want to
12 come on up to the podium right here. You can stop,
13 raise your right hand, and be sworn by my clerk.

14 DAN MILLER,

15 a witness herein, being first duly sworn, was examined
16 and testified as follows:

17 THE COURT: All right. Sir, please have a
18 seat in the witness stand. Speak in a loud and
19 clear voice for me.

20 State, you may proceed.

21 MR. LAWHORNE: Thank you, Judge.

22
23 DIRECT EXAMINATION

24 BY MR. LONGHORN:

25 Q. Good afternoon.

1 A. Good afternoon.

2 Q. Would you please introduce yourself to the
3 jury.

4 A. Dan Miller. I'm with NAPA Auto Parts.

5 Q. And how long have you worked for NAPA in some
6 variation?

7 A. Twenty years now.

8 Q. And what is your current job with the company?

9 A. Currently the store manager.

10 Q. And in 2014, what was your job?

11 A. I was a district loss prevention manager.

12 Q. And did you have another title as well?

13 A. District Operations Manager.

14 Q. Okay. And can you give us a brief description
15 of what your job duties entailed back then?

16 A. We had 86 stores. Anything to do with
17 financial operations, staffing, loss prevention,
18 inventory, I was in charge of all that for the entire
19 district.

20 Q. And let's go back to October 28th, 2014. Do
21 you recall meeting with a Detective Cougill of the Pasco
22 County Sheriff's Office on that day?

23 A. Yes.

24 Q. And the interaction with Detective Cougill,
25 did he provide you a dollar amount for a transaction?

1 A. Yes.

2 Q. And did he asked you if you could look that up
3 in your system and locate what was purchased and when it
4 was made?

5 A. Yes.

6 Q. And is that something you're able to do?

7 A. Yes.

8 Q. So how does your system work for creating
9 those records? Are they automatically done when a
10 transaction occurs and then stored into the computer?

11 A. It's automatically done with any transaction.
12 It records a copy of every single invoice.

13 Q. And then you have the ability to go back into
14 it and search by a number of variables, date or a dollar
15 amount or a credit card number, stuff like that, to
16 locate a transaction?

17 A. Yes.

18 Q. And when you do that, are you able to print a
19 copy of the invoice?

20 A. Yes.

21 Q. And the dollar amount that Detective Cougill
22 gave you, was it \$3.72?

23 A. Yes.

24 Q. And did he ask you for a transaction in that
25 amount on August the 28th of 2014?

1 A. Yes.

2 Q. And were you able to locate that particular
3 transaction?

4 A. Yes.

5 Q. And were you able to print out an invoice to
6 give Detective Cougill?

7 A. Yes, I was.

8 MR. LAWHORNE: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 MR. LAWHORNE: I've shown Defense. And for ID
12 this is 564.

13 Q. (By Mr. Lawhorne) Can you tell me what that
14 document is?

15 A. That would be the reprint of the invoice.

16 Q. And is that a true and accurate copy of the
17 business record that your store created at the time?

18 A. Yes.

19 Q. Now, does your store have cameras, security
20 cameras?

21 A. Yes.

22 Q. And were you able to go back to the security
23 cameras and print out some screen captures or screen
24 shots for that same time to document that particular
25 transaction?

1 A. Yes.

2 Q. And I'm showing you what has been marked for
3 identification purposes as State's 14. Could you tell
4 us what that is?

5 A. That is a picture from our surveillance
6 system.

7 Q. And is that the same copy you provided to
8 Detective Cougill?

9 A. Yes, it is.

10 Q. And is this documenting the transaction that
11 we mentioned earlier, the \$3.72?

12 A. Correct. It's from the same timestamp as the
13 transaction.

14 Q. And this is a true and accurate copy of the
15 recording that was created?

16 A. Yes.

17 MR. LAWHORNE: Your Honor, at this time we
18 would like to introduce State's 14 and State's 564
19 into evidence.

20 THE COURT: Any objection?

21 MR. MICHAÏLOS: No, Your Honor.

22 THE COURT: All right. 14 and 564 will come
23 in as evidence.

24 Q. (By Mr. Lawhorne) Mr. Miller, in this
25 photograph there are three people visible, two of them

1 completely and one of them you can only partly see. Do
2 you recognize any of the people in that photo?

3 A. I recognize two of them, yes.

4 Q. And which two do you recognize?

5 A. Bill Kusmac and Jim Shepard, store employees.

6 Q. And the two in the blue shirts?

7 A. Yes, sir.

8 Q. And do you know this gentleman?

9 A. No.

10 Q. Okay. And the transaction, the items that
11 were purchased, what were they?

12 A. A spark plug and a spark plug gapper.

13 Q. Would you mind explaining to the jury with a
14 spark plug gapper is?

15 A. A spark plug gapper is a small round disk with
16 ramp on it. So when you have a spark plug, you can turn
17 the ramp to adjust the amount of gas so the spark plug
18 fires correctly.

19 Q. Is it roughly a coin-shaped tool?

20 A. Yes.

21 Q. And is this a spark plug gapper?

22 A. Yes.

23 Q. And does that appear to be something that NAPA
24 would sell?

25 A. That is exactly the brand we sell.

1 Q. Does that look like the bar code?

2 A. Yes.

3 MR. LAWHORNE: Your Honor, may I show the
4 jury?

5 THE COURT: You may. What is it marked?

6 MR. LAWHORNE: This is in evidence already as
7 State's 302.

8 THE COURT: Thank you.

9 MR. LAWHORNE: May I have just one moment?

10 Q. (By Mr. Lawhorne) And, Mr. Miller, I don't
11 believe it's on there, but just to confirm, does this
12 invoice copy contain the payment information?

13 A. Not on a reprint, no, it doesn't.

14 MR. LAWHORNE: Okay. Thank you. We have no
15 further questions, Judge.

16 THE COURT: Any cross?

17 MR. MICHAÏLOS: No, Your Honor.

18 THE COURT: All right. Mr. Miller, thank you
19 very much, sir. You may step down.

20 State, is he released from his subpoena?

21 MR. LAWHORNE: He is.

22 THE COURT: Defense, any objection?

23 MR. MICHAÏLOS: No, Your Honor.

24 THE COURT: All right. Mr. Miller, you can
25 leave and you are released from your subpoena.

1 Thank you very much.

2 State, are you ready to call your next
3 witness?

4 MR. LAWHORNE: We are.

5 THE COURT: All right.

6 MR. LAWHORNE: The State would call Ron
7 Pratser.

8 THE COURT: Last name one more time.

9 MR. LAWHORNE: Pratser.

10 THE COURT: Thank you.

11 Mr. Pratser, if you want to step up to the
12 podium for me, sir.

13 THE WITNESS: Okay.

14 THE COURT: Stop right there. Raise your
15 right hand and be sworn by my clerk.

16 RON PRATSER,

17 a witness herein, being first duly sworn, was examined
18 and testified as follows:

19 THE COURT: All right. Please have a seat in
20 the witness stand. And speak in a loud and clear
21 voice for me. Okay?

22 THE WITNESS: Yes.

23 THE COURT: State, you may proceed.

24 MR. LAWHORNE: Thank you, Judge.

25

1 DIRECT EXAMINATION

2 BY MR. LAWHORNE:

3 Q. Good morning -- good afternoon. Yes,
4 afternoon. I just took lunch. I should get that right.

5 Would you please introduce yourself to the jury.

6 A. Yes. My name is Ron Pratser. I'm the store
7 manager of store number 7466. It's 14217 U.S. Highway
8 19, it's on Hudson and 19.9 Q. And let me ask you to speak a little bit
10 slower because she's typing everything down.

11 A. Okay.

12 Q. And we don't want to wear her fingers out
13 hopefully.

14 A. Sorry.

15 Q. That's all right. I do it too. I may be the
16 worst offender in the room.17 So where are you employed? You just told us that,
18 didn't you?

19 A. Walgreens.

20 Q. Okay. And what do you do for Walgreens?

21 A. I'm the store manager.

22 Q. How long have you worked there?

23 A. At that store, I've been there about four
24 years.

25 Q. Okay. Were you employed there in August of

1 2014?

2 A. Yes.

3 Q. And as the store manager, I assume you have
4 your hands in pretty much in all aspects of operations?

5 A. Yes, I do.

6 Q. And does your store have security cameras?

7 A. Yes.

8 Q. And can you give us a basic description of how
9 they operate?

10 A. Basically we have several cameras around the
11 store, and they're all saved on basically a DVR. And at
12 any time we need to look into them, we can bring up any
13 of the cameras from different angles.

14 Q. And you can search by date and time to locate
15 that?

16 A. Date and time, yes.

17 Q. And then once you picked the time and the date
18 that you want to look at, do you have the ability to
19 export that as a video?

20 A. Yes, I do.

21 Q. Okay.

22 A. To see.

23 Q. And as far as store transactions, if somebody
24 goes into your store and makes a purchase, is that
25 documented or captured in any way?

1 A. Yes, it is. In an electronic journal. So you
2 can look up anything by, say, the debit or credit card
3 number or transaction number.

4 Q. And once you've looked that up, do you have
5 the ability to print those records out?

6 A. Absolutely, yes.

7 Q. I think you call it a journal entry? Is that
8 how it works?

9 A. Electronic journal, yes.

10 Q. Electronic journal.

11 A. Yes. It's just a copy of your receipt
12 basically.

13 Q. And do you recall meeting with the Pasco
14 County Sheriff's Office and pulling up some surveillance
15 video and also a transaction receipt or electronic
16 journal entry on the Adam Matos's case?

17 A. Yes.

18 Q. And did you provide a copy of the surveillance
19 video for August 28th, 2014, in the 12:00, 12:10
20 timeframe?

21 A. Yes, I did.

22 MR. LAWHORNE: Your Honor, may I approach the
23 witness?

24 THE COURT: You may.

25 Q. (By Mr. Lawhorne) I'm showing you what's been

1 marked for identification purposes as State's 566. Can
2 you tell us what this is?

3 A. Yes. This is the CD that I made for the
4 officer of the time requested.

5 Q. And how do you know that's what it is?

6 A. Because you showed it to me and it's of my
7 store.

8 Q. And did you write on the disk your initials
9 and the date to indicate this is, in fact, the CD you
10 viewed?

11 A. Yes.

12 Q. Okay. And that's written on this disk?

13 A. It's written right there, yes, sir.

14 Q. And this is a true and accurate copy of the
15 surveillance video footage taken from the Walgreens
16 store on August 28th, 2014?

17 A. Yes, it is.

18 MR. LAWHORNE: Your Honor, at this time we
19 would like to introduce this into evidence as
20 State's 566.

21 THE COURT: Any objection?

22 MR. MICHAÏLOS: No, Your Honor.

23 THE COURT: It will be introduced as 566.

24 MR. LAWHORNE: Thank you. And, Your Honor, we
25 are not going to publish at this time.

1 THE COURT: Okay. Just so they're clear.

2 MR. LAWHORNE: Okay.

3 THE COURT: Even though they didn't publish
4 it, it's still in evidence. So you can look at it
5 back there. If they choose to publish it at some
6 other time, they can show it for you.

7 Q. (By Mr. Lawhorne) And did you provide the
8 Sheriff's Office a printout of the journal receipt for a
9 transaction credit card number they gave you?

10 A. Yes.

11 Q. And they gave you a specific number and you
12 were able to type into the system and look it up?

13 A. Correct.

14 Q. The Sheriff's Office provided you a credit
15 card number and you entered that into your system to
16 locate a transaction?

17 A. Correct.

18 MR. LAWHORNE: And may I approach the witness
19 again, Judge?

20 THE COURT: You may.

21 Q. (By Mr. Lawhorne) Is this a copy of the
22 journal receipt that you were able to print?

23 A. Yes, it is.

24 Q. And does that contain part of the credit card
25 number that was provided to you?

1 A. Correct.

2 Q. Would you please read out the portions that
3 are not starred out.

4 A. Yes. It is 473702, and then 9616.

5 Q. And I use the term "starred out," I don't know
6 if that's the proper term, but could you explain to the
7 jury what the other numbers are?

8 A. It's just the other part of the credit card,
9 and that's just so that I couldn't use your credit card
10 for anything else. It's just for security purposes.

11 Q. For security purposes part of the numbers are
12 removed when you print it out?

13 A. Right. For an instance, if you need to look
14 something up, like in this case, you just type in the
15 number and it brings up the transaction. This way it
16 gives me a time, which I can then reference to the
17 video.

18 Q. And what is this purchase for?

19 A. These are for Marlboro cigarettes.

20 Q. And what is the date and time associated with
21 that?

22 A. It's 8/28/2014 at 12:07 P.M. -- or, no. Hold
23 on a second. At 12:09.

24 MR. LAWHORNE: And, Your Honor, at this time
25 we would like to introduce this document into

1 evidence as 567.

2 THE COURT: Any objection?

3 MR. MICHAÏLOS: No, Your Honor.

4 THE COURT: All right. It will come in as
5 567.

6 MR. LAWHORNE: Thank you.

7 Q. (By Mr. Lawhorne) One last thing and we'll get
8 you out of here.

9 I'm going to hand you a small stack of photographs.
10 These are labeled as State's 568, 576, 575, 574, 573,
11 572, 571, 570, 569, and 15. Would you look at these and
12 tell us what they are?

13 A. They are snapshots off of the CD that I burned
14 for the Sheriff's Office. They all have my number on
15 there 7466.

16 Q. When you say your number, you mean the store
17 number?

18 A. The store number is on there.

19 Q. Okay.

20 A. So that you can clearly see it's my store.

21 Q. And these are all true and accurate copies of
22 what appears in the video?

23 A. Yes, sir.

24 MR. LAWHORNE: Now, Your Honor, at this time
25 we'd like to introduce these into evidence. Would

1 you like me to read the numbers of what they would
2 be?

3 THE COURT: Well, 15, Defense, any objection?

4 MR. MICHAIILOS: No, Your Honor.

5 THE COURT: All right. And the last ones are
6 568 through what?

7 MR. LAWHORNE: 568 through 576, I believe is
8 the list.

9 THE COURT: All right. Any objection to 568
10 through 576?

11 MR. MICHAIILOS: No, Your Honor.

12 THE COURT: All right. They'll be so
13 admitted.

14 MR. LAWHORNE: Your Honor, I'm just going to
15 publish one at this time.

16 THE COURT: That's fine.

17 Q. (By Mr. Lawhorne) Mr. Pratser, on the video
18 still printout and on the video as well, there appears
19 to be a timestamp along with your store number?

20 A. Correct.

21 Q. And are your timestamps generally accurate?

22 A. Yes.

23 Q. Okay.

24 MR. LAWHORNE: Judge, one second. We have no
25 further questions, Judge.

1 THE COURT: All right. Defense, any cross?

2 MR. MICHAIILOS: No, Your Honor.

3 THE COURT: All right. Mr. Pratser, you may
4 step down. Thank you, sir.

5 THE WITNESS: Thank you.

6 THE COURT: State, may he be released?

7 MR. LAWHORNE: He may.

8 THE COURT: All right. Defense, any
9 objection?

10 MR. MICHAIILOS: No, Your Honor.

11 THE COURT: All right. Sir, you're released
12 from your subpoena. Thank you very much.

13 THE WITNESS: Thank you.

14 THE COURT: State, call your next witness.

15 MR. LABRUZZO: Yes, Your Honor. The State
16 would call Jaclyn Angelo.

17 THE COURT: Good afternoon, Ms. Angelo. If
18 you want to step up to the podium for me. Stop
19 right there. Raise your right hand and be sworn by
20 my clerk.

21 JACLYN ANGELO,

22 a witness herein, being first duly sworn, was examined
23 and testified as follows:

24 THE COURT: All right. Please have a seat in
25 the witness stand. And speak in a loud and clear

1 voice for me.

2 THE WITNESS: Yes.

3 THE COURT: State, you may proceed.

4 MR. LABRUZZO: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. LABRUZZO:

7 Q. Good afternoon, ma'am. Could you please turn
8 to the ladies and gentlemen of the jury and introduce
9 yourself by stating your name.

10 A. My name is Jaclyn Angelo. And the last name
11 is spell A-n-g-e-l-o.

12 Q. And, Ms. Angelo, where do you work?

13 A. I'm a crime laboratory analyst for the Florida
14 Department of Law Enforcement in Tampa in the biology
15 section.

16 Q. All right. We've had some analysts testify
17 yesterday from FDLE. You mentioned that you work in the
18 biology section, correct?

19 A. That's correct.

20 Q. Could you just give a brief description of
21 what is done in the biology section?

22 A. I examine items of evidence for potential DNA
23 sources such as blood, semen, saliva or shed skin cells,
24 epithelial cells. I develop DNA profiles from items of
25 evidence and I compare them to DNA profiles from known

1 individuals.

2 Q. Okay. How long have you been doing that?

3 A. I've been doing DNA work since the fall of
4 2011, and I've been working for FDLE since the spring of
5 2007.

6 Q. All right. Let's talk a little bit about your
7 educational background that allows you to do this work
8 in DNA.

9 Can you describe for the jury what kind of
10 education you have undergraduate and other graduate
11 courses?

12 A. I earned a Bachelor's of Science from the
13 University of Florida in animal sciences. That included
14 course work in genetics, biochemistry, molecular biology
15 and statistics. In addition, I took training at the
16 Florida Department of Law Enforcement in forensic
17 serology and DNA.

18 Q. All right. And outside of that coursework,
19 have you taken coursework specifically related to DNA
20 analysis?

21 A. The coursework at FDLE was specific to
22 forensic DNA. In addition, I do continuing education
23 every year since 2011.

24 Q. All right. And can you describe for this jury
25 what is forensic serology?

1 A. Forensic serology is the use of tests to
2 determine potential DNA sources, typically blood, semen
3 and saliva.

4 Q. All right. And when we refer to the term
5 "forensic DNA," what are we referring to?

6 A. That's more specific to the branch of
7 forensics that deals with the development of DNA
8 profiles and comparison of DNA profiles.

9 Q. Okay. And through your time with FDLE, I
10 imagine you've performed analysis in DNA a number of
11 times, correct?

12 A. I have analyzed at this point over 5,000
13 samples since 2011.

14 Q. And when you do that analytical work, do you
15 prepare reports that outline what you've done?

16 A. Yes, I do. I prepare reports for all of my
17 results.

18 Q. At the Florida Department of Law Enforcement,
19 when you prepare a report, is it given a unique number
20 identifying the case for which you're working on?

21 A. Yes. Each case, no matter if it came from a
22 police agency or a Sheriff's Office, is given a unique
23 FDLE number.

24 Q. And in the case that we're going to talk about
25 in a few minutes, was a unique case number given to that

1 case?

2 A. Yes. 2014-0307905.

3 Q. And if there was evidence that you actually
4 analyzed and looked at, would you place a label on it
5 that would indicate FDLE and the case number for which
6 you just said?

7 A. Yes. That's correct.

8 Q. All right. I'd like to take a second and talk
9 about FDLE as a laboratory. All right. Is there
10 certain qualifications or certifications that the
11 laboratory itself maintains?

12 A. The laboratory is accredited by ASCLD/LAB,
13 which is short for the American Society of Crime
14 Laboratory Directors/Laboratory Accreditation Board,
15 which is mercifully short for ASCLD/LAB.

16 We've been credited by them since 1990. They are
17 one of the sources of standards for quality forensic
18 work, and we are audited by them.

19 Q. All right. They ensure that the work that you
20 do as it relates to DNA work is a standard with other
21 agencies across the United States?

22 A. That is correct.

23 Q. All right. During the time in which the
24 casework for which you're going to talk about, was the
25 laboratory accredited?

1 A. Yes, it is. FDLE has always maintained
2 accreditation since 1990.

3 Q. Separate from your accreditation, are there
4 certain quality assurance measures that the laboratory
5 may go to through to make sure that there is standard
6 quality work that you do?

7 A. Specific to the DNA section, the FBI also has
8 separate standards for DNA analysis. In addition to
9 that, FDLE also has developed their own protocols based
10 on scientific procedures and literatures on how to
11 conduct DNA analysis.

12 Q. Let's just follow the path of a piece of
13 evidence, just a hypothetical piece of evidence but one
14 similar to a case like this.

15 If a law enforcement agency collects a bag of piece
16 of evidence and then they want to submit it to you for
17 the purposes of analysis, someone from the agency brings
18 the evidence down to your laboratory in Tampa; is that
19 correct?

20 A. That's correct.

21 Q. Can you walk the jury through the process that
22 the evidence would follow as it goes from being brought
23 to the laboratory to you?

24 A. So a representative from the agency will
25 submit the evidence into the evidence section. Their

1 evidence technicians will ensure that everything is
2 sealed properly, evidence tape and things like that.

3 Each individual item is also given a unique FDLE
4 number associated with that case. Currently we use a
5 combination of bar codes and RFID sensors.

6 The evidence technicians place the evidence in the
7 evidence vault that they only have access to. When I'm
8 ready to retrieve evidence, there's an electronic
9 transfer that records the transfer from the evidence
10 technicians to myself, then I place it in my own
11 personal locker.

12 Q. All right. Is there a limit to how many
13 pieces of evidence that you can request at a particular
14 time?

15 A. No.

16 Q. Okay. If you were going to be performing an
17 analysis, would you request all the evidence or would
18 you just ask for one piece individually?

19 Let me rephrase that. Let's step back and maybe
20 we'll get there a different way. As far as the
21 cleanliness of your laboratory, are there certain
22 quality assurance for procedures that you follow to make
23 sure that your laboratory is clean?

24 A. Yes. First of all, one piece of evidence is
25 open at a time. That prevents any interference from one

1 item of evidence to another.

2 I also wear personal protective gear such as a lab
3 coat, mask, gloves, things like that. In addition, work
4 surfaces and instruments, even pens and pencils and
5 scissors and other tools are sterilized in between
6 items.

7 Q. And why do you do all that?

8 A. That is to prevent an accidental transfer of
9 DNA either from myself to the evidence or from one item
10 of evidence to another.

11 Q. And you mentioned that you only open one piece
12 of evidence at a time. Why is that?

13 A. Again, to prevent any sort of transfer from
14 one item of evidence to another.

15 Q. All right. Let's take a moment to step back
16 and talk to us about what is DNA, and if you could give
17 the jury a description about what DNA is?

18 A. DNA is a molecule found in almost every cell
19 in your body, the big exception is red blood cells. You
20 inherit half from each parent. The purpose of DNA is to
21 basically code for all the life processes that make you
22 a living human being.

23 The bulk of your DNA is consistent between human to
24 human, things like that. There's a small fraction of
25 DNA that varies from person-to-person. By looking at

1 the areas that vary from person-to-person, in forensics
2 you can use that to develop a DNA profile and then use
3 that to compare evidence to known samples.

4 Q. Is DNA different -- I guess you've kind of
5 answered that. But is DNA different from human to
6 human?

7 A. That's correct.

8 Q. And the areas that you look at, how is it that
9 you know to look in those areas?

10 A. Well, in forensic DNA the areas that we look
11 at are called short tandem repeats or STRs. There are
12 segments of DNA at specific locations, sometimes they're
13 called areas, loci. They're basically addresses on the
14 DNA.

15 Some of those areas repeat, and the number of times
16 it repeats varies from person-to-person. If you think
17 of your DNA as a famous book, it was the best, best,
18 best of times, it was the worst of times. The number of
19 times best repeats can vary from person-to-person.

20 So to use DNA in forensics, it's easy to look at
21 the length of those STR repeating units and measure how
22 long or how short they are.

23 A DNA profile, once it's developed, it's just
24 listing that loci or that address and then listing the
25 number of STR repeating units associated with that area

1 for that particular individual to other people.

2 Q. These loci and address you talk about, is
3 there a standard place to look for these STRs?

4 A. There are lots of STR areas located just in
5 human genetics and animal genetics as well. The FBI has
6 basically, among other groups, looked to see what areas
7 show a high variability, because that would be ideal for
8 developing a DNA profile, and areas where we can develop
9 a chemistry kit to analyze those areas. So they're
10 common nationwide basically.

11 Q. All right. What is PCR and what does that
12 mean?

13 A. PCR is the polymerase chain reaction. It's
14 been around since the mid-'80s, and it's basically a way
15 to copy DNA. Specific areas are targeted for DNA
16 replication, and those areas that are targeted have the
17 STR repeating units within them. So in a few hours we
18 can go and get several million copies of a particular
19 area that we need to look at.

20 Q. All right. I'd like for you to kind of walk
21 the jury through, if you were given a sample and let's
22 just say in this case it's blood, what are the steps
23 that you would go through in performing your analysis?
24 If I were to give you a sample, what would you do?

25 A. Most of what's going on is taking place inside

1 small sterile tubes, just to give you an idea. But
2 basically the sample is added to a tube, and the first
3 step is to extract the DNA from the rest of the cellular
4 debris.

5 After that extraction, which is done using
6 chemicals very similar to detergents basically, after
7 that DNA is extracted and separated out from the
8 cellular material, it goes through PCR so that those
9 copies are made of those targeted areas.

10 After the PCR process, it goes through a separate
11 instrument called a genetic analyzer, which then has a
12 very special camera and laser and gel that can actually
13 measure the length of the DNA.

14 That data is presented on the computer very similar
15 to an electro --excuse me, an EKG chart. So it looks
16 like peaks on a graph.

17 Because STR repeating units are just a number, it's
18 a number of repeating segments, that can easily be
19 converted to something like an Excel spreadsheet that
20 gives the location on the DNA strand and then the number
21 of repeating units.

22 Q. All right. And when you're in the laboratory,
23 you're handling it and following it down throughout that
24 entire process; is that correct?

25 A. That is correct.

1 Q. All right. And you mentioned earlier having a
2 known sample and an unknown sample. Can you just
3 describe for this jury what the value of having a known
4 sample is and how that relates to having an unknown
5 sample?

6 A. Unknown samples are typically the items of
7 evidence, they're usually of unknown origin. A known
8 sample is a sample of known origin usually associated
9 with an individual.

10 The most common way is a buccal swab, which is a
11 swab from the inside of the cheek. It's a very good
12 source of DNA. Alternatively you can also use blood
13 draws and things like that.

14 The importance is because once the DNA profiles are
15 developed, it is important to compare any known profiles
16 to any unknown profiles just to see if there's any
17 consistency or matching.

18 Q. All right. If you have a known profile and
19 then you have an unknown profile that you developed, are
20 you able to come to some sort of relationship between
21 the two as it relates to statistics?

22 A. Yes. Statistics are important in forensic
23 DNA, because once a match between an evidence sample and
24 a questioned sample -- excuse me. A questioned sample
25 and a known sample occurs, the next question is how

1 significant is that match.

2 If you think about something like blood-typing, if
3 you find out that an evidence sample is O positive and
4 so is a suspect's, for example, that's not very unique.
5 There's a very large amount of the population that has
6 O positive blood.

7 Because there are so many STR areas to look at and
8 each one has so many repeating units, it's easy to
9 calculate how rare or how common a particular repeating
10 unit is. So statistics can be used to show how rare and
11 unique the entire profile is overall.

12 Q. All right. And I would imagine you have
13 specific casework as it relates to statistics?

14 A. Yes. I did take statistics in undergrad. And
15 in addition to that, at FDLE one of the training modules
16 concerns statistics, reading scientific literature on
17 how to do basically genotype frequencies and things like
18 that.

19 Q. All right. Ultimately -- and, again, we're
20 talking right now just hypothetically about a known
21 sample and an unknown sample -- if you were to determine
22 that they match, you would be able to provide some
23 statistical evaluation of that match, correct?

24 A. That's correct.

25 Q. To do that you've kind of outlined that you

1 have to have a background in statistics, but there's
2 also a whole bunch of other stuff related to the
3 population as a whole and the databases related to that,
4 correct?

5 A. That's correct. Obviously I need a source to
6 find out how rare and unique a particular STR repeating
7 unit is; for example, at Pho I know I'm at 1.3 -- or a
8 9.3, which is in about 30 percent of the Caucasian
9 population.

10 The source for a population database actually comes
11 from the Journal of Forensic Science. It was a
12 population database published in 2003. And they
13 examined several hundred individuals, developed their
14 DNA profiles, and then just looked to see how common or
15 rare certain STR repeats were.

16 Q. Is that the database that you use with FDLE?

17 A. Yes. For this case.

18 Q. Okay. And where were the samples collected
19 from that are used in that database?

20 A. We have several databases. I believe this one
21 involved blood bank donations.

22 Q. Okay.

23 A. And I believe there are other sources, but I
24 cannot remember at this time.

25 Q. The samples that are collected to use in a

1 database, do you know the number of samples that were
2 collected for that?

3 A. Roughly 600.

4 Q. Okay.

5 A. About 200 from Caucasian, African-American,
6 and Hispanic populations.

7 Q. All right. And is that representative of a
8 population, those numbers?

9 A. Yes.

10 Q. All right. And if someone were to provide a
11 sample, like you said, and if they were to say that they
12 were African-American, how is that racial background
13 identified?

14 A. I believe for this database I know
15 self-declared was one of it. I think also there could
16 have just been some note-taking by the person drawing
17 the blood.

18 Q. Okay.

19 A. And the reason for that is within populations
20 there can be a small difference between a frequency
21 representation.

22 Q. Okay. The database input for which you use at
23 FDLE, is that a published database?

24 A. Yes. It was published in 2003, in the Journal
25 of Forensic Science.

1 Q. And when it's published in the Journal of
2 Forensic Science, is it subject to peer reviews?

3 A. Yes, it is.

4 Q. And has that been done?

5 A. Yes.

6 Q. Okay. When you're performing your statistical
7 analysis, how is it determined that a particular
8 database is suitable for statistical analysis?

9 A. There are several out there. And really the
10 goal is just does it have a large enough sample size,
11 which this one does, to represent the population.
12 That's really about it.

13 Q. If I were to ask you about the term what the
14 Hardy-Weinberg equilibrium is, what does that mean and
15 how does that relate to the database?

16 A. Basically that's part of population genetics
17 that allows us to use a formula at each loci to
18 determine the genotype frequency. It requires all of
19 those STR loci to be independently inherited from your
20 parents to the children, that happens.

21 It also requires a random assortment with mating.
22 Humans do not mate randomly. However, in this case,
23 with STR repeats, that's a silent trait that's not
24 manifested physically. So with regards to STR typing,
25 we can apply Hardy-Weinberg to that.

1 Q. Okay.

2 A. It's basically the math formula that allows us
3 to determine frequencies.

4 Q. And you're familiar with the formulas and you
5 know how to use them?

6 A. Yes.

7 Q. All right. What is linkage equilibrium?

8 A. Kind of what I was mentioning how a loci,
9 basically STRs are inherited independently. When
10 cellular division happens, your DNA packs itself into
11 chromosomes, and that's how it stores around the cells.

12 Well, if you have two areas on the same chromosome
13 that could be inherited together, they're sort of
14 piggy-backing on each other. So ideally, with linkage
15 equilibrium, you want to make sure that your STR
16 markers are located far away enough that that doesn't
17 happened.

18 So, again, you can still apply the math rules
19 involved. That's one reason why, even though there's
20 hundreds of STR areas that we could look at, we don't
21 look at all of them because some of them are too close
22 to each other.

23 Q. Okay. And my last question about the database
24 and the statistics, could you explain to the jury what
25 the product rule is and how that relates?

1 A. The product rule is basically the math used to
2 combine all the frequencies. And it's actually easy to
3 understand even without a genetic background. If I flip
4 a penny, the chances of it going on heads is 50 percent.
5 The chances of me throwing a penny and then a penny
6 again and getting heads twice is 25 percent because
7 that's 50 percent times 50 percent.

8 Because STR repeating units are inherited
9 independently, it's really like throwing a bunch of
10 pennies and counting how many have heads. So each of
11 the frequencies can just be multiplied to each other.

12 Q. All right. Let's now move to what you
13 actually did in this case. All right. We talked about
14 the unique FDLE case number that is associated with your
15 reports.

16 As part of your analysis, were you given a number
17 of different submissions to perform analysis on?

18 A. Yes, I was. There's multiple submissions.

19 Q. All right. And when you prepare a report,
20 based on the submission, each report would have a date;
21 is that correct?

22 A. That's correct.

23 Q. All right. So for the purposes of our
24 testimony today, I'm going to refer to some of your
25 reports by date. Okay?

1 A. Perfect. May I refer to my notes when this is
2 going on?

3 THE COURT: Yes, you may.

4 THE WITNESS: Thank you.

5 Q. (By Mr. Labruzzo) All right. You mentioned
6 that there were some standards that you would need as
7 part of your analysis, correct?

8 A. That's correct.

9 Q. Let's start there. Did you receive some
10 standards for the purposes of developing a profile?

11 A. Yes, I did.

12 Q. All right. And just so the jury is clear, the
13 analysis you do is in your laboratory in Tampa, correct?

14 A. That's correct.

15 Q. Do you ever go to a crime scene or did you go
16 to the crime scene involved in this case?

17 A. I never go to crime scenes.

18 Q. Got it. So if you were to receive a piece of
19 evidence, it has the identification marker that the
20 collecting agency, in this case the Sheriff's Office,
21 would have on it? Yes?

22 A. Yes.

23 Q. And then it would also have a description
24 based on where they collected it, correct?

25 A. Yes. There's usually some sort of description

1 to give an idea of what the item is.

2 Q. All right. I'd like to start talking about
3 the standards that were given to you in reference to a
4 buccal swab from Adam Matos. Okay? And this is
5 referring to your report dated 10/21/14.

6 A. Yes. I have the report now.

7 Q. Okay. Being provided a buccal swab being
8 referenced as being from Adam Matos, were you able to
9 develop a profile related to that buccal swab?

10 A. Yes. I was able to develop a complete
11 profile.

12 Q. All right. And what do you mean by complete
13 profile?

14 A. This particular DNA chemistry kit, which is
15 called Identifiler Plus, looks at 15 STR areas. A
16 complete profile means that information was found at all
17 15 areas. If it was less than 15 areas, that would be
18 considered a partial profile; but this one is complete.

19 Q. Okay. Were you provided a sample which was
20 noted as SM-2, and identified as being rib and muscle
21 tissue from Nicholas Leonard?

22 A. Yes, I did.

23 Q. Were you able to perform some analysis on
24 that?

25 A. Yes, I was.

1 Q. Okay. And were you able to develop a profile
2 based on that sample?

3 A. Yes. That was a partial profile.

4 Q. Okay. And as you just explained, it's not at
5 all 15 loci that you were looking for?

6 A. That's correct.

7 Q. All right. Were you provided a standard from
8 the person of Megan Brown, which was also identified as
9 SM-9?

10 A. Yes. That's correct.

11 Q. All right. Were you able to develop --
12 initially were you able to develop a profile from the
13 sample of Megan Brown?

14 A. Not the first time. I made a second attempt.

15 Q. Okay. And when you made a second attempt,
16 were you able to develop a profile?

17 A. Yes.

18 Q. Was it a complete or partial profile? I'll
19 ask you to refer to your report 12/4/14. And, I guess,
20 the reason I'm asking you to refer to specific dates is
21 because you did a number of reports in this case,
22 correct.

23 A. Yes, that's correct.

24 Hers is also a partial profile.

25 Q. Okay. And were you able to develop a profile

1 from a sample that was given to you represented as
2 SM-14, the rib and muscle tissue of Margaret Brown?

3 A. I have that listed SM-15.

4 Q. Yes. SM-15. Forgive me if I said something
5 different.

6 A. Yes. That was a complete profile.

7 Q. Okay. And were you able to develop a profile
8 from a sample identified as SM-17, rib and muscle tissue
9 from Greg Brown?

10 A. Yes. I was able to develop a partial profile
11 from that one.

12 Q. Okay. So in this case those were the
13 standards that you would have for the purpose of
14 comparison; is that correct?

15 A. That's correct.

16 Q. All right. Since you have partial profiles as
17 to Megan Brown and Greg Brown, how does that affect your
18 ability to do comparisons? Does it have a significant
19 impact?

20 A. Not a significant impact. Any time a standard
21 has a partial profile, when it is compared to an
22 evidence sample, a match can still be declared. That's
23 not a problem.

24 When it comes to do the statistics, I do not
25 include any math for the areas where no comparison could

1 be made because it was a partial profile. So if at one
2 particular area the sample didn't produce any results,
3 no math would be applied to that area.

4 Q. All right. Since we're talking about the
5 actual persons and the samples that were collected from
6 them, let's talk about samples that were collected from
7 the person of Adam Matos. Okay?

8 I want to refer to your report 10/21 of '14. Were
9 you provided a number of samples that were represented
10 as coming from the person of Adam Matos?

11 A. Yes.

12 Q. All right. I'll refer to them as -- we'll do
13 4-DW, which was represented as being from the right
14 toenail clippings of Adam Matos; and 5-DW, the left
15 toenail clippings of Adam Matos. Were you able to
16 analyze those and determine if there was a profile?

17 A. I'm sorry. Did you say 4-DW and 5-DW?

18 Q. I said 4-DW and 5-DW.

19 A. I did develop some DNA profiles from that.

20 Q. Okay. And what can you tell about the DNA
21 profiles that you were able to develop?

22 A. For the right toenails a complete DNA profile
23 was obtained, but there was nothing foreign to Adam
24 Matos on that sample.

25 Q. What does that mean when you say there's no

1 foreign profile in a sample?

2 A. In general, when an item comes from an
3 individual and there's additional DNA that's not
4 consistent with that individual, that's typically called
5 a foreign DNA profile. So in this case everything in
6 the results was consistent with the person that the
7 sample came from.

8 Q. Okay. And that is for both the right and left
9 toenails, correct?

10 A. With the left toenails, there was some very
11 low level data that was present, but it wasn't suitable
12 for comparison.

13 Q. Okay. And what does that mean?

14 A. DNA results can sometimes be like a speaker,
15 where you can hear music, and if there's not a lot of
16 original sample, it's like having the volume very, very
17 low. You can tell there's music playing, but you really
18 can't make out a specific song. So in this case there
19 is in low level data, but it wasn't anything to make a
20 comparison to.

21 Q. Okay. I'd now like to ask you about a sample
22 that was provided to you identified at 8DW, fingernail
23 scrapings from Adam Matos.

24 A. I developed partial DNA profiles from those,
25 and nothing foreign to Adam Matos were found on those

1 scrapings.

2 Q. Okay. I'd now like to refer you to the
3 samples that were submitted to you as being from the
4 person of Margaret Brown, and this was referenced in a
5 report you created dated April the 23rd of 2015.

6 A. Okay.

7 Q. All right. Were you presented with two
8 samples or two items, one being identified as SM-34,
9 fingernail cuttings from Margaret Brown, the right hand;
10 and then SM-35, fingernail cuttings from Margaret
11 Brown's left hand. Were you able to develop a profile
12 as it relates to that?

13 A. I was able to develop DNA profiles from those
14 samples, but nothing foreign to Margaret Brown were
15 found on those samples.

16 Q. Okay. Were you able to find her DNA, just
17 nothing foreign to her DNA, correct?

18 A. That's correct.

19 Q. All right. Let me also ask you about some
20 samples in that same report that were submitted to you
21 as being identified as being collected from Nicholas
22 Leonard. These are samples that would have come from
23 his hands or his fingernail clippings. Okay?

24 I'm going to ask you to look at samples that were
25 given to you, SM-22, SM-227, SM-21, and SM-228. And

1 these are fingernail clippings from his left and his
2 right hands.

3 What can you tell us about DNA analysis on those?

4 A. The DNA results foreign to Nicholas Leonard
5 were very limited in nature and no comparisons could be
6 made, the data was not interpretable.

7 Q. All right. What do you mean when you say data
8 is not interpretable? What does that mean?

9 A. Going back to the speaker metaphor, the sample
10 can just have such low results, that it has no
11 comparison value. It's just low level data where if you
12 were given a standard from an individual, you can't say
13 the person is included or even excluded in that sample.

14 Q. Well, let's take a second to talk about the
15 effect that decomposition can have on DNA. All right?

16 In this case there's been some testimony about both
17 bodies being subject to moderate to advanced
18 decomposition. How can decomposition affect a sample
19 for the purposes of DNA collection?

20 A. With DNA, DNA is a long molecule that will
21 break down once it's exposed to heat or moisture. It's
22 a very long protein, and once it starts to break, it
23 becomes more and more difficult to develop a DNA
24 profile.

25 Q. All right. You mentioned that heat and

1 moisture can affect a DNA molecule?

2 A. Yes.

3 Q. All right. Okay. I'd like now to talk about
4 some samples that were presented to you that came from
5 the residence at 7719 Hatteras.

6 And in doing so, again I'm going to follow the same
7 procedure and follow it, but I'm also going to ask that
8 we're going to put photographs that have already been
9 admitted into evidence that correspond with some of the
10 samples that were collected. Okay?

11 A. Yes.

12 Q. All right. I'm going to start with some
13 samples that were collected from the east garage of this
14 residence, and I'm referring to 456.

15 And while he pulls that out, were you presented
16 with a sample, and this is from your report 10/16/15,
17 being a sample from NS-18, swabs from the garage floor,
18 PIN 5?

19 MR. LABRUZZO: All right. Can everyone on the
20 jury see if we keep the monitor here? Is it okay?

21 THE JURY PANEL: (Indicating.)

22 MR. LABRUZZO: All right.

23 THE COURT: Can you see your stuff if I turn
24 down one set of lights?

25 MR. LABRUZZO: Absolutely.

1 THE COURT: Mr. LaBruzzo, east garage, NS --

2 MR. LABRUZZO: 18.

3 THE COURT: PIN 5, right?

4 MR. LABRUZZO: Yes, Your Honor.

5 THE COURT: Okay. Sorry. Just the ones right
6 over the --

7 THE BAILIFF: If I get the right one.

8 THE WITNESS: Oh, there we go.

9 NS-18, PIN 5, you said?

10 THE COURT: Perfect.

11 Q. (By Mr. Labruzzo) Yes, ma'am.

12 A. Yes.

13 Q. Okay. And we're going to stay with this
14 report for a few minutes.

15 Okay. Were you able to develop a profile as it
16 relates to swabs that came from this area?

17 A. The DNA results were limited and not
18 interpretable.

19 Q. Okay. The term "not interpretable," and you
20 kind of gave us an excellent metaphor explaining that,
21 that's going to be consistent if we refer to that
22 throughout the case?

23 A. That's correct.

24 Q. Okay. All right. I would now like to refer
25 to State's 450. And I'd like to ask you about NS-9, a

1 bandage from NS-9, blanket. Were you able to develop a
2 profile from NS-9?

3 A. Yes. I developed a complete profile that
4 matched Nicholas Leonard.

5 Q. Okay. And since this is the first time we're
6 talking about a match to a known sample, were you able
7 to provide us with some sort of the statistical
8 relevance to that match?

9 A. Yes. I was able to do the math for 14 loci,
10 which again this kit looks at 15 loci. I would expect
11 to see this profile 1 in 6.9 billion individuals.

12 Q. Okay. Let's talk about that number. You
13 would expect to see the frequency of this profile in
14 6.9 billion, you said?

15 A. One individual in a room of 6.9 billion,
16 basically.

17 Q. Okay. If you could get a room that big.

18 A. That's correct.

19 Q. If you could get 6.9 people in it, you'd only
20 find one person?

21 A. Right. A room with non-relatives, but still.

22 Q. All right. Ma'am, let's talk about a swab
23 that came from a pillow and a pillowcase NS-12, and I'm
24 referring to State's 447.

25 Ma'am, were you able to develop a profile from a

1 pillow and a pillowcase?

2 A. The profile from the pillow was a mixture of
3 at least two individuals, one person was donating much
4 more DNA than the other or others, and that's considered
5 the major profile. The profile from Nicholas Leonard is
6 consistent with that major profile.

7 Q. The term "mixture," I mean it kind of
8 indicates what it is, but what does a mixture mean in
9 world of DNA analysis?

10 A. That's a DNA sample that has more than one
11 individual donating DNA. On a single source sample or a
12 standard, the data is usually presented as two STR
13 repeating units because you inherit one from each
14 parent.

15 When you start seeing three or four or seven peaks,
16 that's an indication that more than one person is
17 donating DNA. When you have a mixture, one thing you
18 can do is to see if one person is contributing more DNA
19 than the rest.

20 Mathematically, if the person is donating about
21 three times more DNA than the other people,
22 mathematically we can separate that person out and call
23 them the major contributor.

24 Going back to the speaker metaphor, if you had two
25 speakers, one playing rock and one playing country, if

1 one is turned up louder than the other, you probably can
2 make out the louder one.

3 Q. Okay. So, again, this pillow and pillowcase
4 that came from NS-12 was a mixture including Nicholas
5 Leonard?

6 A. The pillow was a mixture. The pillowcase was
7 a single source, a complete profile consistent with the
8 profile from Nicholas Leonard.

9 Q. Same statistical relevancy?

10 A. 6.9 billion, yes.

11 Q. All right. Thank you, ma'am. I'm going to
12 display what's State's Exhibit 448, as items that came
13 from NS-21.

14 Okay. All right. I'd now like to talk about a
15 blanket that was presented to you from being identified
16 as NS-21.

17 MR. LABRUZZO: And this is 446. If you can
18 find 446.

19 Q. (By Mr. Labruzzo) Were you able to develop a
20 profile related to NS-21, a blanket, PIN 7?

21 THE COURT: Are you sure you don't want 444?

22 MR. LABRUZZO: Maybe it's 444.

23 THE COURT: Is it 444?

24 MR. LABRUZZO: What is this?

25 MR. LAWHORNE: 444.

1 MR. LABRUZZO: 444.

2 THE WITNESS: And this is PIN 7, correct?

3 Q. (By Mr. Labruzzo) Yes, ma'am.

4 A. Okay. I worked two samples from this, stain
5 one and stain two. Stain two is a complete profile.

6 That profile matches the DNA profile from Greg Brown.

7 The first stain was very limited. There was enough
8 data that I could look at it and exclude some
9 individuals, but I couldn't include them.

10 I could not include or exclude Greg Brown. Adam
11 Matos, Nicholas Leonard, Megan Brown and Margaret Brown
12 are excluded.

13 This is a little more data than some of the
14 non-interpretable limited results, but not enough to
15 include somebody in a mixture.

16 Q. Okay. Were you able to give us any type of
17 statistical relevancy as to the profile of Gregory
18 Brown?

19 A. Yes. For this result, if the number is over
20 700 billion, instead of listing the specific stats, it
21 really is just over 1 in 700 billion. I do have the
22 specific number if you want it.

23 Q. No. But I guess the number is so high, that
24 it's not --

25 A. That number was chosen as a cutoff for

1 report-writing because the earth's population is
2 7 billion, so this is a hundred times larger than the
3 earth's population.

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

5 A. Yes.

6 Q. I'd now like to move to a sample that was
7 provided to you identified as NS-39, swabs from garage,
8 G2B, and this is State's 455.

9 Ma'am, were you able to develop a profile from
10 that?

11 A. The sample is a mixture of at least two
12 individuals. It was too complex to interpret further.

13 Q. Okay. And what would cause something to be
14 too complex?

15 A. If the data makes it difficult to determine
16 how many contributors or how much DNA each person is
17 contributing, that will often lead to a complex mixture
18 that just can't be interpreted further.

19 Q. So if there's too many sources?

20 A. That's one reason it will be too complex, yes.

21 Q. Okay. Is there a specific number that can be
22 too many?

23 A. Not necessarily. Even with three or four,
24 sometimes if one person is just contributing so much
25 more, that person can still be considered a major donor.

1 Q. Okay. All right. Ma'am, I'd like to
2 reference a sample that was given to you identified as
3 NS-28, identified as a drywall sheet from garage, and, I
4 believe, there was some samples that came from that.

5 Do you know what I'm referencing?

6 A. JM-28?

7 Q. NS-28. This is from a different report,
8 ma'am. It's dated 10/21/14.

9 A. NS-28, drywall sheet from garage?

10 Q. Yes, ma'am. Were you able to develop a
11 profile from that?

12 A. Yes. I took three samples, samples A, B, and
13 C. Complete profiles were developed that matched the
14 DNA profile from Margaret Brown.

15 Q. And, again, is this one of those ones that the
16 frequency was so high, you just say complete profile?

17 A. This one wasn't as high. One in
18 17 quadrillion.

19 Q. Okay. How many zeros are after quadrillion?

20 A. Well, we all I think know what a million is.
21 If you add three zeros, that's billion, trillion,
22 quadrillion.

23 Q. Okay. So still a fairly statistically
24 relevant number? Not that many people on earth, I
25 guess?

1 A. Yes. It's higher.

2 Q. Okay. All right, ma'am.

3 Okay. You were also submitted some samples from a
4 vehicle, and I'm speaking specifically about a sample,
5 and this was testified to by a forensic tech. The
6 sample would have been SJG-38, referenced in your report
7 10/16/2015.

8 A. All right. I have report 10/16/15 out. What
9 was the item number?

10 Q. SJG-38.

11 MR. LABRUZZO: For the record, I'm going to
12 reference State's Exhibit 502.

13 Q. (By Mr. Labruzzo) Ma'am, were you able to
14 develop a profile as it relates to the sample taken at
15 SJG-38?

16 A. Swabs from V-38?

17 Q. SJG-38, swabs from V-38, yes, ma'am.

18 A. Okay. No DNA results were obtained from that
19 sample.

20 Q. What does that mean when you say no DNA?

21 A. At that point no STR repeating units were
22 visible in the data.

23 Q. All right. I'd now like to talk about some
24 items that were collected and presented to you from the
25 west garage. And so this is all in reference to

1 beginning with the report that was dated 10/21/14. And
2 the items I'm asking you about were an item SM-62,
3 apparent projectile recovered from trash bag at PIN 14.

4 A. All right. I'm at 10/21/14. What was the
5 exhibit number again, please?

6 Q. Yes, ma'am. SM-62, it was identified as an
7 apparent projectile recovered from a trash bag located
8 at PIN 14.

9 MR. LABRUZZO: And for the record, we're
10 referring to State's Exhibit?

11 MR. SARABIA: 357.

12 MR. LABRUZZO: 357.

13 THE WITNESS: A complete profile was obtained
14 from this sample. The profile matches the profile
15 from Nicholas Leonard.

16 Q. (By Mr. Labruzzo) All right. And just so
17 we're clear, the photograph just shows PIN 14. And
18 that's not for your reference. But the item that you
19 tested was a projectile that was recovered from the
20 trash bag at PIN 14; is that correct?

21 A. That's correct.

22 Q. All right. Staying in this area, did you have
23 an opportunity to test a swab or an item that came from
24 SM-63, apparent footprint in garage, 5?

25 A. Yes. No results were obtained from that

1 sample.

2 Q. Okay. And how about SM-64, apparent footprint
3 in garage, PIN 6?

4 A. The limited DNA results obtained were too
5 limited to interpret.

6 Q. All right. And too limited to interpret, is
7 that different than not interpretable?

8 A. No. It's the same.

9 Q. Okay. I'd now like to focus your attention on
10 a sample that you have been provided as SM-83, a DVD
11 case.

12 MR. LABRUZZO: And we're referencing to
13 State's Exhibit?

14 MR. SARABIA: 342.

15 MR. LABRUZZO: 342.

16 THE WITNESS: Which report?

17 Q. (By Mr. Labruzzo) I'm sorry, ma'am. We did
18 change reports to 10/16/2015.

19 A. SM-83-A?

20 Q. Yes, ma'am.

21 A. Yes.

22 Q. Were you able to develop a profile from a swab
23 coming from a DVD case from bag, 11?

24 A. Yes. That profile was a complete profile
25 consistent with the profile from Nicholas Leonard.

1 Q. Okay. Let me ask you about a sample that was
2 provided to you, SM-85.

3 MR. LABRUZZO: And I'm going to reference
4 State's Exhibits 343 and 344.

5 Q. (By Mr. Labruzzo) All right. This is SM-85, a
6 mattress top from bag at PIN 12.

7 A. I looked at two stains on SM-83.

8 Q. Okay.

9 A. For stain one, a complete profile was
10 obtained, it's consistent with Nicholas Leonard.

11 For stain two, the profile was also consistent with
12 Nicholas Leonard. There was some low level additional
13 data that was too low level to interpret.

14 Q. Okay. Were you able to give some sort of
15 statistical relevancy as to the stains at stain one and
16 stain two?

17 A. Both of them are the same. It's 1 in
18 6.9 billion again.

19 Q. Okay. I'd now like to reference a swab that
20 you may have analyzed, SM-101, swabs from sheet from bag
21 at PIN 13.

22 A. A complete profile was developed that matches
23 the profile from Nicholas Leonard.

24 Q. Okay. I'd also like to reference the next was
25 identified as SM-107, a sock from bag at PIN 14, State's

1 Exhibits 366 or 401.

2 Were you able to develop a profile from SM-107,
3 sock from bag at PIN 14? I'm sorry. Did I say that
4 wrong? No, I didn't.

5 A. No. I'm just making sure that I'm clear.

6 Q. Okay.

7 A. There were two samples tested, one was a stain
8 and one was just a general wear area of the sock. The
9 wear area of the sock, the results were not
10 interpretable due to it being limited and low level.
11 The stain was a complete profile, it matches the profile
12 from Nicholas Leonard.

13 Q. Okay. All right. I'd now like to reference a
14 swab that may have been given to you in reference to
15 SM-146, identified as a swab from garage, CC. This
16 would be State's 377 or 379.

17 A. A complete DNA profile was obtained, and it
18 matches the profile from Nicholas Leonard.

19 Q. Okay. And same with a sample from SM-147,
20 swabs from garage, DD. Were you able to develop a
21 profile that relates to that? And this would be State's
22 Exhibit 377 or 381.

23 A. Yes. A complete profile was obtained that
24 matches the profile from Nicholas Leonard.

25 Q. All right. I'd like to reference a number of

1 swabs that were given to you in reference to SM-137.

2 Okay. Were you submitted a number of swabs in reference
3 to SM-137?

4 A. Yes. And several of them were sort of
5 sub-exhibits with letters.

6 Q. Okay.

7 A. A, B, C, D, things like that.

8 Q. I'd like to display, if we could, State's
9 Exhibits -- let's see. 317 and 318.

10 Okay. I'd suggest to you that SM-137 is these
11 plastic containers. You were submitted a number of
12 swabs related to that, correct?

13 A. That's correct.

14 Q. All right. So I'd like to expedite it, since
15 there were a number of them, and just kind of talk about
16 that individually. You analyzed a number of swabs
17 related to SM-137, correct?

18 A. That's correct.

19 Q. All right. As to the swabs that you analyzed,
20 were you able to develop a profile related to this case?

21 A. Yes.

22 Q. And I know there's one that did not. That
23 would be swabs from I. We'll talk about that in a
24 second.

25 But the other ones, were you able to develop a

1 profile as to the swabs related to 137?

2 A. Yes. All the other profiles were consistent
3 with Nicholas Leonard.

4 Q. Okay. There was one swab related to SM-137,
5 PIN 8, that did not have any results; is that correct?
6 Let's talk about the swab from SM-137I, swabs from I.

7 A. Yes. This one also failed to give a chemical
8 indication for blood as well.

9 Q. And what does that mean?

10 A. The area didn't give a chemical indication for
11 blood.

12 Q. So not blood?

13 A. Not at that point.

14 Q. Okay. All right. Did you receive swabs from
15 SM-141, identifying the swabs from X? And this would be
16 State's 334 or 335.

17 A. Yes. This was a complete profile consistent
18 with a profile from Nicholas Leonard.

19 Q. All right. Staying in the west garage, what
20 I'd like to reference, did you receive swabs from
21 SM-65A, swabs being from garage, JJ?

22 A. Yes.

23 Q. Were you able to develop a profile from the
24 swab collected from JJ?

25 A. Yes. It was a complete profile that matched

1 the profile from Margaret Brown.

2 Q. Okay. Were you able to develop a swab from a
3 sample given to you as SM-151, identified as swabs from
4 garage, HH?

5 A. Yes. That was a complete profile that matched
6 the profile from Margaret Brown.

7 Q. Okay. Were you able to develop a profile from
8 SM-143, swabs from garage, swab Z? This would be
9 reference to State's Exhibit 372.

10 A. Yes. A complete profile was obtained and it
11 matched the profile from Margaret Brown.

12 Q. These being complete profiles, was there any
13 statistical, or is this one of those?

14 A. It was over 700 billion.

15 Q. Okay. All right. In reference to State's
16 Exhibit 372 -- all right. Well, we'll come back to that
17 in a minute.

18 That was a swab from Z, correct?

19 A. That's correct.

20 Q. All right. Let's stay with the same report,
21 10/16/2015, but I'd like to now reference a swab that
22 was provided to you, JM-21, and it was represented as
23 swabs from B1-A, and this is State's 169.

24 Were you able to develop a profile from swabs from
25 B1-A, JM-21?

1 A. That was a complete profile that matched the
2 profile from Nicholas Leonard.

3 Q. This is State's 169. Okay.

4 THE COURT: Can you give me the SM, JG,
5 whatever the --

6 MR. LABRUZZO: Yes, ma'am. JM-21.

7 THE COURT: Thank you. Sorry about that.

8 Q. (By Mr. Labruzzo) Now, I'd like to ask you a
9 question. Did you receive a sample from JM-24,
10 identified as swabs from B1-D, reference State's 170?

11 A. That was a complete profile that matched the
12 profile from Nicholas Leonard.

13 Q. Did you receive a sample from JM-28,
14 identified as swabs from B1-H, and I'm talking about
15 State's 174?

16 A. It was a complete profile that matched the
17 profile from Nicholas Leonard. There's also some low
18 level additional data that wasn't interpretable.

19 Q. All right. Did you receive swabs from JM-30,
20 identified as swabs from B1-J? This is State's
21 reference 178 and 179.

22 A. This was a complete profile that matched the
23 profile from Nicholas Leonard.

24 Q. Okay. I'm going to stay with the same report,
25 10/16/2015. Did you receive swabs from MC-14,

1 identified as swabs from floor of room G, reference
2 State's 264? Were you able to develop a profile related
3 to State's 264?

4 A. This is a mixture of at least two individuals.
5 One was contributing more DNA and could be considered a
6 major profile. That major profile matches the profile
7 from Megan Brown. The additional contributor is too low
8 level to interpret.

9 MR. LABRUZZO: Just one moment. We're talking
10 about State's 264.

11 May I have a moment, Your Honor?

12 THE COURT: You may. As a matter of fact, the
13 jury might want to take a break at this point to
14 use the restroom.

15 MR. LABRUZZO: Okay.

16 THE COURT: So we've been going for more than
17 an hour and a half, and after lunch some time.

18 So what we're going to do is I'm going to have
19 you take you're afternoon break. It will be a
20 15-minute break. So you can step downstairs to get
21 coffee if you want.

22 If you can leave your jury pages there, your
23 notes. We'll give you your phone. I remind you no
24 tweeting, texting, blogging, or anything like that.

25 Ma'am, if you need to use the restroom, you're

1 more than welcome to do so. Just don't talk about
2 your testimony. Okay?

3 THE WITNESS: Okay. Thank you.

4 THE COURT: I'll be back in a few minutes.

5 (Jury Absent.)

6 THE COURT: State, are we ready for the jury?

7 MR. LABRUZZO: Just one moment. Two minutes
8 and we'll be ready, Judge.

9 THE COURT: It's going to take that long for
10 the jury to come up. And for the record, the
11 defendant is back, Defense attorneys, and the
12 State.

13 State, we're ending at 6:00 tonight, right?

14 MR. LABRUZZO: I guess the Court kind of
15 decides when we end, right?

16 THE COURT: So I'm saying.

17 MR. LABRUZZO: That wasn't a question.

18 THE COURT: No. That was more of a statement.

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

21 THE COURT: Thank you.

22 (Jury Present.)

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

25 THE COURT: All right. Everybody able to

1 stretch your legs and walk around?

2 THE JURY PANEL: Yes.

3 THE COURT: It's nice outside. I walked out
4 there. I'm, like, look, sunny, nice.

5 State, are you ready to proceed?

6 MR. LABRUZZO: I am, Your Honor.

7 THE COURT: All right. You may proceed.

8 MR. LABRUZZO: Thank you, Your Honor.

9 Q. (By Mr. Labruzzo) All right. Ms. Angelo, in
10 my exuberance to discuss some DNA, I kind of overlooked
11 some things, and I'd like to take a minute to go back to
12 some items we already spoke about. Okay?

13 A. Yes.

14 Q. All right. I'd like to reference State's
15 Exhibits 318 and 325, and these are in reference to
16 SM-137. Okay? And I'm referring to your report
17 10/16/2015.

18 A. Yes.

19 Q. Just so that the record is clear, there were a
20 number of swabs taken from these items; is that correct?

21 A. That's correct.

22 Q. All right. And what I'd like to do is I'm
23 just going to identify the swabs and at the end ask you
24 whether or not you were able to make a profile with each
25 swab. Okay?

1 A. Okay.

2 Q. So I'm going to ask you about swabs from L,
3 swabs from M, swabs from J, swabs from N, swabs from O,
4 swabs from P, swabs from R, swabs from S, swabs from T,
5 swabs from K, and swabs from Q, all coming from SM-137.
6 Those are all individual swabs upon which you tested?

7 A. That's correct.

8 Q. And you were able to develop a profile as it
9 relates to each of those swabs I identified?

10 A. That's correct.

11 Q. And what was the result of your analysis as to
12 those swabs?

13 A. Those profiles matched the profile from
14 Nicholas Leonard.

15 Q. Okay. All right. I'd like to stay in that
16 same report, 10/16 of '15, and move to SM-143, swabs
17 from garage labeled Z, and in reference to State's 371
18 and 373. And again it's SM-143.

19 A. SM-143Z, it was a complete profile that
20 matched Margaret Brown.

21 Q. Okay. All right, ma'am. We talked about a
22 DVD swab that was given to you or a DVD case labeled as
23 SM-83A, correct? And this is that same report.

24 A. That's correct.

25 Q. Okay. I'd like to show you what's been

1 introduced as State's Exhibit 397.

2 A. Do I need the gloves for this?

3 Q. You will.

4 A. Okay. I recognize the outer package from the
5 FDLE sticker, as well as the date and my initials. I
6 also see my own seal that I placed on it back in
7 November of 2015.

8 Q. Could you remove the item from the bag.

9 Okay. Is that an item that you tested?

10 A. Yes. And I recognize this from my initials
11 and the date on the back.

12 Q. And is there a reference to where you may have
13 taken the swab from?

14 A. There's a sticker here.

15 Q. Okay. Is that an item for which you would
16 have tested?

17 A. Yes. I tested it for the chemical indication
18 of blood and I collected a sample physically from it.

19 Q. From the sample that you collected from this
20 item, were you able to test it and develop a profile?

21 A. Yes. I developed a complete profile that
22 matched the profile from Nicholas Leonard.

23 Q. Okay. And I'd like to show you one more
24 physical piece of evidence that was admitted in as
25 State's Exhibit 401.

1 A. I also recognize this from the FDLE sticker,
2 as well as my initials and the date, and I see my
3 evidence seals on it.

4 Q. Okay. And this is an item, SM-107,
5 represented as being a sock from bag at PIN 14?

6 A. Yes.

7 Q. Could you remove the item from that.

8 Okay. All right. You mentioned that there were
9 some stains and samples that you collected from that; is
10 that correct?

11 A. That's correct.

12 Q. And in doing so, do you have to actually cut
13 the item of clothing?

14 A. Yes, I do.

15 Q. All right. And you indicated that you tested
16 the stain on that item; is that correct?

17 A. That's correct.

18 Q. And were you able to determine, I guess, the
19 serology as it relates to that item?

20 A. From the stain, it was a complete profile that
21 matches the profile from Nicholas Leonard.

22 Q. Okay. All right, ma'am. Still referencing
23 your report of 10/16/2015, I'd like to ask you about a
24 sample that was collected from NS-65, identified as
25 plywood from the floor of bedroom A, B1-C. This is

1 State's 163 --

2 MR. LAWHORNE: 164.

3 Q. (By Mr. Labruzzo) 164. Forgive me.

4 A. Is this NS-64 or 65?

5 Q. 65.

6 A. Okay. That's from room A?

7 Q. Yes, ma'am.

8 A. Okay.

9 Q. Were you able to develop a profile from the
10 swabbings that was taken from this sample?

11 A. A complete profile was obtained, and it
12 matches the DNA profile from Nicholas Leonard.

13 Q. Were you able to do serology as it relates to
14 this?

15 A. Yes. It gave a chemical indication for blood.

16 Q. All right. And I would like also to reference
17 a sample that you may have collected or analyzed from
18 JM-32, referencing State's 180 and 181.

19 A. JM-32, yes.

20 Q. Yes, ma'am. Were you able to develop a
21 profile related to JM-32?

22 A. A complete profile was obtained that matches
23 the profile from Nicholas Leonard.

24 Q. Okay. All right, ma'am. I'd now like to ask
25 you some questions about a different room but still

1 referencing your report as of October the 16th, 2015.

2 Reference to State's 264, swabs from MC-14, being
3 identified from swabs from floor of room G.

4 A. MC-14?

5 Q. MC-14.

6 A. This profile had a mixture of at least two
7 individuals. A major profile could be obtained, and
8 that profile matches the profile from Megan Brown. The
9 additional contributor or contributors is too low level
10 to interpret.

11 Q. Okay. I'd now like to reference a sample that
12 you tested from JM-40, being identified as swabs from
13 MBR-A, reference State's 202, 203.

14 Ma'am, were you able to test this sample?

15 A. The profile was a mixture of at least two
16 individuals. There was a major contributor. That major
17 contributor matches the DNA profile from Megan Brown.
18 The additional contributor or contributors was too low
19 level to interpret.

20 Q. All right. Were you provided a sample from
21 JM-41, represented as swabs from MBR-E, reference to
22 State's 198 and 199? Were you able to develop a profile
23 related to the swabs from this stain?

24 A. This was a complete profile that matched the
25 profile from Megan Brown.

1 Q. And, again, were you provided a sample from
2 JM-42, identified as swabs from MBR-F, reference to
3 State's 200 and 201?

4 A. This is a complete DNA profile that matched
5 the profile from Megan Brown.

6 Q. Were you also provided a swab from JM-43,
7 identified as swabs from MBC-A, reference State's 205,
8 206?

9 A. Yes. This was a complete DNA profile that
10 matched the DNA profile from Nicholas Leonard.

11 Q. Okay. Were you also provided, I guess, either
12 the actual item of NS-64, identified as plywood from
13 closet of room G, reference State's 215?

14 A. Yes. I received the plywood itself, and
15 collected a sample from this exhibit to do DNA on it.
16 The complete DNA profile obtained matches Greg Brown.

17 Q. All right, ma'am. I'd now like to ask you
18 about a number of items that were submitted to you for
19 the purposes of examination. Did you receive a shovel
20 in this case that was identified as SJG-30, and this is
21 in reference to your report 10/21/14? Let me
22 double-check that date. Yes. On Page 4 of 5.

23 A. Not from the October 16th report.

24 Q. October 21st of 2014. If I referenced it as
25 October the 21st, 2014, an item was submitted by the

1 identification of SJG-30, a shovel?

2 A. Yes.

3 Q. Okay.

4 A. Finally I found it.

5 Q. Okay.

6 A. Due to the limited nature of the DNA results,
7 it was too low level to interpret.

8 Q. Okay. As it relates to the shovel that you
9 tested, did you collect samples from multiple areas on
10 the shovel?

11 A. I did. I labeled them A, B, C, D and E. C
12 and E have some low level data that was too low level to
13 interpret. A, B and D had no DNA results.

14 Q. Okay. And where were these on the shovel?

15 Ma'am, let's just take a minute to look at an item
16 that's already been introduced as State's Exhibit 503.
17 As it relates to State's Exhibit 503, do you see the
18 unique FDLE case number?

19 A. Yes.

20 Q. Okay.

21 A. My initials and the dates.

22 Q. Okay. I'm going to show you what's been
23 introduced as State's Exhibit 503. Can you point or
24 tell me where to rotate and I will.

25 A. I took these over the course of two days.

1 Swab A is near the handle. Swab B is the blade. Swab C
2 is on the shovel shaft, a third mark -- basically if you
3 cut it into thirds, a third closer to the blade end. D
4 is the third of the shaft that's pretty much in the
5 middle. E is a third of the shaft closest to the
6 handle.

7 Q. Okay. And, again, were you able to develop a
8 profile on this item?

9 A. No, I wasn't. The results were too low level
10 to interpret.

11 Q. Let me just ask you a question about that,
12 ma'am. An item such as this that presumably has to be
13 carried or moved, how is it that you can have an item
14 that someone would touch or hold and not have the DNA
15 left on an item like this?

16 A. Are you asking about touch DNA?

17 Q. Yes, ma'am.

18 A. Touch DNA is any DNA left from your hands
19 after touching an object. And there's several factors
20 involved on whether or not a decent DNA profile can be
21 developed. One is just how much DNA the individual is
22 shedding.

23 Sometimes just everybody's -- depending on what's
24 going on with your hands and stuff like that, you might
25 be shedding a lot, you might be shedding a little bit,

1 dry hands versus moist hands, things like that.

2 The surface of the item also makes a difference. A
3 smooth surface like this table doesn't leave a lot of
4 opportunity to shed cells. So you actually don't leave
5 a lot of DNA touching a smooth surface. A rough surface
6 is a little different. It's a little abrasive and it
7 will catch some of the DNA from your hands.

8 So there's a lot of variables involved, and that's
9 also just not a high area to donate DNA.

10 Q. Could things like environmental conditions,
11 like water or humidity, could that affect touch DNA?

12 A. Yes. Heat and moisture can degrade DNA.

13 Q. And this may sound like a silly question, but
14 can cleaning supplies or cleaning equipment, can that
15 affect DNA?

16 A. Yes. I use cleaning supplies to sterilize my
17 surface areas in between items of evidence, for example.

18 Q. And how about bleach? Could bleach affect
19 DNA?

20 A. Bleach is a cleaning agent, yes.

21 Q. All right. And if something is wiped or
22 cleaned, clearly that can also affect DNA?

23 A. That's correct, yes.

24 Q. All right. You were also submitted an item
25 that was identified as -- and this is reference to that

1 same report 10/21/14, as RC-32, a Kel-Tec firearm.

2 MR. LABRUZZO: And this is reference to
3 State's Exhibit -- we're on?

4 MR. LAWHORNE: 53.

5 MR. LABRUZZO: 53.

6 Q. (By Mr. Labruzzo) Were you submitted this item
7 for the purposes of DNA analysis?

8 A. Yes. I collected a sample from it. I did not
9 obtain any DNA results from this sample.

10 Q. Okay. I guess we could add to the list if an
11 item is found in water, totally being submerged in water
12 for a period of time, could that affect DNA?

13 A. Yes, it can.

14 Q. All right. Along those same lines, were you
15 also submitted an item identified as JM-1A, and this is
16 in reference to a different report, December the 4th,
17 2014?

18 MR. LABRUZZO: And this is in reference to
19 State's 57, Bryan? Thank you.

20 THE WITNESS: I collected a sample from this
21 hammer. The DNA results were too limited to
22 interpret.

23 Q. (By Mr. Labruzzo) Okay. Reference to that
24 same report, were you also submitted some knives
25 identified as JM-2A and JM-3A.

1 MR. LABRUZZO: This is in reference to State's
2 Exhibits 222, 223 and 224?

3 MR. SARABIA: 224 and 222.

4 MR. LABRUZZO: 222.

5 Q. (By Mr. Labruzzo) Ma'am, were you able to
6 develop profiles off of these items?

7 A. I collected samples from the knives. One
8 sample from JM-2A, and two samples from JM-3A. I didn't
9 obtain any DNA results from those samples.

10 Q. Okay. And one final item. Again, back to
11 your report of 10/21/14.

12 A. Uh-huh.

13 Q. And this is in reference to an item identified
14 as SM-61, black tape in reference to State's 276.

15 Were you able to develop a sample from this item?

16 A. I collected a sample from SM-61. I did not
17 obtain any DNA results from that sample.

18 Q. Okay. All right, ma'am. I'd now like to ask
19 you about a series of samples that were sent to you in
20 reference to a report dated 4/23, 25. The following
21 samples that we're going to discuss were testified to by
22 a forensic tech. Let me know.

23 A. All right. I'm on that report.

24 Q. Okay. Were you submitted a sample from 52-DW,
25 known as a steering wheel cover from blue truck?

1 A. Yes. That was a mixture of at least two
2 individuals. It was too low level to include anybody,
3 but there was enough information to exclude. No
4 determination could be made to Nicholas Leonard in that
5 mixture. Megan Brown, Margaret Brown, Greg Brown and
6 Adam Matos are excluded from that mixture.

7 Q. Okay. Were you also provided a sample from
8 54-DW, swabs from the driver's side interior door
9 handle?

10 A. Yes, I was. No DNA results were obtained.

11 Q. Okay. And as well from a swab from 66-DW,
12 swab from gear shift lever?

13 A. No DNA results were obtained from that sample
14 as well.

15 Q. Okay. And 80-DW, swabs from glove box latch?

16 A. No DNA results were obtained from that sample
17 either.

18 Q. Okay. We're talking about an item that's
19 being represented from a gear shift lever in a car; and
20 this is an item that if someone's driving the car, they
21 would touch with great regularity. How is it that you
22 think you would have no result for DNA on an item like
23 that?

24 A. Touch DNA doesn't donate a lot of samples. I
25 actually remember in training I swabbed my own car and

1 didn't get very high samples. It's a very smooth
2 surface and it's not like something you hold that has a
3 really rough abrasive edge.

4 Q. Okay, ma'am. Okay. All right. I'd now like
5 to talk about a series of items that you reference in
6 your report 12/4/2014, and these would be items
7 collected reference to SM-37, reference to State's 287,
8 288, and represented as being a white plastic bag.

9 Were you able to develop a profile related to this
10 item?

11 A. The December 4th, 2014 report, but what was
12 the exhibit number again?

13 Q. Yes, ma'am. SM-37, a white plastic bag.

14 A. The DNA results from that sample were too
15 limited to interpret.

16 Q. Okay. In that same report, SM-28, reference
17 to State's 208 to 283, represented as being a yellow
18 rope found with Nicholas Leonard.

19 A. No DNA results were obtained from that sample.

20 Q. Okay. And then SM-38, brown electric cord
21 found with Margaret Brown. Were you able to develop a
22 profile related to that, and this is reference to
23 State's 286?

24 A. No DNA profile was obtained from that sample.

25 Q. Okay. And finally SM-40, black cable ties

1 found with Margaret Brown, reference to State's 285?

2 A. No DNA results were obtained from that sample.

3 Q. All right. Okay. I'd like to reference --
4 unfortunately, I don't know if I -- an item SM-99A. And
5 let me just find what report that was referenced in. If
6 you find it first, let me know.

7 A. That would be laboratory report April 23rd,
8 2015.

9 Q. Yes. SM-99A was represented as being a
10 Colonial Electric shirt; is that correct?

11 A. That's correct.

12 Q. Did you test it for serology?

13 A. Yes, I did.

14 Q. And were you able to determine if there was
15 any blood on that item?

16 A. It tested negative for blood.

17 Q. And did you perform any further analysis on
18 that item?

19 A. No, I did not.

20 Q. Okay. Ma'am, let me ask you a question about
21 a number of the items that we've talked about that were
22 tested and there was no DNA results. Okay?

23 Some of those items were represented as coming from
24 an actual person. The fact that there's no DNA on a
25 particular item doesn't mean that someone didn't touch

1 or have that item; is that correct?

2 A. That's correct.

3 Q. What does that mean, then?

4 A. Many of these samples I did do some basic
5 serology testing on. It's not unusual for heat or
6 moisture to degrade a DNA sample to the point that STR
7 repeats can't be obtained.

8 MR. LABRUZZO: Okay. May I have a moment,
9 Your Honor?

10 THE COURT: You may.

11 MR. LABRUZZO: All right. Thank you,
12 Ms. Angelo. I have no further questions at this
13 time.

14 THE COURT: Did we get all the evidence back?

15 MR. LABRUZZO: Judge, just one moment. Yes.

16 THE COURT: Defense, cross?

17 MR. MICHALOS: I just have a question, Your
18 Honor.

19 CROSS-EXAMINATION

20 BY MR. MICHALOS:

21 Q. Good afternoon, ma'am.

22 A. Good afternoon.

23 Q. Just to make sure I heard right. With regard
24 to Exhibit SM-62, 10/14, I think it was a projectile, a
25 bullet from a trashcan. I think it's in Page 4 of your

1 report dated October 21st, 2014.

2 A. SM-62, you said?

3 Q. Yes.

4 A. Yes.

5 Q. All right. You testified that you were able
6 to find a DNA sample from that bullet?

7 A. Yes. There was a complete profile consistent
8 with Nicholas Leonard.

9 Q. Okay. So it was Nicholas Leonard's DNA
10 definitely on that projectile, correct?

11 A. The two profiles matched.

12 MR. MICHAÏLOS: Thank you, ma'am. I have no
13 further questions.

14 THE COURT: Any redirect?

15 MR. LABRUZZO: Just briefly on that point.

16 REDIRECT EXAMINATION

17 BY MR. LABRUZZO:

18 Q. Just because there is DNA on a particular
19 item -- well, let me kind of move back. Can DNA be
20 transferred from one item to the next?

21 For example, if you had an item that had blood on
22 it, okay, blood DNA, and you put it next to another
23 item, could DNA transfer from one item to the other?

24 A. Blood could get on multiple items.

25 Q. Okay. If you were to take those two items and

1 place them in a bag and close it up and shake the bag
2 around, could that affect the transfer of DNA from one
3 item to the next?

4 A. Yes. Transfer would be possible in that kind
5 of a scenario.

6 Q. All right. Thank you, ma'am.

7 MR. LABRUZZO: No further questions, Your
8 Honor.

9 THE COURT: All right. Ma'am, you may step
10 down.

11 Is she remaining under subpoena?

12 MR. LABRUZZO: No, Judge. She can be
13 released.

14 THE COURT: All right. Any objection from the
15 Defense?

16 MR. MICHAÏLOS: No, Your Honor.

17 THE COURT: All right, ma'am.

18 THE WITNESS: All right. Thank you.

19 THE COURT: You are good to go. Thank you
20 very much.

21 THE WITNESS: Have a good afternoon.

22 THE COURT: State, call your next witness.

23 MR. LAWHORNE: Justin Okins.

24 THE COURT: Good afternoon, sir. Mr. Okins,
25 if you can step up to this podium right here. Turn

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

2 JUSTIN OKINS,

3 a witness herein, being first duly sworn, was examined

4 and testified as follows:

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

8 State, you may proceed.

9 MR. LAWHORNE: Thank you, Judge. Counsel.

10 DIRECT EXAMINATION

11 BY MR. LAWHORNE:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. Would you speak a little bit closer to the
15 mike.

16 A. Good afternoon.

17 Q. That's perfect.

18 Would you mind introducing yourself to the jury.

19 A. Hi. My name is Justin Okins.

20 Q. And will you spell your last name for the
21 court reporter.

22 A. O-k-i-n-s.

23 Q. Mr. Okins, where do you live? Do you live
24 here in Pasco County?

25 A. Yes, sir.

1 Q. And in 2014, where did you live?

2 A. At the time I was staying over off of New York
3 Avenue.

4 Q. Is that where your mother lived at the time?

5 A. That's where she still resides.

6 Q. Okay. And that's where she lived in 2014,
7 though?

8 A. Yes, sir.

9 Q. And I've got a map here I'm going to ask you
10 to look at.

11 MR. LAWHORNE: I'm putting up what has been
12 marked for identification as State's 257.

13 THE COURT: Okay.

14 Q. (By Mr. Lawhorne) And, Mr. Okins, would you
15 mind stepping down, if it's okay with the Judge?

16 THE COURT: Yes, sir. Go ahead.

17 Q. (By Mr. Lawhorne) Now, this map that we're
18 looking at, what is this?

19 A. This is the west and east side of Old Dixie.

20 Q. Old Dixie Highway?

21 A. Yes.

22 Q. Is this an area that you're familiar with?

23 A. Yes, sir.

24 Q. And you said that at the time you were staying
25 off New York Avenue. Is that somewhere in that region?

1 A. It would be right here, yes.

2 THE COURT: Gentlemen, you're blocking both
3 sides. Just move that closer and then it will
4 spread out a little bit.

5 THE WITNESS: Is that all right?

6 THE COURT: There you go. Yes. There you go.

7 Q. (By Mr. Lawhorne) Would you please point out
8 where?

9 THE COURT: Where's our pointer?

10 MR. LAWHORNE: What did you say?

11 THE COURT: I said where's our pointer?

12 MR. LAWHORNE: I don't know.

13 THE COURT: We lost our pointer. Okay. Go
14 ahead.

15 Q. (By Mr. Lawhorne) Would you mind pointing out
16 where New York Avenue is roughly on that map.

17 A. Roughly New York Avenue would probably be
18 around this area right here (indicating).

19 Q. Okay. And that's where you were living at the
20 time?

21 A. Yes, sir.

22 Q. Now, on August 28th, 2014, do you recall about
23 with time you got back to your residence?

24 A. It was around 10:45, 11:00.

25 THE COURT: Mr. Okins, you've got to keep your

1 voice up. This lady here has to hear you.

2 THE WITNESS: 10:45, 11:00.

3 THE COURT: Great. Thank you.

4 THE WITNESS: Sorry.

5 THE COURT: That's all right. I know, there's
6 too many rules around here. Go ahead.

7 Q. (By Mr. Lawhorne) And when you got home, who
8 were you with?

9 A. At the time she was my girlfriend, Kristen
10 Anderson.

11 Q. And is she still your girlfriend?

12 A. She's actually my fiancée now.

13 Q. Congratulations. So once you all got home,
14 what did you all decide to do?

15 A. We had just come back from a couple hour's
16 drive. So our legs were kind of stiff and our dogs were
17 waiting for us there. So we decided that once we got
18 back, we would want to take a walk to stretch our legs
19 out a bit and, you know, get out with the dogs and
20 whatnot. So we decided to walk down New York Avenue and
21 then took a right on Old Dixie and started to proceed
22 down Old Dixie.

23 Q. Okay. So do you remember about what time you
24 went on the walk?

25 A. We started around like 11:15, 11:20, when we

1 left my mom's house.

2 Q. Okay. And would you mind kind of showing the
3 jury the path that you took on this map.

4 A. So basically we left from my mom's house and
5 went down here and took a right and followed this road
6 and basically went down to where the blue star is.

7 Q. Now, that blue star that is on the map, did
8 you place that star there?

9 A. Yes, sir.

10 Q. And the star, why did you put it in that
11 particular location?

12 A. I heard a noise that grabbed my attention. It
13 sounded like a firearm discharging.

14 Q. And that's as you were walking the dogs that
15 night?

16 A. Yes, sir.

17 Q. And roughly what time was it when you heard
18 that noise?

19 A. Like 11:45 to 12:00.

20 Q. And did it sound like it was a single gunshot
21 or multiple gunshots?

22 A. At the time it was a single shot. At that
23 spot right there was the first time I heard the pop
24 noise. And then we continued walking because it's not
25 really out of the ordinary to hear a sound like that

1 around that area.

2 But then I heard a few more after that, you know, a
3 short time afterwards, and that's when I decided, after
4 the fourth time I had heard it, I decided that it was
5 time for me and my pregnant girlfriend to turn around
6 and head home.

7 Q. And what can you tell us about the spacing and
8 the time in between the shots?

9 A. From the first sound that I heard, which would
10 be the blue star right here, it was probably
11 approximately somewhere in the range of a minute to two
12 minutes. And then I heard two more, which were spaced
13 out maybe 10, 15 seconds, and then a fourth one probably
14 20 to 30 seconds after the third sound.

15 Q. And about how far did you walk before you
16 finally decided to turn around?

17 A. It was like right around in this area right
18 here (indicating).

19 Q. Now, the noise that you heard and you
20 described as gunfire, are you familiar with guns?

21 A. Yes, sir.

22 Q. Have you fired guns throughout your life?

23 A. Yes, sir.

24 Q. Were you a hunter when you were younger?

25 A. I was hunter, yes, sir.

1 Q. Are you still a hunter?

2 A. I still hunt every year.

3 Q. And were you ever in the Army?

4 A. Yes, sir.

5 Q. And were you a weapons technician in the Army?

6 A. Yes, sir.

7 Q. So have you had a lot of experience with
8 multiple different types of firearms throughout your
9 life?

10 A. A pretty wide range.

11 Q. Handguns and long rifles or shotguns?

12 A. Yes.

13 Q. And the particular gunshot that you heard,
14 what did it sound like to you?

15 A. To me it sounded like a low caliber handgun.

16 Q. A low caliber, meaning a small caliber
17 handgun?

18 A. Yeah. Between a .22 to maybe like a .9
19 millimeter, somewhere in that range.

20 Q. Now, you said you got to this point and
21 decided to turn around and you went back to your
22 residence?

23 A. Yes, sir.

24 Q. Did you call 911 at that point?

25 A. No. Because, like I said, that's not really

1 out of the ordinary. I mean every month, two to three
2 times a month, right in this area right here there's a
3 big retention pond, and cops fly the helicopter over
4 there all the time. You hear gunshots and you know
5 people are out there testing out firearms they just
6 bought. It is, you know --

7 Q. A somewhat rural area?

8 A. It is a somewhat rural area, especially with
9 all the land out here too, you know.

10 Q. And I know it's somewhat difficult to isolate
11 the sound of gunfire, but did you get a general idea of
12 where the noise was coming from?

13 A. To me it sounded like 11:00.

14 Q. And when you say 11:00, will you tell the jury
15 what you mean by that?

16 A. My 12:00 would be directly in front of me,
17 11:00 would be just to the left of me. So it sounded --
18 from right there it sounded like it was around in this
19 area right here.

20 Q. And at any point did you notify law
21 enforcement about what you heard?

22 A. After, I believe it was the next day or the
23 day after -- I think it was the next day, though, we had
24 heard on the news.

25 Q. Could it have been September 5th?

1 A. Possibly. It's been a little while.

2 Q. Three years. It's been a while.

3 A. Yeah. Yeah, at that point, once we had heard
4 that something had happened there, I just wanted to go
5 down and just kind of let them know, hey, I was walking
6 my dogs that night and I wanted you guys to know that I
7 did hear what sounded to me to be a low caliber
8 discharge of a firearm.

9 MR. LAWHORNE: Thank you. May I have just one
10 moment, Judge?

11 THE COURT: You may.

12 Q. (By Mr. Lawhorne) You mentioned that you're
13 familiar with multiple types of handguns. Do you have
14 any familiarity with a .380?

15 A. Yes, sir.

16 Q. And is that a small caliber handgun?

17 A. Yes, it is. It's something more than likely
18 carried by somebody trying to conceal it very easily
19 because they are small and compact.

20 Q. Okay. And the noise that you heard, did it
21 seem to be possibly consistent with that of a .380?

22 A. It would be consistent with a .380, yes, sir.

23 MR. LAWHORNE: Thank you. And, Your Honor, we
24 have no further questions right now.

25 THE COURT: All right. Do you want him to say

1 where he is for cross?

2 MR. MICHAÏLOS: Yes, please. Just for a
3 couple of questions.

4 THE COURT: Okay.

5 CROSS-EXAMINATION

6 BY MR. MICHAÏLOS:

7 Q. How are you doing, Mr. Okins?

8 A. I'm doing all right. How are you?

9 Q. Nice seeing you again.

10 Sir, with regard to this picture, obviously this
11 isn't a typical map because it's 3D and it's taken more
12 from the horizon as opposed to most typical maps are
13 from the top, right?

14 A. Yes, sir.

15 Q. Would you agree with me?

16 A. Yes, sir.

17 Q. So the distances do look shorter, don't they?

18 A. Definitely. This, between here and here,
19 would take about -- it took us about 20 minutes just to
20 walk about that length.

21 Q. All right.

22 A. Twenty, 30 minutes to walk that length.

23 Q. So this is where you started out on New York
24 Avenue?

25 A. We started out on New York Avenue right around

1 here (indicating).

2 Q. Okay.

3 A. And then we walked down here and walked to
4 right around here to where I heard the first sound.

5 THE COURT: Mr. Michailos, you might be
6 careful, you're blocking the corners.

7 MR. MICHAIILOS: I apologize.

8 THE COURT: That's okay. Go ahead.

9 Q. (By Mr. Michailos) And then when you reached
10 that point, you turned around, right?

11 A. Not at the blue star. We walked a little bit
12 further and then I heard a few more and that -- at that
13 time, because we were around, and there wasn't as much
14 blocking the sound --

15 Q. Right.

16 A. -- it was a little bit more clearer, and
17 that's when I decided that that was a little bit too
18 close for comfort for my pregnant girlfriend.

19 Q. Okay. And if this is from your residence at
20 the time to the address on 7719 Hatteras, would you
21 agree with me that that would have been about a mile and
22 a half, two miles?

23 A. Yeah.

24 Q. One and a half miles?

25 A. About a mile and a half.

1 Q. Okay.

2 A. A mile and a half.

3 Q. Okay. So were you halfway between your home
4 and the Hatteras address?

5 A. No. Probably a little bit closer. Probably
6 maybe closer to the two-thirds mark.

7 Q. Two-thirds?

8 A. That way. This is actually a lot shorter of a
9 distance than it looks compared to this. Like you were
10 saying, it heads downward at an angle like that. So
11 you're probably seeing -- that road right there probably
12 lines up to right about there.

13 Q. So how much of a distance do you think from
14 where you were when you heard the gunshots and Hatteras,
15 about two-thirds of a mile?

16 A. I would say 600 yards.

17 Q. Okay.

18 A. 600 to 800 yards would probably be around the
19 distance. I know that's a big window, but like I said,
20 you know, when it comes to gunfire going off, you have
21 to take in effect, you know, the urban structure of the
22 area. You have trees. You have buildings. You have
23 cars, you know, going down the road and that muffled
24 noise, and, you know, it makes it a little bit harder to
25 discern where exactly it's coming from.

1 Q. Right. You can go sit down. I have a couple
2 more questions. I don't think I need the map anymore.

3 A. You want the pointer back?

4 Q. Give it back to him.

5 And you estimate what time was it when you heard
6 the shots?

7 A. The first shot I believe it is around 11:45 to
8 12:00.

9 Q. Okay. Now, do you remember coming in for a
10 deposition where I asked you some questions under oath,
11 right?

12 A. Yes, sir.

13 Q. And that would have been April 10th of 2017?

14 A. Yeah.

15 Q. Okay.

16 MR. LABRUZZO: Judge, we ask for line and
17 page.

18 MR. MICHAÏLOS: Of course. Page 4, Lines 4
19 through 6.

20 THE COURT: Give me a moment.

21 MR. MICHAÏLOS: And then 7, 8, and it goes on.

22 MR. LABRUZZO: I'm sorry. Can you just go
23 through -- I'm at the bottom of the page. Can you
24 just repeat page and line, please.

25 MR. MICHAÏLOS: Page 4.

1 THE COURT: Page 4, Lines 4 through 6, and
2 then a little further after that.

3 MR. MICHAİLOS: Right.

4 MR. LABRUZZO: Thank you. Sorry.

5 MR. MICHAİLOS: You're welcome.

6 Q. (By Mr. Michailos) Sir, in response to one of
7 my questions, do you recall telling me that it was
8 around 12:15 when you were walking your dogs? And then
9 I followed up with a question, "What time were you
10 walking your dogs again?" You answered, "Around
11 12:15 A.M."?

12 A. Yes, sir. After coming back to -- on that
13 date, it's been such a far date, I actually went back
14 after that date and did a little bit better of a
15 timeline and found that it was before 12:00 A.M. on that
16 day that I heard the sound. Because I had gone back
17 through my text messages and found out that I had
18 messaged a friend of mine that we were about to walk the
19 dogs around 11:00.

20 Q. Okay. So today your testimony is that it was
21 between 11:45 and 12:00?

22 A. Yes, sir.

23 Q. And you would agree with me, and I think you
24 already said something to the effect that it's hard to
25 determine direction of gunshots when you have structures

1 and trees and wilderness where sound waves bounce off
2 of; is that correct?

3 A. Yes, sir. But I have a little bit more
4 experience than most people do.

5 Q. I understand. And isn't your experience
6 mostly hearing gunshots outside as opposed to indoors?

7 A. Yes, sir.

8 Q. Okay.

9 A. But we have also been trained in urban combat
10 as well.

11 Q. When you heard these gunshots, you thought
12 they were outdoor, right?

13 A. The first one sounded a little bit muffled,
14 but like said I was around the corner still.

15 Q. Right.

16 A. So that would take in effect the fact that I
17 still had trees in front of me. And then once we came
18 around the corner and I heard the second ones, they were
19 a little bit more muffled, but they were more clearer
20 because they had a hollow noise to them. So I could
21 actually discern which direction they actually sounded
22 like they were coming from.

23 Q. And at that point did you think that that was
24 actually a gunshot in somebody's house?

25 A. I wasn't positive about that. Like I said,

1 for the most part it wasn't, to my knowledge, from what
2 I could hear that night, a fire cracker because they
3 have more of a crack. Firearms have more of a pop.

4 Q. Right.

5 A. And that's what I heard that night.

6 Q. Well, you would agree with me, if you thought
7 that that was an indoor gunshot, you would have
8 definitely called 911, or am I mistaken?

9 A. No. No, you're not mistaken. I would have
10 called 911 if I had of known somebody was firing a
11 weapon inside of a building.

12 Q. All right. So your impression was that this
13 was an outdoors shot or shots?

14 A. Like I said, you know, it wasn't until the
15 third or fourth shot that I decided that I wanted to
16 turn around, because I at that point realized that it
17 was more than likely a firearm instead of firecrackers,
18 and with the spacing between them, it seemed like
19 somebody was thinking more about trigger squeezes than
20 how to fire a new weapon.

21 Q. Now, you would agree with me it's hard to
22 gauge not only the direction of a gunshot you hear but
23 the distance, right?

24 A. Yes, sir. Especially with such a low caliber
25 weapon.

1 Q. Right. And I think you testified on direct
2 gunshots are common in this area, right?

3 A. They're not uncommon.

4 Q. There's a lot of wilderness, a lot of people
5 with hunting rifles and a lot of people go out in the
6 woods and shoot off their guns, right?

7 A. I've heard quite a few people testing firearms
8 in the woods off of Old Dixie and New York quite a few
9 times, so that's why I didn't call 911.

10 Q. Okay. And you said about 600 yards was your
11 distance you estimated from the house, right?

12 A. That's just an estimate; but, yes.

13 Q. Just one moment, sir. Thank you, sir.

14 THE COURT: Hold on one second.

15 State, any redirect?

16 MR. LAWHORNE: Yes, Judge. Just one second.

17 REDIRECT EXAMINATION

18 BY MR. LAWHORNE:

19 Q. Mr. Okins, you testified that it's not
20 uncommon to hear gunshots in that general vicinity.
21 What about at that time of night, was that part unusual?

22 A. Kind of. But like I said, it's not very
23 uncommon. So until I realized that something bad had
24 actually happened, it really didn't strike interest in
25 me. The only thing that I was worried about at the time

1 was that didn't sound like fireworks going off, so I
2 wanted to get home with my pregnant fiancée, girlfriend.

3 Q. And do you remember what let you know that
4 something bad had happened?

5 A. I believe I saw a bunch of cop cars and stuff
6 going down New York within the next day or two, and I
7 wanted to see what had gone on. Because after I saw all
8 the police officers and stuff like that, it kind of
9 struck, you know, the memory of hearing the noises like
10 maybe that wasn't something that was just uncommon, you
11 know, somebody testing a firearm, maybe it was something
12 else.

13 Q. It stood out in your mind enough that you felt
14 after seeing the police cars, you needed to report it?

15 A. Yes, sir.

16 MR. LAWHORNE: Thank you. Judge, we have no
17 other questions.

18 THE COURT: All right. Sir, you may step
19 down. Thank you very much.

20 State, is he released from his subpoena? You
21 want him to remain under subpoena, State? You need
22 a second?

23 MR. LAWHORNE: I'm sorry, Your Honor. May I
24 have just one moment?

25 THE COURT: Yes.

1 MR. LAWHORNE: Yes. Judge, he can be
2 released.

3 THE COURT: Okay. Sir, you're released.
4 Defense, any objection?

5 MR. MICHAÏLOS: No, Your Honor.

6 THE COURT: All right. You're released.
7 Thank you very much.

8 State, call your next witness.

9 MR. LAWHORNE: Next witness is Kristen
10 Anderson.

11 Judge, we're going to use the same display
12 again. Would you like her to be seated or just
13 have her stay up here all the time?

14 THE COURT: No. She needs to be seated to
15 begin with.

16 MR. LAWHORNE: All right.

17 THE COURT: Thank you.

18 Ms. Anderson, if you want to step up to the
19 podium. If you can stop right there. Raise your
20 right hand and be sworn by my clerk.

21 KRISTEN ANDERSON,
22 a witness herein, being first duly sworn, was examined
23 and testified as follows:

24 THE COURT: All right. Please have a seat in
25 the witness stand. And speak in a loud and clear

1 voice.

2 DIRECT EXAMINATION

3 BY MR. LAWHORNE:

4 Q. Good afternoon.

5 A. Hello.

6 Q. Would you introduce yourself to the jury.

7 A. Hi. My name is Kristen Anderson.

8 Q. And would you spell your first name for the
9 court reporter.

10 A. K-r-i-s-t-e-n.

11 Q. And I think there's only one way to spell
12 Anderson, so we won't get you to spell that one.

13 Where do you live? What county?

14 A. Pasco right now.

15 Q. And in 2014, where did you live?

16 A. Hillsborough.

17 Q. Hillsborough County?

18 A. Yes.

19 Q. Let's go back to a very specific day.

20 August the 28th, 2014, do you recall where you were that
21 evening?

22 A. That evening we were taking the dogs out for a
23 walk. Or was the 28th --

24 Q. Yes. The 28th.

25 A. Yes. That evening we were at 7330 New York.

1 Q. And what is that residence?

2 A. Justin's mom's residency.

3 Q. And that's you said on New York Avenue?

4 A. Yes.

5 Q. And would you mind stepping down and coming to
6 this map.

7 MR. LAWHORNE: And, again, for the record this
8 map is 257 for ID.

9 Q. (By Mr. Lawhorne) Would you kind of point out
10 the general vicinity of where her residence is where you
11 all were staying that night?

12 A. Right in here.

13 Q. And what is your --

14 THE COURT: Ms. Anderson, this court reporter
15 right here has to take down what you say. You're
16 fine where you are, you've just got to keep your
17 voice up. You're not just talking to him. You're
18 talking to the whole room, the whole room.

19 THE WITNESS: It's in that vicinity right
20 there.

21 Q. (By Mr. Lawhorne) And that residence, is that
22 Justin Okins's mother's residence?

23 A. Yes.

24 Q. And what is your relationship with Justin
25 Okins?

1 A. I'm his fiancée.

2 Q. Okay.

3 THE COURT: I can't hear you. She's going to
4 have to talk up.

5 THE WITNESS: Fiancée.

6 THE COURT: Thank you.

7 Q. (By The Court) Let's move it down this way so
8 you are a little closer to the microphone.

9 MR. LAWHORNE: Can you all still see down
10 here? Are we blocking your view?

11 THE JURY PANEL: (Indicating.)

12 MR. LAWHORNE: Okay.

13 Q. (By Mr. Lawhorne) The microphone's right here.

14 A. Okay.

15 Q. So it should pick you up.

16 So Justin Okins is your fiancée?

17 A. Yes.

18 Q. And on this particular evening, when you all
19 got to that residence, did you all decide to go for a
20 walk?

21 A. Yes. We took the dogs out.

22 Q. And do you remember approximately what time
23 that was?

24 A. It was between 10:00 and midnight.

25 Q. And what path did you take? Would you mind

1 showing us on the map.

2 A. We walked down New York and then headed down
3 towards Old Dixie and then around the bend.

4 Q. Now, there's a blue star on that map.

5 A. Yes.

6 Q. Is there anything significant about the
7 placement of that star?

8 A. That's around when we first started hearing
9 the gunshots.

10 Q. And what can you tell about the gunshots?
11 Roughly how many did you hear?

12 A. Between three and five.

13 Q. And what do you recall about the spacing of
14 the gunshots?

15 A. I recall that there was one and then there
16 were a couple more.

17 Q. Do you recall how long the break was between
18 one and then the couple more that you mentioned?

19 A. It was pretty brief.

20 Q. Okay. And the couple more that you heard, do
21 you recall what the spacing between those was?

22 A. It was fairly rapid.

23 Q. Okay. Now, do you remember if Justin said
24 anything at that point?

25 A. I know after the first one, he was kind of,

1 like, do you hear that? And I was, like, I heard
2 something. He said it was a gunshot. And I was, like,
3 oh, yes, that was. Like, I realized that it actually
4 was one. And then we heard a couple more and it
5 reaffirmed. Then I was, like, oh, yeah, those were
6 gunshots.

7 Q. Now, are you familiar with guns?

8 A. Yes.

9 Q. Have you been around guns most of your life?

10 A. Yes.

11 Q. Where did you grow up?

12 A. Odessa.

13 Q. Okay. And you've heard gunfire numerous
14 times?

15 A. Yes.

16 Q. And it sounded like gunfire to you?

17 A. Yes.

18 Q. Do you have enough familiarity with firearms
19 to give any description of what type of caliber firearm
20 it sounded like?

21 A. That, I can't.

22 Q. Okay. So what did you do after you heard the
23 noise? How far down the road did you continue?

24 A. We continued on down to about that tread there
25 and then we turned around and went back.

1 Q. You turned around and went home?

2 A. Yes.

3 Q. And did you call 911 that night?

4 A. No.

5 Q. Okay. What's the reason for not calling 911?

6 A. It's Pasco. A lot of it out there is rural.

7 People tend to take care of their farms and stuff.

8 Q. And did you eventually notify law enforcement
9 about what you all heard?

10 A. Yes. When we saw on the news that something
11 had happened down Old Dixie, then we contacted law
12 enforcement.

13 Q. And was that around September 5th?

14 A. Yes.

15 Q. And this map that we're looking at, is this a
16 map of the Old Dixie Highway area, each side of the
17 road?

18 A. Yes.

19 Q. And are you familiar with this area?

20 A. Yes.

21 Q. And does this appear to be a true and accurate
22 representation of the area?

23 A. Yes.

24 MR. LAWHORNE: Your Honor, at this time we
25 would like to introduce State's 257 into evidence

1 as State's 257.

2 THE COURT: Any objection?

3 MR. MICHAÏLOS: No, Your Honor.

4 THE COURT: All right. 257 will come in as
5 257.

6 MR. LAWHORNE: And we have no further
7 questions.

8 THE COURT: Do you want her to have a seat?

9 MR. MICHAÏLOS: I don't need the map. I think
10 she can have a seat. I just have a couple of
11 questions.

12 THE COURT: Okay.

13 CROSS-EXAMINATION

14 BY MR. MICHAÏLOS:

15 Q. Good evening, ma'am.

16 A. Hello.

17 Q. And what time did you testify you heard the
18 gunshots?

19 A. I believe it was around 10:00 to midnight.

20 Q. Ten to midnight?

21 A. I know it was late.

22 Q. All right. And do you recall testifying in a
23 deposition you were summoned to and answered some of my
24 questions on April 10th of 2017?

25 A. Yes.

1 Q. And you were sworn under oath at that
2 deposition, right?

3 A. Uh-huh.

4 MR. MICHAÏLOS: For Court and Counsel, I'm on
5 Page 5 of that deposition.

6 THE COURT: Line?

7 MR. MICHAÏLOS: Line 5, 6, and maybe even
8 further.

9 THE COURT: All right. Give the State a
10 moment.

11 MR. MICHAÏLOS: Is the State ready?

12 MR. SARABIA: Ready.

13 Q. (By Mr. Michailos) Okay. Ma'am, in that
14 deposition you said, quote, "It was between midnight and
15 2:00 in the morning"; isn't that right?

16 A. I may have said that, yes.

17 Q. Okay. And isn't it true that at first you
18 never heard the shots?

19 A. At first I didn't recall that they were
20 gunfire. I had heard something.

21 Q. You heard a noise?

22 A. Yes.

23 Q. And then your boyfriend told you he thought it
24 was gunfire, right?

25 A. Yes. And that's when I recognized it as so.

1 MR. MICHAÏLOS: I have no further questions.

2 Thank you, ma'am.

3 THE COURT: Hold on one second, ma'am.

4 State, any redirect?

5 MR. LAWHORNE: Just one moment, Your Honor.

6 Yes, Judge, just briefly.

7 REDIRECT EXAMINATION

8 BY MR. LAWHORNE:

9 Q. Ms. Anderson, do you recall speaking with law
10 enforcement on September 5th, 2014?

11 A. Yes.

12 Q. Do you recall telling them on that day that
13 your memory of it was between 11:45 P.M. and 12:00 A.M.?

14 A. Yes.

15 MR. LAWHORNE: Thank you. We have no other
16 questions.

17 THE COURT: All right. Ms. Anderson, you may
18 step down. Thank you very much, ma'am.

19 THE WITNESS: Thank you.

20 THE COURT: State, is she released from her
21 subpoena?

22 MR. LAWHORNE: She is.

23 THE COURT: All right, ma'am. You're free to
24 go.

25 Defense, any objection?

1 MR. MICHAÏLOS: No, Your Honor.

2 THE COURT: Okay.

3 MR. LABRUZZO: Judge, can we approach?

4 THE COURT: Yes. Approach.

5 (Bench Conference.)

6 MR. LABRUZZO: Judge, at this time we'd like
7 to ask the Court if we could stop for the day. We
8 are at a good breaking point, rather than enter
9 into some voluminous testimony.

10 THE COURT: How long do you think the
11 testimony of the blood spatter expert is going to
12 be?

13 MR. LABRUZZO: I think her direct alone could
14 be over an hour.

15 THE COURT: Okay.

16 MR. LABRUZZO: And so I don't want stop in the
17 middle of my direct. If I thought we could get
18 further or half in, but I just don't think we're
19 going to get there.

20 THE COURT: I'm sure they won't mind leaving a
21 little early today.

22 MR. LABRUZZO: No.

23 THE COURT: And I'll tell them it's because of
24 our witness --

25 MR. LABRUZZO: It's a nice day outside

1 apparently.

2 THE COURT: Huh?

3 MR. LABRUZZO: Apparently it's a nice day
4 outside.

5 THE COURT: It was very nice. I took a walk
6 in the parking lot. It will still be light out
7 when we get out. Okay.

8 MR. LABRUZZO: Okay. Thank you.

9 (Open Court.)

10 THE COURT: Ladies and gentlemen, we have come
11 to a point where we're going to break for the
12 evening. The next witness is probably going to be
13 over an hour to an hour and a half long. And I
14 promised 6:00, and so we're going to leave early,
15 because early is better than late, as far as I'm
16 concerned.

17 I'll go ahead and have you put your stuff away
18 for the night. I remind you no texting, tweeting
19 or blogging. We are still moving along. We're
20 probably actually even ahead of schedule, although
21 it doesn't feel that way I'm sure to you.

22 But we're moving along. Leaving a half an
23 hour early today is not going to affect our timing.
24 Matter of fact, we're still probably a day ahead
25 right now.

1 So at this time I'll release you for the
2 evening. Downstairs tomorrow morning at 9:30.
3 Remember Friday we have off. So tomorrow we will
4 go until 6:00, but you won't be here on Friday. So
5 we will see you in the morning at 9:30. And you
6 all have a nice evening. Okay?

7 (Jury Absent.)

8 THE BAILIFF: Jurors are out of the hearing of
9 the Court, Your Honor.

10 THE COURT: All right. Anything we need to
11 address before we adjourn for the day?

12 MR. LABRUZZO: Yes, Your Honor. If we could
13 address one item.

14 THE COURT: Okay.

15 MR. LABRUZZO: With Anna Cox's testimony.

16 THE COURT: Is she the next witness?

17 MR. LABRUZZO: She is, Judge.

18 THE COURT: Okay.

19 MR. LABRUZZO: She's provided us a 19-slide
20 PowerPoint presentation that kind of aids in her
21 explanation of what the analysis goes through.

22 We've discovered that to the Defense, and I've
23 asked that we be able to use that as part of her
24 direct testimony.

25 I have printed out the 19 slides. Although it

1 would not go into evidence, I would just want to
2 submit it as part of the record because she is
3 going to be referencing it.

4 I don't know if you have an objection or not
5 as it relates to our use of that?

6 MR. MICHAÏLOS: We have no objection to that,
7 Your Honor.

8 THE COURT: Let me make sure I'm clear. She
9 is going to use a PowerPoint program that you're
10 going to go put in and then she's going to click
11 through it, right?

12 MR. LABRUZZO: Yes, Judge.

13 THE COURT: And what you have in your hand is
14 a copy of each of the slides of the PowerPoint?

15 MR. LABRUZZO: Yes, Judge.

16 THE COURT: Is the CD that has the PowerPoint
17 going in as evidence?

18 MR. LABRUZZO: No, Judge.

19 THE COURT: Okay.

20 MR. LABRUZZO: It's not going in as evidence.
21 I'm not planning to admit this as evidence.

22 THE COURT: So why would I need to have that
23 in the record?

24 MR. LABRUZZO: I just didn't know if the
25 record should -- if it doesn't, I'm fine with that.

1 THE COURT: I mean she's going to testify to
2 it. Just because she puts it up there and talks
3 about, it's no different than us showing the phone
4 records yesterday.

5 So at this point there's no reason to put it
6 into evidence. Her testimony will be taken down by
7 the court reporter as she testifies.

8 And the reason I say that is I always worry
9 that the jury is going to think it's evidence and
10 then there's something in the record that doesn't
11 really match up with evidence.

12 So at this point I have no problem. The
13 Defense knows what the PowerPoint is going to be,
14 and she can just testify as a normal person would
15 testify.

16 MR. LABRUZZO: All right. Thank you, Your
17 Honor.

18 THE COURT: Anything else?

19 MR. LABRUZZO: Not from the State, Judge.

20 THE COURT: Defense?

21 MR. MICHAÏLOS: No, Your Honor.

22 THE COURT: Mr. Matos, you've been here
23 throughout. Everything going okay?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Your lawyers are handling things

1 as you've asked them to do? I've seen you
2 communicating with them, writing notes, doing all
3 that kind of thing, correct?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. Then we'll see you tomorrow
6 morning at 9:30. Okay?

7 THE DEFENDANT: Thank you.

8 THE COURT: We'll be in recess.

9 (HEARING CONCLUDED.)

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CONTINUED IN VOLUME IX.)

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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